

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

One Hundred And Sixteenth Legislature

OF THE

State Of Maine

VOLUME III

FIRST REGULAR SESSION

Senate

December 2, 1992 to May 18, 1993

- L.D. 1009 An Act to Facilitate Traffic Movement over Bridges and Ways
- L.D. 1127 An Act Concerning the Registration of Tree Farm Vehicles
- L.D. 1131 An Act to Give Law Enforcement Agencies the Option of Including Red Lights as a Part of Emergency Vehicle Auxiliary Lighting
- L.D. 1134 An Act to Facilitate the Procurement of License Plates for County-owned Vehicles
- L.D. 1172 An Act Regarding the Issuance of Registration Plates
- L.D. 1192 An Act to Provide Funding for Response to Spills of Hazardous Materials
- L.D. 1228 An Act to Ensure Access to Land Located on Discontinued Roads

- L.D. 1042 An Act to Provide Equitable Treatment of Electric Utility Conservation Costs
- L.D. 1098 An Act Repealing Advisory Boards on Utilities Matters
- L.D. 1135 An Act to Protect Electric Ratepayers from Unnecessary Rate Increases

We have also notified the sponsors and cosponsors of each bill listed of the Committee's action.

Sincerely,

S/Sen. Harry L. Vose
Senate Chair

S/Rep. Herbert E. Clark
House Chair

Which was **READ** and with Accompanying Bills **ORDERED PLACED ON FILE.**

We have also notified the sponsors and cosponsors of each bill listed of the Committee's action.

Sincerely,

S/Sen. Joseph C. Brannigan S/Rep. William B. O'Gara
Senate Chair House Chair

Which was **READ** and with Accompanying Bills **ORDERED PLACED ON FILE.**

The Following Communication:

**STATE OF MAINE
OFFICE OF THE GOVERNOR
AUGUSTA, MAINE 04333**

May 4, 1993

To The Honorable Members Of The 116th Legislature:

I am returning, without my signature or approval, S.P. 92, L.D. 246, "An Act to Prevent Discrimination".

I take this step because I remain troubled over the nature of the interests adversely affected by this bill. If L.D. 246 were to become law, it would sanction government intrusion into the private values and individual consciences of Maine citizens without a compelling rationale or judicially recognized basis in constitutional law. Historically, the courts of our land have permitted governmental intrusion into this sensitive and emotional area only after concluding that the distinguishing characteristic of a person was worthy of constitutional protection. I am not persuaded that the merit of "sexual orientation" warrants or justifies this further governmental intrusion. Consequently, I believe that it would be inappropriate to extend a statutory right to a class of persons who have not yet established a constitutionally protected status in our courts.

This is a complex issue, and it is difficult to separate personal views from public policy considerations. Since this subject strikes at the core values of people throughout Maine and continues to engender divisiveness in our society, I do not believe that L.D. 246 should become law without significant bipartisan support of the Legislature. That support, in my view, has not been demonstrated.

However, even without bipartisan support, I believe it is both appropriate and responsible to seek a clear expression of community sentiment on a change in our civil rights statutes of such societal

The Following Communication:

**COMMITTEE ON UTILITIES
ONE HUNDRED AND SIXTEENTH LEGISLATURE**

May 3, 1993

Honorable Dennis L. Dutremble, President of the Senate
Honorable John L. Martin, Speaker of the House
116th Maine Legislature
State House
Augusta, Maine 04333

Dear President Dutremble and Speaker Martin:

Pursuant to Joint Rule 15, we are writing to notify you that the Joint Standing Committee on Utilities has voted unanimously to report the following bills out "Ought Not to Pass":

- L.D. 341 An Act to Encourage Conservation and Load Management by Electric Utilities
- L.D. 573 An Act to Ensure Residential Consumer Representation on and before the Public Utilities Commission

magnitude. For this reason, I encouraged the Legislature during its deliberations on the bill to send this issue out to referendum, thereby affording the people of Maine the opportunity to voice their opinion. Since the Legislature failed to attach a referendum clause to L.D. 246, I am left with no option but to return this bill without my signature or approval.

My disapproval of this bill should not in any way be construed as condoning discrimination of any type. I deplore all acts of personal violence, especially those involving hate crimes, and stand willing to take appropriate action to enhance enforcement against perpetrators of these crimes. I do not believe, however, that L.D. 246, with its sweeping proposals, is the most responsible vehicle to address these concerns.

Recently, I met with the lead sponsors of the bill to discuss a possible middle ground: ensuring that hate crimes can be promptly reported and vigorously prosecuted by replacing L.D. 246 with a "Hate Crimes" bill. This proposal, initially encouraging to the sponsors, would have enhanced criminal penalties for hate crime perpetrators, and protected the victims from lease and employment terminations when the landlord or employer based the action substantially on the sexual orientation of the victim. Regrettably, the sponsors concluded that this enhanced hate crime protection failed to address sufficiently their concerns.

For the foregoing reasons, I am in opposition to L.D. 246 and respectfully urge you to sustain my veto.

Sincerely,

S/JOHN R. MCKERNAN, JR.
GOVERNOR

Which was **READ** and **ORDERED PLACED ON FILE**.

The Accompanying Bill:

Bill "An Act to Prevent Discrimination".
S.P. 92 L.D. 246
(C "A" S-57)

The President laid before the Senate the following:

Shall this Bill become Law notwithstanding the objections of the Governor?

THE PRESIDENT: The Chair recognizes the Senator from Cumberland, Senator Conley.

Senator **CONLEY:** Thank you Mr. President, Ladies and Gentlemen of the Senate. This issue has been thoroughly debated. The positions of all in this chamber are well known. Last night I went home knowing that we would be doing this veto today, I was actually watching the Celtics and they fell so far behind I became very depressed and started playing with the little box we have in Portland for our cable stations and I came to public television. Once again the Civil War documentary was being aired so I started watching it. The part that was on was very refreshing and kind of invigorated me, thinking about coming up today. The portion of the documentary I saw began with Joshua Chamberlain leading the Maine 20th Regiment to battle at Sharpsburg. It showed many of Chamberlain's remarks about Lincoln and what a tremendous President he was and how these farmers and toilers of the soil from Maine has gone down to,

what at that time was a very remote region of the country for Mainers to help end slavery which was going on in the south. As part of this portion on Joshua Chamberlain the President gave his declaration of Emancipation Proclamation for all black citizens in the entire country. What that did was, even though the Confederacy had broken away from the union his Proclamation set free all blacks within every recognized state at the time. Though Jefferson Davis was in a position where he was claiming, and actually had, physical control over these southern states, this Proclamation set free all of those blacks who were in those states. What that Proclamation did was invigorate the union and it invigorated Joshua Chamberlain and the Maine troops who were there to fight on behalf of the Union. It also kept France and England out of the war because by giving this Proclamation against slavery those foreign governments then decided that they would not become involved.

Today as this Senate takes up this very important issue, we, too, can be like Lincoln. Even though the Chief Executive controls what happens in reference to Bills which we send to him, even though like Jefferson Davis, he says no, we have the power to overturn that. We have the power inside ourselves to end discrimination. So as we begin to take this vote I ask that you look inside your hearts, recognize that power, and help end discrimination. Thank you.

THE PRESIDENT: The Chair recognizes the Senator from Kennebec, Senator McCormick.

Senator **MCCORMICK:** Thank you Mr. President, Ladies and Gentlemen of the Senate. I also rise to ask us all to override the Governor's veto. I just want to say a couple of things about that. One is we have heard a lot about the new referendum standard that the Governor imposed upon this Bill. A standard whereby anything gets put out to referendum if a majority of each party does not support it. I think it's worth noting that had this standard been in place in the 70's when the original Maine Human Rights Act had been passed, the Maine Human Rights Act would have failed and would have had to have been put out to referendum for the vote in the House, the other body, was 71 - 58. I would like to pose to you another question. Do you think that if we put out to referendum today the rights of racial minorities to not be discriminated against in employment and public accommodations and housing and credit, would the majority of our Maine citizens vote to uphold those rights that we've had in this country for about 29 years? I don't think it's a chance we should take.

It's a very difficult decision to oppose a leader and the Governor of all of us is our leader, we do not like to oppose him. When we do, when we consider opposing him as we are today, we have to ask ourselves is his position resting on a sound foundation. When I ask that question I consider the input I've gotten over the past two weeks from the negotiators who negotiate with the Governor's team, all reports back yield an answer of no, the Governor's position is not resting on a sound foundation. People have described that the negotiators for the Governor's Office put out an idea and then take it back, that they have described activities in words such as grasping for straws, and one step forward and two steps back. In fact, the compromise that I had hoped would be reached was one that came from the Governor himself and that was a Portland style ordinance. In other words a Bill that allows people a private right of action but does not utilize the Human Rights Commission. When I heard

the Governor pose that I went to my friends, colleagues, and folks all over the State and asked them what they thought about that. Could they go along with that kind of compromise and they said they could. We pursued that, unfortunately that idea was then taken off the Table. I believe the Governor is isolated on this issue. Prominent Republicans have called me and asked me what they could do, I know that people have been lobbying him from each party. I know prominent members of his administration who cannot understand his issue, prominent Republican leaders in this State have called him, have talked to him. I appreciate that very much and I also believe that this issue has been a real bridge, a real crossover issue. The degree of bipartisan support on this issue has been heartwarming to me and to gay and lesbian people in this State.

The question is do we override his veto or not. My answer is yes and you could pick any one of a number of reasons for choosing to base your vote to override. You could, for instance, concentrate on the fact that the Chamber of Commerce and Industry supports this Bill. You could concentrate on the fact that the Banker's support an end to discrimination based on sexual orientation. You could decide to veto the Bill because you agree with the Maine Council of Churches on this matter. You could vote to override because you are alarmed that 30% of the teen suicides in this country and in this State are amongst gay and lesbian youth and you want to send a message to our young people. You could vote to override this Bill for public health reasons because as early as August 1, and other members of the HIV community and HIV activists, asked to sit down with the Governor on this issue, saying we need to have an atmosphere free from discrimination, free from fear of losing our jobs if we are going to maintain access to HIV testing and the public health needs around the AIDS crisis. Or you could vote to override because you're alarmed at the fact that has been pointed out to us by several Chiefs of Police and hate crimes task forces that gay and lesbian people do not report crimes of hate violence because they are afraid of being discriminated against and losing their jobs. For me, I am going to vote to override his veto because of Jim Baines. Do you all know who Jim Baines is? Jim Baines is one of the three men who threw Charlie Howard over a bridge in Bangor and killed him. I was the President of the Maine Lesbian and Gay Political Alliance at that time and was very involved emotionally, politically in that case. I went up to Bangor, I watched those boys, I watched the community. I couldn't understand, I was angry at them, I was fearful for myself and my friends that this such a thing could happen to any one of us. When they were sent to the Maine Youth Center I heard reports that one of them was changing his mind, having second thoughts. I don't know if you saw the Portland paper Sunday but we see the evolution of a man, Jim Baines, to someone who has made it his life's work to end discrimination and intolerance against gay men and lesbians. I want to read into the Record his letter that appeared in the Bangor Daily News a couple of weeks ago. "Nearly nine years ago I was a participant in a terrible crime. Myself and two companions beat and threw a homosexual man off a bridge to his death. I believe Charlie Howard was an innocent man. He did not deserve to die. This tragic event has been on my mind every day since it took place. Knowing you were involved in another man's death is extremely difficult to live with. I have made the choice to do my best in dealing with my emotions, but I feel obligated to do everything I can to try to prevent something like this from happening again. I do not

expect forgiveness from everybody. My crime was far too severe to ask for forgiveness. My goal now is to reach out to the younger generation. I share my feelings and experiences in great hopes that someone can learn from the mistakes I've made. Educate the children of today. Teach them that discrimination is wrong. No one deserves to be beaten or harassed. None of us has the right to judge others no matter how different they seem to be. I was involved in the ultimate act of discrimination which I can truly say was the biggest mistake of my life. There is a bill in front of the Legislature that would add the words 'sexual orientation' to the Maine human rights law. I have read the bill and see nothing wrong with it. If this bill will finally help to end discrimination in Maine, I support it and respectfully urge that it be passed into law." Signed Jim Baines, Bangor.

What this young man was crying out for in 1985, when he participated in the murder of Charlie Howard, was a context. A statewide societal context that would have helped him in the value decisions, in the moral decisions, and led him to a different end. He now regrets his action, he now is what I consider to be a bridge and there is a special place in heaven for people like Jim Baines who cross over and help other people to act as a bridge for people who do not understand something to come over and understand something. I know in my heart that the Governor is going to regret his veto at some point in the future. He's going to maybe regret it tomorrow, he's going to maybe regret it in a year but I tell you he will regret it and you, you other 35 Senators in this body, could save him the anguish that Jim Baines has had. I urge you to override this veto. Thank you.

Off Record Remarks

THE PRESIDENT: The Chair recognizes the Senator from Androscoggin, Senator Handy.

Senator **HANDY:** Thank you Mr. President, Ladies and Gentlemen of the Senate. For me as a legislator, for me as a member of this body, and I hope for all of us, I think we have no greater responsibility than that to protect the rights of a minority in our society. We have such a role to play in lifting people up and not walking over them. The themes that I've tried to strike in the debate on this issue this year and in previous years in the other body are a little bit different than that of my good friend and colleague from Kennebec, Senator McCormick, although I share those. That theme was one of perception and the suffering that those in the gay and lesbian community feel can be shared by those of us in the so called straight community. A few short weeks ago a father and his son were attacked because of the perception of some people that they were gay. Absolutely and totally reprehensible. Men and women of the Senate the issue is the rights and the dignity of every human being, the dignity of the human condition in the State of Maine. I think the good Senator from Kennebec is right, the Governor, and I'm sure others at some point will have to do a lot of soul searching and have some serious regrets ultimately about not passing this piece of legislation and affording the inalienable right of life, liberty, and the pursuit of happiness by all of

Maine's citizens, be they gay, lesbian, straight, young, old, educated, uneducated, rich, poor, member of the legislature, or citizen, laborer, or corporate executive. I extend my hand to you, to the members of our community, and the great State of Maine, to lift up our brothers and sisters, to give them the dignity and respect that every Maine citizen deserves. I hope someday we all can look upon each other with equality. Thank you.

THE PRESIDENT: The Chair recognizes the Senator from Cumberland, Senator Titcomb.

Senator **TITCOMB:** Thank you Mr. President, Ladies and Gentlemen of the Senate. I have not taken the opportunity to speak on this issue during the very commendable debates that have taken place this year. I can't let this opportunity pass to make just a couple of comments and observations. I think that this issue is one that comes right down to the question as to who among us should decide who deserves to be left out of the phrase 'with justice for all'. I think that's the bottom line. When we allow that to happen we are each at risk and none of us are safe. In this country and in this environment that frightens me a great deal. Discrimination picks and chooses, equal rights do not. I think that this is a place and time when we should look back at our heritage and look into ourselves into what equal rights means and vote today to override this veto. Thank you.

THE PRESIDENT: The Chair recognizes the Senator from Androscoggin, Senator Cleveland.

Senator **CLEVELAND:** Thank you Mr. President, Ladies and Gentlemen of the Senate. I rise here to speak briefly on this issue once again because I feel deeply that I would be remiss if I did not. In the flood of issues and papers that come before us during this Session few will be as important and as critical and as basic to the rights and justice of the citizens of this State. In particular those people who are gay men and lesbians. I am deeply disappointed that the Governor could not see his way clear to support clear and large majorities of both parties on this issue. Clearly that is the sentiment of this State. Communities have voted on it and large majorities have supported the proposition that discrimination is wrong, always, everywhere, for any reason against anyone. We must not condone it. We must first realize that discrimination exists against a group of people who are identified as gay men or lesbians. The evidence is overwhelming that it does. They have been attacked, ridiculed, murdered, insulted, fired, evicted, every kind of insult or injury imaginable has been beheld on them. We also know that because there is no protection in the law, none anywhere, that should they seek justice in the courts they face a deeper and worse penalty because individuals may put a judgement on them and fire them from their employment, take away their economic well being, throw them out of their apartment, deny them credit or access to public accommodations, regardless of whether they prevail on the issue in the court. They will face a more severe punishment even if they win. We know, each one of us knows, that that is the case. We also know that we have been elected to make difficult decisions to protect everyone, including those who are minorities, including those who are unpopular, including those who are ridiculed, everyone. That's our responsibility. We must come to an understanding does discrimination exist or does it not. Is it our responsibility to act or is it not. If it rests here we must accept our responsibility.

The Governor notes three areas in his comments on the basis of his reasoning why he feels he can't come to this judgement at this point. As I understand them they include that it's a divisive issue and therefore it's difficult to deal with, that the courts haven't established some constitutional basis on which to act, and that somehow it's an intrusion on individual lives. Let me speak to each one of those briefly. The courts have said clearly that they cannot act because the legislature has acted and specifically not included in a delineated group of individuals the court says therefore the legislature intended not to act that way and we cannot expand upon the law because we interpret and not make law. It is our job to do that. If we wait for the courts we will wait forever. It is our job to do that. The courts have said that and we must undertake it. Secondly he indicates that there is intrusion into lives, individual lives. Let me remind you that we are talking about public arenas, public situations. Not what people believe individually, not what they do in their own homes, not what they do in their families, but we're talking about public situations only. When you employ someone that is a public situation. When you provide housing for rent that's a public situation. When you extend credit terms that's a public situation. When you have a restaurant or other public accommodation that is public. What we're saying is public conduct must be meeting a standard where you don't discriminate. That is the function of government, to determine how each of us is treated in a public way and our rights protected. We ask not to go into someone's home and tell them how they believe, people may believe many things. They may believe that it's alright to be bigoted against black people, and some people do, but we don't say that you can then exercise that belief in a public arena because you believe it. It's wrong, it's discriminatory, we do say that you can't do that publicly. That's what we're doing here, it's no different at all. Finally let me comment on the issue of divisiveness. Yes this is a difficult situation. Yes some people have very strong feelings about this issue but it's our responsibility to squarely face difficult issues and to make the right decision and to communicate, to lead, to show people where we must go with a society. If we take those difficult steps on those difficult roads we will all be better for it. If we refuse to take the first few steps on that road we will never complete our journey. There must be a few of us who are willing to take a few of the first steps. I would have hoped the Governor would have been on the path with us unfortunately he is not, once again. We must rely on you ladies and gentlemen. The people of this state, tens of thousands of gay men and lesbians, must rely on you. Please, I beseech you to search your souls, and let's not continue this atrocity that exists against large segments of our society. Thank you.

THE PRESIDENT: The Chair recognizes the Senator from Oxford, Senator Hanley.

Senator **HANLEY:** Thank you Mr. President, Ladies and Gentlemen of the Senate. Article I, Section 1 of Maine's Constitution reads as follows, "All people are born equally free and independent and have certain natural, inherent and inalienable rights, among which are those of enjoying and defending life and liberty; acquiring, possessing and protecting property; and pursuing and obtaining safety and happiness." Section 3 reads in part "all individuals have a natural and inalienable right to worship alright God according to the dictates of their own consciences. No person shall be hurt,

molested, or restrained in that person's liberty or estate for worshipping God in the manner and season most agreeable to the dictates of that person's own conscience, nor for that person's religious professions or sentiments provided that that person does not disturb the public peace nor obstruct others in their religious worship." Finally Section 6-A, "No person shall be deprived of life, liberty or property without due process of law, nor be denied equal protection of the laws, nor be denied the enjoyment of that person's civil rights or be discriminated against in the exercise thereof." Members of the Senate we all took the oath to uphold the Constitution. Those words in the Constitution apply to everyone now. It's not a question of who in this chamber is against discrimination because I believe all of us are against discrimination. The question before us is how do we proceed beyond the dictates of our Constitution and what is the best way to go about this.

Three or four weeks ago now I stood up in this chamber and I asked a number of questions as far as how would this new law be applied, and how would the privacy rights of all of Maine's citizens be impacted. Unfortunately those questions weren't really answered, it was said well it's not important, it's just important that we get this on the books. I guess I would argue and I would use the argument of the good Senator from Kennebec, Senator McCormick, in why I'll be voting to sustain the veto. It goes to the issue of Jim Baines. As far as an individual who nine years before had no tolerance for individuals if they had a certain sexual orientation, today he has become tolerant, he has become informed and educated on this issue. We, as Senators, as policymakers for the State, have to make the determination which is the best path, as the Senator from Androscoggin, Senator Cleveland, said, which is the best path to reach that end result of eliminating discrimination amongst all Maine people. I believe that it is one person at a time and I believe that if this were to pass it would do more detriment to resolving discrimination that takes place then any benefit that would come about because of it. That's the reason why I will be voting to sustain the Governor's veto. Thank you.

THE PRESIDENT: The Chair recognizes the Senator from Lincoln, Senator Begley.

Senator **BEGLEY:** Thank you Mr. President, Ladies and Gentlemen of the Senate. The term discrimination has been used and soul searching has been used and in some instances, almost an inference to the extent that the Governor is not concerned with either. If you read his message to us, "My disapproval of this Bill should not in any way be construed as condoning discrimination of any type. I deplore all acts of personal violence, especially those involving hate crimes and stand willing to take appropriate action to enhance enforcement against perpetrators of these crimes. I do not believe, however, that L.D. 246 with its sweeping proposals is the most responsible vehicle to address these concerns." Soul searching is personal, it is personal for me as everybody else has mentioned as well. When I mentioned this before in debate originally my position was, and remains, that the term as proposed does not meet the criteria of those terms that are already in the Human Rights Act. Therefore men and women of the Senate I hope you will sustain the Governor's veto. Thank you.

THE PRESIDENT: The Chair recognizes the Senator from Franklin, Senator Webster.

Senator **WEBSTER:** Thank you Mr. President, Ladies and Gentlemen of the Senate. I would look at this vote today different than many of you. I would call this vote a wake up call, a wake up vote for the people of the State. I've run for office many times as many of you have, in the last three elections this issue has been a big issue in my campaign, the homosexual community has worked hard to beat me. Frankly, those who don't share the views that this Bill was appropriate, have not been involved in politics in this State to the level that the homosexual community has. I suggest this vote, I commend the Governor for doing what he thought was right, I don't represent the total state. I have no idea what the majority of the people in Maine want. I would suggest that if this was supported by the majority of the people in this State that it the proposal offered by some members of this body to send it to the voters would have happened. If the homosexual community felt that there was broad support for this special right that they are asking for they would have come to the Senate and endorsed that idea. I think it's important that it's being debated here. Frankly I wish we were doing other things more important to the people of Maine but it's here, we have to discuss it, and I think this is a wake up call for the people of this State, and it ought to be. Over the years I've watched what has happened to Maine's political process, if you don't vote for something, anything, some special group is out to defeat you. Over the years I've been elected, I've watched every conceivable special interest group take on a cause and I remember in the last election the homosexual community went door to door against me because of this issue. For no other reason, I could have been representing everything else they wanted but because of this issue they worked, and they worked hard. They went in vans door to door in opposition to my candidacy. Unfortunately, I would argue that I think at least in my part of the State I can tell you that the other people, the majority of the citizens in my part of the State did not know and were not involved in this issue. Whether we agree with what President Clinton has done, what he's done is he has brought this issue to the forefront. I suggest that the people of this State should begin to look at this issue, all of the people of the State, not just the homosexual communities who are asking for this special right. Also the people out there who don't think, perhaps, that this Bill is appropriate.

I was telling somebody earlier if you look at a picture of the State of Maine, and you look at those of us in the Senate who are against this proposal, it's amazing to look at where they live. Those of us in the rural parts of the State, as a general rule, have opposed this, because those of us who live in the rural parts of the State do not support this bill. I can't argue or know why any member in this body has voted for any issue that they have, but it seems to me that if you live in Maine and you're concerned about this issue you need to begin to watch the process. This is indeed a wake up call for the people of this State who do not agree with this Bill. I commend the Governor and his position. I find it very frustrating that this legislature spends so much time on these kinds of issues when there are real important matters in the legislature to be discussed. Frankly I commend the Governor on his position. I feel quite confident, having represented a very large portion of the State, that he is representing my constituents on this matter and I would argue that perhaps he's representing the viewpoint of most people in Maine. Thank you.

THE PRESIDENT: The Chair recognizes the Senator from Kennebec, Senator McCormick.

Senator **MCCORMICK:** Thank you Mr. President, Ladies and Gentlemen of the Senate. I hope that the good Senator from Oxford, Senator Hanley, is not implying that his quotes of our Constitution that it is illegal to discriminate against someone based on their sexual orientation in areas of credit, accommodations, employment and housing. I hope that that was not your intent because we have heard in the last couple of months from every law enforcement officer that there is, from the Attorney General, from Chiefs of Police, from lawyers, from judges, that it is, in fact, legal, legal l-e-g-a-l, to fire, evict, deny public accommodations or credit to someone solely based on their sexual orientation. That's why the Chamber of Commerce supported this Bill. They believe, a radical idea, that people should be hired based on their ability to do a job. That is why the Banker's supported this Bill, they believe people should be issued credit based on the amount of equity they have and not based on their sexual orientation. Let's just clear that up. If you vote to veto this Bill, if you vote to sustain this veto, you are saying yes let's continue, let's continue the context that Jim Baines found himself growing up in. The context that there was no moral authority telling him that this is illegal in the State of Maine. Let's continue that context.

Now let's think about our context. Here we are, on a partly cloudy day. Have you ever thought about the kind of day it was when Lincoln signed the Proclamation to emancipate the slaves. Have you ever thought about the kind of day it was when the Congress down there in Washington, in 1964, took that bold stand to outlaw discrimination based on race. Do you think that that was easy for them. Do you think it was any different than it is today for us. Do you think that there was documentaries made or TV cameras following them and clips of Martin Luther King, Jr.'s speeches and the aura of respect and reverence that we now have for our leaders who have taken stands to free people in this country, like Lincoln and Martin Luther King, Jr. and Kennedy. No, it was exactly as it is for us today. It's a hard decision. It's a tough decision and yes some of our voters are going to be mad, and some of our voters are going to be freed. There's not going to be any TV cameras watching on us, there's not going to be any clips of us, this is just a tough decision. History, if we override this veto, will be kind to us, just as history was kinder to Lincoln than his fellow compatriots back in the 1800's and just as history is kinder to President Kennedy and President Johnson than their compatriots were at that point. Just as we all feel much more reverence for Martin Luther King, Jr. now than we did then, those of us who were alive at that point.

I cannot tell you how frustrating it is to be this close to passing this bill but for the actions of one man who I believe, and who many other people believe, is working out personal things of his own. You can help him out with that by overriding this veto and I hope that you do. Thank you.

THE PRESIDENT: The Chair recognizes the Senator from Androscoggin, Senator Berube.

Senator **BERUBE:** Thank you Mr. President, Ladies and Gentlemen of the Senate. I would call your attention to some of the reasons for the gubernatorial veto. One of which is "Historically,

the courts of our land have permitted governmental intrusion into this sensitive and emotion area only after concluding that the distinguishing characteristic of a person was worthy of constitutional protection. I am not persuaded that the merit of 'sexual orientation' warrants or justifies this further governmental intrusion." Well I say that the role of government is, indeed, to protect the general population, whatever the population is, poor, middle class, rich, small business, big business, low income groups, that's the role of government, to protect people physically and mentally. I think that harassment, murder, physical attacks as we saw happen against a father in son perceived to be homosexuals, they were physically attacked in my city, simply because they don't seem to fit the norm of what society expects today. That is, I think, a distinguishing enough reason to override this veto. Taken in the context that I said basically the same thing two years ago when we had the Bill before us, taken in the context of fathers who on goingly abuse wives and daughters, of supervisors who sexually harass, and that's very difficult to prove by the way, women employees, taken in the context of politicians who lie to get elected and then steal or misuse federal or campaign funds, I assure you that taken in these contexts people who have a loving, respectful relationship, law abiding people are no threat to our society. Not any more than if you start teaching atheism in public schools or private schools that that would make believers into atheists.

A couple of years ago I recall that I had a young visitor and she really gave me some good arguments and good reasons to vote for the Bill, which I did. She told me before she left that she hated to tell her mother that she had taken up a relationship with another woman. I told her that her mother would understand and she'll continue loving her. At Christmas I got a Christmas card from her, I hadn't heard from her in two years, and she said I want you to know that you made my day, my year really because I told my mother, finally, before Christmas and the mother was stunned and after a few moments I started to leave and the mother said may I hold you and hug you. So she said thank you Mrs. Berube. I give you my reasons why I'm voting to override. Thank you.

In accordance with Article 4, Part 3, Section 2, of the Constitution, the vote will be taken by the Yeas and Nays.

A vote of yes will be in favor of the Bill.

A vote of no will be in favor of sustaining the veto of the Governor

Is the Senate ready for the question?

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

ROLL CALL

YEAS: Senators AMERO, BALDACCI, BERUBE, BRANNIGAN, BUSTIN, BUTLAND, CAREY, CIANCHETTE, CLEVELAND, CONLEY, ESTY, HANDY, HARRIMAN, LAWRENCE, MCCORMICK, O'DEA, PARADIS, PEARSON, PINGREE, TITCOMB, VOSE, THE PRESIDENT - DENNIS L. DUTREMBLE

NAYS: Senators BEGLEY, CAHILL, CARPENTER,
FOSTER, GOULD, HALL, HANLEY, KIEFFER,
LUDWIG, LUTHER, MARDEN, SUMMERS, WEBSTER

Sent down for concurrence.

ABSENT: Senators None

22 Senators having voted in the affirmative and 13 Senators having voted in the negative, with No Senators being absent, and 22 being less than two-thirds of the membership present and voting, it was the vote of the Senate that the veto of the Governor be **SUSTAINED**.

The Secretary has so informed the Speaker of the House.

SENATE PAPERS

Bill "An Act to Clarify the Role and Purpose of the Maine State Retirement System" (Emergency)
S.P. 466 L.D. 1458

Presented by Senator **TITCOMB** of Cumberland
Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 27.

Which was referred to the Committee on **AGING, RETIREMENT & VETERANS** and **ORDERED PRINTED**.

Sent down for concurrence.

Bill "An Act to Establish a Capital Access Program"
S.P. 469 L.D. 1461

Presented by Senator **PINGREE** of Knox
Cosponsored by Representative **TREAT** of Gardiner and Senators: **BUTLAND** of Cumberland, **CIANCHETTE** of Somerset, **GOULD** of Waldo, **LUDWIG** of Aroostook, **MCCORMICK** of Kennebec, Representatives: **BOWERS** of Washington, **COLES** of Harpswell, **CONSTANTINE** of Bar Harbor, **FARNSWORTH** of Hallowell, **HEESCHEN** of Wilton, **HOLT** of Bath, **KILKELLY** of Wiscasset, **MITCHELL** of Freeport, **SIMONEAU** of Thomaston, **TOWNSEND** of Portland

(See Action Later Today)

Bill "An Act to Establish Minimum Regulatory Standards for Insurers to Permit the Bureau of Insurance to Seek National Accreditation"
S.P. 472 L.D. 1464

Presented by Senator **KIEFFER** of Aroostook
Cosponsored by Senators: **CAREY** of Kennebec, **MCCORMICK** of Kennebec, Representative: **PINEAU** of Jay
Submitted by the Department of Professional and Financial Regulation pursuant to Joint Rule 24.

Which were referred to the Committee on **BANKING & INSURANCE** and **ORDERED PRINTED**.

On motion by Senator **ESTY** of Cumberland, the Senate **RECONSIDERED** its action whereby it **REFERRED** to the Committee on **BANKING & INSURANCE**:

Bill "An Act to Establish a Capital Access Program"
S.P. 469 L.D. 1461

(In Senate May 6, 1993 **REFERRED** to the Committee on **BANKING & INSURANCE** and **ORDERED PRINTED**.)

On further motion by same Senator, referred to the Committee on **HOUSING & ECONOMIC DEVELOPMENT**.

Sent down for concurrence.

Bill "An Act to Amend the Professional Surveyors Licensing Requirements" (Emergency)
S.P. 462 L.D. 1454

Presented by Senator **ESTY** of Cumberland
Cosponsored by Senators: **CIANCHETTE** of Somerset, Representative: **HOGLUND** of Portland
Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 27.

Bill "An Act to Register the Use of the Title of Registered Interior Designer"
S.P. 467 L.D. 1459

Presented by Senator **BALDACCI** of Penobscot
Cosponsored by Senators: **BUSTIN** of Kennebec, **SUMMERS** of Cumberland, Representative: **HILLOCK** of Gorham

Which were referred to the Committee on **BUSINESS LEGISLATION** and **ORDERED PRINTED**.

Sent down for concurrence.

Bill "An Act Regarding Low-level Radioactive Waste"
S.P. 463 L.D. 1455

Presented by Senator **TITCOMB** of Cumberland

Bill "An Act to Facilitate Oil Spill Cleanup Operations" (Emergency)
S.P. 470 L.D. 1462

Presented by Senator **CONLEY** of Cumberland
Cosponsored by Senators: **BRANNIGAN** of Cumberland, **LAWRENCE** of York, **SUMMERS** of Cumberland, Representatives: **JACQUES** of Waterville, **MARSH** of West Gardiner
Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 27.