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Spring 2007

Equality News (Spring 2007)

Matthew R. Dubois

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EQUALITYNEWS

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Spring 2007

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In this issue

FMLA.....	1
New staff.....	2
Legislation Overview..	3
Community events....	4
Paid sick days.....	5
Marriage.....	7
Annual Banquet....	8-10
Volunteer Opp.....	16

Amending the Family Medical Leave Act

To address some of the inequities that gay and lesbian families face in the workplace, EqualityMaine introduced legislation this year that would expand the Family Medical Leave Act (FMLA) to include domestic partners. Working in close collaboration with the Maine Women's Lobby and Gay & Lesbian Advocates & Defenders (GLAD), we drafted an amendment to FMLA, asked Senator Dennis Damon (D-Hancock) to be prime sponsor and introduced the legislation on behalf of all working LGBT families.

Maine's Family Medical Leave Act allows employees to take up to 10 weeks of unpaid leave to care for a seriously ill spouse, child, or parent and for the birth or adoption of a child. It's a good law because it helps strengthen families while at the same time allowing employees to remain in good standing at work. It doesn't force an employee to choose between keeping one's job or caring for a seriously ill family member.

The problem is that FMLA excludes Maine's LGBT workers.

At a public hearing of the Joint Committee on Labor, a handful of Mainers stepped forward to tell their personal stories of struggle caring for a terminally ill life partner. Sandy Osterby and Charles Dwyer are courageous Mainers who spoke to the Committee about family medical leave and their challenges of juggling work responsibilities with the responsibility of being primary caretakers for their dying partners.

Sandy spoke of her shock in learning that her partner of 23 years, Donna, had been diagnosed with lung cancer, especially since Donna had never smoked a day in her life. As Donna's health deteriorated, Sandy used her sick and vacation time to care for her, but as the situation grew worse, it became increasing-

continued on page 6



Mary Bonauto from GLAD testifies at a public legislative hearing of the Labor Committee about why amending the Family Medical Leave Act to include domestic partners will allow LGBT workers to take care of their families while remaining in good standing at work. EqualityMaine is collaborating with GLAD and the Maine Women's Lobby on this FMLA legislation.

EqualityMaine

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

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EqualityMaine Hires More Staff

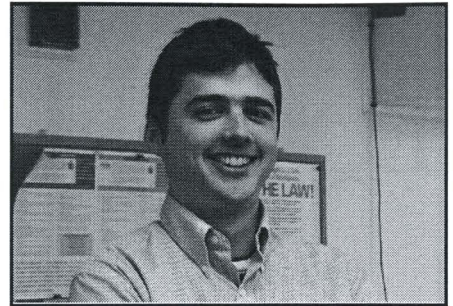
EqualityMaine hired two people recently, bringing the staff to five, the largest since becoming a staffed organization in 2001.

In February, EqualityMaine hired Brian Sandberg as development director. Brian comes to EqualityMaine most recently from the Draft John Edwards campaign and prior to that as the national director of Campus Greens in Northampton, Massachusetts. Brian brings both national and local fundraising experience to this position, along with a healthy sense of humor. We are thrilled about his joining the EqualityMaine team.

In March, EqualityMaine hired Matt Moonen as an organizer to work closely with our public policy director Darlene Huntress. Matt brings with him LGBT field experience, having worked as a field organizer with MassEquality and a regional field director with Fair Wisconsin, a campaign to defeat a discriminatory amendment banning marriage and civil unions for LGBT couples in 2006.

Matt will focus primarily on organizing 501c4 political work while Darlene will focus primarily on organizing 501c3 public education work. Their combined efforts will enable EqualityMaine to increase the quantity and quality of work in each of our organizing areas.

EqualityMaine welcomes our new staff members, Brian and Matt, and also John McKenna, who was hired in January as our first ever administrative assistant. •



EqualityMaine welcomes new development director Brian Sandberg (above) and new organizer Matt Moonen (below). Both bring talent and experience to their dedicated fields and will add tremendous quality and depth to the growing EqualityMaine staff.



EqualityMaine is grateful to Gay & Lesbian Advocates & Defenders (GLAD) for their recent contribution of \$27,000 for our work on full equality for LGBT families. EqualityMaine and GLAD have collaborated in recent years on many issues including non-discrimination, family medical leave, gender identity and expression, and a host of activities as part of our public education campaign on marriage. One of our proudest collaborations, with MCLU and filmmaker Molly O'Neil, is the production of a DVD on marriage equality featuring three Maine LGBT couples. Thank you, GLAD, for your generous ongoing support and collaboration.

EqualityMaine also thanks the Human Rights Campaign for their recent \$5,000 contribution for our organizing work on the federal Employment Non-Discrimination Act. This is HRC's second contribution in six months—it followed a generous contribution of \$15,000 for EqualityMaine's work on state legislative races in the fall 2006. Thank you, HRC, for your ongoing support.

Collaboration with our national partners, such as GLAD and HRC, make us stronger as a state organization and stronger as a movement committed to full equality for LGBT people.

Guide to 2007 LGBT Legislation

There were a significant number of legislative bills introduced this year that affect LGBT people. Some are friendly and some are not. The following are bills introduced thus far in 2007, along with EqualityMaine's position on each.

Bills We SUPPORT:

LD 375, An Act to Amend the Family Medical Leave Act. This is EqualityMaine's primary legislation this year, an effort to address some of the inequities that gay and lesbian families face in the workplace. This bill would amend the Family Medical Leave Act to include domestic partners. It is sponsored by Senator Dennis Damon (D-Hancock County).

LD 663, An Act to Update Absentee Ballot Procedures, sponsored by Rep. Chris Barstow (D-Gorham). Current law allows immediate family members to request and drop off absentee ballots. This bill would amend the definition of "immediate family members" under the election laws to include domestic partners.

LD 1454, An Act to Care for Working Families, sponsored by Rep. Jacqueline Norton (D-Bangor). Although not specific to LGBT workers, we support this bill being led by the Maine Women's Lobby. The bill requires an employer to provide each employee up to 9 days annually of paid sick leave. Paid sick days may be used due to illness of the employee or illness of an immediate family member.

LD 1788, An Act to Equalize Tax Filing Status, sponsored by Rep. Dick Woodbury (U-Yarmouth). This bill would allow domestic partners to file state income tax returns under the same requirements as for married persons. This bill is complicated because taxes

are complicated, and taxes are a significant piece of the puzzle in addressing LGBT family equality. We are currently conducting research about taxes in Maine before articulating a formal position on this bill.

Bills We OPPOSE:

LD 1589, An Act to Prohibit the Use of Opposite-Gender Bathrooms, Changing Rooms and Locker Rooms, sponsored by Rep. Brian Duprey (R-Hampden). This bill would make it a crime for a person to use a public bathroom, changing room or locker room that was designated for use by a gender different than the gender the person was assigned at birth. The only provision would be for a person who "completely undergoes a medical procedure" in which that person's gender is changed. Medical procedures vary widely and no one standard can be used to determine whether someone's gender is changed. At the public legislative hearing, trans advocates Jean Vermette from Bangor and Kael Parker from Portland delivered articulate testimony against the legislation and provided the committee with its first trans 101 education.

LD 180, An Act to Provide for a Change in Gender Designation on a Driver's License, sponsored by Senator Dana Dow (R-Lincoln County). Although we fully support people being able to change their gender designation on a driver's license, this bill was not the right approach. The Department of Motor Vehicles already allows people who are post-op to change their gender designation and when we go through the legislature for more substantive changes to the law, we will support a bill that addresses more areas and is less cumbersome.

continued on page 11



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EqualityMaine Hosts Legislative Fundraisers

Following town hall meetings in the fall with members and supporters across the state, EqualityMaine hosted three fundraisers in February to raise money for our legislative work. The first of the three fundraisers was held at MaineStreet in Ogunquit, a fabulously popular gay bar owned by Normand Paquin. The evening began with a women's T dance, where DJ Jodi brought out over 350 women for a 3-hour dance. Huge thanks to DJ Jodi for contributing \$1 of each T-dance cover to EqualityMaine and to Normand Paquin for contributing the entire post T-dance cover. It was a fabulous evening and we are grateful to Normand Paquin for his collaboration on this fundraiser.

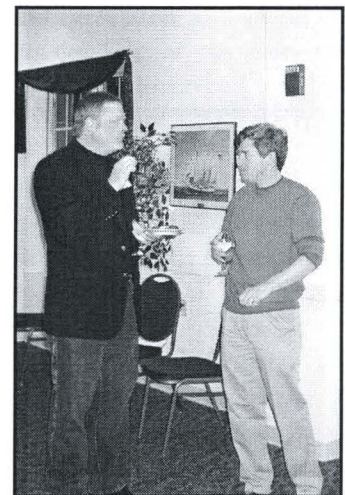
The second fundraiser was held in Augusta at Delia's Irish Pub, a delightful little restaurant owned by Tom Pilsbury and Stan York. Sadly, Delia's closed its doors in March. About 40 people, including public officials, activists, and members, attended to hear about EqualityMaine's legislative agenda for 2007. Guest speakers included Senate President Beth Edmonds (D-Cumberland County), House Majority Leader Hannah Pingree (D-North Haven), and House Majority Whip

Sean Faircloth (D-Bangor). Several other legislators and government representatives, including Speaker of the House Glenn Cummings (D-Portland) and Director of the Department of Labor Laura Fortman, were also in attendance. The food at Delia's was always delicious and this was no exception. Huge thanks to Tom Pilsbury and Stan York for letting us hold our fundraiser at the beautiful, delightful Delia's Irish Pub.

The third fundraiser was held at the Sea Dog Brewing Company in Bangor. Nearly 50 people gathered at the restaurant to discuss EqualityMaine's legislative agenda for 2007. Guest speakers included House Majority Whip Sean Faircloth, Representative Emily Cain (D-Orono), and Central Labor Council President Jack McKay, who all spoke passionately about their support of LGBT equality and of the importance of grassroots activism at the State House. Thanks go to Sea Dog Brewery for serving us a terrific buffet, and huge thanks to Kevin Gilgan of Bangor, our local activist hero, for helping us organize this successful fundraising event. •



(From L to R): House Majority Leader Hannah Pingree (D-North Haven) speaks at the Augusta fundraiser about Maine legislators' role in winning full equality for LGBT people. Following an awesome women's T-dance with DJ Jodi, we had a surprise visit by Al Gore and Bill Clinton at MaineStreet in Ogunquit. LGBT activist Jim Martin talks with House Majority Whip Sean Faircloth (D-Bangor) at our fundraiser in Bangor.



Paid Sick Days Should be Standard

By Sarah Standiford

Sick? Then go home from work!.... We've all been there—or been the recipients of glares from co-workers trying to avoid our germs. Now more than ever, health, business, and opinion leaders are realizing that coming to work sick is not only bad for individuals and the families they support, it's also bad for the workplace as a whole.

But what happens when employees don't have the option to stay home?

Nearly one-half of all Maine workers lack even one single paid sick day. For low-wage workers, the statistic is closer to 3 out of 4. Employees who have no job-protected paid sick days must choose between coming to work sick or staying home and risk losing a day's pay or even their job. Simply put, for most of us, a case of the flu or a nasty cold is an inconvenience; for those who lack paid sick days, it can be the difference between family security and financial devastation.

This year, Maine lawmakers are considering legislation that gets at the heart of the matter. "An Act to Care for Working Families" sponsored by Representative Jackie Norton (D-Bangor), would set a standard

for Maine establishments with 25 or more employees to offer 1 hour of paid sick time per 30 hours worked, allowing full-time employees to earn up to 9 paid sick days per year. Congress will consider similar legislation entitled the "Healthy Families Act." Recently, San Francisco voters approved, by 61 percent, a law guaranteeing a minimum number of paid sick days benefit to all workers.

Interestingly, recent research indicates that the overwhelming number of voters believe that employers should offer paid sick days as a standard practice—in fact, the majority of American voters believe it is illegal not to provide sick days! But the shocking truth is that nearly half the population lacks this basic benefit.

The bottom line is that everyone gets sick, but not everyone has the opportunity to get better. Enacting paid sick days legislation is an important step forward, particularly for women, who make up the majority of low-wage workers and workers in the food service and hospitality industries. It will enable them to stay home when they are sick, get better faster, and not infect others.

Importantly, it will also level the playing field for businesses. No business that does the right thing by providing this basic benefit should be competitively disadvantaged.

It will support business productivity. More and more, employers understand the business cost of failing to provide a standard number of paid sick days. "Presenteeism," or the practice of coming to work sick, has a price. The price is lower productivity, more sick workers, more contagion, and increased turnover. According to a 2004 study published in the Journal of Occupational and Environmental Medicine, presenteeism costs our national economy \$180 billion a year in lost productivity. For employers this costs an average of \$255 per employee per year—exceeding the cost of absenteeism and medical and disability benefits.

Moreover, the cost of losing and replacing an employee is often far greater than the cost of providing sick days to retain existing employees.

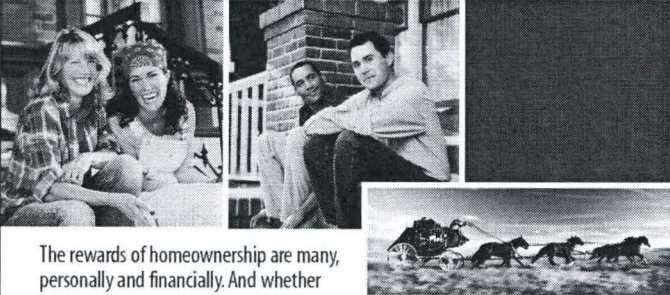
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Amending Family Leave

continued from page 1

ly difficult to balance Donna's medical needs with Sandy's job responsibilities. Sandy's family members chipped in to help with caretaking, but they lived an hour away and Donna wanted Sandy to be by her side as she struggled through her final weeks and days.

Most employees can take time off to care for a seriously ill spouse through Maine's Family Medical Leave Act, but FMLA does not extend to LGBT employees and therefore is not available to same-sex couples. Sandy was dependent on the generosity of her co-workers, who amazingly donated their vacation time so that she could provide the 24-hour care that Donna needed.

Sandy acknowledges that she was incredibly lucky to work with such extraordinary and giving people. Because of their generosity, she did not risk losing her job by taking time off to care for her partner. But being able to take care of your family should not be a matter of luck. It shouldn't be a matter of others stepping up when the law can be changed to include families like Sandy's.

Many hard-working Maine people do not have such supportive work environments. Yet everyone faces hardships at some point in life, and many people deal with serious illness. In those times, no one should have to choose between being a responsible employee and a caring family member.

Then there was Charles, whose partner Declan is terminally ill with liver cancer and was too sick to travel with him to the committee hearing. Charles had

continued on page 14



Sandy Osterby from Hermon delivered heartbreaking testimony about her partner's death and the lack of family medical leave available to herself and others in domestic partnerships. Even so, Sandy was one of the lucky ones—her co-workers generously donated their vacation time so she could be home to care for Donna.

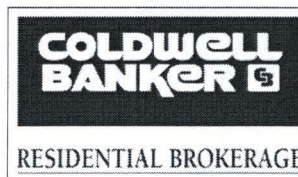
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What's All this Talk about Marriage?

One couple says we're not getting there fast enough. Another couple says we're moving too fast. A third couple says we're not getting there fast enough. And a fourth couple says we're moving too fast.

Such is the world EqualityMaine and its coalition partners live in. In our own community, people are split as to whether we should pursue marriage equality, and if so, on what timetable.

One thing is clear—marriage is here to stay. It's been described as the next great civil rights movement, and in some form or another, every state is talking about marriage. Talking is good—it leads to understanding, and understanding is essential on this issue. Understanding that denying marriage to same-sex couples marks them and their families as unworthy and denies them hundreds of legal protections deemed necessary for raising healthy and secure families, is an important first step.

While there have been setbacks (constitutional bans on marriage) in this movement, there has been progress too (marriage, civil unions, and domestic part-

nerships). Thanks to the push for marriage equality in so many states—Hawaii, Vermont, Massachusetts, California, Connecticut, New Jersey, Rhode Island, New York, Washington, and now New Hampshire—we are further along than anyone could have imagined ten years ago.

We have marriage in one state (Massachusetts), civil unions in four (Vermont, Connecticut, New Jersey, and New Hampshire), civil union-like domestic partnerships in one (California), and domestic partnerships in three (Maine, Hawaii, DC). Also, there is pending marriage litigation in Iowa and Maryland, and pending marriage legislation in Connecticut, Vermont, Rhode Island, New York, and California.

It's no longer a question of whether we should talk about marriage equality here in Maine, it's a question of how we should talk about it.

Given the scenario—a movement that's here to stay and an opposition highly motivated to shut us out of all family protections—we have only two choices here in Maine. We can get out front and frame the issue

continued on page 13

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EqualityMaine Foundation 23rd Annual Awards Banquet

EqualityMaine Foundation held its 23rd Annual Awards Banquet on March 10th with over 400 people in attendance. The program was a recap and celebration of year one on the journey to full equality for LGBT families. Through a multi-media presentation, we met couples and families who are telling their stories in public venues in an effort to change hearts and minds

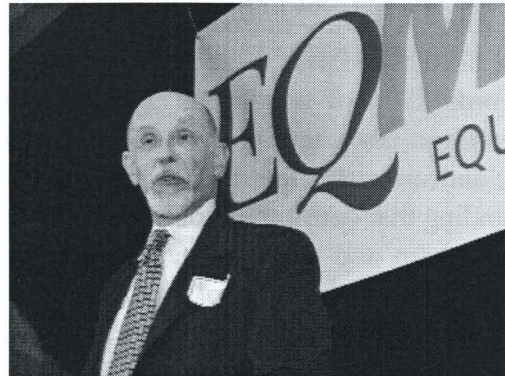
of Maine people.

We honored several individuals and groups who made a difference in 2006 in the lives of LGBT people in Maine. Thank you for a very successful evening!

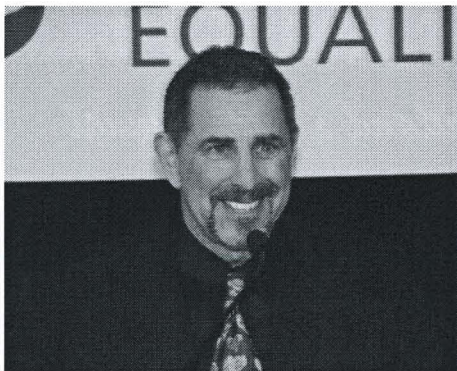
Photographer Sandra Hrasdzira helped us capture the memories of the evening in photographs. •



Cathy Falwell, Rev. Myke Johnson and Jim Perley show pride in their church after EqualityMaine presented the Faith in Action Award to Allen Avenue Unitarian Universalist Church.



Howard Solomon was honored with EqualityMaine's Lifetime Achievement Award.



Lew Alessio was recipient of this year's Cameron Duncan Award.

**Photos by
Sandra Hrasdzira**



EqualityMaine's Out Front Volunteer Award winners are (L to R) Tracie Towe, Amy Sewick, GL Morin, Kathy Helming, and Cathy Falwell.



Rev. Jodi Hayashida, from the Auburn Unitarian Universalist Church, spoke eloquently about last summer's hate crime against a lesbian couple in Poland.



Lee Swislow, executive director of Gay & Lesbian Advocates & Defenders, addresses the room after accepting EqualityMaine's Partners for Equality Award.

EqualityMaine Foundation 23rd Annual Awards Banquet

Friends, fun, and celebration...a sampling!



Photos by
Sandra Hrasdzira



EqualityMaine Foundation 23rd Annual Awards Banquet

Thanks to everyone for a successful celebration event on March 10. With your support, we raised \$20,000 at the banquet to benefit EqualityMaine Foundation! Special thanks to our banquet sponsors and everyone who donated to the silent auction.

Thanks also to our superb banquet and auction committee: Cecelia Burnett (banquet chair), Sarah

Demarest (auction chair), Kate Clark, Sue Davis, Matthew Dubois, Echo Kaply, Rodney Mondor, Imani Nissanka, and Niki Norman, and to our banquet and auction volunteers: Fay Brodell, Sallie and Arnold Chandler, Shawn LaGrega, Wallace Pinfold, Rachel Talbot-Ross, Robert Talbot, and Krista and Lorena. •

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Guide to 2007 LGBT Legislation

continued from page 3

LD 568, An Act to Conform HIV Testing to the Recommendations of the Federal Centers of Disease Control and Prevention, sponsored by Senator Lisa Marrache (D-Kennebec County). This bill would repeal the requirement for informed consent for HIV testing and the requirement for counseling prior to testing. A similar bill (LD 429) with less drastic changes to patient protections was submitted and this bill was unanimously killed.

Bills we testified on neither For nor Against:

LD 429, An Act to Improve Access to HIV Testing in Health Care Settings, sponsored by Rep. Lisa Miller (D-Somerville). This was a highly controversial bill that generally pitted professionals in the health care system against individuals seeking patient protections for people living with HIV or AIDS. The bill was a recommendation from the Federal CDC (Centers for Disease Control) calling for routine HIV testing in health care settings, in order to diagnose peo-

ple earlier and get them into treatment earlier. Opponents were concerned about losing important patient protections. EqualityMaine testified neither for nor against the bill but instead proposed compromise language that we believe would allow for routine HIV testing while maintaining important patient protections.

LD 779, An Act to Remove Clergy as Signatories on Marriage Licenses, sponsored by Rep. Boyd Marley (D-Portland). This bill would eliminate clergy's responsibility of signing a marriage license, thus allowing clergy to focus only on the religious aspect of marriage. The bill was opposed by nearly every clergy and religious person in Maine. EqualityMaine testified neither for nor against but rather made some observations about the intersection of civil marriage and religious marriage and the importance of religious blessings on the relationships of many same-sex couples. •

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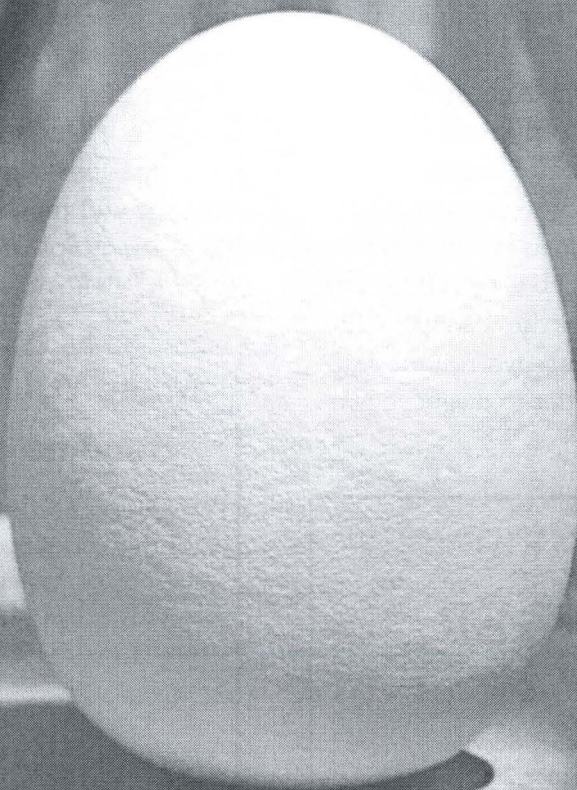
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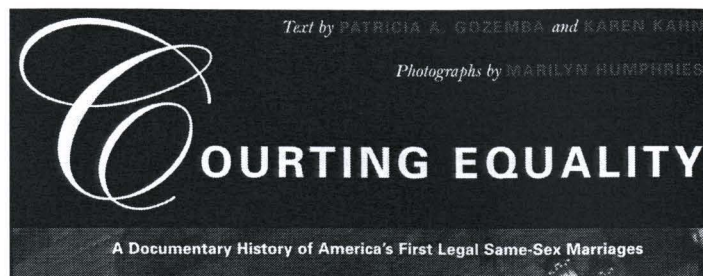
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Courting Equality...comes to Maine

Pat Gozemba, Karen Kahn, and Marilyn Humphries, authors of **Courting Equality: A Documentary History of America's First Legal Same-Sex Marriages** (Beacon Press, 2007), will be in Portland on May 24 to present slides from the book and tell the story of the Massachusetts struggle for marriage equality. Mary Bonauto, victorious attorney in the landmark *Goodridge* case, will introduce the authors and their book.

Thursday, May 24, 2007, 7:00 pm
Longfellow Books
One Monument Way, Portland
Co-sponsored by EqualityMaine



www.courtingequality.com

"A very important book . . . Too often, political literature focuses on the bad news, *Courting Equality* tells some very good news very well."

Congressman Barney Frank

Paid Sick Days Should be Standard

continued from page 5

In considering An Act to Care for Working Families, Maine leaders will have the opportunity to address the changing needs of Maine's workforce and businesses. Providing employees with paid sick time gives working families the flexibility to provide care without the risk of losing their jobs. It helps workers maintain their own health, care for their families, maintain finan-

cial stability, and remain productive employees. Paid sick days is a standard whose time has come. •

Sarah Standiford is Executive Director of the Maine Women's Lobby, a non-profit, non-partisan membership organization advocating for all Maine women and girls since 1978.

What's All this Talk about Marriage?

continued from page 7

of marriage equality ourselves, or we can let our opposition do it. Hark back to '97-'98 when our opposition got out front and framed the issue of non-discrimination as "special rights." We lost two referendum campaigns because voters thought the non-discrimination law provided special rights to LGBT people.

We must not ever let that happen again. From now on, we frame our own issues.

To frame the issue of marriage equality, we begin by talking about marriage—that is, our lives as loving, committed couples, our children and relatives, our dogs and cats, our tragedies and joys, our everyday lives. Should any of these things be considered inappropriate to talk about? Should any of these things be made to feel ashamed of? Non-gay couples talk about these things all the time, and so must we.

Among the many lessons we learned in our journey to win non-discrimination protections in Maine, perhaps the most significant was this—the best way to

change hearts and minds is by talking about our lives to family, friends, neighbors, co-workers, legislators, and voters. Talking about our lives will be no less important in our journey to win marriage protections in Maine.

Get Involved Today!

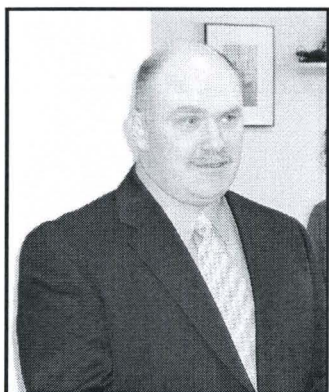
If you're ready to share the story of your lives or be involved in other ways, please contact Darlene Huntress at dhuntress@equalitymaine.org or 207-761-3732. There are many ways you can make a difference in winning full equality for LGBT people, including being on our Media Response Team, hosting a house party on marriage equality, bringing our new marriage DVD (you can view it on YouTube at <http://www.youtube.com/watch?v=jCzJn3PRhfk>) to your organization, church, or community, or becoming involved in our field campaign. •

Amending the Family Medical Leave Act

continued from page 6

hoped that both he and Declan would be able to testify about how fortunate Charles was to have the benefits of a recent personnel policy passed only for state employees that allowed him to take family medical leave to care for Declan. Unlike Sandy, Charles did not have to rely on the generosity of his co-workers to do what all Mainers should have the right to do—care for their loved ones without jeopardizing their jobs.

As a state employee, Charles had options that oth-



Charles Dwyer fought back tears as he testified to the Labor Committee about his partner's current battle with liver cancer. Charles feels fortunate that as an employee of the state, he is able to take family medical leave to care for Declan. But he knows most LGBT workers are not so fortunate.

ers simply do not have. But the policy under which he took family medical leave to care for Declan is just a policy, not a law, and it could change with the next administration. Charles asked the Committee to support the proposed amendment to FMLA, saying LGBT employees needing to care for their partners should be able to rely on state law, rather than on the good will of any particular administration.

Senator Ethan Strimling (D-Cumberland County) is the chair of the Joint Committee on Labor, which recently reported the bill out of Committee OUGHT-TO-PASS. The bill now goes to the Senate floor to be debated and voted on.

Please take a moment today to contact your state legislators and ask them to support LD 375, An Act to Amend the Family Medical Leave Act.

To contact your state senator, call 1-800-423-6900 and leave a message. To contact your state representative, call 1-800-423-2900 and leave a message. •

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All EqualityMaine members receive a subscription to our quarterly newsletter, voting rights at the annual meeting, advance notice of community events, membership in the email Action Alert Network, opportunities to volunteer and the satisfaction of supporting equality for all. Contributions of any amount are counted towards membership—whether you can give \$1.00 or \$1,000.00, your membership makes a difference in promoting diversity and protecting the rights of LGBT people in Maine.

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☐ Sign me up as a Sustaining Partner! Please start charging my monthly gift of \$10 / \$25 / \$50 / \$_____

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☐ I'd like to volunteer

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**Want to get involved in LGBT organizing...
but don't really have the time, or live too far away??**

Then consider this opportunity:

EqualityMaine is forming a statewide **Media Response Team.**

In collaboration with Gay & Lesbian Advocates & Defenders, we monitor every daily newspaper in Maine. Together we are forming a statewide Media Response Team that will respond to every article, editorial, and letter-to-the-editor that gets printed on LGBT equality, and particularly marriage. Members of the Media Response Team will reply to their local newspapers with letters-to-the-editor or op- editorials.

From the comfort of your own home and at a time convenient for you, you now have a unique opportunity to be involved in the next journey to win full equality for LGBT people in Maine.

If you are interested, contact Darlene Huntress: 207-761-3732 or dhuntress@equalitymaine.org.