



Nominating New Hampshire as the Gay-Friendliest State

BY RICK A. TROMBLY

Gays and lesbians from different places inevitably discuss rights and liberties and where to live in order to exercise best our freedoms. The list of places is short, and almost always begins with

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San Francisco or New York or Boston. For those more environmentally inclined or those who abhor city life, Provincetown and New Hope tend to top the list. This parlor game, while fun, causes us to realize that how we live is dictated by where we live.

Some might measure basic quality of life by the number of pride stickers on neighbors' automobiles or how many rainbow flags fly from area businesses. I would argue, however, these only represent our "creature comforts." The real test of how we live is reflected by the laws under which we live.

Few know the value of their automobile insurance until they are involved in an accident. The same holds true for our health insurance — and the same is true for our legal system.

Having done the required research, please allow me to suggest the friendliest GLBT state in the union. No, it is not California, New York, or Massachusetts. Certainly it is not any of the Bible

Belt States, although we must not forget the valiant efforts of our brothers and sisters there.

I nominate New Hampshire, the Granite State. Maybe it's the water or the air; maybe it's that the people truly believe the state motto — "Live Free or Die." Whatever it is, the state legislature has passed a whole body of law that recognizes gays and lesbians as a part of society.

While New Hampshire, like every other state, does not sanction gay and lesbian marriages, we did defeat our own version of the Defense of Marriage Act. This piece of homophobic legislation passed neither the House nor the Senate here. And although it's not as good as spousal benefits, New Hampshire does have a law that allows us to nominate our own guardians in case of illness or incapacity. Even better, for those of us whose coming out has been met with familial rejection, under this law we can exclude anyone from serving as our guardian. Consequently, we have no fear of homophobic family members being named guardian over our person or estate in place of our lovers.

Also along these lines, living wills, durable healthcare powers of attorney, and durable powers of attorney all are blind to sexual orientation. So, in the event of illness, a gay or lesbian can give control over business, financial, and medical cares to a lover or friends if he or she so chooses.

During times of illness it may be of some comfort to know that one's financial and medical affairs are in order. During these times, there is also a real need for close physical contact between those who love each other. All too often during the AIDS crisis,

ill people were denied access to proper treatment and visits from lovers and friends. But in New Hampshire, there is no need to fear either. Quite specifically, our Patients Bill of Rights — first enacted in the 1980s — states that no person can be denied medical treatment because of sexual preference (OK, the law is about 20 years old — we can take care of the "preference" part later). This law also prohibits medical facilities — including nursing homes — from excluding friends and non-relatives from visiting patients.

While on the subject of AIDS, many battles have been fought nationwide over anonymous testing and confidentiality of results. New Hampshire has a tradition of enacting confidentiality statutes that respect individuals' rights. New Hampshire, years before enactment of the Americans with Disabilities Act, passed a law making it illegal to evict people with AIDS — or even those perceived to have AIDS — from their homes solely for that reason. We recognized early on that a person's comfort depends on being free from the threat of eviction for a medical condition. Most remarkably, this law was passed at a time when little was known about AIDS. The state has also adopted a needle exchange program.

So what about the home front, you might ask? Well, the community has been even more successful there. It is true that gay and lesbian relationships mirror those of society in general, and that includes too much domestic violence. Through a constant and ongoing evolution of our domestic violence statute, gays and lesbians who seek restraining orders

from abusive partners will not be turned away by the courts. Our law covers "current and former intimate partners." As an attorney, I have represented gay and lesbian domestic violence victims.

The courts here are quite serious about protecting all persons from violence. We have no trouble obtaining restraining orders if we meet the legal requirements. The Chief Judge of our probate court system intends to hold a conference this fall for all probate court judges to sensitize them to gay and lesbian relationships and issues.

In what has to be record time, New Hampshire adopted an anti-discrimination law the third year after it was introduced into the legislature. This law prohibits discrimination in employment, public accommodations, and housing. This year, the legislature enacted a civil rights law declaring it to be a civil right to be gay or lesbian; anyone who is harassed, intimidated or has his or her civil right otherwise violated can obtain restraining orders to stop the homophobic acts. Perpetrators can be subject to both substantial civil fines and criminal prosecution.

Should a crime be committed against a person because of hatred or bias against his or her sexual orientation, New Hampshire's 20-year-old hate crimes law will insure that the criminal is punished severely for this behavior. And speaking of criminals, our sodomy law was repealed while Richard Nixon was still President.

Finally as residents of New Hampshire, we can designate who makes our funeral arrangements when we die — and this includes

our lovers and partners.

What about parenting issues? This year, New Hampshire repealed its ban preventing gays and lesbians from adopting and providing foster care. Our courts do not recognize sexual orientation as relevant to the awarding of custody to one parent or the other. Our Supreme Court has even said it is unconstitutional to outlaw gays or lesbians from being day-care providers.

I do not believe the enactment of these laws to be flukes or attributable to just plain good luck. Hard work by many people resulted in these victories. I imagine that you will be surprised to learn many of these facts. Here, the community made a willful decision to pass laws quietly, but to pass laws nevertheless that improve the lives of gays and lesbians. The New Hampshire legislature is the only legislature with an organized gay and lesbian Caucus. There are four out representatives and one out senator. The New Hampshire Democratic Party has a gay vice-chairman and one other lesbian officer. Two of the state's five Democratic National Committee members are openly gay.

I am certain that Trivial Pursuit will not ask the question "What is the gay/lesbian-friendliest state in the union?" I am more certain, however, that if they did, few would respond New Hampshire — and few would be right. ▼

Rick Trombly is an openly gay state senator from Boscawon, New Hampshire. He holds the leadership position of Majority Whip in the Senate and serves on the Democratic National Committee.

nada. zippo. zilch. nichivo. nothin' baby!

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