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TESTIMONY OF MARY L. BONAUTO,
ATTORNEY AT GAY & LESBIAN ADVOCATES & DEFENDERS
IN SUPPORT OF L.D. 375
TO JOINT STANDING COMMITTEE ON LABOR

February 28, 2007

Good afternoon Senator Strimling, Representative Tuttle, and members of the Joint Standing Committee on Labor.

My name is Mary Bonauto. I live in Portland and have been a member of the Maine bar for 20 years. I work at Gay & Lesbian Advocates & Defenders, a public interest law firm working in the six New England states. We regularly represent individuals in Maine — before the Maine Human Rights Commission, in labor arbitration, and in court in matters including student safety, HIV discrimination, parental rights, employment matters, and challenging anti-gay referenda. I am here for GLAD on behalf of those Mainers who look to GLAD for assistance.

Family medical leave is a sensible and compassionate response to two realities. The first reality is that people sometimes face dire illness themselves or in their immediate family unit. The second is that the birth or adoption of a child is such a critical and life changing event that families need time to find their way together. Maine's Family Medical Leave is modest — permitting up to 10 weeks of unpaid time off while allowing the employee to retain his or her job. This is important because it covers employers with 15 employees whereas the federal FMLA law only applies to employers with at least 50 employees. Extending that leave to gay and lesbian couples who are also qualified domestic partners seems a small but significant step in helping families and applying the principles of non-discrimination upheld by this body and the voters in 2005.

We know and appreciate that the Legislature has taken several steps to address our needs as families. For example, the Domestic Partner Registry allows qualified couples to register and receive a limited set of probate law related protections upon the incapacity or death of their partner. Yet, we find that people still fall through the gaps of even those protective laws. We are working with a woman right now in Somerset County who lost her partner unexpectedly during surgery last year. They were four days beyond the one-year requirement required for registration as domestic partners under that probate law. They did have a marriage ceremony earlier — a ceremony not respected by Maine law. She has lost the love of her life and her hope of any economic security. The nightmare is unfolding — she cannot get access to their joint bank account, the blood relatives filed to administer the estate and are ignoring her, and she cannot drive the couple's truck because it is registered in the deceased partner's name. Without the truck she can't work, and so she's borrowing from her town to make payments on her trailer home. The town has placed a lien on that trailer home, which other than the car is the most valuable thing she thought she owned.

While the Legislature has taken several important steps to address the needs of gay and lesbian families, as you consider the needs of families in this state, I ask that you bear in mind that state and federal law alike primarily allocate rights and impose responsibilities on families based on marriage. Attached to my testimony is a document that illustrates a number of laws where the marriage-based system works to the decided disadvantage of working gay and lesbian families. By our count, including state work-based laws, there are several hundred laws in this state that distinguish between people based on their marital status. Whether the issue is line of duty benefits for the surviving partner of a public safety officer, or worker's compensation survivor benefits when a working family member is killed on the job, or even the right to sue for wrongful death or loss of consortium because of someone else's bad conduct, gay and lesbian families are without the remedies or safety net the Legislature obviously thought important for families.

This bill will fill in one of the gaps through which gay and lesbian families can fall, and will be an important step forward to full equality. GLAD urges you to report favorably LD 375 and looks forward to being of assistance to this Committee as it addresses the needs of Maine's gay and lesbian families.

Thank you very much.

Attachment:
Discrimination Against Gay and Lesbian Working Families