

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

***One Hundred and Ninth
Legislature***

OF THE

STATE OF MAINE

Volume I

FIRST REGULAR SESSION

January 3, 1979 to May 4, 1979

Divided Report

The Majority of the Committee on Legal Affairs on, Bill, "An Act to Include the Term 'Sexual or Affectional Orientation' in the Maine Human Rights Act." (H. P. 673) (L. D. 860)

Reported that the same Ought Not to Pass.

Signed:

Senators:

SHUTE of Waldo
FARLEY of York
COTE of Androscoggin

Representatives:

McSWEENEY of Old Orchard Beach
STOVER of West Bath
GAVETT of Orono
CALL of Lewiston
SOULAS of Bangor
DUDLEY of Enfield
BROWN of Gorham
MAXWELL of Jay

The Minority of the same Committee on the same subject matter Reported that the same Ought to Pass.

Signed:

Representatives:

DELLERT of Gardiner
VIOLETTE of Van Buren

Comes from the House, the Majority Report Read and Accepted.

Which Reports were Read.

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

Senator CONLEY: Mr. President and Members of the Senate: It would be very easy to stay in my seat and allow this to go under the hammer, but I believe that the issue before the Senate today, is a Human Rights Issue. I believe that those individuals of sexual or affectional orientation should have the same rights under the statutes of this State, as those of minority groups, women's groups, those who have been handicapped.

I feel that it is right that this Legislature should come out of the closet and recognize these individuals as human beings. I do not believe that anyone should be discriminated by employment or by housing, because of the fact that they may be gay.

I recognize the fact that the statistics have shown from Doctor Kinsey's report that 10% of the population of this country are affiliated in this manner.

As I have stated I know what the results were at the other end of the hall, but I just want to free my conscience to let the people of this State know exactly how I stand, not only with respect to this issue, but the rights of any individual in this State and I would urge the Senate accept the Minority Ought to Pass Report.

The PRESIDENT: The Chair recognizes the Senator from York, Senator Lovell.

Senator LOVELL: Mr. President this Bill came before my committee on Human Resources 2 years ago. In that hearing we had some 200 gay's and the only person that testified against it was a member of the other body, a minister. He was the only person there in that room in solid full gay.

Now I have nothing against Gay's. I have nothing against Sex, but I do not believe and I certainly don't believe that they should come out of the closet. Now I do not mind my children going to school to a gay, whether they be a man or a woman or a homosexual, but I do not want to know it, and I do not want them to know it.

I do not think that this has anything to do with Human Rights, this is something in a more religious fashion, this is something that the Lord does not tolerate and does not want to tolerate. It is not mentioned to my knowledge in the Bible, so I think that we should go along and if there is not any motion on the floor I would move that we accept the Majority Ought Not to Pass Report and request a Division.

The PRESIDENT: The Chair would advise the Senator from York, Senator Lovell that the Senator from Cumberland, Senator Conley

moved acceptance of the Ought to Pass Report.

Is the Senate ready for the question?

A Division has been requested.

The Chair recognizes the Senator from Waldo, Senator Shute.

Senator SHUTE: Mr. President and Members of the Senate: This bill was before Legal Affairs Committee this year, and there was more than 1 opponent to it. There were probably more opponents than there were proponents for it.

I think when the Reverend Buddy Franklin spoke on this, spoke against this he summed up quite a lot of the thoughts of the people at the hearing. He said that if the Legislature was going to Legislate in this area, that he felt his rights should be protected too. He is running a Christian School he did not feel any need to make this a minority group of people so that he would have to hire 10% of those people to teach in his Christian School. Other ministers that attended the hearing, they did not feel that they should have to rent their buildings to people that they did not want to rent to.

As far as this goes, I think any of the people that might come under what you might call Gay Rights or gay people they are protected just as well under the Constitution as anybody else in this State or the nation is. To my knowledge there is not any other State that has a Gay Rights in the Human Rights Act. I would urge you to vote against the Ought to Pass Report and vote with the Majority Ought Not to Pass Report.

The PRESIDENT: Is the Senate ready for the question?

The Chair recognizes the Senator from Washington, Senator Silverman.

Senator SILVERMAN: I would request a Roll Call.

The PRESIDENT: A Roll Call has been requested. Under the Constitution, in order for the Chair to order a Roll Call it requires the affirmative vote of at least one-fifth of those Senators present and voting.

Will all those Senators in favor of ordering a Roll Call, please rise and remain standing until counted.

Obviously more than one-fifth having arisen a Roll Call is ordered. The pending question before the Senate is the Motion by the Senator from Cumberland, Senator Conley that the Senate Accept the Minority Ought to Pass Report of the Committee.

A Yes vote will be in favor of the motion to Accept the Ought to Pass Report.

A No vote will be opposed.

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

ROLL CALL

YEA—Clark, Collins, Conley, Huber, Katz, Najarian, Trafton, Usher.

NAY—Ault, Carpenter, Chapman, Cote, Devoe, Emerson, Hichens, Lovell, McBreairty, Minkowsky, O'Leary, Perkins, Pierce, Pray, Redmond, Shute, Silverman, Sutton, Teague, Trozky.

ABSENT—Danton, Farley, Gill, Martin.

A Roll Call was had.

8 Senators having voted in the affirmative and 20 Senators in the negative, with 4 Senators being absent, the Motion to Accept the Minority Ought to Pass Report does not Prevail.

Is it now the pleasure of the Senate to Accept the majority Ought Not to Pass Report of the Committee?

The Majority Ought Not to Pass Report of the Committee, Accepted, in concurrence.

The PRESIDENT: The Chair recognizes the Senator from York, Senator Lovell.

Senator LOVELL: Mr. President, having voted on the prevailing side I now ask for Reconsideration and hope that you will vote against me.

The PRESIDENT: The Senator from York, Senator Lovell, now moves that the Senate Reconsider its action whereby it voted to Accept the Majority Ought Not to Pass Report of the

Committee.

Will all those Senators in favor of Reconsideration, please say Yes.

Will all those Senators opposed, please say No.

A Viva Voce Vote being had.

The Motion to Reconsider does not prevail.

Senate**Leave to Withdraw**

Senator McBreairty for the Committee on Energy and Natural Resources on, RESOLVE, Authorizing the Sale of Certain Public Reserved Lands to Cobb's Bosebuck Mountain Camps. (S. P. 85) (L. D. 176)

Reported that the same be granted Leave to Withdraw.

Which Report was Read and Accepted.

Sent down for concurrence.

Ought to Pass — As Amended

Senator McBreairty for the Committee on Energy and Natural Resources on, Bill, "An Act Relating to the Plumbing and Subsurface Disposal Laws." (S. P. 376) (L. D. 1156)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (S-122).

Which Report was Read and Accepted and the Bill Read Once. Committee Amendment "A" was Read and Adopted and the Bill, as amended, Tomorrow Assigned for Second Reading.

Second Readers

The Committee on Bills in the Second Reading reported the following:

House

Bill, "An Act to Permit Sorority Houses at University of Maine Campuses." (H. P. 946) (L. D. 1179)

Bill, "An Act Relating to the Management of the Department of Attorney General." (H. P. 1100) (L. D. 1352)

Bill, "An Act Concerning Public Agencies Contracting for Architectural Services." (H. P. 1331) (L. D. 1578)

Which were Read a Second Time and Passed to be Engrossed, in concurrence.

Bill, "An Act to Direct the Criminal Law Revision Commission to Study Treatment Alternatives for Sex Offenders." (H. P. 1310) (L. D. 1564)

Which was Read a Second Time and Passed to be Engrossed, in non-concurrence.

Sent down for concurrence.

House — As Amended

Bill, "An Act Concerning the Leasing and Management of Public Lands." (H. P. 981) (L. D. 1217)

Bill, "An Act to Require that all Public Employees be Paid at Least the Federal Minimum Wage." (H. P. 435) (L. D. 552)

RESOLVE, Authorizing Barry A. Brann of Wilton to Bring Civil Action Against the State of Maine. (H. P. 547) (L. D. 678)

Which were Read a Second Time and Passed to be Engrossed, as amended, in concurrence.

Bill, "An Act to Amend the Statutes Relating to Airmobiles." (H. P. 663) (L. D. 838)

Which was Read a Second Time.

On Motion by Senator Trafton, of Androscoggin, Tabled for 2 Legislative Days, pending Passage to be Engrossed.

Senate — As Amended

Bill, "An Act to Appropriate Funds for Emergency Shelters and Service for Victims of Domestic Violence." (S. P. 316) (L. D. 946)

Which was Read a Second Time.

On Motion by Senator Chapman, of Sagadahoc, Tabled for 1 Legislative Day, pending Passage to be Engrossed.