



TO: The Honorable Anne Carney
The Honorable Thom Harnett, Co-Chairs
Members of the Joint Standing Committee on Judiciary

DATE: January 11, 2022

RE: LD 344: RESOLUTION, Proposing an Amendment to the Constitution of Maine To
Explicitly Prohibit Discrimination Based on the Sex of an Individual

My name is Anne Schink. I'm a resident of South Portland. I am here today as a volunteer on behalf of the League of Women Voters of Maine. I am testifying in support of LD 344.

The League of Women Voters of Maine is a nonpartisan political organization that has been working for over 100 years to encourage informed and active participation in government, to increase understanding of major public policy issues, and to influence public policy through education and advocacy. We never support or oppose any political party or candidate.

I am proud to share that I have just celebrated my 80th birthday and look back on my life with a certain amount of sadness to realize that the very first time I testified on the Equal Rights Amendment was fifty years ago. That's a long time to wait for an Equal Rights Amendment to become part of our state and federal constitutions.

I remember the very first speech I gave supporting the Equal Rights Amendment. I mentioned the old trick math problem of "which is heavier, a pound of lead or a pound of feathers?" Clearly, they are not the same. And that is the point. It is not whether they should be treated the same, but, rather, they should be given equal weight. It means accepting our differences but treating them equally.

When the federal ERA was first sent to the states for ratification in 1972, I was living in Pennsylvania, which ratified the federal ERA and included a state ERA in their constitution. After passage, a task force examined every statute in the state for reference to gender or disparate treatment between men and women. In 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.

I'd like to share an example. Originally under Pennsylvania bankruptcy law, the tools of a carpenter (almost always a man) were not allowed to be confiscated because he needed those tools to exercise his trade and provide him a way out of bankruptcy. A woman, however, could lose her sewing machine because she was just using it to clothe her family. Under the ERA the sewing machine was treated the same as the carpenter's tools.

You may be saying to yourself: we've already done that. And, in many cases, you have. Over the course of the last fifty years, many state and federal laws have been enacted that are based on the principle of

equality, despite the lack of a constitutional mandate. But those laws can be overturned by the stroke of a pen, or nibbled away at by any legislature that is inclined to turn back the clock on equality.

Equality is a bedrock principle in today's world. And our constitution should reflect that. It should be the standard that all legislation and court cases are weighed against. Fully protecting equality from erosion in all three branches is guaranteed only by a constitutional amendment.

The LWV strongly supports this resolution. We urge the committee to vote "Ought to Pass" and demonstrate their commitment to equality for all people who live in, work in, and love the state of Maine.
