

# MAINE STATE LEGISLATURE

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**Legislative Record**  
**House of Representatives**  
**One Hundred and Twenty-Second Legislature**  
**State of Maine**

**Volume I**

**First Regular Session**

December 1, 2004 - March 30, 2005

**First Special Session**

April 4, 2005 – May 25, 2005

Pages 1-736

February 20, 2009

Millicent M. MacFarland  
Clerk of the House  
2 State House Station  
Augusta, Maine 04333-0002

Dear Madame Clerk:

In the event that I have not already done so, I formally request that the official record of the 1<sup>st</sup> session of the 122<sup>nd</sup> Legislature be corrected. My request is not an addition or deletion, but merely a very small correction that is very big and extremely important in significance. In my very first speech before the legislature on a controversial human rights issue, the recorder wrote into the record "a legal" when I said, in fact, "illegal."

In the printed record for the 122<sup>nd</sup>, in volume I, page H-297, the error is in my fourth sentence as printed in the left column. It should read:

*"...we cannot eradicate that which is offensive to us, but we can make **ILLEGAL** discriminatory action, and you and I have a chance to do that this evening."*

Instead, the record states that I said "...we can make *a legal* discriminatory action, and we have a chance to do that this evening." That is not a small error. It is defamatory and anathema to me and what I stand for!

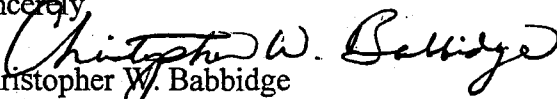
Unfortunately, I discovered this only after it was printed. I'm sure I brought this topic to the attention of your office at that time, but I'm following up so that for future reference, on any future printed or CD copies that may be requested, and for Law Library and State Library reference, this correction is added and is part of the record.

Thank you so much for what you do to correct the record. If the actual text cannot be changed, at least an addendum can be given to librarians to be added in the back with instructions for an asterisk to be put by the quotation on page H-297. I do understand how "illegal" could be heard from tape as "a legal," but the context of the speech makes that senseless and illogical, and more importantly to me, prejudicial.

This legislation made illegal dismissal from employment on grounds of sexual preference. Had two legislators voted differently, it would have been committed to committee and, for all intents and purposes, dead. I'm very proud of that first speech, but a clerical error misrepresents what I said in the official record. That error actually relates to the reader that I favored discrimination! Its inclusion in the record haunts me.

Thank you for attending to this.

Sincerely,

  
Christopher W. Babbidge

Bill "An Act To Update the Laws Governing Borrow Pits and Quarries"

(S.P. 522) (L.D. 1506)

Came from the Senate, REFERRED to the Committee on NATURAL RESOURCES and ordered printed.

REFERRED to the Committee on NATURAL RESOURCES in concurrence.

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By unanimous consent, all matters having been acted upon were ORDERED SENT FORTHWITH.

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The House recessed until 6:00 p.m.

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(After Recess)

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The House was called to order by the Speaker.

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The following items were taken up out of order by unanimous consent:

**REPORTS OF COMMITTEE**

**Divided Report**

Nine Members of the Committee on JUDICIARY report in Report "A" Ought to Pass on Bill "An Act To Extend Civil Rights Protections to All People Regardless of Sexual Orientation"

(S.P. 413) (L.D. 1196)

Signed:

Senators:

HOBBS of York

BROMLEY of Cumberland

HASTINGS of Oxford

Representatives:

PELLETIER-SIMPSON of Auburn

FAIRCLOTH of Bangor

GERZOFISKY of Brunswick

CANAVAN of Waterville

BRYANT of Windham

DUNN of Bangor

Three Members of the same Committee report in Report "B" Ought to Pass as Amended by Committee Amendment "A" (S-38) on same Bill.

Signed:

Representatives:

SHERMAN of Hodgdon

BRYANT-DESCHENES of Turner

NASS of Acton

One Member of the same Committee reports in Report "C" Ought Not to Pass on same Bill.

Signed:

Representative:

CARR of Lincoln

Came from the Senate with Report "A" OUGHT TO PASS READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED.

READ.

Representative PELLETIER-SIMPSON of Auburn moved that the House ACCEPT Report "A" Ought to Pass.

Representative CARR of Lincoln REQUESTED a roll call on the motion to ACCEPT Report "A" Ought to Pass.

More than one-fifth of the members present expressed a desire for a roll call which was ordered.

The SPEAKER: The Chair recognizes the Representative from Arundel, Representative Daigle.

Representative DAIGLE: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I'm concerned about this bill and I would like to relate a question that my wife talked to me about this morning. In fact, she even wrote it down so I would bring it in here. Since I intend to go home eventually and get a good dinner I better ask her question. My wife relates that she was listening to the news last night when it was claimed that anyone who opposes this bill is homophobic. She asked me if it is the intent of legislators to call her homophobic if she expresses her discomfort in situations like a man dressed as a woman using the ladies room at a health club where she and her daughter go? She also asked me if it is the intent of this body that legislators consider her homophobic if she's uncomfortable that her daughter is being counseled in a situation where you have a woman identifying herself as a man, and she is uncomfortable with that and wishes to change it. I told her I don't know, because I don't know what this bill will do in those situations, and so I ask this body if you could help me deliver a message back to my wife of how people who support this bill feel. This is not a rhetorical question and I literally do have it written down and I told her I would present this to the floor. Thank you.

The SPEAKER: The Chair recognizes the Representative from Turner, Representative Bryant-Deschenes.

Representative BRYANT-DESCHENES: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I rise tonight to speak against the bill that is proposed. I was in the Judiciary Committee when the hearings were held. We spent a lot of hours sitting and listening to people come in and tell stories. There were stories of failures at work. There were stories of harassment at school. There are stories of lack of acceptance. When I looked around the room I saw mostly proponents of this bill, but there were a handful of opponents and with them they carried each the name of 50 or 60 people who could not be there to be heard but who asked that their voices be heard. These were people who were teaching school, running businesses, taking care of youngsters or older people, nursing, driving buses, hauling goods on the roads in Maine, driving pulp trucks. As I listened to the stories I wondered how this legislation was really going to solve the problems that we were hearing be related to us through the stories. We were talking about human dignity. We don't give dignity. Dignity is achieved through our accomplishments. We cannot legislate tolerance. We cannot legislate love, neither love for one another nor love for oneself. So what is it that we seek to do today?

Are we seeking today to create a protected class? If so, are we creating a protected class to which we are going to be giving preferences or are we not giving preferences? Lots of people are asking me that. Is this about special rights they ask? Do you know the answer? Suppose that we are creating a protected class the same way the Civil Rights Act of 1964 created groups to be protected based upon race, sex, national origin and religion. Here we are seeking to create a protected class based upon a behavior. A behavior that is based upon sexual preference or perhaps even merely a perceived preference.

How do we determine what another perceives; how do we define perceives - for surely we will define it in a court of law - perceives: to become aware of, know, or identify by means of the senses; to apprehend; envision or understand; to lay hold of; to grasp. How do you lay hold of and how do you grasp perception? How do you define or defend perception? Certainly,

this is more complicated wording than the 1964 act, which described the protected class by the words race, sex, national origin and religion.

I would like to just share a little of the information that was provided to the committee. Part of that had to do with determining what a protected class is. The civil rights authorities in the courts have used three standards: unchangeable distinguishing characteristics; widespread discrimination; and political powerlessness.

Sexual preference is not an unchangeable distinguishing characteristic. Do you believe that behavior based on sexual preference is a compelling reason to reward protected minority class status with all the entitlements? Widespread discrimination. As early as 1994 homosexual business columnists wrote today it's rare that anyone gets fired just for being gay. Political powerlessness. One only has to look at the two recent Maine referendums where the people voted against adding homosexuals to our civil rights law and the fact that we are debating this issue to see the political power and influence. This is an upwardly mobile class of politically powerful citizens who are asking for protected class status, special legal standing and advantages. Historically these are given to economically disadvantaged and politically defenseless people.

Proponents of this bill would argue that we are not creating special rights. It must follow therefore, that we won't be giving preferences to this protected class. There will be no affirmative action based on sexual preferences, we agree.

What is affirmative action? Positive steps which are designed to remedy lingering effects of past discrimination and continuing discrimination and to create systems and procedures to prevent future discrimination. These are commonly based on population percentages of minority groups in a particular area. Factors considered are race, color, sex, creed and age, oh, and sexual preference or perceived preference. No one will mount an equal protection case based upon the creation of this protected class will they, the equal protection, which is guaranteed in the enjoyment of personal rights and the prevention and redress of wrongs?

In November of 2003, the Massachusetts Supreme Judicial Court declared that barring an individual from protections benefits and obligations of civil marriage solely because that person would marry a person of the same sex violates the Massachusetts Constitution. Is this the equal protection that will soon be sought in Maine courts?

Just be sure you know where this bill is taking you.

The SPEAKER: The Chair recognizes the Representative from Newfield, Representative Campbell.

Representative CAMPBELL: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I stand here tonight because I was so proud a week ago when the Boy Scouts of America marched down this isle and I think everybody in this house was proud with a packed audience up top. In 1992, the City of Portland passed a gay bill and a man by the name of David Hilton turned out to destroy the Boy Scouts of America that we so proudly shook hands with and applauded just the other day. So I'm very scared what's going to come out of this one. They turned around and they stopped the funding to the Salvation Army. They stopped the funding to the Catholic charities. They stopped the Meals on Wheels that goes to the people who most need it. Last week we were so proud of those Boy Scouts when they marched in here that I'm scared what's going to happen, if this bill passes, to other innocent groups that I so support, and I'm proud of it. Thank you Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from Calais, Representative Perry.

Representative PERRY: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. Civil rights are the rights belonging to an individual by virtue of citizenship, especially the right to due process, protection of the law and freedom from discrimination. We live in a country that was based on civil rights, and by the statement that all men are created equal, by our motto, "E pluribus unum" - all for one. We are a country founded in diversity and in that diversity we are continually defining the one. The histories of America's civil rights movements have always been shaped by a complex interweaving of legal victories, political progress and advances in public opinion. This has been played out definitively in the Women's Suffrage Movement and the Civil Rights Movement of the 1960's.

Denying some people their civil rights on the basis of sexual orientation clearly violates the constitutional guarantee of equal protection under the law. People of all sexual orientations whether it be homosexual, bisexual or heterosexual are born into families as diverse as our state and nation. They are of every race, ethnicity, gender, age, religion, class, educational background, ability and party affiliation. They live and work in the cities and towns of this state and our neighborhoods across the nation. It is sad to me that we have to legislate non-discrimination. As a result of discrimination we lose the richness of our own diversity and prevent the benefits that full participation affords any community.

Now I'm not going to talk about discrimination, but I have a friend and colleague who I have worked with for the last seven years. She grew up and went to school in the town I represent and she became a doctor and returned back to her hometown and she set up a family practice and she, her former husband and her three children settled and she had her twins in her hometown. She has a successful and busy family practice and four years ago after her divorce she let all know that she was a lesbian. In this community where she grew up her family and her friends, who have known her most of her life, were able to accept this. I am thankful that her family practice did not suffer because of her orientation. It would have been a major loss in a rural area to lose the services of a physician such as she. I know that this is a success story but if she had been discriminated against, as the stories that occurred in the testimonies before the hearing, we would have lost the value of a rural family physician in an area where we have difficulty with getting those services. She is a person with abilities and should have the same rights as any other person within our society. Thank you.

The SPEAKER: The Chair recognizes the Representative from Boothbay, Representative Bishop.

Representative BISHOP: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. The other night as I was watching television I became witness with thousands of others to the assertion that only homophobes would vote against this bill. I find that statement abhorrent and certainly not worthy of the gentleman in question, but I must admit the divisive, inherent unfairness and attempted coercion of that statement has led me to seriously question my support of this bill. Thank you Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from Winthrop, Representative Flood.

Representative FLOOD: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. Today we speak with pride dignity and value for all persons, yet we represent just one day of dialogue and but one point on a very long timeline of change. Perhaps the best we can do is to use our point on this long timeline wisely, to deliberate fairly and guide good discussion.

Centuries of other debates and other brave speeches have molded that which we loosely understand today. Today if we do nothing other than listen and truly hear the beliefs and concerns of others in this body we have done our good duty for the people.

No single person I know really expects that I would be so wise as to find the great truths of equality nor would anyone I know choose that role of judgment for themselves. It's a collective decision, reliant on thoughtful dialogue and an evolving principle for many to consider.

For those here who disapprove of this measure before us I beg your patience with those who support it. Their views are their beliefs and they are valid. These are good people who care deeply, too. They are families, they are brothers and sisters, they are good kind neighbors and they see a need to right a wrong. I hope we can find it within ourselves to respect that view.

For those within this body who approve of this measure, please be patient with our colleagues who oppose it. They are good caring people with valid beliefs and let's ensure we don't criticize our colleagues unjustly for a different view, nor fall into the trap of labeling them that which they are not. If we must label, let's label all of us as caring and imperfect people. This is the goodness of democracy. Valuing differences in a civil way. There are those in our society however, who are not so civil - those that would harm some for their differences, that would deny privileges and rights but for one's friendships, and would chastise them for who they love. We may not witness this, in much the same way we often fail to bare witness to other wrongs, but this respect targeted upon any group is a hidden shame of our society. One that we as leaders could protect against, the same way we work to protect others needing our help.

Safety, protection and equality are not just human rights. They are some of our most basic human needs. It is often a role of this body to speak out, to protect. Let's not take discrimination protections for granted, as givens, as accepted behaviors for clearly they are not granted, given or accepted in all quarters.

Were we to find ways to express all the thoughts and all the beliefs at the heart of this issue, we could become the final judges of this matter, but clearly we are not that wise. We are just one sunrise, one sunset, one day amongst centuries of changing views.

Several centuries ago even as our learned forefathers wrote our country's first great declarations they had different views and different practices of equality, yet they left the door open for future interpretations of this principle. Less than one century ago other wise men and wise women found a better definition of equality and every decade since that time we as a state or a nation have recreated our views on equality. Today let us simply use our day wisely. In our day, let's find room in our hearts and in our minds to respect all points of views expressed within these walls. Let that be our greatest strength. I hope that today we all feel the great spirit of democracy and the great glory of equality and that we, the people, express that openly, with peace. Thank you Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from Bangor, Representative Faircloth.

Representative FAIRCLOTH: Mr. Speaker, Men and Women of the House. There are many questions that will be discussed today and a couple were raised that I want to respond to. One relates to affirmative action.

The Human Rights Act has for decades provided protection based on age and religion but there is no affirmative action. That's a different legal scheme and we don't provide affirmative action based on age or religion and we shouldn't, in my opinion, do so with regard to sexual orientation. It's a totally separate legal scheme. And with great respect to those - and I do mean

that with sincere respect - on the other side I think a lot of times we hear side issues raised. We on the Judiciary Committee had a calm and deliberative process. And to respond to Representative Daigle, I don't know what concerns or remarks he's referring to. I do know what happened on the Judiciary Committee and I respect because everyone was polite and fair minded, on both sides of this discussion in the Judiciary Committee, and I am confident that regardless of the results of this bill we can continue in that tone, and I would not in anyway want to cast dispersions on anyone who takes a different point of view on this issue. But I do see it as a fundamental issue of justice and fairness and I have been eagerly awaiting this night.

Throughout New England we are the only state in New England that has an official policy, enshrined in statute, that says we can discriminate based on sexual orientation. That's not right, and it doesn't make Maine common sense to have such a policy. Think about how it works. Are we really to say, if we think about all the types of people who are in this category: Well, we can discriminate on this basis?

Gee, Mr. Oscar Wilde, I guess your writing is pretty good here at this Maine newspaper, but turns out we found out that you're gay, and therefore you can be dismissed - regardless of the merits of your work and employment - solely based on the fact that you are gay. That doesn't make Maine common sense!

Sorry Mr. Cole Porter, you know we've enjoyed the songs you played here at the piano at our apartment complex for senior citizens but we found out that your gay and we can evict you, and Maine law provides that we can evict you solely on the basis of your sexual orientation.

Hey, sorry Mr. Leonardo da Vinci, well you know, you had a great idea and we would've offered that line of credit for your engineering firm based on your past record but sorry, the board was uncomfortable. And we can, by law, discriminate against you and not extend you a line of credit based on a totally irrelevant factor."

Now are all gay people geniuses? No, but they're like the rest of us. There are people who are smarter or less smart. They are like all the rest of the population of our country.

How can we as common sense Maine people say we are going to judge a tenant based on something that has nothing to do with their tenancy? How are we going to judge an employee based on something that has nothing to do with their employment? But that is exactly what is enshrined in the laws of the state of Maine unlike every other New England State and that is just plain wrong and we don't need a referendum to decide this. We just don't!

James Madison, the writer of our constitution, its prime author, said that its our job in a democratic republic, we in this room, to study the issues carefully, to exercise our independent judgment about what is right to protect minority rights. He emphasized that emphatically, and when we make a decision to educate our constituents; talk with them, talk to them at the coffee shop and at the street corner regardless of what popular opinion is. I'll tell you when Representative Talbot introduced this bill the first time in 1978 and only got a few votes - that's a good Bangor boy by the way - he moved to Portland we forgive him - he did what was right in 1978 and I don't care if there was a poll in 1978 that said that he might not have prevailed in some referendum, he was doing what was right. It was right then, and it's right now, and I'm so glad to see this day arrive when I think we're going to do what is right. I know Representative Daigle, I like him, I like the people who have taken other positions on these issues, but I'll tell you, I heard some testimony from people who came before the committee that really chilled me, and one

statement in particular really bothered me. It's one statement I agreed with and one I disagreed with. It was a pastor and he came before the committee and he said to this committee that renting an apartment to a gay person was analogous to renting an apartment to a terrorist cell. Think about that for a moment, I know that's not the view of those who are on the other side of this issue, but I know that its strong evidence of a kind of chilling and scary prejudice, and mean spirited prejudice that all of us don't feel comfortable with, but it's what he said. I stopped and asked him again and he reiterated the statement, one more time, to make it clear how he felt about that issue. To me we have to address that; that someone would want to address things in that kind of way.

The other thing the pastor said, I greatly agree with. He said we should look to Christianity; we should look to religion for guidance on these issues. Now some people think I'm wrong, but I think it's important. Gandhi said, "If you think politics and religion don't mix you understand neither!" I think we do need to look at these issues, and consider what the founding fathers said about these issues. The founding fathers, they were human guys. You know Benjamin Franklin lived with a woman outside the bounds of wedlock. He had a lot of joyful relationships in life; he was a guy full of life, flesh and blood, the same with James Madison, the same with Thomas Jefferson - if you know his history. These were people who were living blood, flesh people and they believed in following the values of Jesus Christ. But lets consider what it is they meant by that.

You know, there are those who say that we should take a harsh and condemning view of what the Bible says, and I suppose you could do that; you could say fornication, which is condemned by the Bible, or masturbation or adultery - which, by the way, the prescription for that was stoning - might be something that would require sanction. But I look around us and I say we...we may not be as smart as the founding fathers but we're sure as human as they are.

I'd be the first to say that for me, I'm one of the sinners here, and there are others who are not, but I'm one of the sinners here, and gosh one reason I know that being gay isn't a sin is because I'd probably be the first in line if it was a sin.

I don't see being gay, being who you are, as a sin. I look to other guidance in the scriptures and I think what the founding fathers would have looked to is Ephesians chapter 4 verses 31 and 32. "Let all bitterness and wrath and anger and clamor and evil speaking be put away from you with all malice and be you kind, one to another and tender hearted." That is what I think the values of the founding fathers would speak to.

As James Madison said that our constitution is a machine that would run unto itself to offer ever expanding liberty and I think that if God is watching our deliberations today he would credit our acceptance, not our anger, and he will credit our kindness, not our cruelty and I think he would ask us to judge tenants and employees based on what they do as tenants and employees and on no other basis. I thank the men and women of the House.

The SPEAKER: The Chair recognizes the Representative from Manchester, Representative Moody.

Representative **MOODY**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. What I wouldn't give for that gift of oration and I'm the theologian here. Can you imagine? I stand before you tonight wearing two hats that are of paramount importance to me. The first is that I'm a professing Christian and I'm a pastor and I'm sworn to render to God the things that are Gods. The second is that I have been elected by the people of district 83 and am sworn to render to Caesar the things that are Caesar's. The question that I face with this bill is whether these two allegiances to God and to Caesar are in

conflict with one another. In fact the easiest thing that I have to do tonight is to vote in favor of this bill and I intend to do that when the vote is taken Mr. Speaker.

We don't have to look very far to know that the gays have been singled out by the Christian right as a symbol of the evil in our culture. They need protection it is sad to say, from the people of God; people whose organizations enjoy exclusion from income and property taxes while collecting signatures to restrict the rights of others. We Christians are commanded to love God with all of our hearts, with all of our minds and with all of our strength. We are also commanded to love our neighbor, as we would want to be loved. When the crowd asked Jesus who was our neighbor they were told your neighbor is that person on the side of the road of life who has been robbed of dignity and beaten by the system.

Do we cross to the other side of the road to avoid that person? Do we defer the treatment of that person to the public referendum process or to a poll? Or do we lead by example, bind up the wounds and provide opportunities for justice to prevail. Maybe, just maybe, our neighbor is a throw away kid who was being unmercifully teased at school. Or maybe our neighbor is a gay person who has been subjected to an undercurrent of rejection because he or she is different for whatever reason you want to apply to that, but the third part of that love thing is the toughest of all.

Love your enemies. Do well to those who despise you. Pray for those who hate you. When asking, "Who is our enemy?" we hear from the scriptures that our enemy is of our own household. Imagine that. Our enemy is not the person who is different from us, our enemy is someone who thinks the same, looks the same and perhaps even believes the same, as we do. In the words of Pogo, "we have met the enemy and they are us." There was a time in our history when our nation was consumed with another kind of witch-hunt, the hunt for the communists among us.

On June 1, 1950 a brave lady from Skowhegan, Maine, Margaret Chase Smith, rose to the floor of the United States Senate to put a stop to this national madness. Her words that day could help guide us today. She said those of us who shout the loudest about Americanism and make character assassinations are all too frequently those who by our own words and acts ignore some of the basic principles of Americanism - the right to criticize, the right to hold unpopular beliefs, the right to protest, the right of independent thought. The exercise of these rights, she said, should not cost one single American citizen his reputation or his right to a livelihood, nor should he be in any danger of loosing his reputation or livelihood merely because he happens to know someone who holds unpopular beliefs. Who of us doesn't?

Those are the words of Margaret Chase Smith nearly 55 years ago and with those words Mr. Speaker., I rest my case. Thank you.

The SPEAKER: The Chair recognizes the Representative from Portland, Representative Harlow.

Representative **HARLOW**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I want to just remind you of something that Mark Twain said, "when you're giving a speech if you go more than seven minutes it's like drilling for oil, you're boring." So, I guarantee mine won't be that long. I want to say thank you very much for the opportunity to vote on this issue again. I was fortunate to be on the Portland City Council when we voted it in Portland. For your information there have been no problems in Portland that I know of that have been brought forward where anybody had any problem with that bill. The Catholic Church has no problem with it because it's not a religious issue. They don't have to pay any attention to it if they

don't want to. They do not have to allow gay people in, no religious group does, not just Catholics, any religious group. I don't necessarily agree with that but that's the way the law is written. It also was not the end of the Boy Scouts in Portland.

United Way elected to allow you to designate what money, where you wanted to send your money because they didn't think discrimination was right. Some people refused to give it to the Boy Scouts. I worked at a Catholic school, I worked in a Catholic environment for 32 years, and never once did I hear that this bill was not accepted in our area. It's also not exclusively a homosexual bill. It is a bill for all of us. What I'm going to do with you now is to bring you through some of the things that we experienced on the Portland City Council during this debate. One of the things we learned was that there was a teacher in one of our surrounding schools who was accused of being a homosexual and was fired as a result because he had no protection, as none of us have without this type of a bill. You can be fired on the accusations.

Another problem I had that came out of this was that if you put a face on this bill all of a sudden it's a lot harder to vote against somebody's rights. Take your son, take your daughter, take your uncle, take your father - yes there are fathers who are gay - and then look them in the eye and say, "You're gay, and I'm voting against your rights." They are rights that we all enjoy. Why don't we bring out the referendum? I wonder how many black people would be voting today if we brought them to referendum. I don't think a real lot would have been and we have been elected to express the courage of our convictions and our character will show through on this vote I believe.

I am proud to say that I will be voting yes on this bill for equal rights. If these are special rights then we should immediately present a special rights bill for all of our citizens so that we all enjoy all of these special rights. These special rights we're talking about are rights that each and every one of us enjoy right now, so those are the special rights.

Senator Abrahamson brought this bill before us first. I served with his wife on the council and she was the first one to vote for this, not the good Senator.

One of the interesting things that she brought forward was: don't use the Bible to say this is why we got to vote against this, because if you're going to use the Bible, please stop eating lobster.

Another weak argument is that homosexuals have a choice. How many of you or we heterosexuals stood up when we were fifteen and yelled, "Hey I'm a homosexual!" or, "I'm a heterosexual!" Nobody does, we are born the way we are and that's it. I am very, very proud to be able to vote for this again. I will tell you one more story of the gay rights ordinance in Portland. I tried to help raise money for the passage of this ordinance and we were at a bar one night raising money - my two daughters and myself - and somebody went up to one of my daughters and said, "Why are you here?" I'm sure they were thinking she was going to say, "Because I'm a lesbian." She said, "I'm here because in our house we were never taught to hate." Thank you very much.

The SPEAKER: The Chair recognizes the Representative from Hodgdon, Representative Sherman.

Representative **SHERMAN**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. We are having a spirited debate here and I will not comment on some of the things I've heard. I would like to go back to the bill itself and the process. I think Representative Duchesne has already mentioned that. We had the hearing on one day, packed house, the next day we did the work. Basically we were not allowed to work the bill, simply not allowed to work the bill. We got a lecture

from the Chair. He said that now is the time, now is the time. I've been here; I started out in Criminal Justice, Senator Buddy Murray, now a judge. Buddy crafted legislation; he crafted it so when you were done you know what you were voting on. I asked Kurt Adams who presented this bill and Karl Turner. I'll go through three or four sections and then sit down. I'm not going to...there's this great oratory on the other side and I won't reach those heights.

If you look at the bill, and I assume you all have because it's been referenced that 9-C defines sexual orientation. We have a map, our nice green and red map; we finally became a red state on this map I see. Thank you. I've looked up on the Internet, Nova Scotia, and New Brunswick and was also told this language - sexual orientation - came from Rhode Island, it apparently did not so I don't know if someone is not in charge of their facts or not. In Nova Scotia sexual orientation has been there for a number of years. That runs through the normal processes, no extra verbiage in the Nova Scotia sexual orientation. In fact it probably went in 8 or ten years ago. I traveled Nova Scotia on occasion. There is no big brew ha over there, so I'm back to what is in our bill.

Sexual orientation, and you read it its been referenced, it means a persons actual or perceived heterosexuality, - and we heard that story - bisexuality, homosexuality or gender identity or expression. My comment to both gentlemen who presented this bill - Senator Turner and Kurt Adams - what does that mean? Could we take those out and say don't discriminate against anyone. Karl Turner had a nice little joke, he said, "Well Representative Sherman, I could look at you and perceive that you are a heterosexual but you might be a homosexual?" Thank you Karl Turner, I could return the favor to him. Kurt Adams did not have an answer. They have cobbled this bill from various parts. It's not well written. We simply do not have the answers to this dilemma that we have in front of us and we seem to want to rush it through. We had people on our committee - and I hope Representative Duchesne has mentioned that - we had people on our committee who truly did not know how they were going to vote. We were given the courtesy of going up into one of the lounge areas, the brand new lounge areas, it's kind of nice if you want to find that and we had about fifteen or twenty minutes around and around and the lady had asked, one of our representatives asked, she wanted to read and have time to read the testimony. Basically, she was not allowed to do that. So, then if you go on you will find on page two of this bill section six it's talking about the churches and it does exclude churches. Religious associations and corporations subject to the provisions of the internal revenue code are going to be covered by this and that's maybe a little understandable. On page two it talks about education opportunity and then it refers you to another section, which is on page twelve. If you look on page twelve and you take a look at A and B they are sort of standard stuff, not new. D is sort of standard stuff not new. If we go back to C and then you ask what does that mean? How would a court interpret that? Its been referenced it's going to Court. It says apply any rule concerning the actual or potential family or marital status of a person or to exclude any person from any program or activity because of their sexual orientation - heterosexual, homosexual bisexual, transgendered, perceived or whatever. That is how that's going in there. Look at that, what does that mean? How is someone going to interpret that? Deny admission to the institution or program, whoops, apply any rule concerning the actual or potential family or marital status - and you can do the combinations of sexual orientations there - or to exclude any person from any program because of their sexual orientation.



How do you apply that? We said this covers everyone and then there is on that same page twelve – again I must say the analysts are very bright here. You know we rely on the analysts. I spent over an hour with the analyst and she did what she had to do. She went through and she talked about some things that were in here. We are crafting legislation, we are not talking about God and morals and that sort of thing. We may do that but I think that's extraneous. I think that some of these stories that come in are extraneous. On the last paragraph on page twelve where the last underline says the provisions of this subsection that relate to sexual orientation do not apply to any education facility owned, controlled, or operated by a bona-fide – I asked the analyst, what the heck does that mean? How do you decide whether you're a bona-fide religious corporation, association or society and she said that is something that she couldn't answer? You have unanswered questions here. This really should go back to the committee, give us a chance to take a look at it and I would make the motion we return it to the committee.

Representative SHERMAN of Hodgdon, moved that the Bill and all accompanying papers be COMMITTED to the Committee on JUDICIARY.

The same Representative REQUESTED a roll call on the motion to COMMIT the Bill and all accompanying papers to the Committee on JUDICIARY.

More than one-fifth of the members present expressed a desire for a roll call which was ordered.

The SPEAKER: The Chair recognizes the Representative from Auburn, Representative Pelletier-Simpson.

Representative PELLITIER-SIMPSON: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I respectfully disagree with my colleague on the Judiciary Committee about the process. He did raise questions about section 9-C on sexual orientation. We did look at that language and we heard testimony about that language and what that language means.

Sexual orientation means a person's actual or perceived heterosexuality, bisexuality, or gender identity or expression. Sounds a little strange, it's not a way we normally talk. We heard compelling testimony from a mother.

I was attempting to explain that the bill did have a fair hearing. We heard hours of testimony, which I was attempting to relay if that's okay. To have to hear it again – there are difficult stories that people have shared – to make them come back and once again work on this? We did work on the bill. We gave members opportunity. I took testimony home so I had ample opportunity to read it. I have sat on this committee for five years and we have complex bills with large amounts of testimony. If you take it home after the hearing you have time to read it. The time to read the testimony is not when you come to the work session, its sort of like our homework. I understand that some members did not do that. We did take a break and while we said it would be a 20-minute break it went on for about 45 minutes and then the committee came back and took a vote. No one then said, as we came back and had discussion, that they were not ready any longer, but they did make them take a vote. I don't think we need to go back and rework a bill we've already worked and I hope that you would vote against the pending motion. Thank you.

The SPEAKER: The Chair recognizes the Representative from Bangor, Representative Faircloth.

Representative FAIRCLOTH: Mr. Speaker, Men and Women of the House. I respectfully also disagree with my friend Representative Sherman and I do just for a minute note that after several weeks in committee I am surprised how often I agree with Representative Sherman. I hope I'm not ruining his reputation here tonight but I respect his opinion. But on this point, the

committal issue, I respectfully disagree. This is an important issue. It's an emotional issue but as to the statutory language, which I believe is the basis for his motion, I would respectfully submit that the language is humdrum. That is to say that numerous states around the country use this language. There is nothing new, innovative or particularly different about this if you look at other states around the nation. We need the perception language; we all live in the real world and we all know situations where perception of orientation has led to discrimination. So while I respect Representative Sherman's views, I don't think there is much question that we had a fair hearing, that the language is straightforward and we are ready to proceed to a vote.

The SPEAKER: The Chair recognizes the Representative from Kennebunk, Representative Babbidge.

Representative BABBIDGE: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. This is an opportunity for lawmakers to lead. It seems to me that this question is about two sentences a boss might say to an employee, one is, "I didn't know you were a faggot" and the second is "You're fired."

The SPEAKER: The Chair recognizes the Representative from Ellsworth, Representative Crosthwaite. For what reason does the Representative rise?

Representative CROSTHWAITE: Point of Order Mr. Speaker.

The SPEAKER: The Representative may state his point of order.

Representative CROSTHWAITE: Mr. Speaker I would request a ruling from the Chair on the Germaneness of the statements being made.

On POINT OF ORDER, Representative CROSTHWAITE of Ellsworth asked the Chair if the remarks of Representative BABBIDGE of Kennebunk were germane to the question.

The SPEAKER: The Chair would instruct the members - and it's why I made the mention at the outset with respect to the motion to Commit – the motion to Commit is a motion to move all the papers and this bill back to Judiciary. What is Germane for purposes of discussion and debate is why or why not that would be proper. The question about whether we're going to get into issues related to reasons or cause for this bill are not really properly, at this time, before the body so what I would instruct members to do is keep the issue related to Commit and the reasons for committing this bill, or not, before the body at this time. Your comments Representative would be more proper in dealing with the bill itself.

The Chair reminded all members to keep their remarks germane to the question.

The SPEAKER: The Chair recognizes the Representative from Kennebunk, Representative Babbidge.

Representative BABBIDGE: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House.

The SPEAKER: The Chair recognizes the Representative from Hampden, Representative Duprey. For what reason does the Representative rise?

Representative DUPREY: Point of Order Mr. Speaker.

The SPEAKER: The Representative may state his point of order.

Representative DUPREY: Thank you Mr. Speaker. Mr. Speaker I have a hearing problem I thought I heard a word that's

inappropriate, under section 123 of *Masons Rules*. I would like a ruling from the Chair on the use of disorderly words in debate.

On **POINT OF ORDER**, Representative DUPREY of Hampden asked the Chair if the remarks of Representative BABBIDGE of Kennebunk were germane to the question.

The **SPEAKER**: The Chair rules that word is properly before this body. It may not be the kind of word that we all like to hear, but it is not a word, which is either defamatory or not used out in the public. I'm going to allow it but I'm going to ask people at this time to keep their comments related to the motion to Commit. The Representative may proceed.

The Chair reminded all members to keep their remarks germane to the question.

Representative **BABBIDGE**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I speak before you because I believe this is an opportunity for us to lead. If we Commit this back to Judiciary we are missing an opportunity and that's why I am speaking to you at this time. I mention what I did because I think that we cannot eradicate that which is offensive to us, but we can make a legal discriminatory action and you and I have a chance to do that this evening. Those two sentences that I've mentioned, separately, will always be legal, but that linkage between them we can make illegal this evening. I mentioned that we have an opportunity to lead. In 1964 the Civil Rights Act was a demonstration of lawmakers leading public opinion to where it should be. Ten years later, Title 9, an amendment to the Education Act, was an example of lawmakers stepping up and leading public opinion to where it should be. This evening we have the same opportunity. Edmond Burk, an 18th century writer and politician once said, "I owe my constituents the value of my judgment."

We here in this Chamber tonight owe our constituents the value of our judgments. This is Maine the way life should be. I ask you to vote no on the motion to Commit.

The **SPEAKER**: The Chair recognizes the Representative from Hodgdon, Representative Sherman.

Representative **SHERMAN**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I'll try to keep the argument to the point not on any rhetoric. I repeat, on one day when we were having the hearing; we sat and listened for five hours to some rather horrible stories. The next day, workshop, we were told by the good Senate Chair that this, in effect, is a done deal. We had to fight to get a few minutes to go outside as a caucus to just even talk. We come back in and it was suggested basically that we vote. If we get up and walk away what have we accomplished? We sat there and we voted to see some votes recorded. To the point of sending this back, there are amendments from both sides floating around, which seems to me indicates some concern with some of the language. If it is recommitted to Judiciary it is not forever. It will be Judiciary's bill. I now remind the Speaker and the members of the other side over here that it is a majority of Democrats, to use the term. I don't think it will stay there very long. I think we may be able to clean up some of those things that are in there and make it a little bit more aligned with some of the other states that have operated under this.

The **SPEAKER**: A roll call has been ordered. The pending question before the House is to Commit the bill and all accompanying papers to the Committee on Judiciary. All those in favor will vote yes, those opposed will vote no.

**ROLL CALL NO. 38**

**YEA** - Annis, Austin, Berube, Bierman, Bishop, Bowen, Bowles, Brown R, Browne W, Bryant-Deschenes, Campbell, Carr, Cebra, Churchill, Clark, Clough, Collins, Cressey, Crosthwaite, Curley, Curtis, Daigle, Davis G, Davis K, Duprey,

Edgecomb, Fitts, Fletcher, Flood, Glynn, Greeley, Hall, Hamper, Hanley B, Hotham, Jacobsen, Jodrey, Joy, Lansley, Lewin, Lindell, Lundeen, Marean, McCormick, McFadden, McKane, McKenney, McLeod, Millett, Moore G, Moulton, Nass, Nutting, Ott, Pinkham, Plummer, Rector, Richardson D, Richardson E, Richardson M, Richardson W, Robinson, Rosen, Seavey, Sherman, Shields, Stedman, Sykes, Tardy, Thomas, Trahan, Vaughan.

**NAY** - Adams, Ash, Babbidge, Barstow, Beaudette, Blanchard, Blanchette, Bliss, Brannigan, Brautigam, Bryant, Burns, Cain, Canavan, Craven, Crosby, Cummings, Driscoll, Duchesne, Dudley, Dunn, Duplessie, Eberle, Eder, Faircloth, Farrington, Finch, Fischer, Fisher, Gerzofsky, Goldman, Grose, Hanley S, Harlow, Hogan, Hutton, Jackson, Jennings, Koffman, Lerman, Makas, Marley, Mazurek, Merrill, Miller, Mills, Moody, Muse, Norton, O'Brien, Paradis, Patrick, Pelletier-Simpson, Percy, Perry, Pilon, Pineau, Pingree, Piotti, Rines, Sampson, Saviello, Schatz, Smith N, Smith W, Thompson, Tuttle, Twomey, Valentino, Walcott, Watson, Webster, Wheeler, Woodbury, Mr. Speaker.

**ABSENT** - Dugay, Emery, Kaelin, Marraché.

Yes, 72; No, 75; Absent, 4; Excused, 0.

72 having voted in the affirmative and 75 voted in the negative, with 4 being absent, and accordingly the motion to **COMMITTED** the Bill and all accompanying papers to the Committee on **JUDICIARY FAILED**.

The **SPEAKER**: The Chair recognizes the Representative from Lewiston, Representative Walcott.

Representative **WALCOTT**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. Please excuse me, I'm going to be reading off of my computer. I rise today in support of LD 1196. I must start out saying that I am terrified at what I am about to do but I feel it is important for me to do it. I stood listening to most of the testimony on this bill in front of the Judiciary Committee and decided that I could no longer remain silent on this issue while others were putting themselves on the line. We have heard much this evening about lifestyle choices, sexual orientation and other topics.

I want to spend a few minutes talking about my experiences over the last 15 years. I am not going to talk about numbers or facts and figures. I am going to talk about my real life experiences. Let me start by saying that my upbringing taught me to be a private individual. One who does not usually share with others about private life and matters so standing here today in front of you all is a very difficult task for me. But one that I feel I must do on this very important piece of legislation. I know that the Judiciary Committee had much testimony by members of the public on this bill. This was very powerful and important testimony. However, sometimes it is more meaningful to hear from someone you know and have worked with in the past. That is why I feel it is important to stand today and speak out on this issue, even though it completely goes against my nature to do so. I want to put a face and a personal touch on what we are talking about here.

I must first give you a little background to help you understand where I am coming from. I grew up in Lincoln, Maine. It is, as many of you know, a small town about 45 minutes or an hour north of Bangor, depending on how fast you drive. Lincoln is a small town, and like most of the small towns in Maine everyone knows everyone, and everyone knows everyone's business. Hiding a secret, especially a secret like being gay is not an easy task. I speak from experience. As a teenager I felt forced to hide my true self from everyone. Fear was the cause of this. Around town and at school one could here comments and name calling. Forgetting for a minute how hurtful these

comments were and are; they are terrifying. I was not very old when Charlie Howard was killed in Bangor but I remember it. I remember going to school after that happened and it was all anyone spoke about, often joking about it. The fear started. Growing up in a traditional family I was lucky. I was one of the few people I went to school with whose parents were still married. I had a somewhat large family having four older sisters. It was expected as people usually expect that I would grow up, go to college, get married, have children and all the things that most parents wish for their children. In 1990 I graduated from high school and went to the University of Maine at Orono. While during my first year there, I experienced something that continued the fear to grow.

The first dorm I stayed in was a difficult place to live. It was the smallest dorm at the time and there were only eight people on each floor. While I learned growing up to be a private person I also learned honesty in my small hometown. So answering questions about girlfriends and sex that guys always ask was very difficult for me. They learned nothing about my sexuality from me directly but rather from assumptions they made based on the evasiveness of some of my answers to their questions - their questions, not statements by me. My last day living in that dorm is not an experience I would like to repeat or would even wish upon anyone. I got up in the morning and attended my morning classes as usual. In the afternoon I was sitting in my room studying. I decided to take a break and go outside for a short while, as it was a beautiful fall day. Upon my return there were two guys in the hallway talking as I walked towards my room. They started asking me questions and calling me names, questions that I felt uncomfortable with, and names that I will not repeat upon the floor of the House. I was very nervous, scared actually. These two people were members of the University's sporting teams and certainly together could have done me bodily harm. I had no idea what they intended. Luckily - and only probably someone in this position would say luckily all they did was spit on me. I moved out that day. However, I never dared to tell the resident director who it was that did it. I feared retribution.

While in college I worked for Wal-Mart. During this time is when I started coming out to my family and friends. This was the last two years of college when I lived at home and not on campus.

While I was working there, there was one woman in particular who seemed unusually interested in talking about my personal life. I told her for several weeks that I was not interested in sharing personal information. However, she kept asking me day after day. Finally, after several weeks I answered a few of the questions that she asked. The next day as I arrived I was told the store manager needed to see me as soon as possible. I went into the office and he told me that this woman had come forward and told him that I had been talking about things that made her uncomfortable and things that she thought were inappropriate to talk about at work, we had been in the break room.

I informed her of her asking me the questions for several weeks and that I put her off and that finally was just tired of her asking. Luckily for me he was an open minded individual and nothing came of it from my end and from my understanding she got spoken too because I had several people who overheard her asking the questions.

I did learn a valuable lesson that day. Sometimes even friendly people are trying to do something underhanded. However, from listening to the testimony in judiciary on this bill I also found out there were many people that were not as lucky as I was. There are many people fired from jobs, denied credit or housing for reasons besides their qualifications or abilities to pay. This is wrong. Often this firing and the previous harassment are

based on assumptions people make about people that do not share the information openly.

For many years I have felt the fear less than a I did at earlier times in my life. However, one evening I got a telephone call with the suggestion that I run for the legislature. When I decided to do it, I got scared all over again. I wanted to do it because I thought I could do good work on behalf of the residents of my district and the people of Maine. Plus, having a degree in political science I found it intriguing. However, I, at the time, felt that the secrecy would have to come back into my life and slowly it did. I was scared to do or say anything at first that would make people think that I might be gay. I would add that there is only one person in the entire legislature that I was gay until today. My good seatmate, Representative Craven, and it took six months for me to do that traveling with her everyday to Augusta. That is the way I have been with people all my life. Only people for whom it is important to know, do I tell. Many people are like that. Other people here may have learned about it, but only Representative Craven has been told directly by me.

I had not been here many weeks before the good Representative from Woolwich, Representative Grose, said to me, I know a woman in Woolwich who might be interested in meeting you. I am paraphrasing what she said but that was the general idea. I doubt she even remembers the situation but I certainly do. I'm sure she did not intend to make my heart beat fast or to scare me. I was afraid I would have to reveal my secret to someone that I did not, at the time, feel safe revealing it to. This happens everyday to people.

Many people don't care to talk about their sexuality openly, but people ask questions, which might bring it up. Picture this...a young man working in a mill with many other young men. The men are talking about their wives and girlfriends when one of them asks this young man about his. They young man has three options. One, to tell them that he is gay. Two, choose to be evasive. Three, out and out lie. He chooses to be evasive. Most of the time the other men would wonder why he was being evasive. The seed has been planted in their minds that he might be gay without him ever saying a word about it. I know the Judiciary Committee heard testimony of similar things happening that have happened to me. I was sitting here last year when I first heard of Michael Heath and his intention of outing legislators, staff and others working in the legislature. I sat here stunned, scared of what that might mean. Would my sexuality be plastered all over the place?

Many of you sat here and said that you would were going to come out as a joke or way of showing support in pointing out how wrong he was in doing that, and I laughed along with you. Many of you experienced anger at his threats or thought that it was in someway just ridiculous that he would suggest such a thing. I sat here in fear. While I had never openly shared this part of my life with any of you, except for Representative Craven, I still knew that others knew or had heard rumors. Would Mr. Heath pick up on this and post it on his website?

Everyone once in a while gets to be part of something important. We have that opportunity today. Regardless of what the outcome might be I felt I had to be truthful today and share my story, if for no other reason than to show that it does happen to people you know. It is not always a nameless, faceless unknown. Discrimination can happen to people you know. Your friends, loved ones and coworkers and it is never okay. I ask you today to put the past behind you. I can forgive Mr. Heath for his actions, a hard thing for me to do. I ask that you forgive the fringes on either side of this issue and vote to protect the rights of Mainers. Not always people you don't know but rather people that often sit in silence afraid of loosing their job, or home based

on something other than their ability to perform the job or pay for the home. Don't let this continue in Maine. Send a message that discrimination will not be tolerated here. I ask today that we make it so no one in Maine has to fear this. As mentioned before, some fear will still be there because you cannot legislate matters of the heart. However, no one in Maine should fear losing their job solely based on their sexual orientation. Rather, it should be based on their ability to perform their job. No one should be denied credit based on their sexual orientation, but rather their ability to pay.

I would like to close with this quote that I am sure many have heard before from a man whose name I cannot pronounce, Martin Niemöller I believe, "First, they came for the Communists and I did not speak out because I was not a Communist. Then they came for the Socialists and I did not speak out because I was not a Socialist. Then they came for the Trade Unionists and I did not speak out because I was not a Trade Unionist. Then they came for the Jews and I did not speak out because I was not a Jew. Then they came for me and there was no one left to speak out."

Please do the right thing for Maine this evening and vote in support of LD 1196. Thank you Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from Auburn, Representative Sampson.

Representative **SAMPSON**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. Tonight I do feel compelled – even though I've heard that this isn't about religion – to speak about the emails and calls that I have received.

I am a Christian; I am a believer. Both my father and my grandfather are fundamentalist preachers. I have been a Christian schoolteacher, a youth leader and a worship leader in a Baptist church. I am the owner of a daycare. I have been involved with many children's issues and have been involved with the local PTA even when my own children were no longer in school because I care about the children in my community. I have been married to the same wonderful man for 26 years. I was a stay at home mom and I have two great children now in their twenties who lead creative successful lives.

Witnesses to my life can tell you how they've seen me live out my Christian life. Not perfectly, certainly, but steadily, with bumps and relying on my faith to get me through. I recite all this so that you have a snapshot of who I am and from this background can make some pretty good assumptions about my beliefs and what I stand for. So, I bet your wondering why I am a Democrat?

I have only been one for the last five or six years. I converted when I was required to pass a litmus test. The test had only two questions; am I pro life, which, in the Christian vernacular, meant anti-abortion? And, am I pro family, which in the same language meant anti-homosexual?

I have learned that no issue is as black and white as those questions would have us believe. These are not just two sided issues where you can stand on one side of the great divide and smugly claim rightness. These are multifaceted questions that have deep cultural, social and spiritual implications. They demand a thorough investigation, not a cursory glance filled with moral snobbery.

In the paper recently, one so-called Christian group encouraged people to gather gossip and send it to their league so that they could put it on the list of anti-family, pro-gay legislators. I don't know about you, but as a person of faith that offends me. They were using gossip and character assassination to move their agenda in the name of God and that borders on blasphemy in my view.

Are these the standard bearers we are supposed to emulate? There are plenty of scriptures that talk about doing justice, loving mercy and walking humbly with our God and the holy writ that describes Christians cultivating fruit of the spirit. Fruit which aid in identifying those who follow Christ's tenets. What about loving our enemies? It seems the fruit had been picked over and only the tasty morsels have been cultivated.

There are many stories in the scripture that describe Jesus interacting with sinners. Each life he touched felt the imprint not of hate, but of love, he is the one we need to emulate.

I'm standing in support of this bill today. Discrimination of any kind should not be tolerated. The moral choices you and I make based on faith or philosophies are just that – choices we make for ourselves. We are not entitled to make them for other.

I have heard recent arguments that gay couples are tearing apart the sanctity of marriage. How can that be? The vows you spoke are your vows. How you live them out speaks to your moral fiber not theirs

I was trying to think of an analogy that could help us view discrimination from the perspective of a gay or lesbian person and while not standing in their shoes I wanted to be able to garner some sense of how it must feel to live in a society faced with such opposition. All I could come up with was this, and I hope it will be adequate.

I want you to take a moment and think of the one incident in your life that you hope none here know about. You know what I mean, that circumstance that caused embarrassment or hurt to you or your loved one. That thing that dances around the periphery of your memory and reminds you that you aren't perfect and that you had a moment in time that you did not make your best choice. Some might even call it a skeleton in your closet.

Now I want you to imagine that that experience is all that we know about you and no matter what other good you have done, no matter how much integrity you have shown since that one indiscretion, no matter how well you have done in your profession or how well you raised your family that one deed is all we know of you and all we want to know of you and we base all our assumptions about you on that one piece of your life.

It is my contention that this is how we have treated our fellow humans who have a different sexual orientation than we do. A focus is placed on what act they may be doing rather than on who they are and what they bring to community and family. I know I don't want to be judged so harshly. Going back to scripture we are reminded to first take the beam out of our own eye and let him without sin cast the first stone. Thank you.

The SPEAKER: The Chair recognizes the Representative from Hampden, Representative Duprey.

Representative **DUPREY**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. Let me begin my remarks first by addressing the Representative from Lewiston, Representative Walcott - and the entire body - to let you know that when that incident happened last year I was the first legislator to call and tell them to stop that stuff. That was wrong. I hope you guys all remember that. It was wrong to do and I still think it would be wrong to do.

A few minutes ago I objected to a word in this chamber, which I am not going to repeat because I think it is objectionable, and I think that is the reason we are having this debate in the first place, because it is objectionable to call somebody that F-word.

What we are saying here, as a body, is that if that word is acceptable to use in here than if somebody wants to use it in a public school and call another kid the F-word that we don't find it objectionable that it is okay. No, it is not okay. That is an objectionable word in my opinion and I don't think anybody should be called that word.

I would like to address my comments to the Representative from, I believe, Auburn, Representative Sampson. There is no litmus test to be on this side of the aisle. There are many pro-choice Republicans and there are many people that are going to vote for this bill. We have an open tent.

I am not a homophobe! That is going to be in the record. What I am is an employer though. I'm an employer, a father who just happens to be a Christian but I'm not going to bring God into this debate. I don't bring God into here, I check him at the door. I think I do what is right for the people of Maine. I just do what I think is right. But, I am an employer and you know what, I may have gay employees. I don't know I've never asked them. I don't want to know. I would never fire somebody for being gay. You know why, because, if I were to do that it would be pretty stupid. If I don't hire the best people for the job regardless of sexual orientation I only hurt myself, because my competition is going to grab them, period. I would never do that. I served proudly in the military with many gay people and I disagree with the military's ban on gays in the military. They were some of the hardest working people I know. I still claim that to the day. They are honest, hard working and make much more income than straight people. They are a good hard working ethical bunch of people. I will not say a bad word about them.

I count many gay people as friends, people in this chamber, people across this state. I'm getting tired of being labeled. You know it's not really fair to label somebody as being anti-gay just because they don't support this bill. It's wrong. I don't get too emotional. I've made mistakes in the past of getting emotional on bills but it usually gets me in trouble.

Here are some problems with the bill that I see. You know we want to pass a gay rights bill and that's fair enough but the bill we are passing covers every single Mainer. There is not one Mainer who is not covered by this bill. Sexual orientation says if your heterosexual, bisexual, homosexual or gender in ordinary expression, which is every single person in Maine. So it kind of dilutes the reason we have civil rights protections in the first place.

If we are going to cover everybody with blanket protection under this bill doesn't that kind of dilute the reason we are protecting women or minorities or handicaps or blacks? We are saying to them we'll just cover everybody under this bill.

The congressional black caucus and the U.S. Congress say it's a travesty to equivocate the civil rights movement to the gay rights movement. Dr. Martin, Luther King Jr.'s niece was in this very chamber. Not in this chamber but in this institution, in this State House and said you know what, the same thing. To equate civil rights for blacks to civil rights for gays is a travesty. She has met many ex-gays but she has never met an ex black.

I'm a little disgusted with the process of this bill but I understand. The same kind of stuff has been going on here since I've been here. I'm getting tired of this place. You know I'd like to change the rules of the game but that's okay. When you're in power you can do that. We keep ignoring the will of the voters and the voters are going to figure that out one of these days. They are a pretty smart bunch.

We ignored the will of the voters on gay rights in 1998 and 2000 and we are here again. The slot machine bill, we tinkered with that and ignored the will of the people and did what we wanted with that. Palesky, MMA, we've done it, we tinker it, whatever, that's okay we'll change it. If you keep ignoring the will of the people they are going to figure it out one of these days and there are going to be all new people in here.

There is not one person in this chamber that can raise their hand and say that I asked them to vote against this bill. The only thing I have asked people to do is to give the people a voice in

this. I didn't try to lobby anybody to vote against this and in our caucus I have said everybody should vote what they feel. They're cautious; I haven't tried to change anybody's vote. Everybody on the other side of the isle will agree with me. I think it is a personal decision. I just think that people need to speak on this issue and I think its wrong for us to deny that.

I've heard the debate that the majority could never impose their will on the minority and that's why the Legislature exists. Well, ladies and gentlemen, this is the majority because every single Mainer is covered under this bill; because everybody is covered they are the majority.

Changing the rules of the game. You know, when I came here today I had all intention to object to the suspension of the rules to not let amendments go forward tonight. I was going to play some parliamentary tricks. I was going to try and slow the process down, holding bills. There are some things you can do. I was going to try and muddy up the waters because I was disgusted with the process. I figured if I could just hold out long enough until after we adjourned, maybe we would have a chance for the people to really speak on this issue. You know what? The more I thought about it, that is the reason I am disgusted with this place in the first place. It's because of tricks like that. So, the more I thought about it I thought: I'm not going to stoop down to that level. So, I'm not going to do that. I'm going to let the process move forward because I don't lower my standards for anybody.

The last thing I can say is I think this is an open door to same sex marriage, no matter how you describe it. Vermont passed a gay rights bill followed up by civil unions. Massachusetts passed gay rights and they followed it with same sex marriage. The Chief Executive is on record as saying he is for same sex marriage but you have to get this bill first. It's coming.

If you support same sex marriage, that's okay. I'm not going to try and change your mind, that's not my job. Everybody can vote the way they want to, but it's coming just know that that is what you are voting for here today, in my most humble opinion. Thank you Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from Windham, Representative Bryant.

Representative BRYANT: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I rise today as a member of the Judiciary Committee and speaking in support of the Majority Ought to Pass Report on LD 1196. I do not want to burden the body with a long speech but merely to pass along some basic considerations.

A constituent of mine, Susan Deliberto, submitted testimony at the public hearing for this bill. She said that she was a church attending, tax paying and hard working citizen. She does not feel that her rights are even adequately equal to her heterosexual counterparts. Susan went on to say she is not looking for more or less rights, just equal rights, in a state she calls home.

She makes an excellent point that extending these protections based on sexual orientation protects us all. It protects all of us because it is all encompassing to gays, bisexuals, transsexuals, transgendered and straight people.

Finally, and perhaps most importantly, Susan said she wasn't asking anyone's opinion on being gay, just for equal protection under the law.

That's all this bill is really about – the law. We already include sexual orientation in our hate crime laws. Are we are here today to say that we only protect citizens in the worst examples of humanity?

Why is renting an apartment or being extended a line of credit any different? We would be shocked and appalled to see anyone

discriminated against in such a way toward people based on race, gender or national origin today. The simple fact of the matter is, that we all fit into these categories, even this one. Pass this bill, protect all of us. Thank you Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from Bangor, Representative Faircloth.

Representative FAIRCLOTH: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. I wish to respond to a couple of points from my friend Representative Duprey.

The issue with regard to using sexual orientation language is again humdrum. It is standard language. We didn't say when we had the Human Rights Act in Maine or the Civil Rights Act of 1964 discrimination is based on being an African American or a Mexican American. It says based on race. It says based on sex. This follows the statutory scheme that has always been the case. With great respect to Representative Duprey, I feel that these are side issues from the fundamental point, the issues about incomes of gay people.

I'm not a statistician, I don't know the economics of the issue, but I think some research will show that gay men who work full time earn less, perhaps 27% less than heterosexual men. Even if it was more it's not relevant to the fundamental issue before us. To me one of the things I'm going to remember for the rest of my life is Representative Walcott's remarks here this evening, which remind me of one of my two best friends in high school who went through similar experience. I just feel that his comments again raise the level of this debate to where it should be.

We are on the crest of a great opportunity and the ideas that are brought forward, and I think some of the amendments were going to be hearing really bring us away from something really important and valuable, good, and historic that is going to happen tonight.

This language in this legislation, I can address it as an attorney. What we have here is language that is comparable to what is already passed in many states throughout the Union. Eight states have almost identical language including states like Illinois, Indiana, Kentucky, Pennsylvania, not exactly states that are way out there in left field but middle ground states. Let's keep the focus on the great thing we are going to do this night and lets move forward with this legislation. Thank you.

The SPEAKER: The Chair recognizes the Representative from Newfield, Representative Campbell.

Representative CAMPBELL: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I would like to read a few words to the good former councilman from Portland over there if I may.

The SPEAKER: The Representative may proceed.

Representative CAMPBELL: Thank you Mr. Speaker. An awards dinner was held last week in Portland by a gay rights group called Equality Maine. One of the honorees was David Hilton who worked tirelessly to bring Portland school board practices into compliance with the city's 1992 anti-discrimination ordinance, using the school board to discontinue its practice of allowing the Boy Scouts to recruit students and distribute materials.

This may date me but I actually remember a time when public spirited corporations supported groups like the Boy Scouts and now they are honoring a man who wants to destroy them. That's my answer to the good councilman from Portland, Maine.

The SPEAKER: The Chair recognizes the Representative from Auburn, Representative Pelletier-Simpson.

Representative PELLETIER-SIMPSON Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. We are hearing about a whole lot of side issues and now it's the Boy

Scouts who were honored here earlier this month. They are not in need of protection; they are like mom and apple pie.

We heard in the hearing about a young high school girl who stood up for a friend who was being harassed because he was thought to be gay and then her classmates turned on her. This young woman, her mother watched, as her grades suffered, as she fell into a depression, and so she goes to the school and asks them to help her child who is being harassed and called names and the school does nothing.

We heard of a family of little means, a single mother, now sending her child to private school at \$17,000 per year. All American citizens have a right to a free, public education. I felt the pain of that mother explaining the ordeal of her family.

This isn't about Boy Scouts; it's about simple basic rights for people who are perceived to be different and who currently have no protection. They have a right to the basic human needs we all have - to have a place to live, to have a job, credit and an education. I hope you can vote on this soon, thank you.

The SPEAKER: A roll call having been previously ordered. The pending question before the House is Acceptance of Report "A" Ought to Pass. All those in favor will vote yes, those opposed will vote no.

#### ROLL CALL NO. 39

YEA - Adams, Ash, Babbidge, Barstow, Beaudette, Blanchard, Blanchette, Bliss, Bowen, Brannigan, Brautigam, Brown R, Browne W, Bryant, Burns, Cain, Canavan, Craven, Crosby, Cummings, Daigle, Davis K, Driscoll, Duchesne, Dudley, Dugay, Dunn, Duplessie, Eberle, Eder, Faircloth, Farrington, Finch, Fischer, Fisher, Flood, Gerzofsky, Goldman, Grose, Hanley S, Harlow, Hogan, Hutton, Jackson, Jennings, Kaelin, Koffman, Lerman, Makas, Marley, Mazurek, McCormick, Merrill, Miller, Mills, Moody, Moore G, Muse, Norton, O'Brien, Paradis, Patrick, Pelletier-Simpson, Percy, Perry, Pilon, Pineau, Pingree, Piotti, Rector, Richardson D, Rines, Robinson, Rosen, Sampson, Saviello, Schatz, Smith N, Smith W, Thompson, Twomey, Valentino, Walcott, Watson, Webster, Wheeler, Woodbury, Mr. Speaker.

NAY - Annis, Austin, Berube, Bierman, Bishop, Bowles, Bryant-Deschenes, Campbell, Carr, Cebra, Churchill, Clark, Clough, Collins, Cressey, Crosthwaite, Curley, Curtis, Davis G, Duprey, Edgecomb, Emery, Fitts, Fletcher, Glynn, Greeley, Hall, Hamper, Hanley B, Hotham, Jacobsen, Jodrey, Joy, Lansley, Lewin, Lindell, Lundeen, Marean, McFadden, McKane, McKenney, McLeod, Millett, Moulton, Nass, Nutting, Ott, Pinkham, Plummer, Richardson E, Richardson M, Richardson W, Seavey, Sherman, Shields, Stedman, Sykes, Tardy, Thomas, Trahan, Tuttle, Vaughan.

ABSENT - Marraché.

Yes, 88; No, 62; Absent, 1; Excused, 0.

88 having voted in the affirmative and 62 voted in the negative, with 1 being absent, and accordingly Report "A" Ought to Pass was ACCEPTED.

The Bill was READ ONCE.

Under suspension of the rules, the Bill was given its **SECOND READING WITHOUT REFERENCE** to the Committee on Bills in the Second Reading.

Representative BRYANT-DESCHENES of Turner PRESENTED House Amendment "C" (H-84) which was READ by the Clerk.

The SPEAKER: The Chair recognizes the Representative from Turner, Representative Bryant-Deschenes.

Representative BRYANT-DESCHENES: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. Twice the people of Maine have rejected this piece of legislation. My constituents have told me twenty-to-one to vote against this

bill. They have twice rejected it. I have asked the question, why should I vote for the bill when the people of Maine have clearly rejected it twice.

One answer I got from a lobbyist outside the Judiciary hearing room was that I was better able to make that decision than the public. Another statement I heard that day was, the people of Maine have rejected this twice but it's time to get it passed and it's our job to do it. I came here to represent my constituents. They have called, emailed and handwritten me notes asking me to vote against this bill. If the people of Maine have changed their mind, they are in the best position to tell us so at the ballot box. I urge you to support amendment C2, LD 1196 and send this bill to the people of Maine as they have asked us to do.

The same Representative **REQUESTED** a roll call on the motion to **ADOPT House Amendment "C" (H-84)**.

More than one-fifth of the members present expressed a desire for a roll call which was ordered.

Representative **PELLETIER-SIMPSON** of Auburn moved that **House Amendment "C" (H-84)** to be **INDEFINITELY POSTPONED**.

Representative **BRYANT-DESCHENES** of Turner **REQUESTED** a roll call on the motion to **INDEFINITELY POSTPONE House Amendment "C" (H-84)**.

More than one-fifth of the members present expressed a desire for a roll call which was ordered.

The **SPEAKER**: The Chair recognizes the Representative from Scarborough, Representative Curley.

Representative **CURLEY**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. I rise in opposition to indefinite postponement although most of the people in my district have asked that we bring this back out for referendum. Those that are both opposed and those that are in favor wanted to make sure that everyone in Maine supported their position, because if we don't allow this to go back to the voters I think it dilutes the passage of this legislation. All the people who are opposed to it can say, well there goes the legislature again; they are taking our voice away from us. Not everyone agrees with that, but I think the voters know best.

I can't think of anyone in this room that thinks that we didn't win our race or that our constituents didn't want us here. They voted for us, let us let this body decide if this can go back out to the voters. If it fails so be it, but we should have a choice to vote on that. Please vote no on indefinite postponement.

The **SPEAKER**: The Chair recognizes the Representative from Auburn, Representative Pelletier-Simpson.

Representative **PELLETIER-SIMPSON** Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. It sounds like a simple idea. Send it out to the voters. We have a history of a failed idea on our desks.

If we look back in history at this great country, from where we started to where we are today, some things take time. I learned an interesting thing, going back to the public hearing last week. The civil rights act passed in 1964. In 1968, the United States Supreme Court upheld that interracial marriage was okay. Seventy percent of Americans disagreed. It takes time; time for people's ideas and thoughts around things to change. In 1991 my child was born. He's bi-racial, African American; you can call him all kinds of things. That was the year that the first poll showed that Americans felt interracial marriage was alright. Lets not sit back and send out to the voters a group that we know is discriminated against; that there rights are up to the majority to decide. In fifth grade civics we learn we live in a country where majority rules but with minority rights. I held that always in my heart. "We hold these truths to be self evident, that all men are created equal, they are endowed by their creator with certain

inalienable rights, that among these are life, liberty and the pursuit of happiness."

We continue to allow discrimination in housing, employment. If you can't get a job how do you pursue life - you can't pay your bills, you can't eat, you can't get housing?

I understand the idea to send this to the voters but the voters sent us here to govern. Let's do that. Thank you.

The **SPEAKER**: The Chair recognizes the Representative from Hampden, Representative Duprey.

Representative **DUPREY**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. I will be brief because I have already spoken. I just wanted to say a couple of things. You know, I could live with the process. When you play sports you play by a set of rules. If you loose the game, you lose the game with your head up, you played by the rules; you didn't cheat. I could live with people that do not want to send this out to referendum. That's perfectly okay. Everybody has their point of view, but to purposefully try to hinder others from wanting to send this out to referendum, by speeding up the process so we can get this bill done sooner, just to keep other people from doing what you don't want to do is wrong.

When a work session is scheduled for mid-April and you push it up just to try to hurt somebody else's efforts to get on the ballot and disenfranchise 51,000 people, that's changing the rules.

The signatures will be gathered even if I have to help bankroll it myself because I think its right and I think it will make people more determined than ever. I think its going to hurt the cause because, you know what, in the middle of the night, 8:30 at night, when people are starting to get ready for bed, its Augusta again saying, "You know what, were going to do whatever the heck we want down here, we don't have to listen to you."

The **SPEAKER**: The Chair recognizes the Representative from Bangor, Representative Faircloth.

Representative **FAIRCLOTH**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. The House Chair of the Judiciary Committee has conducted her leadership role on that Committee with excellence and we followed every appropriate step in the process. At the public hearing, the work session was announced for the next day as is entirely appropriate under the rules. We are elected in a democratic republic to represent and be the voice of the people who elected us. I am eager to be that voice. This is a historic night where a Chief Executive's bill was passed by overwhelming margins in both chambers. I am pleased with that and I am pleased to go back to the voters of my district and explain my position based on a considered judgment of the issues and the protection of minority rights. That's the issue. If there is another safety valve on the constitution and the people choose to bring a peoples veto that is perfectly available to people and that may proceed without the necessity of this amendment. Thank you.

The **SPEAKER**: The Chair recognizes the Representative from Hodgdon, Representative Sherman.

Representative **SHERMAN**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. We are speaking to the arrogance of power. If you add up the numbers of people that voted for the Republicans sitting in here and add up the number of people that voted for the Democrats sitting here the number of recounts that we have seems to me that neither side has a mandate of any sort. We haven't adjusted to that yet. The votes, two or three votes, and all of a sudden we have a winning side. I don't think we have a mandate from the people at all. The other day we were given *Budget Backer Sticks to Core Beliefs*, from Senator Brennan and Representative Glenn Cummings and they talked about people who have their core beliefs. I don't see how we can say by one or two votes that we understand the

nature of this issue, that the people out there should have a chance to vote, and probably all of them -we have a minority of people voting in this state. Some people win by 10 votes, 15 votes and they come down here as though they had 100% of the votes. It is a sad story in the middle of the night, which we are doing this; that we claim to have a mandate and say lets override the will of the people. We have something in the Constitution of this state that allows people to gather signatures and put things on the ballot, which we did. It was done last year and then we changed the rules around the education funding. We have changed the rules around special session. How much more do we need to do before we truly become a laughing stock of this state? Thank you.

The SPEAKER: The Chair recognizes the Representative from Portland, Representative Dudley.

Representative DUDLEY: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. I was reminded in the course of this debate, the debate on this amendment of words I read years ago in school. I have been looking for them on the Internet and I think I have found them.

Published under the name Publius, and I'm reading from it:

"Justice is the end of government. It is the end of civil society. [By the end meaning the goal.] It ever has been and ever will be pursued until it be obtained or until liberty be lost in the pursuit. In a society under the forms of which the stronger faction can readily unite and oppress the weaker, anarchy may truly be said to rain as in a state of nature. Where the weaker individual is not secured against the violence of the stronger and, as in the latter state, even the stronger individuals are prompted by the uncertainty of their condition to submit to a government which may protect the weak as well as themselves. So, in the former state will the more powerful factions or parties be gradually induced by a like motive to wish for a government which will protect all parties, the weaker as well as the more powerful."

Publius is also known as James Madison and he published this in federalist paper #51.

The SPEAKER: A roll call has been ordered. The pending question before the House is Indefinite Postponement of House Amendment "C" (H-84). All those in favor will vote yes, those opposed will vote no.

**ROLL CALL NO. 40**

YEA - Adams, Ash, Babbidge, Barstow, Beaudette, Blanchard, Blanchette, Bliss, Brannigan, Brautigam, Brown R, Bryant, Burns, Cain, Canavan, Craven, Crosby, Cummings, Davis K, Driscoll, Duchesne, Dudley, Dugay, Dunn, Duplessie, Eberle, Eder, Faircloth, Farrington, Finch, Fischer, Fisher, Gerzofsky, Goldman, Grose, Harlow, Hogan, Hutton, Jackson, Jennings, Koffman, Lerman, Makas, Marley, Mazurek, Merrill, Miller, Mills, Moody, Muse, Norton, O'Brien, Paradis, Patrick, Pelletier-Simpson, Percy, Perry, Pilon, Pineau, Pingree, Piotti, Rines, Rosen, Sampson, Saviello, Schatz, Smith N, Smith W, Thompson, Valentino, Walcott, Watson, Webster, Wheeler, Woodbury, Mr. Speaker.

NAY - Annis, Austin, Berube, Bierman, Bishop, Bowen, Bowles, Browne W, Bryant-Deschenes, Campbell, Carr, Cebra, Churchill, Clark, Clough, Collins, Cressey, Crosthwaite, Curley, Curtis, Daigle, Davis G, Duprey, Edgecomb, Emery, Fitts, Fletcher, Flood, Glynn, Greeley, Hall, Hamper, Hanley B, Hanley S, Hotham, Jacobsen, Jodrey, Joy, Kaelin, Lansley, Lewin, Lindell, Lundeen, Marean, McCormick, McFadden, McKane, McKenney, McLeod, Millett, Moore G, Moulton, Nass, Nutting, Ott, Pinkham, Plummer, Rector, Richardson D, Richardson E, Richardson M, Richardson W, Robinson, Seavey,

Sherman, Shields, Stedman, Sykes, Tardy, Thomas, Trahan, Tuttle, Twomey, Vaughan.

ABSENT - Marraché.

Yes, 76; No, 74; Absent, 1; Excused, 0.

76 having voted in the affirmative and 74 voted in the negative, with 1 being absent, and accordingly **House Amendment "C" (H-84) was INDEFINITELY POSTPONED.**

Representative SHERMAN of Hodgdon **PRESENTED House Amendment "B" (H-83)** which was **READ** by the Clerk.

The same Representative **REQUESTED** a roll call on the motion to **ADOPT House Amendment "B" (H-83).**

More than one-fifth of the members present expressed a desire for a roll call which was ordered.

The SPEAKER: The Chair recognizes the Representative from Hodgdon, Representative Sherman.

Representative SHERMAN: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. After getting up and saying we didn't have time to work this bill I would be a hypocrite if I didn't offer some amendments to it. I do this with some trepidation because as this bill gets closer to palatability it may change some votes. We had that in the 121st, but if you simply look at this amendment it does two things. In one case at the top part it takes out the word bona fide, which appeared before the religious institutions that I mentioned to you before. The analyst said she didn't know what that meant and how you would define what is a bona fide religious association or institution.

The second piece, A, underlined allegation of discrimination based on sexual orientation because we have more than one orientation there – heterosexual, bisexual, homosexual etc. It becomes a question of how you go to court or how you go before the Maine Human Rights Commission and allege that if there were only one person there you wouldn't have to do this I believe, as I understand. It simply says the person who files a complaint alleging that the person had been subject to unlawful discrimination based on sexual orientation must specifically plead and prove the nature of that person's sexual orientation. I believe if it wasn't written the way it was you wouldn't have to clean this up. Thank you very much.

The SPEAKER: The Chair recognizes the Representative from Auburn, Representative Pelletier-Simpson.

Representative PELLETIER-SIMPSON Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. I respectfully disagree with my colleague. This language that he wants to add in - allegation of discrimination based on sexual orientation - the person alleging the complaint must prove the nature of the persons sexual orientation. This would do nothing to help the student who was harassed and discriminated against in her school based on people's perceptions of her. We heard testimony from many people who were discriminated against not on their sexual orientation but on their appearance. It defeats the purpose of the bill. I hope that people would join me in voting against this and I further ask for a roll call.

Representative PELLETIER-SIMPSON of Auburn moved that **House Amendment "B" (H-83) be INDEFINITELY POSTPONED.**

Representative PELLETIER-SIMPSON of Auburn **REQUESTED** a roll call on the motion to **INDEFINITELY POSTPONE House Amendment "B" (H-83).**

More than one-fifth of the members present expressed a desire for a roll call which was ordered.

The SPEAKER: A roll call has been ordered. The pending question before the House is Indefinite Postponement of House Amendment "B" (H-83). All those in favor will vote yes, those opposed will vote no.



**ROLL CALL NO. 41**

YEA - Adams, Ash, Babbidge, Barstow, Beaudette, Blanchard, Blanchette, Bliss, Brannigan, Brautigam, Bryant, Burns, Cain, Canavan, Craven, Crosby, Cummings, Davis K, Driscoll, Duchesne, Dudley, Dugay, Dunn, Duplessie, Eberle, Eder, Faircloth, Farrington, Finch, Fischer, Fisher, Flood, Gerzofsky, Goldman, Greeley, Grose, Hanley S, Harlow, Hogan, Hotham, Hutton, Jackson, Jennings, Koffman, Lerman, Makas, Marley, Mazurek, Merrill, Miller, Mills, Moody, Muse, Norton, O'Brien, Paradis, Patrick, Pelletier-Simpson, Percy, Perry, Pilon, Pineau, Pingree, Piotti, Rines, Rosen, Sampson, Saviello, Schatz, Smith N, Smith W, Thompson, Tuttle, Twomey, Valentino, Walcott, Watson, Webster, Wheeler, Woodbury, Mr. Speaker.

NAY - Annis, Austin, Berube, Bierman, Bishop, Bowen, Bowles, Brown R, Browne W, Bryant-Deschenes, Campbell, Cebra, Churchill, Clark, Clough, Collins, Cressey, Crosthwaite, Curley, Curtis, Daigle, Davis G, Duprey, Edgecomb, Emery, Fitts, Fletcher, Glynn, Hall, Hamper, Hanley B, Jacobsen, Jodrey, Joy, Kaelin, Lansley, Lewin, Lindell, Lundeen, Marean, McCormick, McFadden, McKane, McKenney, McLeod, Millett, Moore G, Moulton, Nass, Nutting, Ott, Pinkham, Plummer, Rector, Richardson D, Richardson E, Richardson M, Richardson W, Robinson, Seavey, Sherman, Shields, Stedman, Sykes, Tardy, Thomas, Trahan, Vaughan.

ABSENT - Carr, Marraché.

Yes, 81; No, 68; Absent, 2; Excused, 0.

81 having voted in the affirmative and 68 voted in the negative, with 2 being absent, and accordingly **House Amendment "B" (H-83)** was **INDEFINITELY POSTPONED**.

Representative DUPREY of Hampden **PRESENTED House Amendment "E" (H-86)** which was **READ** by the Clerk.

Representative PELLETIER-SIMPSON of Auburn moved that **House Amendment "E" (H-86)** be **INDEFINITELY POSTPONED**.

The SPEAKER: The Chair recognizes the Representative from Hampden, Representative Duprey.

Representative DUPREY Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. I just want to try and speed up the process. I respectfully request and urge you to vote against the indefinite postponement. I'll tell you the reason I put this amendment in. I wasn't going to put any amendments in if the referendum piece passed but it didn't and now I'm going to try and fix this thing a little bit so we can pass a little bit better of a bill.

Anyway, a constituent came to me when we were debating this and said, "This gender identity or expression thing, does that mean that somebody who is wearing a dress can now use a women's locker room or women's bathroom, just because they are dressed like a woman even though they are a man?" I said I had no idea and that I doubted it but the more I did research the more I found out that gender identity expression means you can't discriminate to transgendered people, which also means that under the provisions of the bill for accommodations you have to accommodate in that piece. So, this means that while most cross dressers are heterosexual they can now, when this bill passes, go to Gold's Gym, walk through that locker room, put a dress and some lipstick on and have a peepshow. I have a problem with that. This also means that a pedophile could put a dress on, and lipstick and go to an elementary school's girl's bathroom and do the same thing. I have a big problem with that.

Other state's supreme courts have ruled that transgendered people can use bathrooms of the opposite sex? What's to stop this Supreme Court from doing the same thing - although I don't think it is necessary, its written right into the bill "gender identity

or expression" – since only four other states have that in their sexual orientation piece. None of those states that the supreme courts have ruled in have that. So, I'm very concerned. I would like this amendment in there to make sure that when you go to the bathroom you are going to the bathroom with people of your gender.

This bill also has a provision in there to protect transgendered people. It says that after your sex change is complete then they would be allowed to use the bathroom of the opposite gender. So it actually gives them a provision to protect them, legally, if they try to use it after a sex change and they are denied. It gives them protections. I hope you will support this amendment. I do not want to see anybody other than men in my bathroom. Thank you Mr. Speaker.

Representative CLOUGH of Scarborough **REQUESTED** a roll call on the motion to **INDEFINITELY POSTPONE House Amendment "E" (H-86)**.

More than one-fifth of the members present expressed a desire for a roll call which was ordered.

The SPEAKER: A roll call has been ordered. The pending question before the House is Indefinite Postponement of House Amendment "E" (H-86). All those in favor will vote yes, those opposed will vote no.

**ROLL CALL NO. 42**

YEA - Adams, Ash, Babbidge, Barstow, Beaudette, Blanchard, Blanchette, Bliss, Bowen, Brannigan, Brautigam, Bryant, Burns, Cain, Canavan, Craven, Crosby, Cummings, Davis K, Driscoll, Duchesne, Dudley, Dugay, Dunn, Duplessie, Eberle, Eder, Faircloth, Farrington, Finch, Fischer, Fisher, Flood, Gerzofsky, Goldman, Grose, Hanley S, Harlow, Hogan, Hotham, Hutton, Jackson, Jennings, Koffman, Lerman, Makas, Marley, Mazurek, McKenney, Merrill, Miller, Mills, Moody, Muse, Norton, O'Brien, Paradis, Patrick, Pelletier-Simpson, Percy, Perry, Pilon, Pineau, Pingree, Piotti, Rector, Rines, Rosen, Sampson, Saviello, Schatz, Smith N, Smith W, Thompson, Tuttle, Twomey, Valentino, Walcott, Watson, Webster, Wheeler, Woodbury, Mr. Speaker.

NAY - Annis, Austin, Berube, Bierman, Bishop, Bowles, Brown R, Browne W, Bryant-Deschenes, Campbell, Carr, Cebra, Churchill, Clark, Clough, Collins, Cressey, Crosthwaite, Curley, Curtis, Daigle, Davis G, Duprey, Edgecomb, Emery, Fitts, Fletcher, Glynn, Greeley, Hall, Hamper, Hanley B, Jacobsen, Jodrey, Joy, Kaelin, Lansley, Lewin, Lindell, Lundeen, Marean, McCormick, McFadden, McKane, McLeod, Millett, Moore G, Moulton, Nass, Nutting, Ott, Pinkham, Plummer, Richardson D, Richardson E, Richardson M, Richardson W, Robinson, Seavey, Sherman, Shields, Stedman, Sykes, Tardy, Thomas, Trahan, Vaughan.

ABSENT - Marraché.

Yes, 83; No, 67; Absent, 1; Excused, 0.

83 having voted in the affirmative and 67 voted in the negative, with 1 being absent, and accordingly **House Amendment "E" (H-86)** was **INDEFINITELY POSTPONED**.

Representative DUPREY of Hampden **PRESENTED House Amendment "F" (H-87)** which was **READ** by the Clerk.

Representative PELLETIER-SIMPSON of Auburn moved that **House Amendment "F" (H-87)** be **INDEFINITELY POSTPONED**.

The SPEAKER: The Chair recognizes the Representative from Hampden, Representative Duprey.

Representative DUPREY Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. To the Chair of the Judiciary, thank you for taking the time to read my amendment

before you killed it. Since we don't care who is in our bathroom I am going to try and dress this bill up a little better.

When were in the public hearing someone said, "what if I have an auto mechanic's business and one of my employees shows up wearing a skirt and lipstick? Do I have any recourse? The answer was, not if this bill passes.

As an employer I have a dress code in my business. I am concerned now with the passage of this bill. Dress codes will get thrown out the window now because this will supersede that. Well I try to address that in this amendment. This says that you can have a male dress code and a female dress code, just like the Legislature has. We have our own male and female dress code. But it also has a provision to protect the transgendered people. It says that after your sex change is complete you will be protected to wear the opposite genders clothing.

I think an employer has a right to tell his males they can wear a certain uniform and I think he has a right to tell females they can wear a certain uniform. Since businesses deal with the public I think employers rights should supercede in this case. It's common sense. Mr. Speaker I respectfully request a roll call.

Representative DUPREY of Hampden **REQUESTED** a roll call on the motion to **INDEFINITELY POSTPONE House Amendment "F" (H-87)**.

More than one-fifth of the members present expressed a desire for a roll call which was ordered.

The SPEAKER: The Chair recognizes the Representative from Bangor, Representative Faircloth.

Representative **FAIRCLOTH**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. Just to clarify legislative intent issues so that there is no doubt, because I think this amendment might muddy the waters, I just want to make clear as with other outlandish examples. Pedophilia is illegal in Maine and remains so and is totally unrelated to this legislation. Similarly, numerous states have passed similar language in their states and nothing in what we have passed would effect the ability of an employer to require an employee to adhere to reasonable workplace grooming and dress standards. That's the legislative intent. That's the legislative intent that has been upheld in other states. Thank you.

The SPEAKER: A roll call has been ordered. The pending question before the House is Indefinite Postponement of House Amendment "F" (H-87). All those in favor will vote yes, those opposed will vote no.

#### ROLL CALL NO. 43

YEA - Adams, Ash, Babbidge, Barstow, Beaudette, Blanchard, Blanchette, Bliss, Bowen, Brannigan, Brautigam, Brown R, Bryant, Burns, Cain, Canavan, Carr, Craven, Crosby, Cummings, Curley, Daigle, Davis G, Davis K, Driscoll, Duchesne, Dudley, Dugay, Dunn, Duplessie, Eberle, Eder, Faircloth, Farrington, Finch, Fischer, Fisher, Flood, Gerzofsky, Glynn, Goldman, Greeley, Grose, Hanley S, Harlow, Hogan, Hotham, Hutton, Jackson, Jennings, Koffman, Lerman, Makas, Marley, Mazurek, McCormick, McKenney, Merrill, Miller, Mills, Moody, Muse, Nass, Norton, O'Brien, Paradis, Patrick, Pelletier-Simpson, Percy, Perry, Pilon, Pineau, Pingree, Piotti, Rector, Richardson W, Rines, Rosen, Sampson, Saviello, Schatz, Sherman, Smith N, Smith W, Tardy, Thompson, Tuttle, Twomey, Valentino, Walcott, Watson, Webster, Wheeler, Woodbury, Mr. Speaker.

NAY - Annis, Austin, Berube, Bierman, Bishop, Bowles, Browne W, Bryant-Deschenes, Campbell, Cebra, Churchill, Clark, Clough, Collins, Cressey, Crosthwaite, Curtis, Duprey, Edgecomb, Emery, Fitts, Fletcher, Hall, Hamper, Hanley B, Jacobsen, Jodrey, Joy, Kaelin, Lansley, Lewin, Lindell, Lundeen, Marean, McFadden, McKane, McLeod, Millett, Moore G, Moulton,

Nutting, Ott, Pinkham, Plummer, Richardson D, Richardson E, Richardson M, Robinson, Seavey, Shields, Stedman, Sykes, Thomas, Trahan, Vaughan.

ABSENT - Marraché.

Yes, 95; No, 55; Absent, 1; Excused, 0.

95 having voted in the affirmative and 55 voted in the negative, with 1 being absent, and accordingly **House Amendment "F" (H-87) was INDEFINITELY POSTPONED.**

Representative FISCHER of Presque Isle **PRESENTED House Amendment "I" (H-92) which was READ by the Clerk.**

The SPEAKER: The Chair recognizes the Representative from Presque Isle, Representative Fischer.

Representative **FISCHER**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. I would first just like to compliment both the Representative from Auburn and the Representative from Hampden on their very professional manner tonight in this debate. It is definitely a contentious issue and it's one that many of us part ways on, but I do wish to say on the record how much I do respect the professionalism with which both sides have treated each other during this debate. Men and women of the House, this amendment that I offer right now is a simple clarification and it says that a vote for this bill or against this bill is neither a vote in support of changes to Maine's marriage laws and their definitions nor is it a vote in opposition to changing Maine's definition of marriage. The actual statute that I have and the language that you have before you in fact comes from the New York statute so it is one that has been on the books for many years and I would like to let members know that advocates on both sides of this issue have been consulted about this amendment and the last time I checked I believe they were all in support of it. So, I ask you to vote for this amendment and I appreciate your support. Thank you.

Subsequently, **House Amendment "I" (H-92) was ADOPTED.**

Representative DUPREY of Hampden **PRESENTED House Amendment "G" (H-88) which was READ by the Clerk.**

Representative PELLETIER-SIMPSON of Auburn moved that **House Amendment "G" (H-88) be INDEFINITELY POSTPONED.**

The SPEAKER: The Chair recognizes the Representative from Hampden, Representative Duprey.

Representative **DUPREY**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. I was hoping that would go under the hammer. Guess I'm in the wrong party, I'm sorry. Basically what I'm trying to do here, you know what, for the record, tonight is the first night - I've been here five years - that I have ever presented a floor amendment. I figured I could make up for five years tonight. What I'm trying to do here is create a gay rights bill, plain and simple. Sexual orientation means a person's actual or perceived homosexuality. I'm going to turn this into a gay rights bill. If that's what we want to pass, a gay rights bill lets make it a gay rights bill. Let's not give me civil rights protections under sexual orientation, I don't need them, nor do I want them. I think if your going to vote for a gay rights bill lets make this a gay rights bill. This is what this amendment does.

Let's put them in a protected class. Let's put them with the other people that need protection. Let's not say every Mainer, all 1.2 million of them, you're covered under this bill because that is exactly what is going to happen when this bill passes. There is not one person in Maine that cannot claim discrimination based

on sexual orientation no matter what they are. Gay, straight, in between somewhere, whatever, it doesn't matter. Let's turn this into a gay rights bill if that's what we want to do here. I do not need protection as a straight person. Mr. Speaker, I ask for a roll call.

Representative DUPREY of Hampden **REQUESTED** a roll call on the motion to **INDEFINITELY POSTPONE House Amendment "G" (H-88)**.

More than one-fifth of the members present expressed a desire for a roll call which was ordered.

The **SPEAKER**: A roll call has been ordered. The pending question before the House is Indefinite Postponement of House Amendment "G" (H-88). All those in favor will vote yes, those opposed will vote no.

**ROLL CALL NO. 44**

**YEA** - Adams, Ash, Babbidge, Barstow, Beaudette, Blanchard, Blanchette, Bliss, Bowen, Brannigan, Brautigam, Brown R, Browne W, Bryant, Burns, Cain, Canavan, Carr, Craven, Cressey, Crosby, Cummings, Daigle, Davis G, Davis K, Driscoll, Duchesne, Dudley, Dugay, Dunn, Duplessie, Eberle, Eder, Faircloth, Farrington, Finch, Fischer, Fisher, Flood, Gerzofsky, Glynn, Goldman, Greeley, Grose, Hanley S, Harlow, Hogan, Hotham, Hutton, Jackson, Jacobsen, Jennings, Kaelin, Koffman, Lerman, Makas, Marean, Marley, Mazurek, McCormick, McKenney, Merrill, Miller, Mills, Moody, Moore G, Muse, Nass, Norton, O'Brien, Paradis, Patrick, Pelletier-Simpson, Percy, Perry, Pilon, Pineau, Pingree, Piotti, Plummer, Rector, Rines, Rosen, Sampson, Saviello, Schatz, Smith N, Smith W, Thompson, Tuttle, Twomey, Valentino, Walcott, Watson, Webster, Wheeler, Woodbury, Mr. Speaker.

**NAY** - Annis, Austin, Berube, Bierman, Bishop, Bowles, Bryant-Deschenes, Campbell, Cebra, Churchill, Clark, Clough, Collins, Crosthwaite, Curley, Curtis, Duprey, Edgecomb, Fitts, Fletcher, Hall, Hamper, Hanley B, Jodrey, Joy, Lansley, Lewin, Lindell, Lundeen, McFadden, McKane, McLeod, Millett, Moulton, Nutting, Ott, Pinkham, Richardson D, Richardson E, Richardson M, Richardson W, Robinson, Seavey, Sherman, Shields, Stedman, Sykes, Tardy, Thomas, Trahan, Vaughan.

**ABSENT** - Emery, Marraché.

Yes, 98; No, 51; Absent, 2; Excused, 0.

98 having voted in the affirmative and 51 voted in the negative, with 2 being absent, and accordingly **House Amendment "G" (H-88)** was **INDEFINITELY POSTPONED**.

Representative DUPREY of Hampden **PRESENTED House Amendment "H" (H-89)** which was **READ** by the Clerk.

The **SPEAKER**: The Chair recognizes the Representative from Hampden, Representative Duprey.

Representative **DUPREY**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. I know some people are upset with me for putting in an amendment after amendment and I am sorry about that and I know I have lost people along the way and I know I am going to loose more, but you know what, since in my opinion we are disenfranchising people by not sending it out to them, I am not going to disenfranchise myself. I am going to be able to use the process that this body allows me to use to try to make a bill better before we pass it.

I may upset some people and I apologize. I have done it before and I will probably do it again. It's not my intention to extremely belabor this bill. I would have rather done this in the light of day when the people are awake, but anyway, I'm really concerned with passing this bill with the amount of litigation that is going to be coming in as a result of this. The lawyers are going to be rich tonight because there are going to be a lot of lawsuits! All you have to do is fire anybody and they are going to find a reason, straight or gay, to sue that employer. As an employer

that employs over forty people, which is a pretty big company for Maine, I'm concerned because I don't care if a person is gay. If I fire them they are going to turn around say, "Well you fired me because I was gay." I didn't know you were straight! I don't really care! But it doesn't matter because we could sue for any reason whatsoever in this state.

Well, in this amendment it says that if you bring a lawsuit against an employer for discrimination and you loose, you should have to pay the employer back his cost for defending the lawsuit. Flip it around the other way. If an employer looses he deserves to have to pay the litigation costs of the person discriminated against and this covers that as well. Looser pays. This may make people think twice before you bring a frivolous lawsuit against an employer that has to pass that cost on to hard working Maine women and men. Mr. Speaker, I request a roll call.

Representative DUPREY of Hamden **REQUESTED** a roll call on the motion to **ADOPT House Amendment "H" (H-89)**.

Subsequently, the same Representative **WITHDREW** his motion for a roll call.

The **SPEAKER**: The Chair recognizes the Representative from Auburn, Representative Pelletier-Simpson.

Representative **PELLETIER-SIMPSON**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. I would like to pose a question through the Chair to anyone who can answer.

The **SPEAKER**: The Representative may pose her question.

Representative **PELLETIER-SIMPSON**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. Would this amendment apply to people who bring a claim of unlawful discrimination based on race, religion or gender? Thank you.

The **SPEAKER**: The Representative from Auburn, Representative Pelletier-Simpson has posed a question through the Chair to anyone who may care to respond.

Representative **PELLETIER-SIMPSON** of Auburn moved that **House Amendment "H" (H-89)** be **INDEFINITELY POSTPONED**.

The **SPEAKER**: The Chair recognizes the Representative from Farmington, Representative Mills.

Representative **MILLS**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. I'd answer in the affirmative. This draft amendment would apply to all allegations of discrimination. It also would not, unfortunately, accomplish the purposes that its sponsor, Representative Duprey, has asserted that it would accomplish because it would allow, it would in fact order, award of attorney's fees against a claimant in a prelitigation proceeding. That is a proceeding brought before the Human Rights Commission. It would therefore essentially encourage a person who looses at the Human Rights Commission level to file suit in fact, in order to avoid being assessed attorney's fees. It would encourage frivolous litigation, not discourage it.

The Chair ordered a division on the motion to **INDEFINITLY POSTPONE House Amendment "H" (H-89)**.

A vote of the House was taken. 101 voted in favor of the same and 45 against, and accordingly **House Amendment "H" (H-89)** was **INDEFINITELY POSTPONED**.

Representative DUPREY of Hampden **PRESENTED House Amendment "J" (H-94)** which was **READ** by the Clerk.

The SPEAKER: The Chair recognizes the Representative from Hampden, Representative Duprey.

Representative DUPREY: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. I can admit when I have been whipped and it's been a fair fight tonight and I appreciate your allowing me to fight and when I go to bed tonight I'll lay on my pillow and felt like I felt a good fight and I can accept defeat. As long as the game is fair and tonight this process is fair. All the process stuff I disagree with, but tonight this is fair and I thank you for your indulgence, but I have just one final amendment that I would really like people to consider.

I'm in the childcare business. I own many childcares and there are a lot of businesses out there that are religious in nature that may not necessarily be a nonprofit. There are some Christian daycares out there. There are some Buddhist daycares out there, some Montessori schools. There are some Catholic daycares that are operated by people out of their own homes. This bill does not give them any exemptions and I have a problem with the legislature imposing their will on somebody's religious beliefs. I don't do that. I would never fire somebody for being gay and I don't think anybody else would, but there is a religious exemption in the bill and everybody is okay with that, but they are only okay with nonprofits.

There are some good for profit companies out there that run religious type organizations and they do not get that exemption. Just because a daycare may get funds from the state through the Aspire Program or through a voucher that means they would not have an exemption. I would like them to have that exemption, just to make things fair, to protect and not, you know...I guess what I'm saying is if we give the exemption to the nonprofits what's the difference with giving it to the for profits if they are doing the same exact thing. This will be my last one. I admit I have been whipped. Thank you for letting me kill an hour of your life.

Representative PELLETIER-SIMPSON of Auburn moved that House Amendment "J" (H-94) be INDEFINITELY POSTPONED.

The SPEAKER: The Chair recognizes the Representative from Hodgdon, Representative Sherman.

Representative SHERMAN: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. These last few amendments would have been nice to have before Judiciary and worked them through. Thank you very much.

Representative DUPREY of Hampden REQUESTED a roll call on the motion to INDEFINITELY POSTPONE House Amendment "J" (H-94).

More than one-fifth of the members present expressed a desire for a roll call which was ordered.

The SPEAKER: A roll call has been ordered. The pending question before the House is Indefinite Postponement of House Amendment "J" (H-94). All those in favor will vote yes, those opposed will vote no.

#### ROLL CALL NO. 45

YEA - Adams, Ash, Babbidge, Barstow, Beaudette, Blanchard, Blanchette, Bliss, Bowen, Brannigan, Brautigam, Bryant, Burns, Cain, Canavan, Carr, Craven, Crosby, Cummings, Driscoll, Duchesne, Dudley, Dugay, Dunn, Duplessie, Eberle, Eder, Faircloth, Farrington, Finch, Fischer, Fisher, Flood, Gerzofsky, Goldman, Grose, Hanley S, Harlow, Hogan, Hutton, Jackson, Jennings, Koffman, Lerman, Makas, Marley, Marraché, Mazurek, McKenney, Merrill, Miller, Mills, Moody, Moore G, Muse, Norton, O'Brien, Paradis, Patrick, Pelletier-Simpson, Percy, Perry, Pilon, Pineau, Pingree, Piotti, Rines, Sampson, Saviello, Schatz, Smith N, Smith W, Thompson, Tuttle, Twomey,

Valentino, Walcott, Watson, Webster, Wheeler, Woodbury, Mr. Speaker.

NAY - Annis, Austin, Berube, Bierman, Bishop, Bowles, Brown R, Browne W, Bryant-Deschenes, Campbell, Cebra, Churchill, Clark, Clough, Collins, Cressey, Crosthwaite, Curley, Curtis, Daigle, Davis G, Davis K, Duprey, Edgecomb, Emery, Fitts, Fletcher, Glynn, Greeley, Hall, Hamper, Hanley B, Hotham, Jacobsen, Joy, Kaelin, Lansley, Lewin, Lindell, Lundeen, Marean, McCormick, McFadden, McKane, McLeod, Millett, Moulton, Nass, Nutting, Ott, Pinkham, Plummer, Rector, Richardson D, Richardson E, Richardson M, Richardson W, Robinson, Rosen, Seavey, Sherman, Shields, Stedman, Sykes, Tardy, Thomas, Trahan, Vaughan.

ABSENT - Jodrey.

Yes, 82; No, 68; Absent, 1; Excused, 0.

82 having voted in the affirmative and 68 voted in the negative, with 1 being absent, and accordingly House Amendment "J" (H-94) was INDEFINITELY POSTPONED.

On Motion of Representative DUDLEY of Portland the House RECONSIDERED its action whereby House Amendment "I" (H-92) was ADOPTED.

The same Representative REQUESTED a roll call on the motion to ADOPT House Amendment "I" (H-92).

More than one-fifth of the members present expressed a desire for a roll call which was ordered.

The SPEAKER: A roll call has been ordered. The pending question before the House is Adoption of House Amendment "I" (H-92). All those in favor will vote yes, those opposed will vote no.

#### ROLL CALL NO. 46

YEA - Annis, Ash, Austin, Babbidge, Barstow, Beaudette, Berube, Bierman, Bishop, Blanchard, Blanchette, Bowen, Bowles, Brannigan, Brautigam, Brown R, Browne W, Bryant-Deschenes, Campbell, Canavan, Carr, Cebra, Churchill, Clark, Clough, Collins, Craven, Cressey, Crosby, Curley, Curtis, Daigle, Davis G, Davis K, Driscoll, Duchesne, Dugay, Duplessie, Duprey, Edgecomb, Emery, Finch, Fischer, Fisher, Fitts, Fletcher, Flood, Gerzofsky, Glynn, Goldman, Greeley, Grose, Hall, Hamper, Hanley B, Hanley S, Harlow, Hogan, Hotham, Jacobsen, Jennings, Joy, Kaelin, Lansley, Lewin, Lundeen, Makas, Marean, Marley, Marraché, Mazurek, McCormick, McFadden, McKane, McKenney, McLeod, Merrill, Miller, Millett, Mills, Moody, Moore G, Moulton, Muse, Nass, Nutting, Ott, Paradis, Patrick, Perry, Pilon, Pineau, Pinkham, Piotti, Plummer, Rector, Richardson D, Richardson E, Richardson M, Richardson W, Rines, Robinson, Rosen, Saviello, Schatz, Seavey, Sherman, Shields, Smith N, Smith W, Stedman, Sykes, Tardy, Thomas, Thompson, Trahan, Tuttle, Valentino, Vaughan, Webster, Wheeler, Mr. Speaker.

NAY - Adams, Bliss, Bryant, Burns, Cain, Crosthwaite, Cummings, Dudley, Dunn, Eberle, Eder, Faircloth, Farrington, Hutton, Jackson, Koffman, Lerman, Lindell, Norton, O'Brien, Pelletier-Simpson, Percy, Pingree, Sampson, Twomey, Walcott, Watson, Woodbury.

ABSENT - Jodrey.

Yes, 122; No, 28; Absent, 1; Excused, 0.

122 having voted in the affirmative and 28 voted in the negative, with 1 being absent, and accordingly House Amendment "I" (H-92) was ADOPTED.

Subsequently, the Bill was PASSED TO BE ENGROSSED as Amended by House Amendment "I" (H-92) in NON-CONCURRENCE and sent for concurrence. ORDERED SENT FORTHWITH.