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Maine May Consider, for a Third Time, a Gay Bias Question

By KATIE ZEZIMA, NYTimes on the Web, July 27, 2005

AUGUSTA, Me. -- After saying no twice before, voters in Maine may be going to the polls again to decide whether to add sexual orientation to the state's human rights act, which prohibits discrimination based on age, sex, race, color, marital status, religion, ancestry or national origin.

Gov. John Baldacci, a Democrat, introduced legislation to add sexual orientation to the act earlier this year and signed it into law on March 31 after it easily passed the Legislature. But opponents undertook a drive to place a referendum on the November ballot seeking to repeal the law and now say they have collected more than enough signatures.

The state has until July 28 to certify the signatures; institution of the newly revised law has been suspended.

"We just felt like we had to stop it," said Paul Madore, head of the Grassroots Coalition, a conservative group that, with the Christian Civic League of Maine, organized the petition drive. "This is a bad law. It uses the weight of the legal system to force an acceptance of a lifestyle that the majority of people have a strong objection to."

The fight over adding sexual orientation to the law has been waged in the Statehouse, churches and activists' offices since 1977, when a Portland legislator, Larry Connolly, first proposed a bill banning discrimination against gay men and lesbians. After stalling in the Legislature for more than a decade, it passed but was vetoed by Gov. John McKernan, a Republican, in 1993.

The bill passed the Legislature again in 1997 and was signed into law by Gov. Angus King, an independent. A group of Christian conservatives had the question put before the voters, who repealed the law the next year. The Legislature sent the measure directly to referendum in 2000, and it was defeated by about 4,000 votes, out of about a half-million cast.

This time, both sides say, the climate has greatly changed. Gay-rights advocates contend that the issue is one of basic fairness for people's friends and neighbors, and note that Maine is the only state in New England and its neighboring Canadian provinces without such a law.

"I see Maine, as they say, as 'the way life should be,' and it's scary to me that we don't have this law on the books," said Jesse Connolly, Larry Connolly's son and a spokesman for Maine Won't Discriminate, a gay rights group. Larry Connolly died in 1987.

Opponents, the same groups who brought the issue to referendum in 1997, also look to New England, specifically Massachusetts, where the state's highest court legalized same-sex marriage in 2003, citing the state's antidiscrimination law.

Although the law that passed this year contains an amendment saying it does not endorse same-sex marriage -- and although Maine has a defense of marriage law -- opponents fear that a judge could declare the marriage law unconstitutional based on the antidiscrimination statute. **Governor Baldacci does not support same-sex marriage.**

"People understand that this is the precursor to same-sex marriage. That's what it means to most citizens," said Mr. Madore, a father of nine from Lewiston who has lobbied against gay rights since the 1980's.



If, as expected, the issue is placed on the November ballot, both sides say that a referendum fight will be tough and emotional.

"It's really unfortunate that our opponents are trying to twist this into something that it isn't," Mr. Connolly said of the same-sex marriage argument. "This is not a trivial thing. Discrimination happens in people's everyday lives, and we want to live in a state that values all citizens."

Opponents, who say that existing laws already protect gay men and lesbians, are furious with the governor, saying that voters have twice declared their stand on the issue.

"I think the biggest motivating factor is that the people of Maine have voted twice and defeated this kind of legislation and the government went and pushed it through again," said Betsy Adams of Fairfield, who



Robert Spencer for The New York Times

Adam Flanders, 18, of Belfast, Me., says he faced gay bias at his high school.

collected signatures for the Christian Civic League. "We're the last holdout. We're a stiff-necked bunch of people up here."

Mr. Baldacci said he has supported gay rights throughout his political career. He said he felt the time had come to revisit the issue, spurred in part by statistics showing that a third of the offenses in the attorney general's hate-crimes file were committed against gay men or lesbians.

"Maine is a welcoming state, and people here treat others the way they want to be treated," Mr. Baldacci said in an interview. "But discrimination is going on, and these are not special rights. They are equal rights and equal protection under the law."

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