



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

DATE: March 4, 2025

RE: LD 260: RESOLUTION, Proposing an Amendment to the Constitution of Maine to
Establish That All Maine Residents Have Equal Rights Under the Law

Senator Carney, Representative Kuhn, and members of the Joint Standing Committee on Judiciary,

My name is Anna Kellar. I'm a resident of Portland. I am here today as the Executive Director of the League of Women Voters of Maine. I am testifying in support of LD 260.

Born out of the struggle to get the vote for women, 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.

The League strongly supports this bill. Equality is a bedrock principle in today's world.

In 1972, Congress sent the federal ERA out to the states for ratification. And our constitution should reflect that. 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 the 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 on any basis 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 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. Voters last looked at the issue in 1984. Times have changed, voters have changed. This generation deserves the opportunity to consider an inclusive ERA at the ballot.

We strongly urge you to vote 'Ought to Pass' on LD 260 to demonstrate legislative commitment to equality for all people who live, work, and love the state of Maine.