

# MAINE STATE LEGISLATURE

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*Equal Rights Amendment: Ratification*

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DEPARTMENT OF THE ATTORNEY GENERAL  
AUGUSTA, MAINE 04333

August 11, 1978

Honorable Mary Najarian  
173 Pleasant Avenue  
Portland, Maine 04103

Dear Representative Najarian:

This responds to your request for an opinion on the question of whether Maine's ratification of the Equal Rights Amendment would be effected by Federal legislation extending the seven year period for approval of the Equal Rights Amendment.

It is the view of this office that Congressional action to extend the time period for approval of the Equal Rights Amendment would have no bearing on the effectiveness of the 1974 vote of the Maine Legislature to ratify the Equal Rights Amendment.

It is our understanding that, in some other states, questions have been raised as to whether ratification of the Equal Rights Amendment in those states was conditioned upon ratification by the legislatures of three-fourths of the states within seven years from the date of submission of the Equal Rights Amendment by Congress. Without commenting on whether the ratification within seven years was a precondition for other states' ratification of the Equal Rights Amendment, we find no such precondition with Maine's ratification.

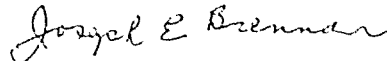
A copy of the Joint Resolution by which the State of Maine adopted the Equal Rights Amendment, L.D. 2282, 106th Legislature is attached. That document includes within its body a copy of the Joint Resolution adopted by Congress. The Congressional Joint Resolution includes reference to the seven year time limit. However, the seven year time limit in the Congressional Joint Resolution is separate from the text of the Equal Rights Amendment itself. The Maine Legislature's Act in ratifying the Equal Rights Amendment reads as follows:

"RESOLVED: By the Members of the House of Representatives and the Senate of the 106th Legislature, that such proposed amendment to the Constitution of the United States of America be and the same is hereby ratified; and be it further. . ."

As will be noted, this resolution of the Maine Legislature only refers to the text of the Equal Rights Amendment itself and ratifies the text without qualification. In addition, a reading of the 1974 legislative debate concerning the Equal Rights Amendment reveals no references to the seven-year ratification deadline to substantiate an argument that Maine's ratification was conditioned on ratification by the required number of states within this time limit. 1974 Legislative Record pp. 72 - 75, 211 - 212, 214 - 230, 255 - 265, 883 - 884.

In light of the terms used by the Maine Legislature to ratify the Equal Rights Amendment and the legislative history of that ratification, we find that ratification by a sufficient number of states within seven years was not a necessary precondition to Maine's ratification of the Equal Rights Amendment and that therefore, Congress may extend the period for ratification without compromising the validity of Maine's ratification of the Equal Rights Amendment.

Sincerely,



JOSEPH E. BRENNAN  
Attorney General

JEB:jg  
Enc.