

Resolve 16-08/09

Passage: 4/27/09 8-0 (Skolnik absent)

JILL C. DUSON (MAYOR)
KEVIN J. DONOGHUE (1)
DAVID A. MARSHALL (2)
DANIEL S. SKOLNIK (3)
CHERYL A. LEEMAN (4)

CITY OF PORTLAND
IN THE CITY COUNCIL

JOHN R. COYNE (5)
JOHN M. ANTON (A/L)
DORY RICHARDS WAXMAN (A/L)
NICHOLAS M. MAVODONES (A/L)

**RESOLUTION SUPPORTING THE PASSAGE OF LD1020
“AN ACT TO END DISCRIMINATION IN CIVIL MARRIAGE AND
AFFIRM RELIGIOUS FREEDOM”**

WHEREAS, LD 1020, An Act to End Discrimination in Civil Marriage and Affirm Religious Freedom, sponsored by Senator Dennis Damon of Trenton, is currently before the Maine Legislature, and

WHEREAS, LD 1020 is a critical legal step in the long fight to provide equal legal access and protection to all of Maine residents regardless of their sex, or sexual orientation; and

WHEREAS, it is vital in a fair society for everyone to have equal rights under the laws of the state and county; and

WHEREAS, the laws of the State of Maine currently do not allow same-sex couples to marry and in fact prohibit persons of the same sex from contracting a marriage; and

WHEREAS, LD 1020 recognizes the important legal distinction between the laws of the state, which are the product of secular, non-religious process and policy making and the laws and tenets of religious organizations; and

WHEREAS, this important distinction is crafted and integrated by the founders of the United States into the U.S. Constitution, and by the founders of Maine into the Maine Constitution both of which require the separation of church and state; and

WHEREAS, LD 1020, at the same time fully recognizes and affirms the right of religious freedom for organizations by explicitly stating that this proposed law does not authorize any court or other state or local governmental body, entity, agency or commission to compel, prevent or interfere in any way with any religious institutions, religious doctrine, policy, teaching or solemnization of marriage within that particular religious faith’s tradition as guaranteed by the Maine Constitution, Article 1, Section 3 or the First Amendment of the United States Constitution; and

WHEREAS, LD 1020 similarly recognizes the religious freedom of an individual to not perform a marriage ceremony by explicitly stating that “a person authorized to join persons in marriage and who fails or refuses to join persons in marriage is not subject to any fine or other penalty for such failure or refusal;” and

WHEREAS, the secular institution of marriage is designed and intended to further the relationship between individuals who are committed to a binding and long-term relationship both of which are in the best interest of society at large and particularly children who can benefit from such relationships in a family environment; and

WHEREAS, the legal institution of marriage brings with it a host of legal rights and responsibilities that are designed to promote and support long-term relationships and families; and

WHEREAS, those rights and responsibilities are currently denied to the gay and lesbian citizens of the State of Maine; and

WHEREAS, a number of other states throughout the country including the State of New Hampshire, have already adopted laws providing equal legal access to marriage for same sex couples; and

WHEREAS, the citizens of Portland have always supported and believed that an individual should be judged by his or her acts and not by labels; and

WHEREAS, that conviction on the part of the citizens of Portland led the Portland City Council on May 11, 1992 to enact the first human rights ordinance in the State of Maine granting protection against discrimination based on sexual orientation in employment, housing, public accommodations, and credit availability; and

WHEREAS, on November 8, 2005 the people of the State of Maine supported P.L. 2005, Chapter 10, a similar law amending the State's Human Rights Act which law went into effect on December 28, 2005; and

WHEREAS, LD 1020 will further the march toward legal equality, protection and rights for all of Maine citizens;

NOW THEREFORE BE IT RESOLVED, that the undersigned members of the Portland City Council strongly supports LD1020 and respectfully requests that the City's delegation and the other members of the Maine House and Senate, and the Honorable John Baldacci, Governor of the State of Maine, support it and pass it during this session of the 124th Maine State Legislature; and

BE IT FURTHER RESOLVED, that the City Clerk shall forward a copy of this Resolution and the Council's action on it to the members of the Portland Delegation, the members of the Joint Standing Committee on Judiciary, the members of the Legislative Council, and Governor Baldacci.
