

131st Legislature
Senate of
Maine
Senate District 24

Senator Eloise Vitelli
Senate Majority Leader
3 State House Station
Augusta, ME 04333-0003
Office (207) 287-1515

Testimony of Senator Eloise Vitelli supporting
LD 1412, RESOLUTION, Proposing an Amendment to the Constitution of
Maine Establishing that All Maine Residents have Equal Rights
Under the Law
Before the Joint Standing Committee on Judiciary
April 24, 2023

Senator Carney, Representative Moonen, and Esteemed Members of the Judiciary Committee, my name is Eloise Vitelli, and I represent Senate District 24, which includes all of Sagadahoc County and the town of Dresden in Lincoln County. Thank you for the opportunity to testify in support of LD 1412, “Resolution, Proposing an Amendment to the Constitution of Maine Establishing that All Maine Residents have Equal Rights under the Law.”

This is not the first time I, and many of the others speaking today, have come before this committee to advocate for a resolution establishing equal rights within our state Constitution. We are here again today to continue the work of generations of women and allies who have advocated for equal rights for women, and we stand on their shoulders thankful for the progress that has been made, while knowing that our work isn’t complete.

In July 1848, at the Seneca Falls convention, the Declaration of Sentiments was adopted that begins: “We hold these truths to be self-evident: that all men and women are created equal; that they are endowed by their Creator with certain inalienable rights; that among these are life, liberty, and the pursuit of happiness; that to secure these rights governments are instituted, deriving their just powers from the consent of the governed.”

Seventy-two years later, the 19th Amendment was finally adopted, giving women the right to vote and thus able to consent to the laws governing them. Other groups, including Native Americans and Asian Americans, took longer to gain full voting rights across the nation.

An equal rights amendment was introduced in every Congress since 1920 and was finally passed and sent out to the states for ratification in 1972. Within hours of the Senate vote, Hawaii ratified the ERA, followed quickly by Delaware, New Hampshire, and Nebraska. Maine ratified the ERA in 1974, the year I arrived to make Maine my home. It was an exciting time. In 1982, as the national ERA bumped up against the deadline for two-thirds state ratification, Maine joined other states in an effort to pass a state amendment. That first effort – like the 1917 effort to give Maine women the right to vote – failed the popular vote.

The 129th Legislature came close, gaining the required two-thirds vote in the Senate, though we fell short in the House. And so we try again to take up the call for equality under the law by amending our state constitution to ensure that we have a “permanent and consistent foundation” for ensuring that basic human rights are upheld in our state. That everyone has equal rights under our laws and we can all live up to the promise of our democracy – a nation with “liberty and justice for all.”

Looking beyond the issue of abortion for a moment, the shock that reverberated among many with the *Dobbs* Supreme Court decision, was the shock of something fundamental that was lost. As Justices Breyer, Sotomayor, and Kagan wrote in their dissent: “...One result of today’s opinion is certain: the curtailment of women’s rights and of their status as free and equal citizens.”

We can – and we do – disagree about access to health care that includes abortion. But I believe we agree that we all deserve the same status as free and equal citizens.

There is also agreement when it comes to eliminating discrimination in employment, education, marriage, and sports – think Title VII and IX - and in protecting individuals from sexual assault and violence, as well as sexual harassment in the workplace. Equal opportunity is a value most of us share.

What should be clear to us all is that any of these rights are at risk without a constitutional guarantee. It is time our constitution declares equal opportunity, equality of rights, and equality under the law for all.

I have spent my entire career helping to improve opportunities for women, empowering them to achieve economic security for themselves and their families through education and training, and helping them identify career pathways that lead to well-paying occupations.

The equal rights amendment in itself will not resolve the economic disparities that women still face – after all, we have had comparable worth laws on the books in Maine since 1966. The constitution, however, provides the foundation upon which our laws are based, and – as we know – laws can and do change.

An equal rights clause in our constitution will make it clear that discrimination in employment, insurance, education, and health care – areas important to the freedom of individuals to fully participate in society, regardless of the “actual or perceived race, color, religion, sex, sexual orientation, gender identity, gender expression, age, physical or mental disability, ancestry, or national origin of an individual”– shall not be tolerated.

Thank you for the opportunity to testify today. I strongly urge you to support this Resolve, and I am happy to answer any questions.



Eloise Vitelli

Senate Majority Leader, Senate District 24
Sagadahoc County and Dresden