



TO: Senator Michael Carpenter
Representative Donna Bailey
Members of the Joint Standing Committee on the Judiciary

DATE: March 7, 2019

SUBJECT: LD 433 RESOLUTION, Proposing an Amendment to the Constitution of Maine To Explicitly Prohibit Discrimination Based on the Sex of an Individual

Thank you for the opportunity to testify on LD 433.

My name is Anne Schink. I am a resident of South Portland and a volunteer board member of the League of Women Voters of Maine..

The League of Women Voters is a nonpartisan political organization that encourages informed and active participation in government, works to increase understanding of major political policy issues, and influences public policy through education and advocacy.

In 1972, when Congress sent the federal ERA out to the states for ratification I was living in Pennsylvania. The state ratified the ERA and included a state ERA in the Pennsylvania constitution. For two years a task force examined every statute in the state for reference to gender or disparate treatment between men and women. At the end, a package of more than 200 bills was sent to the legislature and passed. That process demonstrated to me the strength of having equality embedded in the constitution. Equality is a bedrock principle in today's world. And our constitution should reflect that.

The LWV strongly supports this bill.

On January 18, 1974, Maine approved the Equal Rights Amendment to the United States Constitution. Since that amendment was never fully ratified at the federal level, it is well past time that Maine join Pennsylvania and 22 other states that have enacted state constitutional amendments. Such amendments afford the critical protection a constitution amendment provides and makes explicitly clear that discrimination of any kind based on sex is prohibited.

Over the years, states and the federal government have made many legislative changes to reflect the idea of equality, but those gains could be erased in the stroke of a pen. Non-discrimination laws and statutes can be modified and overturned in the swings of legislative and gubernatorial power, as well as by the courts. Fully protecting equality from erosion in all three branches is guaranteed only by a constitutional amendment. In the absence of an explicit and fully encompassing ERA amendment in U.S. Constitution, only an amendment in the state constitution can fully protect the people of Maine.

Freedom from discrimination is a fundamental right, and it belongs in the fundamental legal authority of the state. Including an explicit prohibition against discrimination based on sex in the state constitution gives this prohibition the maximum legal weight. It would apply the full strength of Maine law to protect against discrimination. Absence from the state constitution calls into question whether freedom from sex discrimination in any aspect of life is a fundamental right. We can and must do more to protect the people of Maine by making it clear in our constitution that it is a fundamental right.

Maine voters deserve a right to consider this amendment. To say times have changed considerably since voters last looked at the issue in 1984 would be among the largest understatements of all times.

We strongly urge you to vote 'Ought to Pass' on LD 433 to demonstrate legislative commitment to equality for all people who live, work, and love the state of Maine.