



January 11, 2022

Dear Senator Carney, Representative Harnett, and Members of the Joint Standing Committee on Judiciary,

I join you today on behalf of the Maine Women's Lobby. For over forty years, the Maine Women's Lobby has advocated for public policy which increases the health, wellness, safety, and economic security of Maine women and girls, with a focus on the most marginalized populations and communities.

We write today **in support of LD 344, "RESOLUTION, Proposing an Amendment to the Constitution of Maine to Explicitly Prohibit Discrimination Based on the Sex of an Individual."**

First, we'd like to note that, as others have mentioned, **we fully support expanding the protections in this bill to cover the full range of Mainers who experience discrimination and harm based on gender.** The Supreme Court definitively concluded that sex-based protections extend to sexual orientation and gender identity (1) and the Maine Human Rights Act offers these protections; our own Constitution should do no less and should provide this essential clarifying language.

The Constitution is one of our most sacred founding documents. And **Maine has deeply held beliefs and values regarding equality and protection from discrimination** – in fact, our Human Rights Act is a national model. Still, two hundred years into our state history, our Constitution is still silent on guaranteeing equality based on gender. Our own eyes, data, and experiences make it clear that **we have not yet achieved the equality we dream of:**

- Women in Maine are more likely to live in poverty (2),
- Still make between .66 and .88 cents for every \$1.00 a white man makes (3),
- Are more likely to experience sexual harassment and violence (4);
- Are more likely to be discriminated against in the workplace (5); and
- Are less likely to be represented in Government (the US Congress is 30 percent female, by far the most representative class in the body's history (6)).

All of this, and the effects are even more profound and harmful for women who also experience racism, homophobia, or transphobia.

An amendment to our Constitution won't solve all of these problems – these are structural inequities that no single law or amendment can change. Still, there are a few very specific circumstances that this Amendment could address:

- Offering protections where the Maine Human Rights Act is silent, specifically around **redress for experience of gender-based violence.**
- **Pay equity, which has actually been exacerbated by COVID-19** – in fact, we are losing ground substantially in that realm (7). While several state laws have chipped away at this, a Constitutional right offers protections that a state law does not afford.
- Clarifying – with the amendment for gender identity and sexual orientation – that **all Mainers who are harmed by gender-based discrimination are equally protected and valued** under the law.
- Creating **avenues for redress and accountability** that currently fall short. I know from over a decade in sexual assault response work that one size does not fit all when it comes to the experiences for survivors or the pathways to justice. We know that real justice and equity is achieved through many means.



Maine Women's Lobby

THE VOICE OF MAINE WOMEN

Amending the Constitution is a serious step, but it's one that nearly half of all states have undertaken (8) and is a clear and simple way to align our core documents with our values. The process is also an opportunity to bring the voice of Mainers into shaping what justice looks like in our state. We know that we share a dream of statewide equity, and we should extend the opportunity to weigh in to all Maine voters. **Please vote 'ought to pass' on LD 344.**

Sincerely,

Destie Hohman Sprague, Executive Director
Maine Women's Lobby / mainewomen.org

- (1) Bostock v. Clayton County, United States Supreme Court
- (2) United States Census Bureau, 2014—2018 Poverty Rate in the United States By County. (2019). Retrieved from <https://www.census.gov/library/visualizations/interactive/2014-2018-poverty-rate-by-county.html>
- (3) Lifetime Wage Gap Losses for Women Overall State Rankings: 2018. (2020, March). Retrieved August 3, 2020, from <https://nwlc-ciw49tixgw5lbab.stackpathdns.com/wp-content/uploads/2020/03/Women-Overall-Lifetime-Losses-2020-v3-1.pdf>
- (4) Dumont, Robyn MPPM and Shaler, George MPH (2015). 2015 Maine Crime Victimization Survey: Informing Public Policy for Safer Communities. Maine Statistical Analysis Center. Retrieved from https://digitalcommons.usm.maine.edu/maine_statistical_analysis_center/5
- (5) PanAtlantic Research (2019). Report to Maine Can Do on Sexual Harassment in Maine Workplaces.
- (6) Rutgers University (2021). Center for American Women in Politics. Retrieved from <https://cawp.rutgers.edu/women-us-congress-2021>
- (7) Politico. "Omicron threatens new economic slide for women." December 30, 2021. <https://www.politico.com/news/2021/12/30/omicron-economic-slide-women-526257>
- (8) Retrieved from <https://feminist.org/our-work/equal-rights-amendment/state-level-eras/>