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March 4, 2025

Senator Anne Carney, Chair
Representative Amy Kuhn, Chair
Committee on Judiciary
100 State House Station
Augusta, Maine 04333

Re: L.D. 260, Proposing an Amendment to the Constitution of Maine Establishing That All Maine Residents Have Equal Rights Under the Law

Senator Carney, Representative Kuhn, and honorable members of the Judiciary Committee, my name is Aaron Frey, and I have the privilege of serving as Maine's Attorney General. I am here to testify in support of LD 260, *Proposing an Amendment to the Constitution of Maine Establishing That All Maine Residents Have Equal Rights Under the Law*.

The Constitution of the State of Maine is the primary legal compact between state government and its citizens. This document contains not only the structure of the government that the people consent to be governed by, but it also contains numerous rights that Maine people have deemed important enough to explicitly preserve from encroachment by the government.

The amendment to the Constitution proposed in LD 260 would permit the People of Maine to include an explicit prohibition on discrimination based on the protected classes that Maine has currently identified in statute. Specifically, this includes race, color, religion, sex, sexual orientation, gender identity, gender expression, age, disability, ancestry and national origin. Including this language in the state constitution would elevate the status of this protection and better secure this prohibition on discrimination.

While there are currently statutory protections against discrimination based on protected classes, this protection does not provide the permanency that a constitutional amendment would afford. Statutes are more easily amended or repealed than a constitutional provision would be. Additionally, Maine cannot depend upon the United States Constitution or the United States Supreme Court to promote legal protection against discrimination based on protected classes. Recent years have shown us that many rights we believe to be federally protected may be rolled back at any time. Maine can do better to more completely advance equality and assure its citizens that they will be safe from discrimination regardless of what happens federally.

The final decision on whether to include an amendment like the one proposed today in the Maine Constitution is entrusted to the People of Maine. The only way Mainers will be able to make this decision is if the Legislature votes to trust the citizens of Maine to make this decision by presenting them with this constitutional amendment. I ask that you please vote to trust Maine citizens to make this decision and vote to advance LD 260.

Thank you for your consideration.

Sincerely,

A handwritten signature in black ink that reads "Aaron M. Frey". The signature is written in a cursive style with a large, sweeping initial 'A'.

Aaron M. Frey
Attorney General