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Spring 2008

Equality News (Spring 2008)

Matthew R. Dubois

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EQUALITYNEWS

Working to secure full equality for lesbian, gay, bisexual, and transgender people in Maine through political action, education, and collaboration.

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EQUALITYMAINE

Spring 2008

**Stories of New
Adoptions,
page 3**

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The State of the Movement

By Darlene Huntress, Public Policy Director

As we move into a new national electoral season, it is hard to believe that just four years ago our community endured devastating losses in the 2004 elections. Anti-LGBT state constitutional amendments were passed in eleven states. President Bush, who favored a federal amendment to the U.S. constitution to ban marriage and openly campaigned on that issue, was re-elected.

Fast forward four years. In less than a year from now, the most anti-LGBT president we've ever had will be out of office. Presidential candidates are no longer running away from LGBT issues, but publicly addressing them head on. Four years later, we've climbed our way back and the state of our movement is robust and healthy.

We can celebrate that in towns, cities and states across the nation, 2007 was a historic year for pro-LGBT legislation—in fact, collectively, it was our best year ever. And with three states—Connecticut, Iowa and California—having pending court cases that could end marriage discrimination, it is clear that the momentum for LGBT equality has shifted in a very positive way.

Legislative Advancements

Recognizing that LGBT youth need better protection against harassment, four states—Iowa, New Jersey, Maryland and California—passed laws to combat bullying and harassment of our young people.

Although Congress failed to pass a national trans-inclusive employment non-discrimination bill, three states enacted statewide trans-inclusive nondiscrimination laws—Iowa, Colorado and Oregon. Twenty other cities and towns passed nondiscrimination ordinances, 19 of which included protections on the basis of gender identity and expression. Two states—New Jersey and Vermont—went back and added gender identity protections to their non-discrimination laws.

(continued on page 13)



Over 500 people turned out for EqualityMaine's 24th Annual Awards Dinner on March 8. See pages 8-10 for photos and sponsorship recognition. Enjoying the reception before the dinner are (L to R) Dan Conley, Tim Hadke, David Cox, and David Cohan.

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Communications Coordinator Hired

In February, EqualityMaine hired Mary Phillips-Sandy as its first Communications Coordinator, filling an essential role of communicating the organization's work to the media and general public.

Her experience in non-profit communications began in 1997, when she co-founded the Maine International Film Festival in Waterville. Although Mary was only a junior in college at the time, she was responsible for writing the festival's press releases, responding to media inquiries, and creating content for the program guide and other marketing materials. Last summer she helped MIFF place its first-ever blog ads, which meant collaborating with a web designer to create images, working within a budget, and gathering ad performance statistics.

Mary currently writes for Vault and Comedy Central's Indecision 2008 blog. She was recently employed as a freelance eCampaign writer at M+R Strategic Services in New York, a communications firm that serves national non-profit clients. She wrote and edited copy for several clients including Human Rights Campaign, Common Cause, League of Conservation Voters, Human Rights First, Smithsonian Institution and Gay Men's Health Crisis.

Two years ago, Mary served as Development Director at American Booksellers Foundation for Free Expression and recently co-founded RuinedMusic.com. She has also written for Mertomix New York, the Zagat Survey, *Bust*, *Time Out New York*, *Lost Magazine*, *asap @ the Associated Press*, *University of Chicago Magazine*, and *Proto Magazine*.

Mary was born and raised in Maine, currently resides in New York City and is moving to Portland in July. Until July, she is working remotely from her laptop in the city. •



Mary Phillips-Sandy joins EqualityMaine as its first ever Communications Coordinator.

New Initiative Generates Resources

MassEquality and Gay & Lesbian Advocates & Defenders (GLAD) have teamed up to help generate increased resources for New England states carrying out public education campaigns on marriage. Dan Cohen, one of MassEquality's political consultants over the last several years, is one way in which EqualityMaine is benefiting from this new initiative.

Dan was instrumental in building MassEquality's capacity to influence important electoral races in Massachusetts. The result of those efforts culminated on June 14, 2007, when seventy-five percent of Massachusetts legislators voted to defeat an attempt to send a constitutional amendment on marriage out to voters.

Dan will be working with EqualityMaine over the next several months as we complete our 3rd year of a 3-year public education campaign on marriage. •



Political consultant Dan Cohen will be working with EqualityMaine on its public education campaign on marriage.

Adoptions in Maine: Telling Their Stories

By Mary Phillips-Sandy, Communications Coordinator

Across Maine, gay and lesbian couples—and their families and friends—are celebrating the 2007 decision allowing same-sex couples to jointly adopt in the state. Besides providing meaningful legal protections for parents and children, the new law upholds the idea that families of all kinds deserve equality.

Do you have an adoption story you'd like to share? Email us at info@equalitymaine.org.

Marilyn Kirby & Ann Courtney

Marilyn Kirby and Ann Courtney were plaintiffs in the landmark case that made Maine the 29th state to allow joint and second parent adoptions for same-sex couples. Both licensed foster parents, they were united with Ryan (age 4 months) and Michelle (age 4) in 2001. Then Ann and Marilyn decided to make Ryan and Michelle a permanent part of their family.

"During the adoption process, we insisted that the home study be done the same as for any other couple," Ann says. At a subsequent DHHS meeting, "We explained that we wanted to adopt the children as a couple because they had been placed with us as a couple, they viewed both of us



Ten-year-old Michelle and her brother, 6-year-old Ryan, are the children who won the right to be jointly adopted by their foster parents, Ann Courtney and Marilyn Kirby, in the historic 2007 ruling by Maine's Law Court.

as their parents, that it was allowed under our interpretation of the statute, and that it was the right thing to do." DHHS agreed to proceed with the joint adoption, which Ann and Marilyn call "an historic moment."

When the Probate Court denied their adoption petition, the couple and their legal team appealed to the Maine Supreme Court. Although the legal proceedings were challenging, Ann and Marilyn say they remained hopeful that they would prevail—and in August 2007 they did. Their adoption

was finalized in October. "I often look at Ryan and Michelle and acknowledge the blessing Marilyn and I have had bestowed by becoming their legal parents," says Ann. "As a lawyer, I know it is important to make sure that any case of first impression is the right one. I am so grateful that our lawyers thought we were the right case."

Charles Nero & Baltasar Fran-Moliner

Charles and Baltasar once thought the idea of having children as a gay couple was "pie in the sky." Although they considered parenthood early in their relationship (which began 24 years ago), in the 1980s it seemed impossible. "Then in the late 1990s we started reading stories about openly gay people who were adopting children," Baltasar says. Unfortunately, at several private agencies they contacted, the couple encountered homophobia and racism. "We lost placements to couples who were younger than us, straighter than us, and whiter than us," Charles says.



Charles Nero (R) and Baltasar Fran-Moliner show off their newly adopted son Carlos. With adoption, Carlos is eligible for dual Spanish citizenship through Baltasar, who is Spanish.

An agency in Washington state that advertised to same-sex couples put Charles and Baltasar in touch with a similar agency in Maryland. Carlos, their son, was born in 2006, and the couple began adoption proceedings. Their attorney alerted them to the fact that a joint adoption case was mov-

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Sparaco Nominated as District Judge

Former EqualityMaine Board member Susan Sparaco has been nominated by Governor Baldacci for a District Court judgeship. Her nomination was recently reviewed and approved by the Legislature's Judiciary Committee and now awaits Senate confirmation. If confirmed, the appointment is for seven years.

Sue worked as a lawyer in Maine's Attorney General's Office for more than 19 years, assigned to litigation and consumer protection divisions. She is a graduate of the University of Maine and received her law degree from the University of Maine School of Law.

Sue served on the EqualityMaine Board of Directors for six years, from 1997 to 2003. In her resignation letter she states:

"After several interesting and enriching years as a member of the Board, I...need to step aside so someone with more energy and vision than I have these days can step up to the plate.

"I leave pleased to have watched this organization transform itself from a loose band of activists to a diverse, professional, and powerful voice for the LGBT community. The changes and growth during the last few years are too numerous to mention...

"I leave also having benefited by my association with all of you. It has truly been a pleasurable, albeit humbling, experience working with such dynamic individuals. Thanks."



Jane Lincoln (L), Susan Sparaco, and Linda Conti (R), all former EqualityMaine board members, gather to congratulate Susan on her appointment as District Court judge.

Sue put an enormous amount of time and personal resources into EqualityMaine during those growing years and our success today can be attributed in great part to Sue and her fellow board members. We wish her the best of luck in her new endeavor as District Judge. •

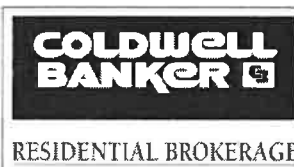
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Adoptions in Maine: Telling Their Stories

(continued from page 3)

ing forward in Maine, so they delayed finalizing the adoption. Upon hearing news of the ruling, Charles says, "We were truly relieved." The couple re-filed papers as joint parents. "We didn't know what to expect when we went to meet the judge," Charles adds. "He was very kind, he praised our decision." Carlos's adoption was finalized with a celebration at Bates College, where his parents teach. Aside from the security gained in America, the adoption makes Carlos eligible for dual Spanish citizenship through Baltasar, who is Spanish. "This law in Maine affects how people in other countries see us," Baltasar says. "Guardian can mean different things in different places. Parent means the same thing everywhere."

Joyce Stevens & Kelly Roberts

Kelly and Joyce will celebrate their 20th anniversary in September 2008. Their daughter Abby was born in 1997; Kelly, who was excited to experience pregnancy, is her birth mother. After Abby's birth, Joyce and Kelly had a lawyer draw up a co-parenting agreement. Twice each year, Joyce re-submitted guardianship papers so she could make decisions about her daughter's education and health care.

Everything changed in 2005 when Kelly was diagnosed with cancer. Despite treatment, the disease progressed to Stage 4, which is considered incurable. Anxious to protect their family, Joyce and Kelly contacted their lawyer, who offered their only option—Kelly would surrender her parental rights so Joyce could adopt Abby. "Given my medical situation we needed to proceed with what was available," Kelly says. "Making the decision was easy. Living with it was a different story."

In August 2007 a member of their church alerted them to the new law allowing same-sex couples to jointly adopt. In September Joyce became the first lesbian in Maine to adopt the biological child of her partner. "We are a family; we have always been a family," says Kelly. But now, "Should my condition take a turn for the worse, I know Joyce and Abby will be protected and recognized."

Rodney Mondor & Ray Dumont

EqualityMaine board member Rodney Mondor and his partner Ray Dumont have been together for nine years—and they began talking about kids on their second date. "We both knew we wanted to be dads," Rodney says. After buying a house together, the couple decided to adopt Ethan, now 8. "We started the process with DHHS right after we moved into the new house," explains Rodney. Adoption "was the easiest way to make a family. Friends did the surrogate process and besides being costly, it seemed complicated. Plus we realized that there were kids in the system in need of a loving home and a family."

Of course, at the time Ethan was adopted, Ray and Rodney had to choose which of them would be his legal parent, and they chose Rodney. When news of the Law Court's joint adoption ruling broke in 2007, Rodney says,



Ray Dumont (L) and Rodney Mondor enjoy some family time with adopted son Ethan. For the first several years, only Rodney was a legal parent. Now both have legally adopted Ethan.

(continued on page 7)

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Adoptions in Maine

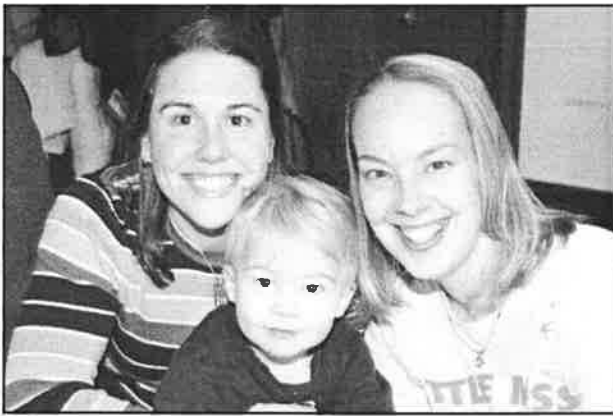
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"We were very excited, and called our lawyer first thing to get the paperwork started for Ray." The successful joint adoption, Rodney adds, "has enriched our lives. We can't imagine life without Ethan. He recently told me that he was glad my parents had me and Ray's parents had him, so he could be part of our family."

Charissa & Melinda Merrill-Maguire

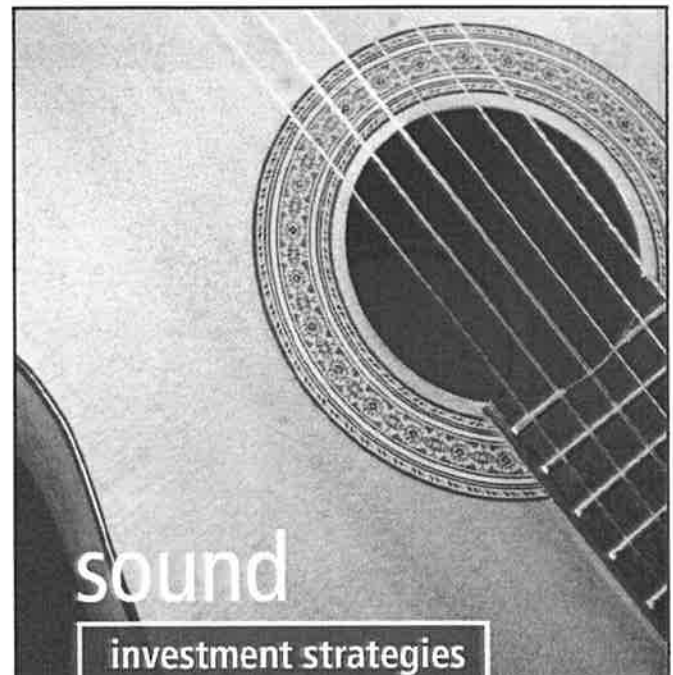
Charissa and Melinda have been together for six years; Charissa gave birth to their son in 2006 with the assistance of a sperm bank. After Maine's joint adoption ruling, the couple contacted their attorneys and began joint adoption proceedings in October. "It is so important that our son grows up knowing the security of two full, legal parents," Melinda says. "The emotional stability that comes with that is what we envisioned when we thought about having children."

The adoption was finalized in January 2008. "The relief was overwhelming," says Melinda. Adoption has been important for Melinda's parents, too, since it has given them legal status as grandparents. Melinda adds, "They play a huge part in our son's life, and have increased security knowing their status is official—though there was never a



Melinda (L) and Charissa Merrill-Maguire were the first couple to jointly adopt a child in Penobscot County. Their son now has two legal parents, not just one.

question about who their grandson was." Charissa and Melinda say they're "grateful to live in a community that's open and receptive, and celebrates with our family." In fact, their adoption has sparked a dialogue with some fellow parents: "They shared with us that they had taken for granted the rights they have, inherent in their marriages. They hadn't realized how much thought and legal paperwork we needed to protect our family, and the end result is still fewer rights than if we were able to marry." •




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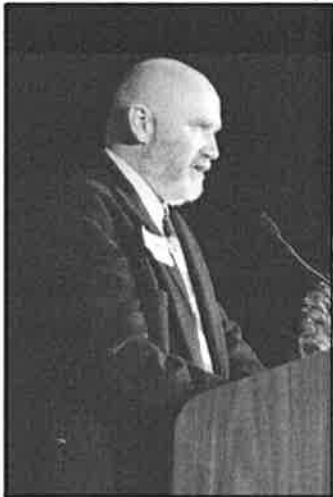
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EqualityMaine Foundation 24th Annual Awards Dinner



Charles Dwyer was instrumental in helping us pass family medical leave legislation in 2007. Charles' partner Declan Buckley passed away just weeks after the public hearing in which Charles testified.



Rev. Mark Doty (in tie) received EqualityMaine's Faith in Action Award. Mark's church is the Hammond Street Congregational Church UCC in Bangor.



Genia Graham receives EqualityMaine's Cameron Duncan Award for extraordinary work in HIV/AIDS prevention from Board President Matthew Dubois.



Ray and Connie Winship (center) were honored with EqualityMaine's FE Pentlarge Award for their activism on LGBT issues in schools, churches, and on campaigns.

Photos by Sandra Hrasdzira



MLCU was recognized with EqualityMaine's Partners for Equality Award for their commitment to marriage equality. Executive director Shenna Bellows (far left) accepted the award on behalf of the organization.

Jill Barkley received EqualityMaine's Young Leaders Award for her leadership in many areas of LGBT organizing. She also gave a very successful pitch for our new Leadership Development Program.



EqualityMaine Foundation 24th Annual Awards Dinner



Enjoying the evening were Pam Remy, Karen Weiss, Jan McClintock, and Merkle Muller.



We were pleased to have a table of young people from Proud Rainbow Youth of Southern Maine (PRYSM). Pictured here are PRYSM coordinator Joanna Testa (far right) and guests.

Photos by Sandra Hrasdzira



Members of Allen Avenue Unitarian Universalist Church in Portland.



Center front are Ann Courtney and Marilyn Kirby, plaintiffs in Maine's historic adoption case, surrounded by GLAD staff and supporters.



Two sponsors of the Dinner included Amy Alward (L) from Amy Alward Insurance and Jen Hillstrom (third from left) from Maine Cardiology Associates. Other friends at the table include Lori Voornas (second from left, former MC of EqualityMaine's Great Pumpkin Ball) former Equality Maine board member Kimm Collins (third from right), Lynsey Voy, (second from right) and Avesha DeWolfe (far right).



Toho Soma (R) was one of EqualityMaine's Out Front Award winners. With Toho are Andrew Jones (L), EqualityMaine's former Communications Intern, and Andrew's partner Scott Hanson.

Thanks to our 24th Annual Dinner Sponsors & Donors

EqualityMaine Foundation held its 24th annual awards dinner on March 8 in Portland with over 500 people in attendance. We honored individuals and organizations who came from several different regions in Maine, have diverse backgrounds and have worked on many different issues. The one important thing they had in common was that these people and their issues matter to the LGBT community.

The program was a review and celebration of the past year—family medical leave, trans-inclusion, hate crimes pro-

tections, adoption, civil unions, marriage—and it was also about standing together as a community. We work on many fronts, in many ways, but it's our unity that allows us to make progress. That's what linked the evening's honorees and the successes we saw in 2007.

We are grateful to our presenting sponsor, Merrill Lynch, and our signature sponsors, Five County Credit Union and Time Warner Cable.

For all who attended, thank you for a very successful evening! •

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Presidential Candidates on LGBT Issues

By Matt Moonen, Field Organizer

The 2008 presidential election will certainly be historic, in more ways than one. It is the first election since 1928 in which a sitting president or vice-president is not in the running for the nomination of either party. It will be the first time a woman or African-American man will be the nominee of a major party. And, it will mark the end of the most anti-LGBT presidency we have ever faced. For all of these reasons, it is an exciting year for all of us.

Here is a summary of where the remaining contenders stand on LGBT issues:

Senator Hillary Rodham Clinton (D-New York):

Senator Clinton has demonstrated broad support for issues important to the LGBT community. She was a co-sponsor of the fully inclusive hate crimes bill that passed the Senate in 2007, and has expressed support in her campaign for a fully inclusive Employment Non-Discrimination Act (ENDA)—a senate version of ENDA has not yet been introduced. She has described the Don't Ask, Don't Tell policy as a "failure" and has advocated for its repeal, and she twice voted to oppose a Federal Marriage Amendment. Senator Clinton has stopped short of supporting full mar-

riage equality, however, focusing instead on achieving "equality of benefits."

Senator Barack Obama (D-Illinois):

Senator Obama has also demonstrated broad support for issues important to the LGBT community. He was a co-sponsor of the fully inclusive hate crimes bill and has expressed support for a fully inclusive ENDA. He has said that Don't Ask, Don't Tell "needs to be eliminated," and voted against the Federal Marriage Amendment. Senator Obama has stopped short of supporting full marriage equality, however, saying that civil unions are strategically achievable and that so long as the rights are there, he is "less concerned about the name."

Senator John McCain (R-Arizona):

Senator McCain has demonstrated broad opposition to issues important to the LGBT community. While he did not vote on the hate crimes bill that passed the Senate in 2007, he voted against a similar measure in 2005. He also opposes workplace protections for LGBT people, and has described the Don't Ask, Don't Tell policy as "very effective." He opposes any sort of relationship recognition for LGBT cou-

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Marjorie Love, M.S.W.

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The State of the Movement

continued from page 1

Statistically, these accomplishments show stunning progress for LGBT individuals. According to a study by the National Gay and Lesbian Task Force, the percentage of U.S. population covered by a law that protects people from discrimination on the basis of sexual orientation in 2000 was 28 percent. Today, more than half the U.S. population—52 percent—now has these protections. The same study found that in 2000, only seven percent of the U.S. population was covered by laws protecting from discrimination on the basis of gender identity and expression. Today, that number has increased to nearly 40 percent, with eleven states having fully inclusive non-discrimination laws, including Maine.

In the area of family recognition, ten states introduced marriage bills in 2007: Connecticut, New Hampshire, California, Illinois, New York, Washington, New Jersey, Rhode Island, Vermont, and New Mexico. Three states enacted laws granting same-sex couples some of the rights and responsibilities that come with marriage—Oregon passed a domestic partnership law and New Jersey and New Hampshire enacted civil unions. Creating these “parallel mechanisms” for LGBT couples does not end discrimination, but it is heartening to know that 20% of Americans are now living in a state that offers broad protections to LGBT fami-

lies, particularly when considering that number was just two percent in 2000.

And of course, on June 14th, Massachusetts legislators defeated a proposed state constitutional amendment to end marriage equality by a 151-45 vote, putting an end at long last to any future amendment attempts.

Pending Court Cases

Connecticut is awaiting a decision by the Connecticut Supreme Court in *Kerrigan and Mock v. the CT Department of Public Health*. The case was brought by our coalition partners at Gay & Lesbian Advocates & Defenders on behalf of eight same-sex couples who seek to end marriage discrimination in Connecticut. Oral arguments in the case were heard by the Supreme Court in May 2007, and a decision could come any day.

In Iowa, Lambda Legal filed a lawsuit in Polk County District Court on behalf of six same-sex couples seeking the right to marry. The plaintiffs in the case, *Varnum v. Brien*, argue that denying same-sex couples marriage rights violates protections guaranteed by the Iowa Constitution. In August 2007, the Iowa District Court agreed, ruling that it is unconstitutional to deny same-sex couples access to marriage. The next day, the opposition filed for an appeal and a ‘stay’ on

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Presidential Candidates on LGBT Issues

(continued from page 12)

ples, and advocated for an amendment to the Arizona state constitution to define marriage as a union between one man and one woman. Senator McCain has stopped short of supporting a Federal Marriage Amendment, however, saying that such an amendment would take away from the states "a fundamental authority they have always possessed."

So what does this all mean?

Well, it's clear that the candidates still have a ways to go to support full equality for LGBT Americans, some much more than others.

To editorialize, Arkansas Governor Huckabee would have been the one candidate worse on LGBT issues than George W. Bush has been. So having John McCain as the Republican nominee eliminates that threat. But even McCain would impede progress for our issues in Washington, as he opposes even the most basic of protections for LGBT people.

The Democratic candidates, on the other hand, offer hope that significant advances can be made in the near future to protect the LGBT community. The fully inclusive hate crimes bill passed the current session of Congress, and will likely pass again in the next session. In addition, a fully inclusive ENDA stands a good chance of success in the next Congress. But we need more than just passage of these long overdue bills—we need a President who will sign them into law. At this point, only Hillary Clinton or Barack Obama can offer us that. •

The State of the Movement

(continued from page 13)

the decision, and both were granted. The Iowa Supreme Court is expected to hear arguments in the case later this year.

The California Supreme Court heard oral arguments on March 4 in the marriage cases challenging the exclusion of same-sex couples from marriage. The cases were filed in March 2004 by National Center For Lesbian Rights, Lambda Legal and American Civil Liberties Union. The California Supreme Court typically issues its decisions within 90 days following oral arguments, which sets up a potential deadline for the decision of June 4th.

Of course, there is much to do to secure full equality for lesbian, gay, bisexual, and transgender people in Maine and beyond. Yet it is important to acknowledge that we are in the midst of an historic time in our movement's history, and this past year's successes are certainly signs of that. With LGBT advocacy organizations across the country galvanized and working hard to win both individual rights and relationship recognition for LGBT people, and with a national effort focusing on such issues as the repeal of Don't Ask, Don't Tell and passage of a fully inclusive Employment Non-Discrimination Act, this positive shift in momentum comes at a critical time in our movement. If the Connecticut, California or Iowa high courts rule in favor of full marriage equality for LGBT people, the landscape will become even more promising and hopeful. •

Portland's 3rd Annual
Dyke March
Friday, June 13th
7pm Monument Square
Sponsored by EqualityMaine

Afterparty 9pm at
North Star Cafe
225 Congress Street

for more info:
portlanddykemarch@gmail.com

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Ken Fryns (L), EqualityMaine board member Margaret O'Connell, and Mark Violette were three of over 500 people who attended the 24th Annual Awards Dinner on March 8 at the Holiday Inn by the Bay in Portland.

Two former presidents of EqualityMaine, Sive Neilan (L) and the Honorable Dale McCormick, share a laugh at EqualityMaine's 24th Annual Awards Dinner.

