



**Senator Joel Abromson**

3 State House Station

Augusta, ME 04333-0003

(207) 287-1505

25 Fall Lane  
Portland, ME 04103

(207) 773-3990

## Testimony of Senator Joel Abromson

on L.D. 2239 before the

Joint Standing Committee on the Judiciary

February 16, 2000

Senator Longley, Representative Thompson and members of the Joint Standing Committee on the Judiciary: My name is Joel Abromson and I represent part of the City of Portland and the towns of Falmouth and Long Island in the Maine Senate, three communities, I might add, that have ordinances prohibiting discrimination on the basis of sexual orientation.

If President Ronald Reagan were here today, he would undoubtedly look at me and say, "There he goes again" for I am here to introduce LD 2239, An Act to Ensure Civil Rights and Prevent Discrimination. As many members of the Committee may recall, I offered a bill ... LD 1116 ... with a similar sounding name in the 118<sup>th</sup> Legislature. That bill left this committee with an "Ought to Pass" report and did, indeed, pass in both the House and Senate, and was signed by the Governor. Following those actions, a Peoples Veto referendum was held on a cold winter's day and approximately 15% of the eligible voters of the State of Maine overturned the actions of the Legislature and the Governor. So, why am I here again today?

I am here because, following the Peoples veto, nothing has changed in Maine: it is still legal to discriminate against job and mortgage applicants because of their sexual orientation; it is still legal to deny people rental units (or to charge them more) because of their sexual orientation; it is still legal to keep Maine people out of public accommodations based on their sexual orientation .... and that is just not acceptable. It is just not the Maine way.

Permit me to rewind to the 118<sup>th</sup> Legislature: on the morning that my last civil rights bill was to be voted on in the Senate, I had breakfast at the Senator Inn with Father Michael Henschel, then-Chancellor of the Roman Catholic Diocese of Portland (which incorporates all of Maine), and attorney Michael Poulin of Lewiston. They showed me seven proposed amendments to LD 1116 that they hoped I would accept. I declined and the Diocese became officially neutral with respect to the bill.

I am also here because almost two years ago to the day, I attended a legislative luncheon sponsored by the Roman Catholic Diocese of Portland at St. Paul's Retreat Center here in Augusta. At that luncheon Bishop Joseph spoke eloquently

Portland \* Falmouth \* Long Island

Fax (207) 287-1527 \* TTY (207) 287-1583 \* Message Service 1-800-423-6900 \* Web Site: <http://www.state.me.us/legis/senate>

SenJoel.Abromson@state.me.us



about the dignity of the human person. I listened very closely and came away disappointed that he couldn't have gone one more inch and supported LD 1116 rather than remaining neutral.

But you know something? Since we are talking about the Catholic Church, I'll use what little Latin I know to say, *mea culpa*, I am guilty. I am guilty of having wished that Bishop Joseph had gone the one extra inch I had refused travel. And I resolved to see that that did not happen again.

Fast forward now to the First Regular Session of the 119<sup>th</sup> Legislature. I introduced L.D. 2239 and this Committee held it over to consider in this session. During the summer, I called the Diocesan Director of their Office of Public Affairs Marc Mutty and asked him if we could get together to consider if there might be some way that the Diocese could change from being neutral to actually supporting the bill. He not only accepted my offer but invited me and the lobbyist for the Maine Lesbian and Gay Political Alliance, Attorney Susan Farnsworth, and openly gay and Catholic Representative Michael Quint to join him, Father Henschel and Attorney Michael Poulin for lunch at the Chancery.

I want to pause here and take this opportunity to thank Bishop Joseph of the Roman Catholic Diocese of Portland and David Garrity, president of the Maine Lesbian and Gay Political Alliance for their vision and leadership for I am sure that the organization each leads thought that God was preparing a table before them in the presence of their enemy. But both sides learned a lot and gained an understanding of one another at that table. For their willingness to bring their respective organizations together, for their leadership and encouragement and for their enthusiasm for the result, I believe that we all owe them a debt of gratitude.

That lunch began a series of very candid discussions during some 7-8 often long meetings spread over some 4-5 months and culminating in the announcement, on January 4, 2000 that the Diocese, the MLGPA and the bill's sponsor had agreed upon language for a revised LD2239. Following that announcement, other groups and organizations, from the Christian Coalition to the Maine Civil Liberties Union, have offered suggestions. All were carefully considered; some were incorporated into the bill. I am sure that representatives of those organizations and others will testify here today.

So, actually, something has changed: what I offer to you today is a completely revised bill ... and I would request that you substitute the proposed amendment for the original bill.

What is in the amended bill and how does it differ from the bill submitted last session?

- It makes very clear that no "special rights" ... the "special rights" referred to by the proponents of the People Veto ... are conferred on anyone or any group.
- It does not require any affirmative action or require the setting of hiring quotas with respect to sexual orientation.

- It explicitly states that there is no legislative approval of any person or group of persons.
- The term “sexual orientation” excludes from its definition any sexual attraction to a minor by an adult.
- It does not require or prohibit employers from offering “domestic partnership” benefits.
- The bill makes clear that the prohibition against discrimination refers to a person’s sexual *orientation*, and that it *does not endorse any sexual behavior*.
- While the bill exempts religious entities from the prohibition against discrimination based on sexual orientation, it makes clear that this exemption allows the State to require any religious entity with which it contracts to agree not to discriminate based on sexual orientation as a condition of being awarded those contracts.
- It provides for a referendum in November of this year ... during the general election ... thus giving many more Mainers the incentive and the opportunity to vote.

I should point out that none of us take pride of authorship in these provisions for they, and others, were not created out of whole cloth. They exist in the laws and statutes of many other states and even of the Federal government.

There are people here to testify today who can offer even more insight into this bill than I have provided thus far. But I ask the committee to try not to get bogged down in the minutia of this bill but rather to remember that we have a significant proportion of our fellow citizens who do not enjoy all the civil rights many of us ... be we Jewish, Christian or Muslim; healthy or disabled; native born or immigrant, married or single; male or female enjoy. We must join the other five New England states in correcting this inequity. That is why I am here .... again.

Joining me in co-sponsoring this bill and, therefore, urging your support for a unanimous report of “Ought to Pass” are a diverse, bipartisan group, made up of seven Democrats and six Republicans; or ten men and three women; or five Senators and eight Representatives; or the Senate’s President and its Minority Leader and the House’s Speaker and its Majority Leader and nine other legislators. Please join us.

I thank you for your time and attention and would be happy to try to answer any of your questions and I plan to be available for the Work Session.



February 16, 2000

Testimony Before the Judiciary Committee on

LD 2239 an Act to Ensure Civil Rights and Prevent Discrimination

Senator Longley, Representative Thompson, and distinguished members of the Judiciary Committee, my name is David Garrity. I am the President of the Maine Lesbian Gay Political Alliance (MLGPA), a membership organization founded in 1984 in reaction to the murder in Bangor of Charlie Howard, a Maine gay man. The single most important objective of MLGPA has always been to secure for Maine's Lesbian, Gay, Bisexual and Transgendered people the same basic rights to employment, housing, credit and public accommodation as are enjoyed by every other citizen of Maine. I am here again today to ask you send LD 2239 as amended to the legislature with a unanimous recommendation to pass.

This is the twelfth time a bill has been introduced in the legislature to amend the Maine Human Rights Act to include sexual orientation. It has been a long, hard struggle to bring us to the amended bill you have before you today. Over the years each time that another measure has been introduced, we have been able to address more of the questions and concerns that you, your predecessors and the people of Maine have had. And we believe that LD 2239 as amended will finally address ALL of the issues that a reasonable person might have.

It is still true, as Sheriff Mark Dion could tell you, that a good number of violent anti-gay crimes go unreported because the victims fear losing their jobs or apartments if they come forward. That makes it an especially difficult problem for law enforcement to target and reduce.

You have heard from the testimony of Attorney General Ketterer that it is perfectly legal in the State of Maine to fire someone from a job, evict someone from an apartment, turn someone down for a loan or refuse someone service at a lunch counter—just because he or she is, or is perceived to be gay. And although both the U.S. Constitution and the Maine Constitution say we should be treated equally, neither actually grants us these basic rights or protections.

You have heard that this will not create hardship for businesses, landlords or lenders, because all this bill asks is that all Maine people should be judged on their qualifications for a job, an apartment or a loan—not on their sexual orientation. You have heard from workers and professionals that prohibiting discrimination on the basis of sexual orientation creates a fair workplace where employees are evaluated solely on their performance and a positive working environment is available for all. And you have heard the real life stories of Maine women and men who have actually been the victims of discrimination.

But you have heard this all before, and the law that was passed in 1997 to address this problem was repealed by a Citizen's Veto.

The truth is that this bill is needed now more urgently than ever. There have been serious repercussions to the repeal of the civil rights act passed by the 118th Legislature. The outcome of the special election, unfortunately, sent a strong message to some, especially our youth, that gay people are second class citizens and therefore fair game for harassment, vandalism and violence. Since February 1998 we have seen an escalation in all three. We desperately need to pass legislation now to give gay people and those who are perceived to be gay the same basic rights that everyone else has, to correct this dangerous perception that attacks on the gay community are condoned by the public at large.

We set out this time to answer the questions and concerns that have been raised about prior civil rights bills. Even in its original version specific statements were added to make it clear that the bill will not grant "special rights," nor will it convey legislative approval to any person or group of people. A referendum question was incorporated directly in the bill from the beginning. Then we met with representatives of the Roman Catholic Diocese in a series of talks in which we and they sought to understand each other's positions and find common ground. We found that our differences were more about what this bill will not do than what it will.

After months of dedicated effort we were able to reach agreement on a number of changes and clarifications to the original bill, which would permit the Diocese to support it. The amendment introduced by Senator Abromson today represents these negotiated revisions. In the process of addressing the concerns of the Diocese we have removed most of the arguments that have been used by opponents of this measure over the years. Here are the issues newly addressed in the amendment:

Language has been added to the definition of sexual orientation to make it clear that discrimination is prohibited on the basis of sexual orientation -- not on the basis of sexual behavior. This bill has never been about sex, it's about who we are, although opponents have misled people about that for years.

The new definition clearly states that sexual orientation does not include, nor will this bill provide any protections for, sexual attraction between a minor and an adult.

New language makes it clear that the bill will not mandate any educational institution to promote, or to include in its curriculum, any sexuality or sexual orientation.

The amendment also includes statements to clarify that the bill will not establish affirmative action based on sexual orientation, and that employers will be neither required nor prohibited from extending partnership benefits to their employees.

You have heard a great deal about the religious exemption provided in the amended bill. It clearly applies to educational and charitable institutions that are managed by a religious denomination. This section is controversial to some and represents compromise that was not easy for us to accept. To understand this issue, it's important to know that prior bills have long used the phrase "a religious corporation, association or organization is exempt from these provisions."

Some people will argue that under this old definition, a nonprofit charitable corporation like Catholic Charities would not be exempt. We are not convinced that such entities would not be considered "religious corporations." The old definition was fairly broad. The issue for us was not about exempting religious entities, it was about exempting organizations that receive state funds.

To address the issue of state funds, language has been included to make it clear that religious entities will not be exempt from provisions in state contracts that may require them not to discriminate in employment or services on the basis of sexual orientation. While these contract provisions will not offer the same remedies as the Human Rights Act itself, we still accomplish the goal of offering some kind of protection to just about everyone.

Above all we have enlisted the full support of the Diocese. Bishop Joseph has already written to every priest in Maine to affirm that the Church opposes all discrimination based on sexual orientation. And our most important goal is to send a strong message to everyone that discrimination is wrong so that it is prevented—our goal is not simply to provide penalties and punishment for it after the fact.

We believe this bill will provide basic rights to gay people and people who are perceived to be gay, and that as amended it is a measure that most reasonable people will be able to support in its referendum next November. We hope that you will give this bill and its amendment your unanimous and unconditional support.



David J. Garrity  
President

Maine Lesbian Gay Political Alliance



# HOUSE OF REPRESENTATIVES

2 STATE HOUSE STATION  
AUGUSTA, MAINE 04333-0002

(207) 287-1400

TTY: (207) 287-4469

## **Michael V. Saxl**

42 Cushman Street  
Portland, ME 04102

Telephone: (207) 828-8052

Business: (207) 287-1430

Fax: (207) 287-8338

E-Mail: [repmichael.saxl@state.me.us](mailto:repmichael.saxl@state.me.us)

Senator Longley, Representative Thompson, Members of the Joint Standing Committee on Judiciary, my name is Michael Saxl and I represent District 31. I am here today to ask that you take a stand against discrimination and vote to support LD 2239.

One thing is clear as we begin this discussion: discrimination is a reality in Maine. Gay men and lesbians suffer prejudice every day in my community and throughout our state. They are harassed on the street, they are ostracized at work and at school, they are refused access to housing and credit, and sometimes it is much, much worse.

When I was growing up in Bangor, I had two very good friends. One was a young man I played hockey with since the age of six. I was on the left wing and he was on the right. The other was a friend of mine with whom I played baseball. These were guys I saw almost every day. I rode the bus with them, studied with them, and occasionally, got in trouble with them.

One day in high school, the two of them and another friend of theirs went out into the streets of Bangor and they harassed a gay man. Not only did they harass him, but they beat him. Not only did they beat him, but they threw him over a bridge and he died. Charlie Howard was his name. And, on that day Charlie Howard did not deserve to die. These boys threw him

**District 31 Part of Portland**



over that bridge because he was a gay man and because they feared him or they resented him or they just knew that he was different. And, as a gay man, he did not have the same rights as them.

Discrimination is real in the State of Maine. As this debate has gone through the years, I have often heard my colleagues say "I am against discrimination, but . . .". There are no buts today. Discrimination is never right. Nobody should be denied a bank loan solely because of his or her sexual orientation. Just as no one should be denied a bank loan because they are a Catholic or Jew. Nobody should be denied accommodation because of their sexual orientation, nor should they be kicked out of a hotel because they are old. This isn't about quotas. This isn't about special rights. This is about doing the right thing. Martin Luther King said to us that he "had a dream that one day people would be judged by the content of their character and not the color of their skin." That is no less true today for us dealing with LD 2239, our civil rights bill. If Maine is truly the way life should be, then I ask you to join me today in supporting this bill and making history in the State of Maine.

**MAINE=**  
**HUMAN**  
**RIGHTS**  
**COMMISSION**

51 STATE HOUSE STATION  
AUGUSTA, ME 04333-0051  
[www.state.me.us/mhrc](http://www.state.me.us/mhrc)

*Executive Director*  
**PATRICIA E. RYAN**

*Commission Counsel*  
**JOHN E. CARNES**

“To protect the public health, safety and welfare, it is declared to be the policy of this State to keep continually in review all practices infringing on the basic human right to a life with dignity, and the causes of such practices, so that corrective measures may, where possible, be promptly recommended and implemented; and to prevent discrimination in employment, housing, or access to public accommodations...”

[The Maine Human Rights Act]

STATEMENT OF PATRICIA E. RYAN  
EXECUTIVE DIRECTOR  
February 16, 2000

The Maine Human Rights Commission supports LD 2239, *An Act to Ensure Civil Rights and to Prevent Discrimination*, in its proposed amended form, in keeping with its charge to recommend corrective measures where it finds discrimination exists. There is no question that discrimination occurs against a significant population of Maine citizens based only on their sexual orientation by denying the same protections afforded to others in employment, housing, credit and public accommodations.

In Maine it is illegal to fire a person from a job, deny a loan, refuse to serve a meal, or evict a tenant because of a person's race, or their gender, or because of their religion. Are there other state or federal laws that prohibit discrimination because of sexual orientation? There are not. Should a person who happens to be gay be denied a job, or service in a restaurant, or even shelter for no other reason than that person's sexual orientation? They should not. It is not right. And it should not be legal.

I am here today to demonstrate the Commission's strong support for LD 2239. This is a civil rights bill. It makes discrimination unlawful. It gives important protections to citizens of our State for whom a serious problem of discrimination exists.

MAINE MEDICAL ASSOCIATION

Frank O. Stred Building

P.O. BOX 190 MANCHESTER, MAINE 04351 Tel. (207)622-3374 Fax (207)622-3332  
www.mainemed.com

Gordon H. Smith, Esq.  
Executive Vice President  
e-mail gsmith@ctel.net

February 16, 2000

Senator Susan W. Longley, Senate Chair  
Representative Richard H. Thompson, House Chair  
Joint Standing Committee on Judiciary  
State House Room 438  
Augusta, Maine 04333

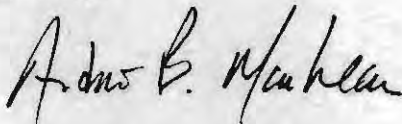
**RE: L.D. 2239, AN ACT TO ENSURE CIVIL RIGHTS & PREVENT  
DISCRIMINATION**

Dear Senator Longley, Representative Thompson, & Members of the Joint Standing Committee on Judiciary:

The *Maine Medical Association*, a professional organization of more than 2000 Maine physicians, supports L.D. 2239's proposed amendments to the *Maine Human Rights Act*. This modest step in the development of the human rights policy of our state will support the dignity of each individual Maine citizen. It is essential to ensure that all Maine citizens, regardless of their sexual orientation, have the fundamental civil rights protections in employment, housing, public accommodations, and credit guaranteed by Maine law. This is an important step. The *Maine Medical Association* will continue to oppose any discrimination based on an individual's sex, sexual orientation, race, religion, disability, ethnic origin, national origin, or age and any other such reprehensible policies.

The *Maine Medical Association* urges your favorable consideration of L.D. 2239.

Sincerely,



Andrew B. MacLean  
General Counsel & Director of Governmental Affairs

cc: Senator Abromson  
House Majority Leader Saxl

Carol R. Peck  
41 Kaler St.  
Winterport, ME 04496  
(207) 223-4733  
2/10/00

To; Senator Susan Longley, Representative Thompson and Members of the Judiciary Committee

Re; Testimony in support of L.D.2239, AN ACT TO ENSURE CIVIL RIGHTS AND TO PREVENT DISCRIMINATION

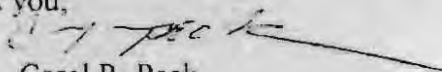
Senator Longley, Represenative Thompson, and members of the Judiciary Committee, my name is Carol R. Peck. I am not able to attend today's hearing but I would like to submit testimony in support of L.D. 2239.

I know first hand about discrimination in Maine because of sexual orientation. I am a lesbian. Nine years ago, my partner and I bought a house together in Winterport. We had a very supportive real estate agent. We were committed to getting the best price we could. It took 3 months of bargaining to get the lowest price on the house possible. Yet, when it came time to apply for a loan we did not question our agent when she told us we should use a specific lender because, "they would be fair to us." We knew that getting a mortgage as a lesbian couple could be problematic and we wanted to avoid hardship.

If we had lived in a state where our rights were protected by the law, we would have research loan rates and we would have felt confident that we made the best decision as consumers. Instead, because we are unprotected by law and vulnerable and because the purchase of the house was very important to us, we took the "safe" route and went with the agent's recommended lender.

I believe that living in an atmosphere that condones discrimination helps foster feelings of self-doubt and vulnerability. My partner and I should be entitled to the same opportunities for credit as others with the identical financial situation and credit history. Why do I have less rights than a person of full citizenship? Please correct this injustice. Please vote for the passage of L.D. 2239

Thank you,

  
Carol R. Peck

## Testimony of Lynn Walkiewicz

My story is very similar [to Carol R. Peck's]. My partner and I bought a house last spring. We applied with the lender recommended by our realtor because he knew that we would be not face discrimination as a lesbian couple.

I can also speak today about job discrimination. I am here alone today for one reason. My partner is a public school teacher, and she is afraid she would loose her job if she were here to testify.

We deserve to have the same rights as every other person in this state. We should be able to shop for mortgages and be treated as couple. We should be able to be ourselves without fear of loosing our jobs. I challenge you to go one day without referring to your heterosexuality in any way -- by referring to your spouse, your children, your weekend plans. If you are able to do that, to constantly watch your speech, to constantly monitor your responses, to not have pictures of your spouse and family on your person or on your desk, you will begin to learn what life as a lesbian, gay, or transgendered person is like. If you add the fear that if that information is uncovered, you will loose your job, your house, your career, you will gain an much better understanding of our lives.

We deserve the same protection as every other person in Maine. Please vote in favor of LD 2239.

**MAINE**  
**S T A T E**  
**CHAMBER**  
*of*  
**COMMERCE**

*The voice of Maine business*

February 16, 2000

Joint Standing Committee on Judiciary  
115 State House Station  
Augusta, Maine 04333-0115

Re: LD 2239 *An Act to Ensure Civil Rights and Prevent Discrimination*

Dear Senator Longley, Representative Thompson and members of the Joint Standing Committee on Judiciary;

Please accept this correspondence as the testimony of the Maine State Chamber of Commerce in favor of LD 2239, *An Act to Ensure Civil Rights and Prevent Discrimination*.

In the strongest terms possible, I urge you to support LD 2239. There is no place in Maine for discrimination. It is unacceptable conduct, which imposes pain, suffering, and humiliation upon those who are its victims. Discrimination does not reflect what Maine is all about, and it most assuredly does not reflect the values of Maine's business community.

Our employees, our coworkers, our customers, and our suppliers are all entitled to know that the business community does not sanction discrimination. They are entitled to know that the dignity of the individual and respect for minority rights are values the business community holds dear.

Over the course of the last several years, our organization's Board of Directors has discussed the matter before you several times. In each instance, our Board has been unanimous in their support for the end to discrimination LD 2239 presents today. I have often heard the comment from business leaders around the state that the provisions of this bill mirror the practices of their own companies. As a result, LD 2239 readily earns the support of business leaders throughout Maine. I cannot conclude my testimony today without expressing my appreciation to Chancellor Caron and others of the Roman Catholic Diocese, as well as the gay and lesbian community, for the hard work-fundamental to the success of reaching agreement on this bill. We hope very much it will also earn the respect and support of this committee as well as the full legislature.

Thank you for the opportunity to share our support for LD 2239. If you have any questions, please let me know.

Very truly yours,



Dana P. Connors  
President  
Maine State Chamber of Commerce

**TESTIMONY OF REPRESENTATIVE MICHAEL QUINT IN SUPPORT OF LD 2239,  
AS AMENDED BY THE SPONSOR**

Senator Longley, Representative Thompson, distinguished members of the Judiciary Committee, I am Representative Michael Quint of District 32 in Portland. I am a co-sponsor of LD 2239 and I strongly urge your support of the amended bill offered today by Sen. Abromson.

Two years ago, I was very grateful to have the opportunity, as an openly gay legislator, to testify in support of the anti-discrimination bill then before you. Today, I am even more pleased and excited to speak in favor of LD 2239, **as amended**, as an openly gay *and a catholic* legislator. Having been born and raised in Houlton, Maine, I know firsthand how much influence the Catholic Church can have on people's perceptions and views, catholic or not, especially in small towns and the more rural areas of this state. The importance of the support of the Catholic Church for this amendment can simply not be overstated. The support of the Diocese is even more significant when one considers that this issue is headed back to Maine voters just 2 years after a people's veto.

Despite the recent election, this issue can NOT wait. Discrimination based on sexual orientation is still alive and well and a growing corrosive force in Maine. The lives of younger gay people, especially, are increasingly full of harassment and threatening experiences. Unfortunately, the repeal vote in 1998 gave public sanction in the minds of some for their anti-gay attitudes and harassment. The increased numbers of anti-gay hate crimes and harassment clearly reflect that. As a result, we know that changing attitudes about discrimination is going to require more than just a change in the law. It will need to be a law change that is well understood and accepted on its merits by mainstream Maine citizens. *This bill as amended can be supported* by the average Mainer. It is fair, and it is clear that it is just about basic rights--NOT special rights. The myths and misinformation spread in the last election have been addressed and clarified right in the bill's text.

The amendment which Senator Abromson presents today came about only after a lot of very difficult, very serious discussions. I was involved in all of those talks. I know that the terms of this amendment reflect much work, a lot of listening and a tremendous increase in mutual understanding and respect on the part of all involved.

The struggle for civil rights is a continuous one, the work is always ongoing. With this amendment, we can capitalize on the hard work done by the Roman Catholic Church and the Maine Lesbian Gay Political Alliance. And if we do that, we will take one large step forward in Maine to advance the cause of human rights. I urge your *unanimous* passage of this historic amendment.



**THE LEE AUTO MALLS**  
CORPORATE HEADQUARTERS  
200 MAIN STREET • WESTBROOK • MAINE 04092  
(207) 856-6685 • FAX (207) 856-1715

**Shepard Lee's Testimony for the Joint Committee of the Judiciary,  
2/16/2000**

I have four children, three married with children and one, my eldest son, who is gay and in a committed relationship. I've known for a quarter of a century that my son was gay and what I've learned is that people don't make a choice to be gay; they discover that they are gay and then they face the challenge of learning to accept themselves and make their way in the world.

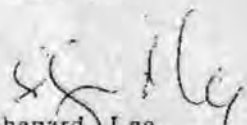
I'm sure it was difficult for my son and I feel badly that he'll miss the experience of having a wife and children. On the other hand, after working in a nursery school in East Harlem he developed a nurturing relationship with a little boy, becoming first his godfather, then his legal guardian, and taking care of this child from the time he was 5 until he graduated high school. Today this young man is about to graduate from USM this May and doing very well.

Having seen this little boy grow up under my son's care, I can say with confidence that anybody who takes the position that gay and lesbian persons cannot bring up healthy children just doesn't know what they're talking about.

If one is left-handed or very short, does that make them a lesser person? The challenge for gay and lesbian people is to deal with the fact that society has for so long been telling them they're no good -- the suicide rate among gay teens is a result.

So the idea of not extending civil rights protections to gay and lesbian people is just unAmerican, it's not what America stands for. It's illogical to deny someone the same rights as everyone else because of their sexual orientation. If people saw and understood the pain that gay and lesbian people go through in accepting themselves, they would understand that no one wakes up and says "Hey, I'll be gay." That's why I urge the Judiciary Committee to do the right thing and report out this civil rights bill and fight with energy for its passage.

Thank you.



Shepard Lee  
CEO, Lee Auto Mall

**AUBURN • WESTBROOK • TOPSHAM**

LEE OLDSMOBILE CADILLAC GMC TRUCK • LEE HONDA • LEE JEEP EAGLE CHRYSLER PLYMOUTH AUBURN  
LEE DODGE • LEE PONTIAC • LEE JEEP EAGLE CHRYSLER PLYMOUTH WESTBROOK  
LEE TOYOTA • LEE NISSAN DODGE • LEE COLLISION REPAIR CENTERS • LEE WHOLESALE PARTS  
LEE REAL ESTATE COMPANY • LEE LEASING • LEE MANAGEMENT COMPANY





## MAINE CIVIL LIBERTIES UNION

February 16, 2000

LD 2239 - An Act to Ensure Civil Rights and Prevent Discrimination

The Maine Civil Liberties Union has a long and unwavering history of supporting legislation to prohibit discrimination on the basis of sexual orientation. Freedom from discrimination for all Maine people is at the heart of the mission of the Maine Civil Liberties Union. For more than 20 years, the MCLU has committed resources to support this legislation through advocacy and education. We are here again today to speak in support of the purpose behind LD 2239, which is to protect all of Maine's citizens from discrimination based on sexual orientation.

Despite our deep desire to support this bill, the MCLU is concerned about the breadth of the religious exemption found in its amended version. Unlike the original bill, in which a more limited religious entity exclusion applied only to the church and its faith-related services, the amended bill's broadly worded religious exemption places a wide circle of entities beyond the reach of the law. The new proposal expands the exclusion to take in all organizations with religious affiliations, including prominent employers like Mercy Hospital and broadly mandated social service providers like Catholic Charities. The new exemption covers day care centers and elderly housing projects, where these have any religious affiliation. While the MCLU supports a religious exemption that is narrowly crafted to protect religious practices, we do not believe that organizations operating as providers of secular services should be above the law. As currently drafted the religious exemption would deny any meaningful recourse to the Mainers who are employed by, housed in, or use the services of these businesses on a daily basis. These individuals will have no meaningful remedy - no action under the Maine Human Rights Act, or other similar venue for adjudication as do all other Maine people - if they are victims of discrimination. Further, many of the exempted organizations are actually mostly state-funded. This expanded religious exemption means that though these programs are largely paid for with taxpayers' money, they won't be guaranteed the same freedom from discrimination those tax dollars should buy.



The MCLU is particularly concerned because, unlike truly religious institutions, most of these exempted organizations serve the same function and receive the same sort of funding as secular, public institutions. Many of the exempted organizations exist to serve the public at large; many are supported in large part by public funds, and our taxpayer dollars to carry out their mission to serve the entire community. In 1998, for example, 85% of the funding for Catholic Charities was from government contracts and grants. It is improper for public dollars to be used to support the tenets of any particular faith. Why should the exception to this rule come now, especially when the faith seeks to prevent the state from protecting its citizens from discrimination? It is the stated policy of the State to prevent discrimination. Why, then, should the many thousands of people served and employed by Mercy Hospital, with its many millions of dollars of public funding have less protection under the law than their counterparts at Maine Medical Center just several blocks away?

Though it is vitally important to bring legislation to protect us against discrimination on the basis of sexual orientation, the practical effect of this new religious exemption must not be underestimated. The number and significance of organizations exempted by this amendment is large: we calculate that the number of people employed or served by these organizations could include several hundred thousand people. Under the amended version of this bill, they will not be able to seek redress for discrimination.

Supporters of the amendments claim that these individuals will be covered by a "contract provision" for any state contracts signed with exempted organizations. We have found that this contract provision will create the illusion rather than the reality of a remedy. The provision suggests that the state may, but is not required to, include non-discrimination language in state funding contracts. Unfortunately, even if this language is inserted in every state funding contract with the exempted organization, the individual with a discrimination claim based on sexual orientation - the terminated lab worker, the client who was refused services or housing - still has no remedy for their claims. The contract provision sets up a classic Catch 22. Without a place for the individual to bring a claim, such as the Maine Human Rights Commission, an individual has no way to first prove the discrimination. Without this determination that discrimination occurred, it cannot be shown that the contract was breached, and finally that state funding should be withdrawn. Additionally, notwithstanding any nondiscrimination clause in a state contract, under the contract provision in this bill, a religious entity

my utilize a statutory “defense” to enforcement on the contract as it pertains to sexual orientation. The end result of this “defense” is to render this section virtually meaningless in any remedy that it might have provided to an individual. The message behind the expanded exemption and this inadequate contract provision is clear – organizations with religious affiliations, even those operating with taxpayer dollars, are free to discriminate with impunity.

Religious entities have claimed that the exemption won’t negatively affect their employees and beneficiaries because many religious entities do not discriminate. If that is the case, then what is the concern over making them accountable under the law? Many businesses in Maine also have policies that prohibit discrimination based on sexual orientation, yet they are not exempted from the law. Religious organizations are required to obey the same laws as the rest of the public regarding discrimination on the basis of race, sex, age, ethnicity, national origin, or disability. What we are asking is that the same protection be extended to sexual orientation as is provided to every other protected group.

Some proponents of the amendment aren’t claiming that what the religious institutions seek is right. They recognize that a lab assistant at Mercy Hospital, for example, has as much right to protection as does a lab assistant at Maine Medical Center. However, they don’t believe that it’s possible to protect everyone from this form of discrimination at once. They think that change in this area can happen slowly and that we can come in later to “fix” the loopholes we’re leaving now. But before we accept this strategy, we should ask ourselves the price of this incremental change. How many people will be denied protection by the law as a result of this exemption? And, do we really have to accept this sacrifice in order to reach our goal? If we are realistic, we’ll acknowledge that the definitions introduced by these amendments won’t be tightened by legislators any time soon. Nonetheless, these proponents tell us, many other states with anti-discrimination laws have similar exemptions. However, review of other states’ exemptions, will reveal that Maine’s exemption would be potentially the broadest definition written into any statute. Can’t Maine do better than this?

The MCLU does not raise these issues with you today because of any lessened commitment to passing a statewide law. We remain true to this commitment. The arguments presented against this

measure are little different from claims made in the 1960s and 1970s when Congress and the states considered Civil Rights Acts.

However, similar to these earlier battles, certain institutions seek exceptions when laws are passed to combat discrimination. As in the struggle to end discrimination on the basis of race, various religious institutions, as well as secular entities and individuals asserting religious or moral scruples, have once again responded to the expansion of protection by seeking to opt out of compliance. Laws must not exempt institutions or individuals from generally applicable anti-discrimination measures when the practices in question are fundamentally secular. Laws must not allow an exemption where doing so represents an imposition of religious tenets on others in civil society. We must be no more tolerant of discrimination on the basis of sexual orientation than we are of discrimination on the basis of race.

In summary, the MCLU is wholeheartedly in support of ending institutionalized discrimination on the basis of sexual orientation. We look forward to the day when Maine can add sexual orientation to the list of identities we defend from discrimination. We just want to be sure we bring everyone along for the ride.

Sally Sutton, Executive Director  
Maine Civil Liberties Union

Proposed options to more narrowly apply the religious exemption

1. Return to language in original bill: Sec 5. 5 MRSA Section 4553, sub-section 10, paragraph G - "Discrimination in employment, housing, public accommodation and credit on the basis of sexual orientation, except that a religious corporation, association or organization that does not receive public funds is exempt from these provisions."
2. Eliminate sections B. and C. under Sec. 3. 5 MRSA Section 4553, Sub--D, and define religious entity as "A religious corporation, association or society," as listed under A.
3. Make same changes as listed under #2, but rewrite A. to read as follows: "A religious corporation, association or society that does not receive public funds."

# MAINE COUNCIL OF CHURCHES

Testimony on LD 2239, "An Act to Ensure Civil Rights and Prevent Discrimination"  
Before the Judiciary Committee  
Presented by Tom Ewell, Executive Director, Maine Council of Churches  
February 16, 2000

Senator Longley, Representative Thompson, Members of the Judiciary Committee:

My name is Tom Ewell and I am the Executive Director of the Maine Council of Churches. I am here providing testimony on behalf of the Maine Council of Churches in support of LD 2239, "An Act to Ensure Civil Rights and Prevent Discrimination."

The Maine Council of Churches is a coalition of eight denominations.\* For the past decade and a half we have consistently testified in favor of expanding the Maine human rights bill to include civil rights for gay and lesbian people in the areas of housing, employment, credit and lodging. We have testified that our support for civil rights is based on our religious belief in the inherent dignity of each human being and the right of equal justice and protection for all. During this time we have also engaged in conversations with gay and lesbian people and their families and friends about their experiences with prejudice and discrimination in Maine. The power of their stories has made us ever more dedicated to working for the protection our gay and lesbian friends need and deserve under law.

This year support for the bill was strengthened by the successful negotiations between representatives of the Roman Catholic Diocese of Portland and the sponsors of the bill to address concerns of the Diocese. We are grateful to those who successfully worked in good faith on these negotiations because now the bill really focuses on basic civil rights.

Since this bill was first introduced some twenty years ago we have made considerable progress in Maine in addressing the problem of prejudice and discrimination against gay and lesbian people. But discrimination against them continues to exist in Maine, and the protection this proposed legislation affords is clearly needed.

This bill as amended, therefore, deserves the solid support of Maine people when it goes to referendum next fall. On behalf of our member denominations, I can say that we will continue to work with our churches and individuals to educate them and to encourage them to engage in conversations with their gay friends and neighbors and their families. We are a storytelling people, and ultimately we are more effectively changed by peoples' stories than through debate and statistics.

The struggle for rights protections for gay and lesbian people has been arduous and long for the people of Maine. I pray that this year we can finally establish the rights and protections our gay and lesbian friends need and deserve, and we strongly urge the passage of LD 2239.

Thank you.

\*Episcopal Diocese of Maine, Evangelical Lutheran Church in America, United Church of Christ - Maine Conference, New England Conference of the United Methodist Church, Presbyterian Church, USA, Religious Society of Friends, Roman Catholic Diocese of Portland, and the Unitarian Universalist Association

Testimony – L.D. 2239- An Act to Ensure Civil Rights and Prevent  
Discrimination

Sheriff Mark N. Dion

Senator Longley, Representative Thompson, distinguished members of the committee. My name is Mark Dion. I am the Sheriff of Cumberland County. I am here today to speak in support of LD 2239.

Hate violence has become an all too frequent notation in the news of the day. Anger and ignorance are too often transformed by fear into acts, which are ugly and distant from our own personal understanding of what is right.

For the last ten years, I have followed in the wake of this current of intolerance. I have witnessed the tears of parents who have come to realize that they cannot protect their own children from the harsh--no harsh is too easy a word, that they cannot protect their children from the vicious attacks that will invariably come.

“Hey, man, it’s just a faggot” With that comment has come license to tear down and destroy all that we hold precious in our collective knowledge of what it means to be a human being.

With that comment has come a long campaign of community terrorism. Not terrorism with a capital T, not the news at seven type of terrorism. I want you to reflect on a home grown terrorism that grinds your soul everyday, that compels too many of our citizens to swallow hard and make believe for one more day that they will not be discovered—that they will not be forced to reveal who they truly are.

An invisible, pervasive, condoned terrorism of secret winks and office whispers, the public assault by a bully surrounded by a circle of see no evil hear no evil non witnesses that derisive laughter outside your earshot the corrosive below the breath taunts which isolate and diminish you. A very civil war where community casualties are counted as anonymous suicides, where frightened young people are told—no conditioned to believe that they should not exist and the inescapable tragedy that they too often in a quiet hidden desperation oblige our ignorance.

I urge passage of this bill because it expands the umbrella of civil rights protection to include our gay and lesbian citizens. Protections that the rest of Maine takes often for granted. Civil guarantees that promise that we all have an equal opportunity to realize our individual potential.

Yet the most important component of this bill cannot be found in any of its written paragraphs. The most important piece of this bill lies in the collaboration between

the Catholic Church and those secular leaders who engaged in key dialogues to achieve what is in the best interest of this State.

The support of the Diocese of Maine signals an unprecedented willingness to advocate a fresh understanding of our individual humanity. As a Catholic this signals to me and to others of my faith that the doors of the cathedral have swung open to the emerging reality of civil rights in this state. The public decisions of the Church begins the work of changing the hearts of those trapped in a long standing fear that right could not be reconciled to what was legal.

This law promises legal protection. The support of the Church reflects the possibility of community reconciliation. That each of us not only has a legal right to be accepted but that each of us should.

Thank you

# MAINE CHILDREN'S ALLIANCE

**TESTIMONY IN SUPPORT OF L.D. 2239 –  
AN ACT TO ENSURE CIVIL RIGHTS AND PROTECTION FROM DISCRIMINATION –  
PRESENTED BY ELINOR GOLDBERG,  
EXECUTIVE DIRECTOR OF THE MAINE CHILDREN'S ALLIANCE**

Senator Longley, Representative Thompson, Members of the Judiciary Committee, my name is Elinor Goldberg. I am the Executive Director of the Maine Children's Alliance and I am here today to provide you with compelling data regarding gay, lesbian and bisexual youth in Maine. We released our Year 2000 KIDS COUNT Data Book yesterday at the State House. The book includes a summary of Researcher Diane Elze's recently completed study, investigating the relationship between gay, lesbian, and bisexual adolescents' adjustment and the coping strategies they employ to manage problems related to their sexual orientation. The results of that study are relevant to the proceedings here today.

The study gathered data from 184 adolescents, aged 13 – 18, from throughout Northern New England, approximately half from Maine. The study's finding point to the pervasiveness of victimization in the students' schools and community. Although verbal insults and threats constituted the two most common forms of victimization (55% and 28% respectively), many of the Maine youth reported having experienced more serious victimization in both their schools and communities, including being assaulted, chased and spat upon.

Regarding the youth's perception of stigmatization, Maine's youth rated their state as significantly more negative in its attitudes towards gay, lesbian, and bisexual people than did youth from Vermont and Massachusetts. It should be noted that the research began only months after the repeal in February 1998 of the protected status of sexual orientation in the Maine Human Rights Act. These Maine youth witnessed the withdrawal of civil rights protection for gay, lesbian and bisexual people. As the adolescent son of one of my friends said in defense of his harassment of a gay youth in his school "Well, Mom, now there's no law against it."

Why do Maine's gay, lesbian and bisexual youth feel stigmatized? Because, right now, it isn't against the law to discriminate based on sexual orientation in employment, housing, extension of credit and public accommodation in this state. What does that say to our youth? That it's okay to discriminate, to stigmatize, to disrespect others. And how can we change that attitude? One way is to change the rules, to say it's not okay to deny a gay man a job or a lesbian an apartment if they are the best qualified. That Maine IS a fair place where people are judged on their merits, not their sexual orientation ... that Maine is a good place to stay after high school, not a state to leave to find a more accepting environment. That is the message that L.D. 2239 will send to our gay, lesbian and bisexual youth. I urge you to vote for its passage. Thank you.



*Our mission is to be a strong and powerful voice to improve the lives of Maine's children, youth and families*

303 State Street, Augusta, Maine 04330-7037 • 207/623-1868 • 207/626-3302 (fax) • mainekids@mekids.org • www.mekids.org





Maine Association of Interdependent Neighborhoods

P.O. Box 2711  
Bangor, ME 04401  
(207) 947-4371  
krjguay@bangornews.infi.net



## Support LD 2239

February 16, 2000

Dear Senator Longley, Representative Thompson, and members of the Judiciary Committee,

The Maine Association of Interdependent Neighborhoods endorses LD 2239 and hopes the Committee will support its passage.

Low-income people know what injustice is all about. We face discrimination almost daily. And it doubles if we belong to another category of people which is discriminated against — women, people of color, the mentally ill.

Accepting any form of discrimination means accepting all forms of it. Treating people as if they are not equal, for whatever reason — size, color, economic status, sexual orientation — is a way of keeping people divided. MAIN members know that the only way to achieve our goals of “peace, bread and justice” is for all of us to work together — to look past our differences, to see our strengths and move forward together.

A person’s sexual orientation should not matter.

Please support LD 2239.

For Peace, Bread & Justice,

*Judy Guay*

Judy Guay, President

## TESTIMONY OF GLEN MILLS IN SUPPORT OF L.D. 2239, AN ACT TO ENSURE CIVIL RIGHTS AND TO PREVENT DISCRIMINATION

Senator Longley, Representative Thompson, and Members of the Judiciary Committee, my name is Glen Mills and I am here today to testify in favor of L.D. 2239 and the amendments proposed by Senator Abromson.

I have had first hand experience with discrimination because of my sexual orientation. A number of years ago I worked at the Rockport Getty Mart. I was hired as a part-time employee, working nights. Within two weeks, I was working full-time. In approximately two months, I was given a raise. A few weeks after that I was offered a position of "Night Manager". I was also primarily chosen to train new employees. My employer told me I was chosen because I knew what I was doing. It was clear to me that I was a valued employee until the following took place.

After working there about five months, which was the beginning of December, I began to feel that my employer Ms. Hawkes and I had gotten a little closer in our relationship and had developed some trust between each other. I told my Ms. Hawkes, that I was gay and that I was going to have an HIV test the next day and that I might be a little late for work. I did not want to have to hide the fact that I was gay any longer. I also told her I was involved in a strictly monogamous relationship and had been for two and a half years. I was dismissed the next day. Ms. Hawkes asked me how I thought the customers would feel if they found out.

It is clear to me that I was a valued employee to Ms. Hawkes right up until my sexual orientation was known and then I was dismissed. I think it's very important to pass this bill so others will have somewhere to turn if the same thing happens to them.

Thank you for your time,



Glen Mills



## CITY OF BANGOR

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(TITLE.) Resolve, Supporting the Adoption of LD 2239, "An Act to Ensure Civil Rights and Prevent Discrimination."

*By the City Council of the City of Bangor:*

### *RESOLVED*

WHEREAS, the City of Bangor is opposed to all forms of discrimination; and

WHEREAS, there is currently legislation before the 119th Maine Legislature, namely LD 2239, "An Act to Ensure Civil Rights and Prevent Discrimination"; and

WHEREAS, said legislation shall amend existing Maine law to include a prohibition against discrimination based upon one's sexual orientation; and

WHEREAS, LD 2239 requires that this legislation be submitted to the electorate at the next General election for the citizens of the State to vote on the acceptance or rejection of this act; and

WHEREAS, the City of Bangor believes that all citizens, regardless of their sexual orientation, should have the same civil rights protections currently guaranteed to others in such areas as employment, housing, public accommodations and credit; and

WHEREAS, this proposal also makes it clear that this change in the Maine Human Rights Act does not confer legislative approval of or special rights to anyone or any group.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Bangor that we support the passage of LD 2239, "An Act to Ensure Civil Rights and Prevent Discrimination." And be it further RESOLVED that a copy of the Council Resolve be sent to the City of Bangor's legislative delegation and the Governor.

**TESTIMONY**  
**February 16, 2000**

**Good Morning to Chairpersons Longley and Thompson and Members of the  
Judiciary Committee.**

**My name is Judy Vardamis, and I am a City Councillor from the Bangor  
City Council, representing the City of Bangor.**

**Bangor supports LD2239 "An Act to Ensure Civil Rights and Prevent  
Discrimination" and the Amendments proposed by Senator Abromson.**

**In front of you is a copy of the Resolution passed unanimously by the Bangor  
City Council on December 13, 1999. Bangor is proud to be a leader in passing this  
Resolve – sponsored by myself -- the only City in the State of Maine to do so thus  
far. It is Bangor's strong message that it will not tolerate any discrimination of any  
kind.**

**A community is as good as the respect and dignity it demands from every citizen,  
And Bangor had some work to do on that. Being Charlie Howard's City, we realize  
That the very fabric of our City was ripped apart the day he died. Bangor is  
Proclaiming loud and clear that it is important to have laws on the books that  
Discrimination is wrong—not only to protect them from discrimination, but to say  
the words in the written law that it's against the law!**

**Part of our problem today is violence – a perfect example is the latest Bates College  
attack by a group of men who made slurs regarding race and sexual orientation and  
assaulted two men, just this past week! Speakers there called for an end to violence**

that stems from racial and sexual fears. People are fearful to report crimes such as these because they fear putting their employment or housing on the line... They should be able to come forward quickly and unafraid and proud of who they are. Discrimination should be against the law on a statewide-basis. This is a much bigger part of life than just sexual orientation and racial problems – if we all think about it, something major has happened in each of our lives that could potentially have been discrimination against us –our feelings were hurt and we felt horrible about the incident, and it probably took weeks to reaffirm ourselves and feel whole again.

No one can answer why one wastes his or her time and energy on hating someone or hating the way someone acts, but we can act on passing this legislation to ensure that each and everyone one of us has our Civil Rights protected and that we don't have to put up with this sort of discrimination.

Perception is a strong word. When we perceive to believe a certain way, and it turns out to not be that way at all, it takes away from the power each of us hold as a person.

Our Bangor City Council has shown a great deal of support in the rights of others

In the following ways:

April 1996 Proclamation proclaiming the week of April 14-22 as Days of Remembrance of the Victims of the Holocaust and proclaiming the citizens of Bangor will “strive to overcome bigotry, hatred and indifference through learning, tolerance and remembrance.”

June 23, 1997 Proclamation proclaiming “Our Community Respects and Protects Day”

**January 26 1998 letter from our Mayor to Shopping for Justice supporting the Clean Clothes Campaign.**

**September 26, 1998 Proclamation supporting free elections in El Savador**

**October 13, 1998 letter from Mayor Woodcock to the Maine Civil Rights March and Rally Committee expressing support and urging all Bangor residents to support "equality for all Maine citizens, freedom from forms of violence, harassment and abuse, equal opportunity for all, and working together to build a safe community."**

**July 12, 1999 Proclamation honoring Gay Pride 1999.**

**August 5, 1999 letter from Mayor to Sen. Peggy Pendleton supporting LD1659, a bill directing the Bureau of General Services to review its purchasing practices to identify goods and services produced under conditions that violate international human rights, labor or environmental standards.**

**Bangor has taken a stand in support of efforts to protect those in need and to support tolerance and acceptance of all.**

**Let's practice the Golden Rule – do unto others as you'd have others do unto you. It's easy.**

**This Legislation is easy.**

**As we all sit here with our very blood of life flowing through our veins, let's not Judge people, let's be very careful of what our perceived thoughts of each person Are, and let's do the right thing. LD2239 "An Act to Ensure Civil Rights and Prevent Discrimination and its amendments" is the RIGHT THING TO DO.**

**Thank you.**

**LD2239: AN ACT TO ENSURE CIVIL RIGHTS AND PREVENT  
DISCRIMINATION**

Testimony of Michael R. Poulin, Esq.

Senator Longley, Representative Thompson, and members of the Judiciary Committee. My name is Michael Poulin. I am an attorney from Lewiston, and one of my areas of concentration is employment discrimination law.

I am here today as a member of the Public Policy Committee of the Roman Catholic Diocese of Portland, and I have been authorized by the Diocese to speak on behalf of this bill as amended by Senator Abromson's proposed amendment.

I am pleased to say that I was a participant in the discussions with Senator Abromson, Representative Quint, and the MLGPA, which took place between July and December, 1999, and which resulted in the amendment which Senator Abromson has presented to you.

For the past 20 years, the people of this State, and we in the Catholic Church, have struggled to resolve and reconcile what appeared to be conflicting interests and rights, when faced with proposals relating to discrimination on the basis of sexual orientation. We have seen legitimate arguments and concerns raised by thoughtful and sincere persons of good faith on both sides of this issue. Unfortunately, the debate always seemed to be at the margins, and the conflicting interests were never engaged in a way that we see with most public policy issues.

For several years, the Catholic Church in Maine has advocated dialogue and sought reconciliation with respect to these issues. We have recognized that there was a legitimate need to protect individuals against unjust discrimination while acknowledging that ambiguities in previous versions of this bill have raised serious concerns about unintended consequences and potential effects on the rights of others.

In our discussions with the sponsors and the MLGPA last year, we began by searching for areas of common ground, rather than focusing on those matters with which we may still disagree. The result of that process was not just a carefully crafted piece of legislation worthy of enactment, but, as important, the development of better understanding and mutual respect among the participants. The good will and good faith that characterized our discussions has extended well beyond that small group.

In reaching agreement on this proposal, we did not operate in a vacuum. We had the benefit of the work that has gone before in the ten other states which have adopted laws prohibiting discrimination on the basis of sexual orientation, as well as a federal bill pending in Congress, relating to employment discrimination. We discovered that no two states have followed the same exact path in drafting such legislation. All of those other states' laws have a variety of exemptions, exceptions, qualifications, and clarifications. The amendment before you is not



the same as any other state's law. It is more "liberal" than several, and more "conservative" than a few. It is, we believe, the Maine answer to these difficult questions. In other words, it is a fair, reasonable, and common sense approach. We believe, if this Committee and this Legislature will adopt it, it will be accepted by the great majority of the people of this State, and you will have their gratitude for having finally resolved this very difficult issue. If this proposal is adopted, as presented, I am authorized to assure you that it will have the support of the Diocese in the referendum process.

Thank you for your attention. If I can be of any assistance to the Committee, I will be happy to make myself available.

504 St. John Street, #4  
Portland, ME 04102  
February 16, 2000

Dear Judiciary Committee Members,

The LD 2239 involves recognizing -the very basic needs of people: security and protection, from physical and emotion-at harm. That alone should have everyone's interest. I am- talking about someone's child, who should have the opportunity to walk proudly and honestly, representing all that they are, without fear. I am talking about a mother's baby, a father's son or daughter, a child's parent, a sibling's brother or sister.

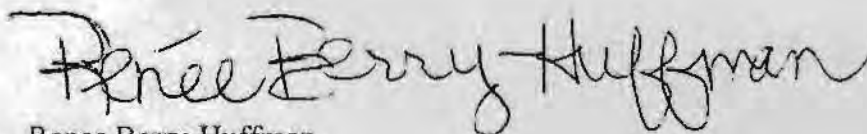
Some refer to this bill as *special rights*. I think not. Anytime people target a group of people and deem them as having lesser value than themselves -- they are discriminating against an oppressed group of people.

In 1971, my family traveled to Altus Air Force Base, Oklahoma. On the way there, my family stopped at a restaurant for a meal. We all came in and sat at a large booth. The waitress came over and told my father, 'we don't serve coloreds here'. I saw the anger and pain on my father's face. We left the restaurant, but as we did I couldn't help but look back. The waitress had a sponge and spray bottle. She was cleaning the booth where we sat. She rubbed the booth feverishly, and it dawned on me, what she did to my family and me was wrong. A national law said so, but she thought she was right. And at that moment, that's all that mattered. I was 9 years old and I never forgot the hurt.

When discrimination is acted out against a person, the oppressed person's self-esteem is forever injured. I just gave you evidence of an incident that occurred 27years ago, and how it stays with me to this day.

There is a group called "Rainbow Stew" which recognizes all lesbian, gay, bi, transgendered and questioning people who have been persecuted, tortured, mutilated and murdered because of their sexual orientation. Ideally, this group shouldn't exist. People should be accepted and protected regardless. It is a shame that *Rainbow Stew* exists for this purpose, but I am glad they are in place.

I urge you to endorse LD 2239,

A handwritten signature in black ink that reads "Renee Berry-Huffman". The signature is written in a cursive, flowing style.

Renee Berry-Huffman  
Portland, Maine

# Dianne Webb

Consultant: Education, Human Development, Sexuality

114 Second St. • Hallowell, ME 04347 • (207) 623-6032

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Rich Thompson  
Susan Longley  
And Members of the Judiciary

16 February, 2000

**Testimony: In Favor of LD2239 with amendment.**

My name is Dianne Webb and I am here today to give testimony in favor of LD2239 An Act to Ensure Civil Rights & Prevent Discrimination. I am here as the mother of three daughters, two of whom are in college and one still in High School here in Maine. Five years ago, my middle daughter approached me with great anxiety and spoke the most difficult words of her then 14 year old life. She said, "Mom, I think I might be a lesbian." I will never forget that moment. Amid all the pride I had in this daughter, the support I felt for this knowing of herself, the most profound feeling I experienced was fear, fear that I would not be able to keep her safe. This small truth—that she might be a lesbian—would put her in danger, unreasonable danger, danger from which I could not protect her. And I was not able to protect her.

From the comparative safety of art school in Baltimore, Ruth began to write about the specific incidents and tortures that she faced in her middle school years here in Maine when some of her classmates perceived her to be gay. With her permission I share some of these words with you.

"Later in the season, when I was too afraid to go into the girls locker room, I finally learned how to change in the middle of the gym. They asked me if I wanted to be a dyke. They convinced themselves of the fact while I went to change in the thirteen inches between the toilet and the door of the bathroom stall. I hid my face when they called me a dyke, and a boy, weird, queer, disgusting, a mutant of all seventh grade girls. I tried to leave and they wrenched my arms viciously and held me back with nasty grins asking me why I wanted to leave if I didn't think any of it was true? And I was caught in a trap. If I answered, they hit me and spit on me and if I tried to leave they would trip me and I would be on the floor when they spit on me. Yesterday they threw the shaving cream at my head and made me look in the mirror to confirm their suspicions that I was a dyke. They would hand me a razor and help me shave, holding me to the floor while they nicked my legs."

Ruth was 11 years old when these things were happening. Like many students who are gay or lesbian, bisexual or transgendered, Ruth suppressed the details of this harassment, this affront to her right to experience school in a safe environment.

While my daughter was in high school, she was the only out gay student in her school. She stood proudly, lonely, often fearful but she stood in the truth of who she was. She has had names too ugly to repeat to you yelled at her from school bus windows as she got off the bus. Now she is in art school in Baltimore. Last night when we were talking about this testimony she brought up her latest thinking about her summer plans. She shared with me her desire and deep anxiety about coming home to Maine. She wants to come home and be who she is, get a job out in the open, not pretending. But she is concerned about the attitudes that keep isolated when she is here. And I remembered all too well the summer she was 16 and had a summer job where she excelled. At the end of the summer, she was told that although she had been one of the best students who had worked there, conscientious and competent, she would not be invited back for the next summer. When she pressed for a reason, feeling frustrated and fearful, she was told if she had remembered answering some students who were saying derogatory statements about gay people with the words, "Please don't say that, I am gay." She of course did. That is when she was told that this answer was inappropriate, that she should have kept this fact to herself.

Because there was no civil rights act which protected her rights to employment, we had no recourse. Her good work, her maturity and responsibility was not sufficient. She had no protection from this discrimination under the law. I want her to be able to come home and experience the same rights as my other daughters. I urge you to set the stage of safety and equality for all Maine citizens in employment & housing and prevent the discrimination that limits the freedoms of my daughters and indeed all our children. Once and for all.

Thank you.



Hope. Progress. Answers.

## American Cancer Society Supports L.D. 2239

January 16, 2000

Senator Longley, Representative Thompson, members of the Judiciary Committee:

My name is Richard Couch and I represent the American Cancer Society of New England. I am here today to speak in support of L.D. 2239 – An Act to ensure Civil Rights and prevent Discrimination.

As part of the World's largest voluntary health organization with nearly 30 employees and over 8,000 volunteers in the State of Maine, the American Cancer Society's New England Division has already included sexual orientation in the organization's non-discrimination policy. We feel that being all-inclusive regardless of sexual orientation will only help us in reaching our goal of reducing cancer deaths, reducing incidence of cancer, and improving the quality of life for cancer patients and survivors.

It is estimated that 6,800 Maine people will be diagnosed with cancer this year. Each and every one of those 6,800 Maine people is welcome to use the services of the American Cancer Society regardless of age, disability, gender, race, nationality, religion, color, veteran's status and sexual orientation.

As a prominent organization serving the entire state of Maine, we urge the successful passage of L.D. 2239 so that all Maine people can enjoy the civil rights that they deserve.

Thank you for your attention this. I would be happy to answer any questions or concerns that you have.

New England Division, Inc.

52 Federal Street • Brunswick, ME 04011-2194 • Phone 207-729-3339 • 1-800-464-3102 in Maine • Fax 207-729-0635

Cancer Information • 1-800-ACS-2345 • [www.cancer.org](http://www.cancer.org)

February 16, 2000

TO: Senator Susan Longley, and Representative Richard Thompson, Chairs  
and Members of the Judiciary Committee

RE: LD 2239 An Act to Ensure Civil Rights and Prevent Discrimination

I have come here today, as our agency has for many years, to support the passage of LD 2239. We believe the denial of equal rights to gay and lesbian people is a child protection issue, and I am here to explain why.

- 1. Exclusion of sexual orientation as a civil right affects young people.** It is estimated that 10% of the general population is gay. While people vary as to when they first recognize their sexual preference, overwhelmingly adolescence is the time when gay young people start consciously questioning the differences they feel. Homophobia among their peers and the adults around them makes discussion of those differences difficult. The persistence of this debate solidifies for them the lack of safety in discussing their questions with others. Young people hear fag jokes, fag bashing, and outright hostility in school, in the community, and sometimes in their own homes. If they are also told that gays do not have equal standing in the community, it adds to their fear of facing who they are.
- 2. There is misinformation about sexual abuse and homosexuality.** During this debate, historically, there is obvious language or hidden code words that imply our children are not safe with gay people. "Do you want your children taught by openly gay people" is often asked at public hearings? Questions of whether openly gay people can parent children, be employed in children's facilities, etc. bring with it the implication that our children are not safe. We are often asked to provide information about who molests, and to answer charges that molestation of boys by men is a gay crime. Studies clearly show that sexual abuse is a crime of power and control, and that 95% of all molesters self-identify as heterosexual, and in fact have adult female relationships.
- 3. The connection between young men not disclosing (sexual) victimization and homophobia.** Perhaps more important, however, than the innuendos, is homophobia's direct impact on the well-being of children. Adolescent boys who have been molested are far less likely to disclose because of this misinformation, and are so afraid that people will think they are gay, or that the victimization will "make" them gay, that they do not disclose at nearly the same rate as girls.
- 4. The affects of homophobia on children who are grappling with their sexual orientation.** If children are confused, questioning, or unsure of their sexual orientation, the fear that they will be rejected, belittled, or humiliated is so profound that it keeps them from getting the help and information they need. In extreme cases, it leads to depression, substance abuse, and even suicide. There are estimates that as much as one-third of adolescent suicides are linked to issues about sexual orientation. It is also well known that these young people tend to drink heavily, and become sexually active, either with others of the same sex, or with the opposite sex, in order to deny who they are through self destructive behavior. Parents whose children have come out to them, even if they are supportive themselves, sometimes face painful and difficult reactions from the community around them.
- 5. The devastating affects of the denial of, or lack of support for, families made up of same sex parents, on the children in those families.** If parents are fortunate enough to have a supportive extended family, they still worry about their friends, church, schools, or employers. Parents report a variety of feelings and experiences that point to how difficult we have made it to

be part of a family that is different. What can be more isolating and hurtful to children--regardless of their sexual orientation--than to have a parent or parents that are publicly humiliated, made invisible, or denounced for their relationship with an adult the child considers a primary adult in their lives? Whether that adult is their biological parent, or in a relationship with their parent, we must embrace positive, valuable role models for all children. It is our responsibility to assure ALL parents the help and support they need to raise happy, healthy, nurtured and secure children.

We are aware that the religious exemption amendments were necessary to gain the support of a broader number of churches, and broaden public support for the passage of this bill. While we strongly support this bill in its unamended form, our primary goal is to get civil rights for all gay and lesbian people. Please vote for the passage of this bill as amended as an important first step in assuring the safety and well-being of some of Maine's most vulnerable children.

Respectfully submitted,

Lucky Hollander  
VP of Advocacy & Prevention Services  
Cumberland County Child Abuse & Neglect Council and  
Youth Alternatives  
PO Box 596  
Portland, ME 04112  
874-1175  
[lhollander@youthalternatives.org](mailto:lhollander@youthalternatives.org)



MAINE  
WOMEN'S  
LOBBY

**Testimony in Support  
L.D. 2239: An Act to Ensure Civil Rights and prevent Discrimination**

Wednesday, February 16, 2000  
Committee on Judiciary

Senator Longley, Representative Thompson and Members of the Judiciary  
Committee:

My name is Laura Fortman, and I represent the Maine Women's Lobby in urging your support for L.D. 2239: An Act to Ensure Civil Rights and Prevent Discrimination. The Maine Women's Lobby was established in 1978 and is a state-wide, non-profit, non-partisan membership organization. Its mission is to optimize the lives of Maine's women and girls through legislative action and public policy development.

The Maine Women's Lobby supports this bill, as it has similar bills for almost 20 years, because the need for protection in the areas of housing, credit, employment, and public accommodation for the GLBT community in Maine is not only necessary but also long overdue.

This year, after many months of negotiation with the Maine Lesbian and Gay Political Alliance, the Catholic Diocese of Portland has come forward to support the bill in an amended version. In addition to expanding the definition of "religious entity", the amended bill is very clear about what it will not do. Several of the topics covered are: it will not grant special rights to any group, it will not require schools to teach anything about sexual orientation, it will not establish affirmative action based on sexual orientation and does not cover sexual attraction by an adult to a minor. While we believe that some of the language in the amendment is unnecessary and the expanded definition of "religious entity", raises some concerns for us, the need for passage of this legislation far outweighs those concerns.

Now that we have taken a brief look at what the bill will not do, let's examine what it will do. Simply put, if passed L.D. 2239 will provide protection in the areas of housing, credit, employment and public accommodation to a large portion of Maine's gay and lesbian citizens. Currently, Maine employers, landlords and credit institutions are permitted to deny a person the right to a job, housing or credit based only on what she or he knows, or presumes to know, about the individual's sexual orientation. L.D. 2239 sends a clear message that this type of discrimination is unacceptable in Maine.

By implementing a bill like this the social climate that we function in changes as well. Hopefully, this changed climate will have a positive impact on reducing the number of hate crimes against lesbians and gay men in our state. Whether we want to admit it or not, hate crimes are a significant problem in our state. In fact

P.O. Box 15  
Hallowell, Maine 04347  
© 207 622 0851  
Fax: 207 621 2551  
e mail: mwomen1@AOL.com



last year, 34% of all hate crimes reported to the Attorney General's office were committed against gay men and lesbians.

Because we firmly believe that civil rights should extend to all Maine citizens, regardless of where they work, we would strongly encourage the legislature to take whatever steps are necessary to guarantee that those "religious entities" who are exempt from this statute do comply with the proposed provision that any entity receiving a state contract not discriminate on the basis of sexual orientation.

Finally, since we believe that the rights of the minority should never be voted on by the majority we regret, but understand, the political necessity to send this bill out to referendum.

In summary, this bill is a modest attempt to expand civil rights to a group of Maine citizens who have been struggling for a very long time to achieve those rights. Please pass this bill and let Maine join the ranks of every other state in New England by extending the fundamental rights of access to housing, credit, employment and public accommodation to all Maine citizens—including our lesbian and gay family members, friends and colleagues.

Thank you.



S E R V I N G M A I N E , N E W H A M P S H I R E A N D V E R M O N T

367 U.S. Route 1  
Falmouth, ME  
04105  
Phone 207.781.2201  
Fax 207.781.3079

**Testimony in Support of LD 2239, An Act to Ensure Civil Rights and Prevent Discrimination**

**Committee on Judiciary  
February 16, 2000**

Senator Longley, Representative Thompson and distinguished members of the Committee on Judiciary, my name is Karin Clough and I represent Planned Parenthood of Northern New England. I am writing in support of LD 2230, An Act to Ensure Civil Rights and Prevent Discrimination.

Planned Parenthood of Northern New England (PPNNE) has a long history of supporting equal rights for all citizens. Providing excellent reproductive health care on a sliding fee scale allows us to ensure that all people of Maine, at any income level, can be assured of access to our services. This equality is a core belief for our organization.

Providing safe, confidential and professional services to gay, lesbian and trans-gendered members of our community is also at the core of our mission. Our nurse practitioners and office staff are all trained to be sensitive to the particular needs of the gay community, and we are proud that many of our clients are relieved and pleased to find a safe and supportive atmosphere in our clinics.

We are extremely supportive of the Legislature's recognition that all people, regardless of race, age, sex, sexual orientation, physical or mental disability, religion, ancestry, or national origin deserve equal rights under the law.

PPNNE recognizes and applauds the efforts of Senator Joel Abromson and other legislators, who have worked hard for years to ensure that all Mainers receive equal rights. And while we fully support the efforts of lawmakers and citizens who have crafted LD 2239, we do have some concerns about the language concerning the religious exemption.

We urge the committee to examine this exemption carefully. We believe the definition of the religious exemption is unnecessarily broad. Alternative language which narrows the religious exemption to a situation where a law of general application would violate an

institution's or an individual's religious tenets could be drafted. We suggest the definition of religious entities found in Public Law 341, An Act to Provide Equity in Prescription Insurance and Contraceptive Coverage, passed last session by this Legislature. This alternative definition would adequately address our concerns.

Despite our reservations about the definition of the religious exemption, PPNNE supports LD 2239 and fully and passionately supports equal rights for all Maine citizens under the law.

Thank you very much for your consideration.