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REPORT to the GOVERNOR

**GOVERNOR'S COMMISSION
TO STUDY
IMPLEMENTATION
OF THE
EQUAL RIGHTS AMENDMENT**

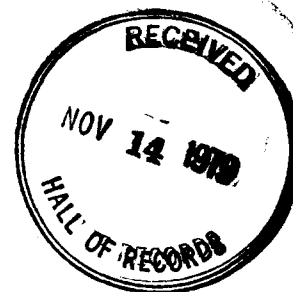
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November 9, 1979

Mr. Gregory A. Stevenson
Assistant State Archivist
Department of General Services
Hall of Records
P.O. Box 828
Annapolis, Maryland 21404



Dear Mr. Stevenson:

I enclose the final report of the Commission to Study Implementation of the Equal Rights Amendment. Although the Commission's work ended on July 1, 1978, the information contained therein remains current. It will serve as a useful resource to those interested in the changes in the law brought about by the Equal Rights Amendment. It will also be a good frame of reference for continued implementation.

It was a pleasure to be able to serve the State as Chairperson of the Commission. I look forward to continued steps in this State toward equality for all of its citizens.

Sincerely,

A handwritten signature in cursive script that reads "Kathleen O'Ferrall Friedman".

Kathleen O'Ferrall Friedman

KOFF:caj

Enclosure



**GOVERNOR'S COMMISSION TO STUDY IMPLEMENTATION
OF THE EQUAL RIGHTS AMENDMENT**

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Annapolis, Maryland 21401

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Marvin Mandel
Governor

July 1, 1978

793752



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Ellen Luff
Counsel

Martha Clark
Administrative Assistant

Meg Bond
Secretary

The Honorable Blair Lee, III
Acting Governor of Maryland
State House
Annapolis, Maryland 21404

Dear Governor Lee:

I enclose the final report of the Commission to Study Implementation of the Equal Rights Amendment. The past five years have seen Maryland emerge as a model for responsible and effective realization of the goals of this major legislation.

Although the Commission's work is now concluded, I beg your indulgence, to allow me the opportunity to make a few brief observations. First, the attendant legislation has benefited all citizens of Maryland. Further, this upgrading of the legal status of both men and women was achieved through the systematic and organized efforts of the executive and legislative branches of government. The Commission is indebted to you for your perceptive influence in this process.

Second, and on another level, it was gratifying to me to work with the many individuals and groups who contributed to this effort. I have particular praise for the women's organizations of this state who actively sought implementation.

Finally, although endings are often difficult, our accomplishments are real and will endure to the benefit of the state through the continued efforts of all of us.

Sincerely,

Kathleen O'Ferrall Friedman

KOFF: jm
encl.



ERA Commission Administrative Assistant (left rear), Sherrill Neff and Ellen Luff, ERA Commission Counsel, watch as Governor Marvin Mandel endorses the establishment of the Equal Rights Amendment Commission in Annapolis. Senate President Steny Hoyer (left, seated) and John Hanson Briscoe, House Speaker, add their signatures as well.



ERA Staff at work—Meg Bond, Secretary; Ellen Luff, Counsel; Martha Clark, Administrative.

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PART ONEINTRODUCTION

In April 1972, the Maryland General Assembly passed Chapter 366, Acts of 1972, which provided for an amendment to the Declaration of Rights of the Maryland Constitution known as the Equal Rights Amendment. On November 7, 1972, by a vote of 697,107 to 236,007, the voters of Maryland ratified the Maryland Equal Rights Amendment (ERA), and on December 5, 1972 the amendment, Article 46, Declaration of Rights of the Constitution of Maryland, became the law. It reads:

"Equality of rights under the law shall not be abridged or denied because of sex."

In 1973, a number of bills were introduced which sought to remove sex discrimination from the codified law. The approach used in these bills was to take a list of the sections of the Annotated Code of Maryland which used gender-identified language and substitute sex neutral language. "Wife" or "husband" was changed to "spouse", "mother" to "parent", "man" to "person". While this approach was adequate when applied to "widow", which was changed to "surviving spouse", it failed when applied to various sections of the Code dealing with such common law peculiarities as tenants by entireties ownership and the doctrine of necessities. Furthermore, this approach often produced contradictory philosophies on the same subject when rules concerning the subject were located in different sections of the Code.

When hearings were held on the bills, various women's groups, most prominently the National Organization for Women and the Women's Law Center, while testifying in support of some of the bills, testified against a number of them which dealt with the domestic and criminal laws. Some women's groups took the position that meaningful ERA implementation could only be achieved if both case law and statutory law were considered together, particularly in the domestic and criminal areas where the interdependent provisions of case and statutory law are most pronounced.

In response to the perceived limitation of this approach, in April 1973 the Maryland Senate passed SR 136 (see Appendix A), which called for a committee to research and study both codified and uncodified laws affected by the ERA and to draft legislation which is just and equitable for both sexes and affords maximum protection for children. The resolution also stated in part:

"The Maryland Equal Rights Amendment...requires re-evaluation of some of the basic assumptions underlying present Domestic Law... The existing domestic Law has developed over a period of 1200 years, and changes should be made thoughtfully and with an understanding of the law and of the social and economic impact of these changes."

Originally it was envisioned that the vehicle for the study would be under the Legislative Council. But meetings through the summer of legislators and members of the Executive Branch who were sympathetic toward the idea of a study group which would take an integrated approach to ERA implementation produced the consensus that the study group would be able to function most effectively

if it were a Governor's Commission operating independently and directly under the Governor's Office. The alternative of assigning the study to the Maryland Commission for Women was rejected, among other reasons, because it was anticipated that the duration of the study group's operation would be limited and bureaucratic red tape would be best avoided by having it directly under a member of the Governor's immediate staff. Also, since the study group would be primarily dealing with legal matters it was felt that the study group should have larger representation from the legal profession that existed on the Commission for Women.

As a result of the decision to create an executive commission, in September 1973 Governor Marvin Mandel created, by Executive Appointment (see Appendix A), the Governor's Commission to Study Implementation of the Equal Rights Amendment. In appointing the Commission a conscious effort was made by the Governor's Office to have members who would be representative of various disciplines, various marital statuses, and of course, both sexes. The original 18-member Commission (See Appendix B) consisted of eight lawyers, three homemakers, an educator, a nurse, a historian, a social worker, a businesswoman, a gynecologist, feminist activists, a male rights group activist, 16 Caucasians and two Blacks, 10 females and eight males.

The appointments also took into consideration the desirability of having members who would provide liaison with various affected agencies and departments and groups, as well as having members who would provide political acumen and support in passing proposed legislation: Four members were legislators, two from each house; one member was the Governor's Chief Legislative Officer; one member was prominent in the Bar Association Family and Juvenile Law Section Council; one member was an official with the Legal Aid Bureau; and another an official in the Department of Social Services.

The Governor's Commission was established to implement the ERA in Maryland over a five year period. The Commission completed that five year assignment on July 1, 1978.

In an effort to insure that equal rights for all Maryland Citizens will be a continuing concern, the Maryland Commission for Women will be responsible for monitoring the completed work of the ERA Commission. The Maryland Commission for Women shall serve as the repository, also, of the ERA Commission library, research, files and other information that will assist this effort and provide the basis for future study and action.

PART TWOMETHODOLOGY

Early Commission meetings were largely devoted to discussion of the scope of the Commission charge, the weight to be given to political considerations when making policy decisions, and the priority to be assigned to the removal of facial statutory sex discrimination.

A. Determination of Affected Subject Areas

In April 1974 the Commission compiled a list of all the areas which might be affected by the Equal Rights Amendment. In determining these areas, the Commission looked to the following:

1. Facially Discriminatory Statutory Law: Despite the enactment of over 50 bills removing sex discrimination between 1972 and 1974, there remains a large body of statutory law which makes distinctions based on sex.
2. Facially Discriminatory Case Law: In addition to facially discriminatory statutory law, there is a body of case law which makes distinctions based solely on sex. Because Maryland is a common law state, a large number of decisions which affirm and perpetuate common law sexual stereotypes still prevail and govern the legal rights of Maryland citizens.
3. Laws While Not Facially Sexually Discriminatory are Sexually Discriminatory in their Application or Effect: The Commission had as a precedent the considerable body of federal and state law which has declared that laws which are unoffensive facially are nevertheless racially discriminatory in their application. An example is the Supreme Court decision which outlaws literacy tests because they disproportionately exclude racial minorities. The Commission, therefore, sought to identify laws, practices and procedures which in application had a disproportionately adverse affect on the sex which has traditionally been the victim of discrimination.
4. State and Local Government Laws and Action Which are Facially Discriminatory or Which are Discriminatory in their Application or Effect.
5. State Regulated or Assisted Activities Whose Procedures or Practices are Facially Discriminatory or Discriminatory in Application or Effect.
6. Effectiveness of Affirmative Action Programs for Removing Sex Discrimination.
7. Aspects of Contemporary Sociological or Economic Life which may Disproportionately Adversely Affect One Sex.
8. Any Other Laws or State Action Which could Arguably be the Subject of a Court Challenge under the ERA.

After compiling a list of all possible areas of the law, both statutory and non-statutory, which could possibly be affected by the ERA, the areas were

grouped under four subcommittees: I. Criminal; II. Domestic; III. Employment, Education, Children, Health and Sexual Stereotypes; and IV. Financial and Housing. The Commission then divided itself into four subcommittees and, over the summer of 1974, the subcommittees met and discussed all the problem areas assigned to them. Each subcommittee followed the same process in making the subcommittee report to the full commission: (a) Discarding problem areas from consideration which were not deemed to be true ERA implementation problems; (b) Assignment of priorities to those areas deemed to be true ERA implementation problems; (c) Review of the remaining problem areas with policy recommendations as to whether a discriminatory law or rule should be abolished, or extended to the opposite sex with some other non-gender related modifications.

The topic areas which might be affected by the ERA, as grouped by subcommittee - subject area, were:

I. CRIMINAL LAW: A. Rape (Common Law and Statutory), Assaults with Intent to Rape, etc., B. Carnal Knowledge, C. Sodomy and Perverted Practices, D. Prostitution, E. Pandering, F. Adultery, G. Abduction, H. Discriminatory Juvenile Court Adjudications, I. Interspousal Thefts, J. Sentencing, K. Parole and Probation, L. Prisons and Juvenile Facilities, M. Treatment of Rape Victims and Rape Cases, N. Female Sitters, O. Nudity and Sexual Displays, P. Obscenity, Q. Assaults and Batteries, R. Bigamy Penalty, S. Presumption of Physical Imbecility and T. Unlawful Wearing of Insignias.

II. DOMESTIC LAW, Subcommittee I (nonfinancial and property aspects of domestic law): A. Marriage, B. Child Custody, C. Domicile (Children and Married Women), D. Names (Children and Married Women), E. Illegitimate Children (Fathers' Rights to Custody and Visitation; Presumptions Used in Establishing Paternity: Paternity Proceedings, Decedents' Estates, Wrongful Death), F. Grounds for Divorce, G. Processing of Interspousal Assaults, H. Slander of Chastity, I. Antenuptial Agreements and J. Seduction.

DOMESTIC LAW, Subcommittee II (financial and property aspects of domestic law): A. Alimony, Alimony Pendente Lite, Separate Maintenance, Counsel Fees, Suit Money, B. Necessaries, C. Creditors' Rights Against Spouses, D. Duty to Support (spouses and children), E. Sole Property, F. Partnership Law: Wife's Services Owed to Husband, G. Operation of County Domestic Relations Divisions in Collecting Support, H. Criminal Nonsupport and Imprisonable Contempts, I. Disposition of Prison Labor Earnings, J. Interspousal Tort Immunity, K. Maryland Rules of Procedure, L. Antenuptial Agreements and M. Married Women's Property Act.

III. EMPLOYMENT, EDUCATION, CHILDREN, HEALTH AND SEXUAL STEREOTYPES: A. Employment Discrimination, B. Education, C. Child Care, D. Protective Labor Laws, E. Health Practices (e.g. sterilization consents), F. Maternity Policies, G. Unions, H. State Seal, I. State Militia, J. Legal Status of Sex Changes, K. Statutes Abrogating the Common Law, L. Female Mental Patients, Transportation of, M. Rules of Interpretation and N. Purpose of Commission on the Status of Women.

IV. FINANCIAL AND HOUSING: A. Credit (including consideration of wife's income, mortgage discrimination), B. Abuse of Credit by Wife, C. Insurance, D. Pensions, E. Taxes, F. Housing, G. Public Assistance, H. Public Accommodations, I. Social Security, J. Licensing, K. Creditor's Rights, L. Tax

.. 5.

Exemptions for sexually Discriminatory Clubs and Organizations and M. Discrimination in State Funded and Regulated Activities.

B. Determination of Priorities

After its compilation of a topic list, the Commission realized that it would take several years to make thoroughly-researched and analyzed recommendations in all areas. An urgency was felt, however, to make recommendations for the removal of as many sexually discriminatory provisions in the existing law as possible. The Commission, therefore, assigned "priority" status to certain topics on which it concentrated its 1974 study and research efforts. Priority was given to topics based on five factors: (1) The likelihood that a law would be declared unconstitutional under the ERA and voided in its entirety; (2) The likelihood that the constitutionality of a particular law would be litigated; (3) The unfairness of the present law; (4) The simplicity of the subject matter; and (5) The perceived public interest and public impact of a particular law. The Commission chose to defer consideration of topics which would require extensive fact finding, even though the topics may be more important than some priority items, in order to devote its efforts to making recommendations for the remedying of as many facially discriminatory statutory and case laws as possible prior to the 1975 General Assembly.

The Commission intended to take up in the future those items not assigned priority status and those items with priority status which were unresolved. The topics selected for 1975 priority status were:

I. CRIMINAL LAW: Abduction; Adultery; Carnal Knowledge and Statutory Rape; Rape (common law); Nudity and Sexual Displays; Obscenity; Pandering; Female Sitters; Women's House of Correction - available alternative forms of incarceration, training programs, work release and halfway houses*; and Forcible Sodomy and Perverted Practices.

II. DOMESTIC LAW, Subcommittee I: Domicile; Slander of Chastity; Names; Grounds for Divorce*; and Parental Rights to Illegitimate Children.

DOMESTIC LAW, Subcommittee II: Spousal Support (alimony, alimony pendente lite, separate maintenance, counsel fees); Necessaries; Partnership Law*; Support of Insane Ex-Spouses; Support of Illegitimates; Support of Children; Criminal Nonsupport; Disposition of Prison Labor Earnings; and Disposition and Control of Marital Property*.

III. EMPLOYMENT, EDUCATION, CHILDREN, HEALTH AND SEXUAL STEREOTYPES: Statutes Abrogating the Common Law; Rules of Construction; State Seal; Transporting Female Mental Patients; Commission on the Status of Women*; Militia; Employment; and Gender Identified Language.

IV. FINANCIAL AND HOUSING: Credit, Housing; Public Accommodations; and Pensions*.

*Asterisk indicates those items assigned priority status but for which no recommendation was made in 1975 due to the fact that the Commission desired to make further, more exhaustive study.

C. General Method of Analysis and Making Recommendations

The Commission approached each codified and uncodified law which appeared to discriminate on the basis of sex with a three pronged question: (1) Does the law or practice make a distinction between males and females? (2) Is the distinction permissible? (3) If the distinction is not permissible, should the law be invalidated or extended to apply to both sexes?

As a general principle the Commission determined that distinctions based on unique physical differences between the sexes were permissible. For a discriminatory law to be permissible because it is truly based on physical differences, however, it has to pass two tests: (1) The physical characteristics upon which the classification is based must be truly unique to the class being regulated and (2) The regulation involved must be closely, directly, and narrowly confined to those unique physical characteristics.

Distinctions based on statistical differences between the sexes or on culturally assigned sex roles were not permissible. In addition to recommending that a law either be invalidated or extended to the opposite sex, the Commission decided to make recommendations for the remedying of other inequities, anachronisms and violations of the United States Constitution which its studies revealed existed in the law. The Commission, in its analysis, attempted to assess the impact of one method of change as opposed to another method so that the final recommendation would not only produce a law which was free from de jure sex discrimination but would also be free from a de facto sexually discriminatory application.

The Commission also attempted to ascertain the historical basis for each sexually discriminatory law. If the original "public policy" interest of the law was one which is applicable to present conditions, the Commission was likely to recommend changes which would amend the law to affect that public purpose. If the original reason for the law did not appear applicable to present conditions or was for the purpose of promoting sex discrimination or sex stereotyping, the Commission was likely to recommend the abolition of the law. Throughout its analysis the Commission attempted to understand the interrelationships between the various laws and assess the impact of changes and cumulative changes on the two sexes and on other persons such as children and commercial institutions. In addition, an attempt was made to determine if any of the alternatives for sex neutralizing the law would adversely impact on any particular socioeconomic group.

In addition to considering the historical and legal research relating to each affected law, the Commission decided to hold hearings on some areas in order to solicit information from the public. Between 1974 and 1977 advertised public hearings were held by the Commission on the following topics: (1) Employment - Adequacy of existing remedies for sex discrimination; (2) Necessaries - Implications of various methods of sex-neutralizing this area of domestic law; (3) Prostitution - Whether enforcement procedures were fair and effective; (4) Rape and Sexual Offenses - The implications of various proposed changes to the criminal law. Hearings were planned but not held on the following topics: (1) Custody - Desirability of establishing guidelines for the courts to follow in their determination of which party should be awarded custody; (2) Rape and Sexual Offenses - Age and mental capacity of permitted sex partners and desirability of defining rape as including sexual conduct forced by one spouse on the other; (3) Marital Property - Division of marital property both during

marriage and after its dissolution, exploration of different alternatives including the community property system, "participation in acquests" system, and equitable division of property under a common law system; (4) Credit, Public Accommodations and Housing - Effectiveness of present remedies, desirability of a uniform remedy for all credit discrimination complaints, and determination of a uniform remedy; (6) Alimony and Spousal Support - Whether the formulas and methods of the predominantly male judiciary are equitable with regard to custodial parents and dependent spouses.

The subcommittees, after establishing priorities, met and studied the scope and impact of particular laws. After all alternative methods of making the law sex neutral were discussed, the subcommittees voted or reached a consensus as to their recommendations. In September 1974, each subcommittee submitted to the full Commission a Preliminary Report detailing its recommendations. In late September 1974 the full Commission met and reviewed the Preliminary Reports of the subcommittees. Although the majority of the subcommittees' recommendations were ratified by the full Commission, the Commission did vote to reverse or amend individual subcommittee recommendations in some areas. The recommendations contained in Appendix C reflect the subcommittees' initial recommendations as amended and adopted by the full Commission.

D. Political Strategy Subcommittee

In 1975 the Commission created a Political Strategy Subcommittee designed to plan lobbying strategy and to give the Commission staff on-the-spot political direction during the legislative session. The Political Strategy Subcommittee, which was composed primarily of the Commission's legislative members, agreed upon the following over-all precepts:

1. The Commission should avoid devoting its lobbying efforts to removing sex discrimination in areas where there would be little or no sociological or economic impact. Minor issues which invited mirth and press sensationalism and trivialization should be particularly down-played. It was early recognized that the press treatment of Equal Rights Amendment implementation discouraged rather than encouraged rational discussion. While the media were considered necessary to disseminate information to the public and thereby assist in the Commission's lobbying efforts, press selection and treatment of issues was often detrimental to ERA implementation. The requirements of day-to-day political reporting evidently precluded reporting or analysis of proposed legislative changes with wide and far-reaching economic and sociological impact such as changes in the law relating to pregnancy disability and marital property while at the same time encouraging superficial and sensationalized coverage of such peripheral but so-called "sexy" issues as adultery, slander of chastity and pay toilets. The Commission also felt that general ridicule engendered by one minor bill would spill over and affect the vote on other important legislation and decrease the seriousness with which ERA implementation should be treated. Despite the Commission's sensitivity to the press, however, the subcommittee and the Commission agreed that it had an obligation to introduce and promote all legislation which eliminated sex discrimination regardless of the likelihood of the issue's being misinterpreted or considered insignificant. The Political Strategy Subcommittee attempted, however, to minimize legislative and press concentration and fixation on so-called "sexy" but minor issues.

2. When introducing changes which effect the removal of sex discrimination, group like topics together in the same bill wherever possible, but introduce extremely controversial issues as separate bills. Maryland has a constitutional limitation on enacting a bill which embodies more than one subject matter, thus prohibiting the introduction of an omnibus bill removing all sex discrimination from Maryland's laws and practices. However, considerable leeway is granted in the law in determining what constitutes one subject matter.
3. In determining priority of lobbying efforts, prevailing public interest as manifested in diverse support by organized groups should be given prime consideration. In legislative reform the principle of an "idea whose time has come" appears to be peculiarly applicable. For instance, in 1976 there was little public awareness or concern over the inequities in the marital property law, but the public was exercised about the discriminatory treatment of rape cases and rape victims and the public's support was demonstrated by the extensive citizen lobbying efforts in 1976 on behalf of reform to the sex offenses law. In 1977 public concern over wife beating put sufficient pressure on the Legislature to effect the passage of bills providing injunctive relief and shelter homes for battered spouses. Not until 1978 did citizen awareness and concern over marital property result in an organized coalition of informed and determined citizens capable of providing the kind of citizens' lobby necessary for major legislative change in this controversial area. In some areas bills which had no chance of passage were introduced or vigorously lobbied in order to give the subject area a public airing. This was necessary because the subject areas were novel and perhaps even avant garde to many legislators and the legislators might need several years to reflect upon them and consult with their constituents. Public hearings on unlikely-to-pass legislation also provided an opportunity to ascertain probable legislative objections. Successive yearly redrafting of bills with provisions eliminating every conceivable ambiguity or loophole often produces effective legislation to which few can legitimately object.
4. Sponsorship of bills should be immaterial to the determination of the Commission's lobbying priorities. Although the Commission possessed the capability of sponsoring its own bills as "Departmental Bills" introduced under the titular sponsorship of the relevant committee chairperson, it determined that in many cases it was wisest to encourage other legislators or groups of legislators to sponsor a bill in a certain area with the Commission providing research, drafting, the production of testimony from experts and representatives of citizens groups, and access to and organization of citizen support. This method had the advantage of recognizing that politicians understandably tend to expend their greatest efforts on activities for which they will receive credit and thereby enhance themselves politically with their constituents. Furthermore, sponsors were likely to take a parental interest in a bill and obtain needed vote counts and necessary floor leadership. In order to promote independent legislative sponsorship of bills promoting sexual equality, the Commission disseminated to legislators memoranda on areas affected by the ERA and offered its research, drafting and lobbying services to legislators wishing to sponsor change in particular areas.

E. Positions on Non-Commission Sponsored Bills

In addition to preparing and lobbying for various remedial legislation, the Commission took positions on an ad hoc basis on various other legislation which affected sexual equality. Positions for or against particular legislation were adopted depending on the Commission's previously taken position in the area or, if the area had not been previously studied and recommendations adopted, the Commission or a subcommittee thereof met and decided its position on the matter. In addition, the Commission made it a practice to point out drafting flaws and suggest changes in proposed legislation even if its intent was meritorious.

PART THREE

STATEMENT OF PROBLEMS

The Commission's initial 1974 statement of priority problems and recommended solutions is contained in Appendix C. Changes from 1974 to 1978 in priorities and recommendations are described in Part Four. Problems remaining and their proposed solutions are found in Part Five, Recommendations as supplemented by Appendix E.

PART FOURIMPLEMENTATION AND REFORM -- 1974-1978*

Maryland has a strong committee system and generally a favorable report by a committee, especially by a House committee, almost ensures passage of the bill through the house which approved the bill in committee. Therefore lobbyists must concentrate most of their efforts on members of committees who hear relevant legislation. The assignment of bills to committees is done in the Senate and House respectively by the presiding officer of each house, the President of the Senate and the Speaker of the House. The committee assignment of a bill may be of crucial importance to the success or failure of a bill. During the existence of the Commission, most of the bills with ERA implementation implications generally were assigned in the Senate to the Senate Judicial Proceedings Committee, and in the House to the House Judiciary Committee.

I. CRIMINAL LAWA. Rape and Sexual Offenses

In 1974 the problems which most appeared to require immediate attention were the clearly discriminatory provisions of the law dealing with sexual offenses. Common law rape only applied to female victims; vaginal sex with minors was treated differently depending on whether the perpetrator was male or female; sexual assaults on males by other males were treated less seriously than those on females and were in fact only prosecutable under the same statutes which barred consensual anal and oral sex or as common law assaults. There were also problems with disparate treatment of males and females who had sex with mental defectives. Less significant sexually discriminatory provisions were also found in laws prohibiting abduction, adultery, pandering, prostitution, female sitters (B-girls) and obscenity. The Commission was cognizant of the fact that a complete overhaul and codification of Maryland's criminal law was being undertaken by the Governor's Commission on Criminal Law (which had 19 male and one female members). It was also known that the Commission, after laboring since 1965, was about ready to bring out a report, including a draft of a bill which would totally revise the criminal law. (This draft, the Proposed Criminal Code, was never enacted.)

The ERA Commission originally decided that the most effective method of achieving its recommendations in the area of sexual offenses would be to make efforts to have a sex neutral Proposed Criminal Code draft and then join forces with the Criminal Law Commission and its supporters to assure that at least the portion of the Code which dealt with sexual offenses was passed. The Commission was able to secure the removal of several sexually discriminatory provisions which appeared in the drafts of the Proposed Criminal Code, but the final draft still contained some sexually discriminatory provisions. While it repealed the crime of consensual anal and oral sex, and punished forcible oral and anal sex equally with forcible vaginal sex, the Criminal Law Commission still refused to extend the law punishing forcible vaginal sex to male victims and female perpetrators. It removed other problems by repealing the crimes of female sitters, adultery and abduction.

*See Appendix D for detailed information on legislation referred to in Part Four.

In the 1975 General Assembly Session the ERA Commission introduced several bills which removed sex discrimination from the law relating to rape and intercourse with minors and mental defectives. They were drafted to resemble as closely as possible the Proposed Criminal Code provisions.

Also in 1975, growing public awareness of the unfair treatment of rape victims was reflected in the introduction, late in the session, of various bills which limited the admissibility of evidence concerning a victim's chastity. One of these bills, which got as far as unopposed passage through the House, would have inadvertently expanded the law to permit even deeper probing into the victim's past sexual acts. Fortunately, the bill was killed by the Senate Judicial Proceedings Committee.

In general, 1975 was a year of promoting awareness of problems in the sex offense area. Many legislators had never been called upon to consider that rape and rape victims were treated differently than other crimes and victims. They were also not used to engaging in discussions which necessitated the usage of explicit sexual language. The legislators also tended to dismiss the whole area in a humorous vein by citing what they perceived to be the absurdity of admitting that a female could force intercourse on a male. In 1975 most of the male legislators believed, as did most of the public, that if there was a problem it was that innocent men were being convicted under rape statutes after being enticed by consenting females.

The increasing public interest and concern in the whole area of rape and sexual offense did not pass unnoticed. In the spring of 1975, the President of the Maryland Senate, Steny H. Hoyer, created and appointed a Special Legislative Committee on Rape and Related Offenses (Special Committee). The ERA aspects of reforming the laws were given full recognition by the appointment of the ERA Commission Counsel, Senator Abrams, and a representative from the National Organization for Women, to the nine-member committee.

In late 1975, the ERA Commission noted that there were numerous objections to various areas of the Criminal Law Commission bill, especially the sentencing structure. The passage of the omnibus bill in the near future was deemed unlikely by most informed politicians. Therefore, the ERA Commission decided to concentrate its research and lobbying efforts on the Special Committee on Rape and Related Offenses' deliberations and hearings with an eye toward producing a bill draft which would not only sex neutralize existing rape and sex offense laws, but also provide remedial legislation and affirmative action for rape victims.

The Special Committee on Rape and Related Offenses met eleven times and held three hearings throughout the State to ascertain what citizens defined as problem areas and what their reaction was to various proposed solutions. Special invitations were issued to the elected State's Attorneys, the Public Defender, women's groups, the American Civil Liberties Union, county rape crisis centers, women's commissions, the Bar Association, medical groups, and other interested groups. In addition, the hearings received notice and any member of the public could attend. The Special Committee proposed two drafts, both of which were introduced in both houses of the General Assembly, which together solved all of the major problems identified by the ERA Commission. The Commission then concentrated its efforts on passage of these two bills (referred to hereafter as the Sexual Offenses Bill and the Chastity-Evidence Bill).

The Sexual Offenses Bill provided a rational and orderly solution to reform of the laws which prohibited forcible sexual offenses and prohibited sexual acts with minors and other persons incapable of giving informed consent. It treated all forcible sexual acts, regardless of whether they were anal, oral, or genital, equally. It also treated all non-forcible acts with children and mentally incapacitated adults equally regardless of the sex of the victim or perpetrator.

The Sexual Offenses Bill recognized the existing inequity of prosecuting 15-year-olds accused of non-forcible intercourse with 13-year-olds as adults guilty of a crime punishable by life imprisonment; and it therefore incorporated the model penal code and Proposed Criminal Code provision that the victim of a non-forcible age-related sexual offense must be four or more years younger than the perpetrator. Other improvements in the law unrelated to sex discrimination removal included: (a) The age of the victims was lowered to reflect the present lower age of puberty. (b) A division of sex offenses into four degrees was made, the sentencing severity of which was related to the degree of force and the extent of trauma to the victim. The definition of sexual offenses by degree was thought advisable because it would promote convictions for sexual offenses where there was no injury or weapon in cases where juries had been traditionally reluctant to bring back verdicts of guilty under the then-existing law because they were not willing to subject defendants, in such circumstances, to life imprisonment. (c) The term "rape" was abolished and all sexual acts with victims withholding or incapable of consent were called sexual offenses. This semantic change was deemed desirable in order to protect victims from the adverse psychological effects of the historical and literary associations with the word "rape".

Most importantly, the Special Committee's Chastity-Evidence Bill, which was patterned after the then existing Michigan Sexual Offenses law, severely limited the admissibility and relevancy of a victim's prior sexual conduct and reputation and provided an in camera hearing before any evidence could be admitted as relevant to the issue of consent in a Sexual Offense trial.

Opposition to comprehensive sexual offenses law reform included: (a) Feelings that it was absurd to prohibit forcible sex with male victims by female perpetrators because it was physically impossible. (b) Feelings that non-consensual oral or anal sex was qualitatively different from non-consensual vaginal sex. Different legislators and Special Committee members had different conceptions as to what was the worst thing that could be forced upon a person. (c) Fears that the definition and division of sexual offenses into degrees would introduce complexity and confusion into the law which would be beneficial ultimately to the defense. (d) Disagreement with the concept that a victim's prior sexual acts and her or his reputation for chastity were relevant. Many people at that time still subscribed to the Madonna/Whore concept - virtuous women were entitled to protection but those who were unchaste were "game" to all other males and received only minimal legal protection. After vigorous lobbying by a number of women's groups, the Sexual Offense Bill passed the Senate 43-0 with no major substantive revisions. When it was assigned to the House Judiciary Committee, however, major resistance to the broad and far-reaching nature of reform was encountered.

After the bill's sponsor worked out a compromise with the House Judiciary Committee Chairman which resulted in deleting the provision which decriminalized

consensual oral and anal sex, treating anal and oral sex with 15-year-olds more seriously than vaginal sex, and calling prohibited vaginal acts "rape" and other prohibited acts "sexual offenses", the amended bill received a favorable report from the House Committee.

In spite of the fact that the Committee changes were contrary to the philosophy of treating all non-consensual sexual acts the same regardless of the sex of the victim or the offender, the Commission decided to support the bill as amended by the House since the bill did accomplish sex neutralization. The bill passed as amended. In addition, the Special Committee's Chastity-Evidence Bill passed both houses with little outward opposition.

In 1977, various bills were passed which improved the treatment and handling of rape and sexual offense cases. One provided that the Department of Health and Mental Hygiene pay for the cost of examination of victims of rape and sexual offenses, when the examination is done for the purpose of establishing and gathering information and evidence as to the crime. Another standardized the form of indictment under the new law, while another provided for police training with respect to application and enforcement of the new rape and sexual offense law. Other legislation enacted extended the limitation on the admissibility of evidence of prior sexual conduct to cases involving victims of sexual offenses, in addition to victims of rape, and changed from first degree rape to second degree rape the commission of consensual intercourse with a person under 14 if the person performing the act is at least four years older than the victim.

Although the Commission was able to observe significant improvement in the priority areas, various other minor sexually discriminatory provisions were more difficult to remedy, namely prostitution enforcement, adultery, probation officers for prostitution offenders and female sitters.

B. Prostitution

With the removal of the facial sex discrimination from the pandering statutes in 1975, there was no facial discrimination in the law relating to either prostitution or pandering. However, it was suspected that the enforcement of Maryland's prostitution laws was sexually discriminatory in that although the law equally penalized males and females and buyers and sellers, in fact, the law was primarily enforced against female sellers of sex while the male buyers went free. Furthermore, undercover agents were commonly utilized only to ferret out female sellers of sex. In 1976 the Commission held a hearing on prostitution enforcement at which testimony supported the conclusion that the law was enforced in a discriminatory manner. However, after noting the marked lack of interest in pursuing the subject by both the affected prostitutes and women's groups, as well as the reluctance of most legislators to venture into reform in this area, the Commission decided to abandon prostitution enforcement as a priority.

C. Adultery

Since 1973 efforts have been made to remedy the sexually discriminatory definition of Maryland's crime of adultery either by making the law apply equally to sex with married women as well as married men (1973, 1974, 1975) or by abolishing the crime entirely (1975, 1978). All efforts to remedy sex discrimination by either method have failed because of: (1) legislators' apprehensions about going on record as repealing a crime which codifies one of the Ten Commandments, and (b)

legislators' reluctance to repeal an unprosecuted crime with a maximum \$10 penalty which affords Fifth Amendment protection against self-incrimination.

D. Abduction

Since 1973 attempts have been made to sex neutralize the Abduction statute. The ERA Commission took the position that extending the law to apply to males under the age of 18 who were persuaded or enticed from the control of their parents for sexual purposes would be irrational since it would make attempted sex with 16 and 17-year-olds a crime whereas a completed sex act with a 16 or 17-year-old was not a crime under Maryland law. The Commission's recommendation that the law be made applicable to both sexes but that the age of the victim be lowered to 16 was adopted by the General Assembly in 1978.

E. Probation Officers for Prostitution Offenders

Since 1973 efforts have been made to eliminate the sex discrimination contained in the law relating to the gender of probation officers for persons convicted under the prostitution sections of the criminal law. Bills have been introduced which permit prostitution offenders to have probation officers of either sex (1973, 1974, 1975) as well as to require that prostitution offenders of either sex must have probation officers of the same sex (1978). Neither approach has been successful because of the feelings that (1) female prostitutes need to be protected from being seduced by male probation officers and (b) male probation officers need to be protected from being seduced by female prostitutes. Similar concerns over the few males who are convicted of prostitution offenses and their female probation officers are not felt.

F. Female Sitters

Repeated unsuccessful attempts since 1973 have also been made to remove sex discrimination from the law relating to female sitters. Attempts to extend the law to males (1973, 1974, 1975, 1978) as well as to abolish the crime (1975, 1976) have met with defeat. Interestingly, the crime is seldom if ever prosecuted as a criminal offense; however, possible prosecution as an infraction of local liquor laws serves as a more effective deterrent to the activities than the crime.

G. Bigamy

After three successive unsuccessful attempts, the sexually discriminatory penalty for bigamy was finally removed in 1976. Those who were initially opposed to the repeal cited their desire to give women added advantages as a reason for retaining the ancient penalty.

II. Domestic Law

During the life of the Commission two other governmentally initiated groups were studying domestic law reform: Until 1975 a Special Legislative Committee on Domestic Law Reform, and then from 1976 until the present, the Governor's Commission on Domestic Relations Laws. The existence of these two bodies was repeatedly cited by legislators as a reason for not enacting some of the more complex suggested piecemeal reforms in domestic law. Many legislators expressed a preference for abstaining from attacking any problem in domestic law until the Governor's Commission on Domestic Relations Laws presented a comprehensive domestic law reform package. Upon the creation of the Governor's Commission on Domestic

Relations Law in 1976 the ERA Commission ceased efforts to develop and draft spousal support and marital property legislation and instead worked with the Domestic Law Commission in developing legislation which was in compliance with Maryland's Equal Rights Amendment. In this regard, the ERA Commission chairperson acted as a liaison between the two commissions. One of the ways the ERA Commission aided the Domestic Law Commission was in the gathering of information on the disposition of marital property from other states with equitable distribution laws and making that information available to the Commission.

A. Domicile

Maryland, being a common law state, held to the case law doctrine that a married woman's domicile was, by operation of law, the domicile of her husband. Changing this law met with emotional resistance from many legislators who felt that a change in the common law would "destroy the family" since women would refuse to follow husbands when husbands chose to move. In 1976 a bill was enacted which provided that a married woman's domicile would be determined by application of the same principles used in determining a male's domicile, and that refusing to follow a spouse in his or her choice of a domicile was not in and of itself a ground for divorce. Included in the bill was a less controversial provision removing sex discrimination relating to the domicile of a child of separated parents.

B. Grounds for Divorce

- 1) No-fault divorce. While there was considerable sentiment on the Commission for the institution of the no-fault system of divorce, the Commission and most women's groups took the position that no-fault should not be instituted until there was marital property reform, since deserted spouses, who are primarily women, would lose negotiating advantages if culpable spouses no longer have to wait three years for a divorce. Attempts to lower the separation period required for a no-fault divorce were defeated from 1973 through 1978 because the Legislature, and specifically the Senate, felt complete marital property reform was a prerequisite to any liberalization of the law relating to the grounds for divorce.
- 2) Single beating as ground for divorce. Under Maryland law a "single sally of passion" is not grounds for divorce under the ground of constructive desertion. A 1978 attempt to make a single act of violence resulting in injury a ground for divorce was unsuccessful.

C. Slander of Chastity

Since 1973 attempts have been made to remove the facial sex discrimination from the Maryland statutory law which makes it defamation per se to speak falsely of a female's chastity whereas a male must allege and prove damages to sustain an action for the maligning of his chastity. Generally the proposed bills would have extended the action to males. Feminist groups opposed this approach, arguing that the law is archaic, perpetuates the double standard, and should be repealed. The ERA Commission, having changed its own position on whether to extend the law or repeal it, has repeatedly called upon the Legislature to make a choice, either to extend the law to males whose chastity is defamed or to abolish the statutory action. The Legislature, however, has steadfastly refused to make any change in the law and the bill has never received a favor-

able report from either House Judiciary or Senate Judicial Proceedings. General Assembly members' reluctance to make any change in the law appears to be attributable to their feelings that while it would be absurd to extend the action to males, women's chastity still needs added protection since, notwithstanding a relaxation of Victorian standards, female chastity is more highly valued than male chastity.

D. Names

Prior to the passage of Maryland's Equal Rights Amendment, a 1972 Court of Appeals decision had confirmed that a married woman's surname did not, by operation of law, become the surname of her husband. The decision not only confirmed a married woman's right to use her maiden name after marriage but also reiterated that in Maryland every person has a common law right to select his or her name which becomes the person's true name if the person consistently and non-fraudulently uses the name. Despite the Court's clear enunciation of the applicable common law, several statutory provisions of the law relating to names on drivers' licenses and legal names for the purpose of voting and running for office were based on the assumption that a married woman's last name becomes her husband's last name upon marriage. The provisions of the Election Code actually worked to disenfranchise women since they required married women to notify their local election boards as to what name they were going to be using after marriage. If the married woman failed to take affirmative steps to notify the Election Board as to what her name was, she was promptly removed from the voters rolls. This worked a particular hardship on women who were married shortly before an election.

The ERA Commission determined that the law should be changed to require either all newly married people, both males and females, to notify the Election Board of what their post-marital names were; or that neither would be required to notify the Election Board. The State Board of Election Supervisors initially opposed any change in the law because it claimed that without the statutory provision, they would not be notified of post-marital name and address changes. Finally, in 1976 the State Election Board, after taking the matter under advisement, introduced a bill removing the discriminatory provisions and the bill was enacted. Under the present law, while all newly married people are asked to notify their Election Boards of any change of name or address, they are not automatically removed from the voters rolls if they do not respond.

The law relating to married women's names on driver's licenses remained a problem only in the area where a woman had taken her husband's name and subsequently wished to resume her pre-marital name. While the Motor Vehicle Administration administratively permitted women married prior to 1972 (the date of the Court of Appeals case enunciating a woman's right to her maiden name) to resume their pre-marital names, the MVA would not make such administrative changes without a court order for women married subsequent to 1972, nor would it make such administrative changes for women who had been divorced but had failed to obtain a restoration of their pre-marital name at the time of divorce. From 1976 through 1978 attempts were made to change the law so that a pre-marital name could be resumed on a driver's license under any circumstances without resort to a court proceeding. In 1978 a bill was enacted which required the Motor Vehicle Administration to administratively permit name changes to people who had obtained divorces.

A problem also existed prior to 1977 for women with children who asked a court for a restoration of their pre-marital names at the time of divorce. Some courts refused to do this. Legislation seeking to remedy this problem was unsuccessful but a Court of Special Appeals decision in 1977 mooted the question.

E. Custody

In 1974 Maryland enacted a law which made it clear that no maternal preference exists in Maryland. A 1978 Court of Special Appeals decision removes any remaining ambiguity that one sex should be preferred over the other in custody disputes. In 1975 and 1978, respectively, Maryland enacted the Uniform Child Custody Jurisdiction Act and a Child Abduction statute, both of which provide some deterrent to the destructive practice of child snatching.

F. Out-of-Wedlock Children

In 1974 and 1975 bills were enacted which gave out-of-wedlock children rights similar to those of legitimate children for the purpose of wrongful death claims involving a father. In 1975 the General Assembly enacted legislation which permitted a father of an out-of-wedlock child to initiate paternity proceedings and obtain a judicial declaration of his paternity. In 1976 a bill was enacted which made the father's failure to take a blood test admissible in paternity proceedings as had been and is the mother's or child's failure to take a blood test. (See also - Child Support, infra.)

G. Alimony and Spousal Support

Prior to the ERA, only females could receive alimony in Maryland. In 1975 a bill was enacted which desexed the alimony statute and provided that husbands could be granted alimony; and in 1976 men were granted by statute the right to be awarded alimony pendente lite and counsel fees. Attempts to make alimony limited to five years, and to provide for a periodic self-initiated review by the courts, and to terminate alimony to people who were cohabiting with the opposite sex were all defeated from 1973-1978. In 1978, males were granted the right by statute to obtain spousal support from their wives under the criminal non-support statute. Enforcement of spousal support obligations was improved in 1976 by the enactment of the earnings liens statute.

H. Necessaries

Maryland follows the common law doctrine of necessaries which holds that a husband is responsible for debts contracted by his wife for necessaries, but there is no provision for a wife being responsible for her husband's debts for necessaries. From 1973 until 1976 numerous bills were introduced to remove sex discrimination from the common law relating to necessaries. Some of the bills took the approach of eliminating the doctrine of necessaries and some of them took the approach of extending the doctrine to both sexes. The bills were uniformly unsuccessful. In 1978 a bill was introduced which would sex-neutralize the law relating to necessaries but would allow the "homemaking spouse" of either sex to pledge the credit of the other spouse. This bill was killed in Senate Judicial Proceedings.

I. Partnerships

Maryland has followed the common law which holds that a married woman owes a husband her services, even if the services are performed in a business. The result is that many women are found not be partners in their husband's businesses despite the fact that they worked in the business and obligated themselves on the business indebtedness. No legislation has been introduced to remedy this situation. A 1974 Court of Appeals decision, however, intimates that a court will no longer apply the common law doctrine in future cases.

J. Support of Insane Ex-Spouses

From 1973 to 1976 attempts were made to repeal the law which, while providing that either spouse may obtain a divorce when the other spouse is incurably insane, only imposes a post-marital support obligation for an insane spouse on the male marital partner. These repeals were always part of no-fault divorce legislation which was never passed in Maryland.

K. Support of Children

- 1) Determination of support. Maryland has had since the 1920's a statute which makes both parents equally responsible for the support of children. In 1977 a Court of Appeals case reiterated the equality of responsibility for child support and specifically approved various formulae for calculating child support including a formula where the non-custodial parent's share of support was determined by multiplying the child's needs by the fraction which the non-custodial parent's income is to the aggregate income of the parents.

The effect of the case was to lower the average amount of child support received because the Courts failed to make any allowances or credits for the custodial parent's provision of services of a non-monetary nature to the children. In 1978 a bill was introduced which would have directed that the trial courts consider the non-monetary contribution of a custodial parent in determining child support, but the bill was killed in the House Judiciary Committee.

- 2) Earnings liens. After an unsuccessful attempt in 1975, a statute was enacted in 1976 which gave the trial courts the authority to order a lien on the earnings of a person ordered to pay child or spousal support if the obligor was two or more months behind in his or her support payments. Although the bill, which was patterned after existing California law, presumably permitted a lien on any periodic payment coming to the obligor, it was soon discovered that some trial court judges were refusing to order liens on workmen's compensation payments. In 1978 a bill to explicitly include workmen's compensation payments was defeated, as was a bill to make the imposition of the earnings lien mandatory rather than discretionary. However, in 1978 a bill was enacted which prevented the earnings lien from being terminated if there was an outstanding arrearage.
- 3) Collection of child support from obligor's estate. In 1978 an unsuccessful attempt was made to provide that prospective child support of legitimate children could be collected from an obligor's estate. Maryland remains in the minority of states which permit a parent to totally disin-

herit legitimate children, including minor children to whom the decedent owed a duty of support at the time of his or her death.

- 4) Miscellaneous. In 1976 legislation, required of states receiving HEW funding under the amendments to the Social Security Act of 1974, was enacted which set up a Division of Child Support Enforcement; however, the provision in the bill which made state-provided child support collection procedures free of charge to non-welfare recipients was deleted. In 1978 further legislation was passed which made various changes relating to the administrative procedures followed by the local and state child support collection agencies. A 1976 attempt to prohibit the retroactive modification of child support and alimony orders met with defeat. In 1978, after several unsuccessful attempts, a provision was added to the law extending the long-arm statute to include cases where the support obligation arose in Maryland or where the parties lived together in a marital relationship in Maryland immediately prior to the separation.

L. Criminal Non-Support

Maryland's criminal non-support statute prior to 1977 made it a crime to desert or fail to support a wife. The ERA Commission was reluctant to press vigorously for a simple de-sexing of this statute since it was felt that the best solution was to decriminalize non-support and enact a sex neutral non-support statute which would provide a readily accessible remedy to all women, especially low-income women, for the collection of child and spousal support. Attempts to decriminalize the non-support statute were introduced from 1973 to 1978 with no success (although in 1971 a bill passed both houses but was vetoed by the Governor). In 1977 the law was amended to delete "or desert" so as to provide that only the non-support of a wife, and not the desertion itself, constituted a crime. Previously, although it was seldom prosecuted, the leaving of a spouse without adequate legal cause was a crime. In 1978, the Legislature, stimulated by a Court of Special Appeals decision declaring the spousal support section of the law unconstitutional under the ERA, enacted a bill which provided that failure to support a spouse (of either sex) was a crime. The bill, while removing the facial sex discrimination from the law, unfortunately did not provide a standard by which it will be determined which spouse will be obligated to support the other.

M. Disposition of Prison Earnings

From 1973 through 1976 unsuccessful attempts were made to sex neutralize the various sexually discriminatory provisions of the criminal non-support law relating to disposition of prison earnings. Attempts to make changes just to the offending provisions in 1977 and 1978 were abandoned in favor of joining in attempts to repeal the criminal non-support statute in its entirety and substitute an easily accessible decriminalized sex neutral non-support statute. (See Criminal Non-Support, supra.)

N. Marital Property

Since 1973 numerous bills were introduced by a variety of sponsors which would have provided some relief to Maryland's inequitable property laws which provided that the spouse in whose name a piece of property is titled or who made the monetary contributions is considered the sole owner in most situations despite

the fact that the other spouse contributed homemaker's services without which it would have been impossible for the wage-earning spouse to have accumulated the property. The bills adopted various approaches: In 1974 and 1975 legislation was introduced which provided that one spouse could collect from the other for unpaid services to the education or business of the other party and that such services could create an equitable interest in the solely-titled property of the other spouse. In 1976 through 1978, proponents of marital property reform introduced a series of bills which sought to have the marital property provisions of the Uniform Marriage and Divorce Act (UMDA) incorporated into Maryland law. Some of these bills related to both real and personal property (as does the UMDA), some dealt with real property only and some dealt with personal property only. All attempts to pass some or all of the UMDA property provisions which originated in the House were promptly killed in House Judiciary. In 1977 a Senate-originated attempt to incorporate the UMDA property section as it applied to real and personal property was given a favorable report by the Senate Judicial Proceedings Committee but was referred to the Domestic Law Commission when floor opposition developed. The Senate Committee version had the fault concept amended into the original bill and many women's groups opposed the introduction of fault into the law relating to marital property, taking the position in 1977 that no marital property reform was preferable to reform which included the consideration of fault.

In 1978 the Governor's Commission on Domestic Relations Laws' Marital Property bill was introduced as an Administration bill. The bill as originally introduced was opposed by the Bar Association Family Law Section Council, while the ERA Commission and numerous women's groups offered extensive amendments designed to remove the various ambiguities and lack of conceptual clarity which were felt to have been created by the bill's drafting and arrangement. During the time the Domestic Relations Laws Commission was drafting this legislation and also during the legislative hearings and attempts to redraft this bill, the ERA Commission offered legal and technical advice and assistance regarding various aspects of the bill, including particularly its ERA implications. As originally drafted, for instance, the bill would have permitted title transfers to the other spouse of personal property acquired solely by one party prior to marriage and it would have included inherited property as property subject to a monetary award. After extensive amendments in both houses many of the bill's perceived defects including the inclusion of prior acquired and inherited property and the lack of parallel drafting were removed and on the last day of the session the bill passed. The new marital property bill, effective January 1, 1979, provides some relief from the inequitable common law title doctrine and, as the preamble and language of the bill indicate, eliminates the common law doctrine that a wife owes her services to her husband. There is concern, however, among some lawyers and various women's groups that the bill is inadequate with regard to the recognition of homemakers' services and that it should explicitly repeal the common law doctrine that a wife's services are of no value. Moreover, the court should have been directed to presume an equal division of marital property in making a monetary award and enforcement should have been strengthened by making the monetary award an automatic judgment and providing that lis pendens attaches upon the institution of a divorce proceeding. In addition, there was dissatisfaction with the fact that the 1978 marital property bill included the concept of fault or the "circumstances and facts which contributed to the estrangement of the parties" as a factor to be considered by the court in making a monetary award. However, in 1978, unlike 1977, the women's groups generally chose to support the bill even though it included fault or "estrangement".

O. Battered Spouses

Efforts to provide relief for victims of spousal violence were mainly concentrated in five areas:

- 1) Repeal of the doctrine of interspousal tort immunity. Maryland, being a common law state, follows the doctrine of interspousal tort immunity which prohibits one spouse from suing another in tort, including the tort of assault and battery. Since 1976 efforts have been made to repeal this law but they have been unsuccessful. The objections which are customarily heard include that the permitting of such suits would encourage collusive suits and contribute to marital disharmony. Despite the fact that the bill which was introduced in 1978 limited the repeal of the doctrine of interspousal tort immunity to a repeal of the doctrine as applied only to assault and battery and further limited the action to people who had actually filed for divorce, the House Judiciary Committee refused to give the bill a favorable report.
- 2) Permitting victims of spousal violence to obtain injunctive relief. Prior to 1976 it had been assumed that an equity court, in a divorce case, could order a violent spouse out of the family home, especially if the family home belonged to the spouse who was seeking an injunction. However, in 1976 the Court of Special Appeals held that divorce-granting courts had no authority to grant such injunctions. Remedial legislation was introduced and passed in 1977 which gave the equity courts in divorce cases the authority to issue injunctions to protect any party from physical harm or harassment. Although many judges have interpreted this law to permit the exclusion from a jointly-held marital home of a physically violent party, some trial court judges are apparently interpreting the bill as not being broad enough to include such exclusions.
- 3) Permitting victims of spousal violence to obtain monetary relief from the Criminal Injuries Compensation Board. In 1977 and 1978 bills were introduced which would remove the "family exclusion" from the law relating to criminal injuries compensation, so that battered spouses could be compensated. Resistance to this bill was mainly to the fiscal note, which such a removal would entail. Also members of the Legislature were concerned that a spouse might make repeated claims to the Criminal Injuries Compensation Board for a series of assaults performed on them by their spouses. In order to meet the objections which were voiced, attempts were made to amend the bill in 1978 to provide that a person could collect only once from the Criminal Injuries Compensation Board for assaults from one particular spouse. Despite efforts to make the bill more acceptable by narrowing it, the bill failed to pass in both 1977 and 1978.
- 4) The establishment of shelters for battered spouses. In 1977 the General Assembly enacted legislation which required the Department of Human Resources to establish a model temporary shelter for battered spouses. The original bill had proposed setting up a number of homes for battered spouses around the state, but it was amended to provide for just one model temporary shelter. In 1978, the Governor placed \$50,000 in the Fiscal Year 1979 Supplemental Budget to be used to fund the battered spouse shelter home project.

- 5) Improvement of existing reporting procedures. It was felt by many of the people working to provide relief for battered spouses that they were handicapped by the lack of reliable statistics. After an unsuccessful attempt in 1976, in 1977 a resolution was passed by both houses which required the Maryland State Police to keep certain records relating to battered spouses.

In addition, some bills were introduced which attempted to solve the spouse beating problem by creating a new crime of spouse beating. These attempts were defeated because the General Assembly members as well as the women's groups felt that this approach would provide no solution since assault is already a crime at common law punishable by up to 20 years.

III. Employment, Education, Children, Health and Sexual Stereotypes

The Employment, Education, Children, Health and Sexual Stereotypes Subcommittee was referred to as the "catch-all" committee which had in its jurisdiction miscellaneous areas of the statutory law where gender identified language had been used, generally to abrogate the common law. The Subcommittee, however, considered as priorities those areas which would have major economic impact on women as a group. The legislation is discussed below by subject area:

A. Employment

- 1) Human Relations Commission. The Maryland Commission on Human Relations is the State agency charged with providing a remedy for sexually discriminatory treatment in employment, housing and some areas of credit discrimination. A 1973 court decision prohibited the agency from making back pay awards and other awards of damages to victims of discrimination. In addition, in 1974 the Human Relations Commission lacked the statutory authority to obtain interlocutory injunctions against discriminatory acts.

In 1975 a bill giving the HRC the authority to obtain interlocutory injunctions was enacted into law but despite attempts in 1975 and 1976 to restore to the HRC the authority to provide monetary relief to discrimination victims, it was not until 1977 that legislation was enacted to accomplish this purpose.

The delay was primarily attributable to political problems with the HRC and to the feelings of many legislators that no additional authority should be given to the HRC until certain administrative changes were made. In 1977, in addition to restoring some "teeth" to the HRC's sanctions for discrimination, the Legislature enacted legislation which restructured the HRC appointment procedure and chain of command and provided for hearing examiners to expedite the caseload of complaints.

Another problem relating to administrative remedies perceived by the ERA Commission in 1974 was that while employees in the private sector were able to pursue an administrative remedy by filing a complaint with the HRC, State employees had no such remedy. In 1977 a bill was passed which provided an administrative procedure for State employees. However, the process was more cumbersome and laborious than the remedy provided for private employees. Attempts in 1978 to totally equalize the treatment of public and private employees were unsuccessful.

- 2) Private right of action in employment discrimination. In 1975 and 1976, when it became apparent that strengthening the powers of the HRC was going to be a political problem what with the business community-induced apprehensions concerning the operation of the HRC, the Commission began to evaluate the possibility of providing a private right of action for sex discrimination, thereby permitting a discrimination victim to sue an employer who has practiced discrimination directly. Despite the fact that the Commission developed a draft of a bill patterned after Section 706 of Title VII of the Civil Rights Act, it was decided to abandon attempts to pass such legislation because (a) research revealed that a distinct minority of states permitted such direct private suits, (b) it was felt that the newly structured HRC should be given an opportunity to demonstrate its effectiveness, and (c) certain "res judicata" and "abstention" problems might be created by the creation of a State private remedy which paralleled an already existing Federal remedy.
- 3) Part-time employment. The Commission took cognizance of the fact that females, being more likely to be the custodial parents of young children, would benefit from the increased availability of part-time employment with flexible work schedules. In 1975 enabling legislation was enacted providing for increased part-time employment opportunities for State employees and in 1978 further legislation increased the benefits of certain part-time State employees.
- 4) Affirmative action program. In 1978 legislation was enacted which statutorily mandated a State equal opportunity program.
- 5) Displaced homemakers. In 1976 legislation patterned after the Federal Displaced Homemakers law was enacted and \$190,000 was appropriated for the services to people who had remained out of the job market while being homemakers and who needed assistance to prepare for re-entry into the work force.
- 6) Domestic workers. Since 82% of domestic workers are women, legislation ameliorating their economic situation was deemed a priority. In 1973 domestic workers were included under the State's minimum wage law and in 1975 they were included under the State's workmen's compensation law.

B. Child Care

The lack of available quality child care at reasonable prices was perceived by the Commission to be a major impediment to women's full utilization of their economic potential. Two avenues of remedying the problem were pursued:

- 1) Revamping rules and regulations relating to child care. Initially it appeared that a major impediment to the availability of child care was the unreasonably stringent rules and regulations relating to child care space, health, and personnel requirements. However, the Commission soon discovered that attacking this area would involve a detailed study of the history and reason for all the rules and regulations and an involvement in the controversy of quality day care versus inexpensive day care as well as a jurisdictional battle between two State agencies relating to child care licensing and regulation. In view of the complexity of the area as well as the dangers of entering an intra-State agency jurisdictional dispute, the Commission decided to refrain from pursuing the subject or suggesting remedial legislation.

- 2) Tax relief for child care expenses. When the Commission was first created, a portion of child care expenses could be deducted on a person's State income tax if the person itemized. This tax relief was available to Maryland residents because Maryland's income tax laws tracked the Federal income tax law with respect to deductions but not tax credits. When Congress enacted a comprehensive revamping of the Federal income tax law in 1976 and changed the method of child care relief from a deduction to a tax credit, Maryland's taxpayers lost the ability to obtain any relief for child care expenses. Bills introduced in 1977 to remedy this situation were unsuccessful because the child care tax relief provisions were combined with other even more controversial fiscal measures. Finally in 1978 legislation was enacted which permitted a "subtraction modification" of child care expenses, thereby providing relief to both persons who itemized and those who did not.

C. State Militia

Maryland's "unorganized militia" is a theoretical body which may be called out by the Governor in the case of a rebellion or revolution but which in fact has not been invoked within living memory. While the law relating to the organized militia or the National Guard is not sexually discriminatory, and both males and females serve, the statutory language referring to the unorganized militia provides that only able-bodied males may constitute the militia although females may join by volunteering. Attempts in 1973, 1974 and 1975 to remove gender-identified language from the State Militia law proved unsuccessful and in 1978 the Commission was even unsuccessful in getting the Governor's Office's approval for sponsoring the State militia sex neutralization bill. The Commission, being aware of the fact that sex neutralizing the State militia law would have no practical effect and that the attempts to remove gender identified language from the Code were being cited by ERA opponents as an example of how women were going to be "drafted", decided to abandon its efforts to desex the State militia provision of the Code.

D. State Seal

One area of Maryland law which has perennially irked many people is the State Motto, "Fatti Maschi, Parole Femine", which in 1974 was translated by statute as "Deeds are manly, words are womanly". The motto was taken from the family coat of arms of Lord Baltimore, Maryland's first proprietor. In 1973 and 1974 efforts to develop a new non-sexually discriminatory State Motto were unsuccessful but in 1975 legislation was enacted which retranslated the State Seal to "Manly Deeds, Womanly Words". Notwithstanding the undesirability of having a State Seal which even as retranslated perpetuated sexual stereotypes, the Commission decided to propose no further legislation in view of: (1) as retranslated, the motto does not have the same derogatory implications toward women; (2) the expense of changing the State Seal on buildings and stationery would be excessive; (3) the motto is historically significant in that it is the Calvert family motto; and (4) while the State Motto is surely symbolically important, its meaning and existence are known to few Marylanders and has minimal significance on these Marylanders' lives.

E. Gender Identified Occupational Titles and Pronouns

The Commission initially observed that efforts to make changes in the statutory law which made changes such as "salesman" to "salesperson" were greeted with

discussion and general mirth when sex neutralization was the only change made by a particular bill. While bills changing "widow" to "surviving spouse" effected substantive change, desexing occupational titles and generic pronouns did not. Meetings with the Maryland Commission to Revise the Annotated Code resulted in a commitment by that Commission to sex neutralize occupational title reference whenever possible and to avoid the use of the word "he" as a generic pronoun and to use "the person" instead unless such usage would prove unduly cumbersome. Since the Commission to Revise the Annotated Code systematically each year submits bills which totally revise particular sections of Maryland's Annotated Code and sex neutralization is proposed along with various other unrelated changes, it was decided by the Commission to rely on the Commission to Revise the Annotated Code to accomplish the removal of gender identified language from the Annotated Code. Although the use of a sex neutral generic pronoun such as "they" was considered, it was felt unpractical at this time to expect that this linguistic change could make its debut in the Annotated Code.

F. Statutes Abrogating the Common Law

Various Maryland statutes which make specific reference to females were enacted to abrogate specific sexually discriminatory provisions of the common law. The Commission approached a change in these laws in a gingerly fashion since the Commission was afraid that any repeal of these statutes might be subsequently interpreted by the almost exclusively all-male judicial system as a retreat. However, the Commission was eventually assured, as a result of its legal research, that such changes could be safely made and in 1978 statutes permitting women to be attorneys, notaries public, and hold public office were repealed.

G. Parallel Treatment of Sex Discrimination

The Commission initially ordered a computer search of the Code which revealed that while discrimination against people based on race, religion and national origin was prohibited in certain areas, discrimination based on sex was not. The Commission decided that parallel treatment was not required in certain areas, such as "blockbusting" (where no known instances of blockbusting by sex were known). In 1978, however, legislation was enacted which prohibited, along with ethnic and religious discrimination, sex discrimination in various areas.

H. Abortion/Medicaid Funding

Before 1978 the ERA Commission avoided taking any position on abortion issues mainly because it was a divisive issue where a position by the Commission might antagonize many legislators who generally were favorable to legislation promoting sexual equality. In addition, the applicability of the ERA to any abortion issue was disputed. In 1978, however, the Commission voted to take a stand in favor of Medicaid funding for abortions. After heavy lobbying by both sides the Senate (which had passed a budget which provided for Medicaid funding) and the House (which had passed a budget which severely limited Medicaid funding) concurred in a bill which provides Medicaid funding for abortions in cases:

- "1. Where continuation of the pregnancy is likely to result in the death of the woman; or

2. Where there is a risk that continuation of the pregnancy would have a detrimental effect on the health of the woman; or
3. Where there is a risk of the birth of the child with permanent physical deformity, genetic defect or mental retardation; or
4. Where medical procedures are necessary for a victim of rape, sexual offense or incest, when the rape, sexual offense or incest has been reported to a law enforcement agency or to a public or private health or social agency."

I. Miscellaneous

Various bills of relatively minor significance which removed gender identified language from the Annotated Code were enacted during the life of the Commission: Sex-based employer dress codes were prohibited and sexually discriminatory language relating to the transportation of female patients was eliminated in 1975. Attempts to remove the provision of the law which permits sexually discriminatory hiring and promotion by the Superintendent of Schools where sex is a bona fide occupational qualification were shelved because of lack of a perceived problem and because the whole area aroused the distracting controversy over male gym teachers viewing undressed adolescent females.

IV. Financial and Housing

A. Credit

In 1974 the public was becoming increasingly aware of the problem of discrimination against women in the granting of credit and calls were being heard on both a State and National level for a remedy. In 1974 a beginning was made by the passage of a bill which required creditors to consider alimony in determining credit eligibility. In 1975 a friendly committee chairperson permitted a rather modest and limited bill to be amended into a bill which embodied the major provisions of the newly enacted Federal Equal Credit Opportunity Act, and upon this bill's painless passage through both houses Maryland became one of the first states to provide a comprehensive definition for sex discrimination in credit. In 1976 and 1977 the Act was further strengthened by the addition of provisions increasing the amount of damages and permitting private rights of action both by individuals and by classes and attorney's fees so that Maryland's ECOA is now virtually identical to the Federal Act. In 1978 several attempts to include leases of personal property within the provisions of Maryland's ECOA failed. However, with respect to the leasing of real property, legislation was enacted in 1978 which incorporated many of the prohibitions against discrimination from the Maryland ECOA within the housing section of the Human Relations Article.

B. Insurance

- 1) Maternity insurance. In 1974 it was a common practice for health insurers to discriminate against pregnant women in a variety of ways including refusing to sell pregnancy coverage except under a "family plan", refusing to sell pregnancy coverage to single women, and imposing restrictions on pregnancy benefits not generally applicable to all medical procedures. In 1975 two bills were passed which together prohibited discrimination

against pregnant women regardless of their marital status in the granting of health insurance and the determination of its benefits.

- 2) Pregnancy disability benefits. Before 1976 the Commission considered that no legislation was needed in the areas of sick leave and disability benefits for pregnant women because the Maryland Commission on Human Relations accepted the Federal Equal Employment Opportunity Commission's guidelines which defined discrimination against pregnant women as sex discrimination. However, when the Supreme Court, in General Electric Co. v. Gilbert, 97 S. Ct.401 (1976), declared that the exclusion by an employer of women from sick leave and disability benefits for pregnancy related disabilities did not constitute facial sex discrimination under Title VII of the Civil Rights Act of 1964, Maryland acted promptly in the 1977 Session to enact legislation defining discrimination against pregnant people as sex discrimination in all areas of employment. The lobbying of this bill proved to be the Commission's most difficult challenge to date because of the considerable business and insurance industry opposition which was organized and spearheaded by the Maryland Chamber of Commerce who made the bill's defeat and then veto a top priority. The opponents' dire warnings that such a law would drive business out of Maryland and increase the cost of sick leave benefits dramatically, while producing a veto hearing, failed to effect a veto and the bill was enacted into law.

- 3) Actuarial justification and unisex premiums. In 1974 one of the complaints commonly heard by women was that they were paying higher insurance premiums than males in a variety of areas where insurance companies were unable to actuarially justify the differential treatment. Furthermore, Maryland even prohibited by statute the setting of life insurance premiums using an actuarial assumption that women lived more than three years longer than men. In 1975 several bills were enacted which required that differentials in premiums be justified actuarially.

Despite the Commission's support of legislation which prohibited non-actuarially justified sexually based differential treatment, the Commission was always troubled by the problem of whether any sex-based differential treatment in premiums should be permitted at all, regardless of whether it could be actuarially justified or not. Race-based differential treatment in premiums is prohibited despite the fact that Blacks actuarially have been determined to be higher risks in certain areas. If across the board unisex premiums were mandated women would pay more for life and auto insurance and less for disability insurance. Despite the philosophical attraction of the unisex premium solution, the Commission decided that it was impractical to attempt to implement such a change on a State level, and if unisex premiums are to be the rule, it should be implemented nationally. The Commission even found itself in the anomalous position in 1976, 1977, and 1978 of lobbying against the imposition of unisex premium doctrine solely in the area of auto insurance. The Commission successfully argued that unless the Legislature was willing to impose across the board unisex premiums and benefits so as to cause women to benefit economically in the areas of disability insurance, pensions, and annuities, it was unfair to single out for unisex treatment only those areas, such as auto insurance, which benefited males. The Commission position recognized that women's wages comparative to men's have been dropping in the past ten years and

that despite the much vaunted progress made by the women's movement, women's economic status and power relative to men's is declining. Until some demonstrable improvement is made in women's economic status, piecemeal equal rights implementation should be avoided where it would be detrimental to women financially.

- 4) Miscellaneous. In 1976 and 1977 legislation was enacted which assisted dependent spouses by requiring the convertibility of group health policies to individual policies and by requiring that notice be given to dependents of termination of coverage.

C. Housing and Public Accommodations

Sexually discriminatory policies in the rental, sale, or financing of housing have been prohibited by statute since 1974 and the laws were further strengthened in 1978. The insertion of "sex" into the section of the Human Relations Commission Code which prohibited discrimination in public accommodations proved more difficult. Attempts to prohibit sex discrimination in public accommodations proved unsuccessful in 1975 and 1976 primarily because of legislators' unallayed fears that the bill would be interpreted to require sexual integration of bathrooms and health spas. In 1978 legislation was enacted which prohibited sex discrimination in public accommodations but exempted facilities provided for activities of a uniquely private nature.

Although not viewed as a solution to the problem that women heads of households experience in obtaining adequate housing and services, the Commission vigorously supported the enactment of legislation authorizing a Battered Spouses Shelter in 1977.

D. Tax Exemptions

With the recognition of the fact that country clubs which enjoy preferential tax treatment often discriminate against women, in 1974 the General Assembly enacted legislation withholding preferential tax treatment from country clubs which discriminate on the basis of sex. Unfortunately, an amendment to the bill exempted country clubs which operated solely for the benefit of one sex. This exemption was known as the "Burning Tree exemption", after the country club of "Watergate" fame, known to be its primary beneficiary.

Despite the fact that, by Code, tax exemptions were contingent upon the running of a sex discrimination-free country club, it was soon discovered that the Attorney-General's office lacked adequate subpoena powers necessary for effective enforcement of the law, and legislation was enacted in 1977 remedying this deficiency. The Commission considered the introduction of legislation which would ban all preferential tax treatment for any body, agency or institution which practiced any sort of sex discrimination but discarded this possibility as being politically unfeasible because of the anticipated opposition of several of the major organized religions.

In 1978 an unsuccessful attempt was made to eliminate the "Burning Tree exemption" but the bill was held in the House Ways and Means Committee for further study.

E. Pensions

Changes were made from 1973 through 1977, sex neutralizing Code provisions relating to surviving spouses so that widowers as well as widows would receive equal survivor's benefits. The Commission also considered the possibly sexually discriminatory inequity of not permitting a spouseless employee to designate his or her estate or some other person as a beneficiary of his or her State pension plan. The failure of the State Retirement System to provide this option can be viewed as sexually discriminatory in that women who actuarially outlive their spouses are deprived of having their estates or their dependents benefit from their contributions. While legislation providing some solutions in this area was introduced in 1976 and 1977, the Commission decided that a complete solution must await comprehensive pension law reform and a resolution of the unisex premium controversy.

PART FIVERECOMMENDATIONS

The Commission recommends that legislation be introduced in the following areas where the Commission was not successful in removing sex discrimination. In addition, areas requiring further study are identified. The reader is referred to Appendix E for detailed references to the Annotated Code or to case law where applicable.

I. CRIMINAL LAW

A. Statutory Law. Gender identified language should be removed from the law relating to probation officers for prostitutes, (Art. 27, Sec. 17) adultery (Art. 27, Sec. 4) and female sitters (Art. 27, Secs. 152, 153). In addition, the crime "Rape" should be merged into the crime of "Sex Offense" and all sexual acts should be treated equally.

B. Case Law. The common law presumption that a male under 14 is conclusively presumed incapable of intercourse should be abolished.

C. Problem Areas for Further Study. The ongoing treatment of rape and sex offense victims should be monitored and remedial legislation introduced as problems are identified. In addition, the discriminatory treatment of female prostitution offenders should be remedied either statutorily or administratively.

II. DOMESTIC LAWA. Statutory Law.

(1) Slander of Chastity - Courts Article, Sec. 3-501 and 3-502 should be repealed or, in the alternative extended to males whose chastity is slandered.

(2) Names - Transportation Article, Sec. 11-137, 13-118, 13-414(s) and 16-116(a) should be amended so that a person who resumes her or his pre-marital name can obtain from the Motor Vehicle Administration a license in the new name. (SB 811 of 1977 accomplishes this recommendation.)

(3) Support of Insane Ex-Spouses - Article 16, Sec. 26 should be amended to provide that wives can be ordered to support insane ex-husbands. Consideration should be given to the desirability of including in the statute equitable criteria for the determination of the amount of spousal support when a spouse is insane.

(4) Criminal Non-Support - Article 27, Sec. 80 should be amended to provide some direction to the courts in determining which spouse has a duty to support the other. The addition of a requirement that the spouse seeking support must be a "spouse in need" would clarify the newly sex neutralized law.

(5) Prison Labor Earnings - Article 27, Sec. 90, 95, 715 and 724 should be amended to provide that either spouse's prison labor earnings can be ordered to be paid for the other spouse's support.

(6) Property - Article 16, Sec. 25 should be amended to delete the provision providing for the restoration to the wife of her property. This provision should no longer be necessary.

(7) Married Women's Property Act - Article 45 should be repealed. Care, however, should be taken in repealing those portions of the MWPA which include provisions relating to collateral matters. Case law involving fraudulent conveyances, for instance, has developed in interpretation of Article 45, Secs. 1 and 2. The repealer should be accompanied by a broad statement that both spouses have equal rights. (See also Necessaries, infra)

(8) Whether a statutory change permitting and encouraging antenuptial and post-nuptial agreements might not be one way of diminishing divorce litigation and thereby reducing the incidence of what both females and males perceive to be arbitrary and discriminatory treatment by the trial courts. (A repeal of the common law doctrine that a homemaker's services are of no value is a necessity for any meaningful post-nuptial agreement legislation.)

B. Case Law.

(1) Necessaries - The common law doctrine that a husband is responsible for his wife's necessities should be neutralized. Repealing the doctrine entirely would deprive dependent spouses of a means of obtaining immediate support. With the known present ineffectiveness of child support collection proceedings, the ERA Commission was very reluctant to recommend repealing the doctrine. Extending the doctrine to both sexes would result in creditors being able to sue both spouses when only one had obligated himself or herself and would eliminate some of the protection presently afforded by tenants by entirety ownership. An extension of the doctrine to both sexes with the proviso that the spouse pledging the credit must be the homemaking spouse is one solution (cf. SB 1161 of 1978). Another solution would be to strengthen spousal and child support collection mechanisms so that reliance on the doctrine of necessities is resolved, Article 45, Sec. 21, Article 16, Sec. 40 and Article III, Sec. 43 should be amended. (It should be noted that a Pennsylvania court voided the doctrine in its entirety under Pennsylvania's ERA.)

(2) Partnership-Homemaker's and Parental Services - The common law doctrine that a wife's services are of no value in that they are a duty owed by the wife to the husband should be explicitly repealed. The repeal should be included in the Marital Property Law Courts Article, Subtitle 6A and in the Partnership Law, Corporations and Associations Article, Sec. 9-201. In addition, the law should be amended to require the Court to take into consideration the non-monetary contributions of a custodial parent as a homemaker and parent in determining the amount of child support.

(3) Intraspousal Tort Immunity - The common law doctrine that spouses may not sue one another for torts should be repealed with respect to assaults and batteries thereby permitting battered spouses, most of whom are women, to sue their spouses for injuries sustained from a domestic assault.

C. Problems for Further Study. (1) Whether there should be a statutory resolution to the anticipated problem of two parents who cannot agree on the last name of their child. (2) Whether it is desirable to have statutory criteria for determining when and under what conditions a spouse is obligated to support the other spouse. (3) Whether earnings liens should

be mandatory when an obligor is in arrears. (4) Whether additional battered spouse shelters and funding are necessary. (5) Whether paternity proceedings are fair in their operation and effect. (6) Whether presently applied formulae for the determination of the amount of child support are equitable. (7) Whether existing child and spousal support and monetary award enforcement mechanisms are adequate.

D. Newly Enacted Laws Which Should be Monitored.

The application of the newly enacted marital property law should be monitored to determine (1) whether the monetary awards being granted by the courts reflect the assumption that both parties to a marriage contribute equally to the acquisition of marital property; (2) the effect of monetary awards on the amount of alimony and child support ordered by a court; (3) the adequacy of the enforcement procedures provided for the collection of monetary awards; and (4) whether the trial courts will interpret Courts Article, Secs. 3-603 and 3-6A-06 as empowering the court to exclude physically abusive spouses from jointly owned property.

III. EMPLOYMENT, EDUCATION, CHILDREN, HEALTH AND SEXUAL STEREOTYPES

A. Statutory Law. Various provisions of the statutory law still contain gender identified language. The Commission to Revise the Annotated Code should continue to remove all gender identified language. In addition, the provision of the law which recognizes the existence of sex-based discrimination based on a bona fide occupational qualification in public school employment should be abolished.

B. Case Law. No sexually discriminatory case law has been identified in this area.

C. Problems for Further Study. (1) Methods for increasing the availability of low-cost quality day care should be pursued. (2) The purpose clause for the Maryland Commission for Women should be studied to determine if sex neutralization to encourage males as well as females to be homemakers would be desirable. (3) Methods for the removal of sexual stereotyping in the public schools and state institutions of higher learning should be studied.

IV. FINANCIAL AND HOUSING

A. Statutory Law. (1) The "Burning Tree Exemption" (Art. 81, Sec. 19 (e)(4)) should be eliminated. (2) Leases of personal property should be included under the provisions of Maryland's Equal Credit Opportunity Act (Commercial Law Article, Sec. 12-705).

B. Case Law. No sexually discriminatory case law appears to yet be operating in this area.

C. Problems for Further Study. (1) The feasibility of imposing across-the-board unisex premiums in all categories of insurance, pensions and annuities on a State level should be further explored. (2) Consideration should again be given to withholding preferential tax treatment from any sexually discriminatory organization.

D. Newly Created Remedies Whose Effectiveness Needs Monitoring. (1) The effectiveness of the Maryland Equal Credit Opportunity Act's available administrative remedies through the Bank Commissioner and the Commissioner of

Consumer Credit should be studied. Consideration should be given to making one agency responsible for all credit discrimination complaints in order to avoid confusion and buck-passing. In addition, the frequency of use and the effectiveness of the newly created judicial remedy should be determined by a court monitoring project.

CHAIRPERSONS



ERA Chairperson, Kathleen O'Ferrall Friedman



First ERA Chairperson, Lucy Ann Garvey

APPENDIX A

S E N A T E R E S O L U T I O N

No. 136

Senate Resolution requesting the Legislative Council to appoint a committee to study the application of the Maryland Equal Rights Amendment to the area of Domestic Law and to propose appropriate legislation to the 1974 Maryland General Assembly.

WHEREAS, The area of Domestic or Family Law, which deals with interdependent husband, wife, and parental obligations and duties, is complex and involves laws which are both codified and uncodified; and

WHEREAS, Maryland voters overwhelmingly ratified the Maryland Equal Rights Amendment in 1972; and

WHEREAS, The Maryland Equal Rights Amendment requires a re-evaluation of the areas of Domestic Law dealing with necessities, support, custody, and property acquired during the marriage, and further requires re-evaluation of some of the basic assumptions underlying the present Domestic Law concepts; and

WHEREAS, The area of Domestic Law directly affects all families, and the family is our society's most basic institution in that it provides the primary means of educating, socializing, and protecting American children; and

WHEREAS, The existing Domestic Law has developed over a period of over 1200 years and changes should be made thoughtfully and with an understanding of the historical development of the law and of the social and economic impact of these changes; and

WHEREAS, It is desirable for the General Assembly to approach the area of codified and uncodified Domestic Law as a totality and not rely on piecemeal legislative and judicial changes; now, therefore, be it

RESOLVED BY THE SENATE OF MARYLAND, That the Legislative Council appoint a committee, composed of at least a majority of legislators, to research and study the area of Domestic Law and related areas affected by the Maryland Equal Rights Amendment; and be it further

RESOLVED, That this Committee draft and propose legislation to the 1974 General Assembly which will equalize marital and parental obligations in a manner which is just and equitable for both sexes and which affords maximum protection for children; and be it further

RESOLVED, That the Committee be authorized to hire a research staff and contract for research in order to assist the Committee in its study and legislative drafting, and that appropriate monies be made available for this purpose; and be it further

RESOLVED, That the Secretary of the Senate is instructed to send a copy of this Resolution to the Secretary of the Legislative Council and the Governor of Maryland.



MARVIN MANDEL
GOVERNOR

STATE OF MARYLAND
EXECUTIVE DEPARTMENT
ANNAPOLIS, MARYLAND 21404

March 10, 1975

Mrs. Kathleen O'Ferrall Friedman
319 St. Dunstons Road
Baltimore, Maryland 21212

Dear Mrs. Friedman:

It is my pleasure to appoint you Chairperson of the Commission to Study Implementation of the Equal Rights Amendment.

The passage of this Admendment, and its approval by the voters of Maryland last November, is a landmark achievement in the elimination of discrimination; however, it has brought in its wake a host of problems requiring careful attention.

I am requesting the Commission not only to examine the specific situations requiring immediate attention, but also to consider the broader implications of the Equal Rights Amendment and how the spirit of that provision may best be implemented. I expect that in your deliberations you will work closely with the General Assembly's Joint Committee on Family Law and Domestic Relations.

A list of the members of the Commission is enclosed along with your Commission of appointment. I will appreciate your getting in touch with the members as soon as possible to arrange for a time and place of the next meeting.

Thank you for your willingness to accept this important assignment.

Sincerely,

A handwritten signature in black ink, appearing to read "Marvin Mandel", written in a cursive style.

Governor

APPENDIX B

LIST OF COMMISSIONERS

Lucy Ann Garvey, Esquire - Chairperson (1973-1978)*
Charles Dorsey, Esquire - Vice-Chairperson (1973-1978)
Honorable Rosalie S. Abrams (1973-1978)
Bebe Bailey (1973-1978)
Dr. Richard Bateman (1973-1975)
Honorable Victor L. Crawford (1973-1978)
Carville M. Downes, Esquire (1973-1974)
Dr. Roelman Immink (1973-1977)
Shirley M. McClendon (1973-1978)
John S. McInerney, Esquire (1973-1977)
Loretta Nimmerrichter (1973-1975)
Stewart B. Oneglia, Esquire (1973-1978)
Helen Parker (1973-1978)
Constance Putzel, Esquire (1973-1976)
Ann Scott (1973-1974)
Honorable Ann Stockett (1973-1978)
William Wenner, Esquire (1973-1975)
Honorable Alan Wilner (1973-1977)
James G. Beach, Esquire (1974-1978)
Beverly Groner, Esquire (1974-1978)
Dr. Casey Hughes (1974-1976)
Kathleen O'Ferrall Friedman, Esquire - Chairperson (1975-1978)*
Honorable Joseph E. Owens (1975-1978)
Honorable Catherine I. Riley (1976-1978)
Elizabeth Buckler Veronis, Esquire (1977-1978)

COMMISSION STAFF

Ellen Luff, Counsel (1974-1978)
Sherrill Neff, Administrative Assistant (1975-1977)
Martha Clark, Administrative Assistant (1977-1978)
Janet Rubelman, Secretary (1974-1975)
Meg Bond, Secretary (1975-1978)

*Ms. Garvey resigned from the Chair in 1975, but remained a Commission member.

Ms. Friedman was appointed by the Governor to Chair the Commission upon Ms. Garvey's resignation in March, 1975.

APPENDIX C*

STATEMENT OF PROBLEMS - 1974

I. CRIMINAL LAW

<u>AREA</u>	<u>ISSUE</u>	<u>DECISION</u>
ABDUCTION	It is only a crime for a person to force, coerce, persuade a female under 18 from her parent's guardianship and control for purposes of concubinage, prostitution, and fornication. (Art. 27, Sec. 1)	Extend to criminalize persuasion, etc. of under 18 males from parental control for sexual purposes. (Consider lowering age)**
ADULTERY	It is only a crime to have intercourse with a married woman. (It is not a crime for a married man to have intercourse with a single woman.) (Penalty: Art. 27, Sec. 4)	Abolish crime.
CARNAL KNOWLEDGE, STATUTORY RAPE	It is a capital crime for a person to have intercourse with a female under 14. (Art. 27, Sec. 462)	1. Prohibit & punish sexual intercourse by adult female with minor males on the same basis as adult male intercourse with minor females.
- Intercourse with person under 14	It is a misdemeanor (max. 18 months) for a female over 18 to have intercourse with a male under 14. (Art. 27, Sec. 462A)	
CARNAL KNOWLEDGE	It is a misdemeanor (max. 2 years) for a person to have intercourse with a female between 14 and 16 if male is over 18. (Art. 27, Sec. 464)	2. Require defendants to be 4 or more years older than victims.
- Intercourse with 14 & 15 year olds		3. Determine uniform age* (perhaps lowered).
STATUTORY RAPE	It is only a crime for a person to have intercourse with a female who is an imbecile, non-compos mentis or insane. (Art. 27, Sec. 462)	Deferred*
- Intercourse with imbecile, noncompos mentis or insane		

* A more detailed legal explanation and analysis of problems is contained in various ERA Commission staff memoranda, including memoranda on Sexual Offenses, Out-of-Wedlock Children (Illegitimates), Marriage, Credit, Pregnancy Disability, Domicile, which are available from the State Library or the Maryland Commission for Women.

<u>AREA</u>	<u>ISSUE</u>	<u>DECISION</u>
RAPE - (common law)	It is a crime for a male to have forcible intercourse with a female but not vice versa. (Penalty: Art. 27, Sec. 461)	Prohibit and punish forcible sexual intercourse equally regardless of gender of the offender.
NUDITY AND SEXUAL DISPLAYS - Sexual Conduct	"Sexual conduct", depiction of which is prohibited as to minors or for advertising purposes, includes the touching of the female, but not the male breast. (Art. 27, Sec. 416A(d))	Allow depiction of touching of female breast.
- Sexual Excitement	"Sexual excitement", depiction of which is prohibited as to minors & for advertising purposes, includes a sexually stimulated female breast, but not a male breast. (Art. 27, Sec. 416A(e)) (cf. Art., 2B, Sec. 71A)	Allow depiction of sexually excited female breast.
PANDERING	Promoting female prostitution is prohibited but not promoting male prostitution. (Art. 27, Sec. 426-433)	Prohibit and punish promoting male prostitutes on the same basis as promoting female prostitutes.
FEMALE SITTERS	It is against the law for managers, etc. of entertainment or concert halls to employ or allow females on the premises to drink and eat or solicit drinking and eating for salary or commissions. It is unlawful to employ or permit males engaged in the same activities. (Art. 27, Sec. 152)	Abolish crime.

II. DOMESTIC LAW

<u>AREA</u>	<u>ISSUE</u>	<u>DECISION</u>
DOMICILE - General	Wife's domicile is that of her husband. (<u>Miller v. Miller</u> , 247 Md. 358-365)	Wife's domicile is determined by where <u>she</u> lives and <u>her</u> intentions.
- Desertion	Husband has right to determine marital domicile; if wife does not follow him, she is guilty of desertion. (<u>Lewis v. Lewis</u> , 13 Md. App. 550,553)	Wife's refusal to follow husband should not, per se, be considered desertion.

<u>AREA</u>	<u>ISSUE</u>	<u>DECISION</u>
- Children	Children living apart from either parent take their father's domicile. (<u>Miller</u> , supra, 364)	A child's domicile when living apart from both parents is domicile of whoever stands in loco parentis to the child.
<p> GROUNDS FOR DIVORCE </p>	<p> Impotency which is grounds for divorce is considerably more prevalent in males than females. (Art. 16, Sec. 24) </p> <p> Application of some grounds for divorce may be sexually discriminatory. </p>	<p> Reexamine all grounds for divorce: a no fault system is more amenable to ERA application. </p>
<p> SLANDER OF CHASTITY </p>	<p> Only the slander of a woman's chastity is actionable without proof of damages. (COURTS Art., Sec. 3-501) </p>	<p> Extend to males so that men and their wives can sue for slander to the male's chastity. </p>
<p> NAMES OF MARRIED WOMEN </p> <p>- General</p>	<p> Apparently married women may register to vote and run for office as either Betty Smith or Mrs. John Smith. Married men are not afforded similar options. </p>	<p> Defer Study issue of what is legal name of married woman. </p>
<p>- Election Board</p>	<p> Only women are sent notices by the Election Board and must show cause and reply that their names have not changed upon marriage. If they do not respond, their names are removed from the voter's rolls. (Art. 33, Sec. 3-18(a)(3) and (c)) </p>	<p> Procedure should be changed so that names of notified newly married voters are not removed for failure to respond to notices from Election Board. </p>
<p>- Motor Vehicles</p>	<p> The MVA refuses to allow a married woman who has used her husband's surname to resume her maiden name on her driver's license without a court order. (O.P.A.G., DR 5/23/74) </p>	<p> Permit women who have assumed their husband's last names on their driver's licenses to resume their maiden names. </p>
<p> NAMES - Children </p>	<p> A father has the right to have his legitimate children bear his last name. (<u>West v. Wright</u>, 263 Md. 297, 300) </p>	<p> Defer*** </p>
<p> SAME SEX MARRIAGES </p>	<p> Only persons of the opposite sex can marry. (Art. 62, Sec. 1) </p>	<p> Defer*** </p>

<u>AREA</u>	<u>ISSUE</u>	<u>DECISION</u>
CUSTODY	The Court of Special Appeals appears to have held that the preference for mothers as custodian for the young and immature survives the ERA since it is based on a congenital difference between the sexes. (Cooke v. Cooke, 21 Md. App. 376) However, Chapter 181 of 1974, which amended Art. 72A, Sec. 1, probably abolishes all preferences based on sex.	Abolish all custody preferences based on sex. Recommend mandatory good faith arbitration between parties prior to any custody litigation.

<u>AREA</u>	<u>ISSUE</u>	<u>DECISION</u>
ILLEGITIMATES - General Different Treatment of Mothers and Fathers in Parentage De- termination	The law in various places assumes mothers are mothers of their children but sets up standards for the determination of paternity. (cf. Art. 16, Sec. 66A; ESTATES AND TRUSTS Art., Sec. 1-208)	Such differential treatment does not necessarily violate ERA since for unique physical reasons maternity is more easily established.
ILLEGITIMATES PARENTAL RIGHTS TO - Parentage De- termination	Although putative fathers may bring actions to have their paternity established, (<u>Thomas v. Solis</u> , 263 Md. 536, 540) no procedure exists for judicial determination of contested maternity.	Amend law to provide for determination of maternity when contested.
PATERNITY PROCEEDINGS - Failure to Testify	No comment can be made on father's failure to testify. (Art. 16, Sec. 66F(d))	Permit comment on father's failure to testify.
- Blood Tests	Alleged fathers have absolute right to have blood tests taken. (Art. 16, Sec. 66G)	Mothers should also have absolute right to have tests taken.
	Mother's or child's refusal to take tests is admissible and may be commented upon; alleged father's refusal to take tests is not admissible. (Art. 16, Sec. 66G)	Father's failure to take tests should also be admissible and it should be permissible to comment on his refusal to take tests.
ILLEGITIMATES - Children Born to Married Women	If mother was married at time of conception, there is a presumption that the husband is the father of the child (but not vice versa). (Art. 16, Sec. 66F(b))	Leave as is.

<u>AREA</u>	<u>ISSUE</u>	<u>DECISION</u>
- Decedents' Estates	<p>Illegitimate child is considered to be the child of his mother. But is only considered child of father if father has:</p> <ol style="list-style-type: none"> (1) Been judicially determined to be father in a paternity proceeding. (2) Acknowledged child in writing. (3) Openly and notoriously acknowledged child. (4) Married mother & acknowledged child. <p>(ESTATES AND TRUSTS Art., Sec. 1-208)</p>	<p>Leave as is but add section which would require an evidentiary proceeding in cases where alleged father is making claim from the estate of a deceased illegitimate child.</p>
<p>ILLEGITIMATES</p> <p>- Wrongful Death</p>	<p>Tests for parentage similar to that in ESTATES AND TRUSTS Art., supra, COURTS Art., Secs. 3-901, 3-904.</p>	<p>Same as "Decedents' Estates", supra</p>
- Birth Certificates	<p>Data in birth certificates is prima facie evidence of facts stated therein except data concerning paternity of illegitimate is inadmissible in any proceeding adverse to interests of alleged father, his heirs, or successors. (Art. 43, Sec. 26)</p>	<p>Delete exceptions as facts adverse to father's interest. Evidence of paternity in proceedings adverse to father should be admissible but not considered prima facie of the facts therein relating to paternity.</p>
- Support of, Lien on Earnings	<p>Court can order lien on earnings of father but not mother of illegitimate. (Art. 16, Sec. 66H(a) and (c))</p>	<p>Extend to female's earnings and enable court to order lien on wages in all support orders, both in criminal & equity proceedings.</p>
- URESA Enforcement	<p>Collection of support for illegitimates under URESA is generally more difficult than collection of support of legitimates. (Art. 88 as interpreted by various jurisdictions) (cf. Art. 16, Sec. 66L)</p>	<p>Defer***</p>
- Support of Destitute Parents	<p>Adult children of destitute parents are required to support their parents even if parents never supported them. (Art. 27 Sec. 104) (No apparent sex discrimination)</p>	<p>Leave as is.</p>

<u>AREA</u>	<u>ISSUE</u>	<u>DECISION</u>
- Workmen's Compensation	Courts may hold that illegitimate child of man injured while child is in utero could not receive compensation. (Art. 101, Sec. 23 (a))	Defer***
- Tort Immunity	Children cannot sue their parents for injuries resulting from tortious conduct nor vice versa. Apparently this is true of illegitimates and their parents. (<u>Mahnke v. Moore</u> , 197 Md. 61)	Leave as is.
- Visitation	Fathers of illegitimate children are not entitled to visitation rights although the court <u>may</u> grant them. (Art. 16, Sec. 66H(b)). Non-custodial parent of legitimate child has <u>right</u> to visitation unless parent forfeits rights. (<u>Rodford v. Matczuk</u> , 223, Md. 484)	
- Adoption Consents	Consent to adoption is not required of fathers of illegitimate children as it is of fathers of legitimate children. (Art. 16, Sec. 74(d))	Defer***
- Custody	The law appears to treat fathers of illegitimates the same as fathers of legitimates with respect to custody, although preference for mothers as custodians for the young and immature remains. (<u>Marshall v. Stephanides</u> , 17 Md. App. 364)	Remove preferences based on sex. Recommend: Mandatory good faith arbitration between parties prior to any custody litigation.
- Names	It appears that mothers of illegitimates have the right to give a child its last name.	Defer***
- Court Ordered Sums from Unwed Father's Estates	The estates of adjudicated fathers of illegitimate children are responsible for child support. (Art. 16, Sec. 66H(c)). This does not apply to the estates of unwed mothers or to the estates of the fathers of legitimate children. (<u>Blades v. Szatai</u> , 151 Md. 664, 648). The law, therefore, discriminates against unwed father's estates and against legitimate children.	1. Make unwed mother's estates responsible for child support. 2. Estates of mothers and fathers of legitimate and illegitimate children should be responsible for child support so that legitimate as well as illegitimate children should be able to have sums subtracted from their

AREA

ISSUE

DECISION

parent's estates and charged as debts to the estate for the children's maintenance and support.

- Right to Sue for Child's Wages and Loss of Child's Services and Wages

Apparently only mothers of illegitimate children can sue for child's wages and loss of child's services and wages. (Art. 72A, Secs. 2, 3)

Defer***

ALIMONY
SPOUSAL
SUPPORT

Husbands have a common law duty to provide support for their wives regardless of the wife's means. (Ewell v. State, 207 Md. 288, 292) This obligation survives the marriage. (Art. 16, Secs. 3, 5) Women have no obligation to provide support for husbands (unless they become a charge to the state) or to pay husbands alimony after the marital relationship has terminated.

Interspousal support should be available to men as well as women. Spouses should receive support from the other spouse only if the spouse seeking maintenance:

- (1) Lacks sufficient property to provide for his or her reasonable needs and
- (2) Is unable to support himself or herself through appropriate employment or is custodian of a child whose condition and circumstances make it appropriate that the custodian not be required to seek employment outside the home.

The court in determining the amount and length of time of spousal support should consider:

- (1) Property of spouse.
- (2) Time necessary to obtain training for appropriate employment.
- (3) Standard of living during marriage.
- (4) Duration of marriage.

<u>AREA</u>	<u>ISSUE</u>	<u>DECISION</u>
NECESSARIES - Spouses	Women can pledge their husband's credit for the purchase of necessities, but men cannot pledge their wife's credit. (Common Law, cf. Art., 45, Sec. 21)	(5) Age & emotional condition of spouse seeking maintenance. (6) Whether the maintenance seeking spouse acted to his or her detriment by playing a supportive role & thereby neglected to increase his or her income potential.
- Children	Wives can pledge their husband's credit for the children's necessities, but husbands cannot pledge the mother's credit for children's necessities. (Art. 45, Sec. 21)	Solicit opinion of domestic attorneys and creditors and prior to 1975 hold open hearings on the effect of (a) abolition of doctrine of necessities and (b) extension to husbands. (a) Parents living together; both parties responsible for children's necessities. (b) Parents living apart; Non-custodial parent responsible for children's necessities if responsible for but not paying support.
PARTNERSHIPS	Wife may not be considered to be a de facto partner with her husband despite her labors in the business because a wife is considered to owe her husband not only her household services but her services generally. (<u>Collier v. Collier</u> , 182 Md. 82)	Defer
SUPPORT OF INSANE EX- SPOUSES	Husbands whose wives are incurably insane, upon divorce, can be ordered to provide monies to pay for her institutionalization indefinitely. (Art. 16, Sec. 26)	Extend to wives with insane ex-husbands, but add guidelines for interspousal support, supra.

<u>AREA</u>	<u>ISSUE</u>	<u>DECISION</u>
SUPPORT OF ILLEGITIMATES	The Court can order a lien on the earnings of a father of an illegitimate for the support of his child but not on the mother's earnings. (Art. 16, Sec. 66H)	Extend to unwed mothers and to parents of legitimate children.
SUPPORT OF CHILDREN	Both parents are jointly and severally responsible for their children's support. (Art. 72A, Sec. 1)	Leave as is, but deferred*** study of application.
CRIMINAL NON- SUPPORT	It is a crime for a husband to desert or fail to support his wife. No similar crime exists which applies to wives. (Art. 27, Sec. 88)	Amend to make it a crime to fail to support a "spouse in need" but remove "desert or" so that it will no longer be a crime to desert a spouse. A needy spouse is one who lacks sufficient assets & whose physical or mental condition or child care responsibilities make it impracticable for him or her to provide for his or her reasonable needs.
DISPOSITION OF PRISON LABOR EARNINGS	Court can order the prison labor earnings of husband's to be paid for the wife's support. (Art. 27, Secs. 90, 95, 715, 724)	Extend to cover wife's earnings.
PROPERTY	Nonworking spouses have no opportunity to accumulate their own property & upon divorce get no share of other spouse's solely owned property even if his or her efforts enabled him to purchase it.	Defer - Hold open hearings on the whole subject of division of marital property both during marriage and after dissolution exploring all different alternatives including community property, "participation of acquests," and the equitable division of property under a common law system.

III. EMPLOYMENT, EDUCATION, CHILDREN, HEALTH AND SEXUAL STEREOTYPES

<u>AREA</u>	<u>ISSUE</u>	<u>DECISION</u>
STATUTES ABROGATING THE COMMON LAW		
- Women Attorneys	Art. 10, Sec. 6, permits women attorneys to practice law.	Repeal
- Women Notaries	Art. 68, Sec. 9, validates acts of women notaries.	Repeal
- Women in Public Office	Art. 69, Sec. 10, women are eligible to hold office.	Repeal
RULES OF CONSTRUCTION AND GENDER IDENTIFIED LANGUAGE	Various sections of the Code contain language to the effect "words in the masculine may or shall include the feminine and neuter genders, except as may result from necessary implications" e.g., Art. 1, Sec. 7; Art. 23, Sec. 298(m); Art. 26, Sec. 70-1(2) (deleted) Art. 33, Sec. 1-(b); Art. 54, Sec. 13(b); Art. 93, Sec. 1-104; Art. 95B, Sec. 1-102(5)(b). In numerous instances throughout the Code "man" is used to refer to a person of either gender and "he" is used to refer to a person of either gender.	<ol style="list-style-type: none"> 1. Make uniform: "words in the masculine include the feminine and neuter genders and words in the feminine include the masculine and neuter genders." 2. Recommend resolution requesting General Assembly and Code Revision Commission to employ sex neutral language in the future. 3. All Commission recommended legislation should use sex neutral language including "he" or "she" instead of "he."
STATE SEAL	The motto on the State Seal is "Fatti maschi parole femine" which translates "Deeds are manly, words are womanly". (Art. 41, Sec. 74A)	Recommend resolution to the Maryland General Assembly which would request the Maryland Historical Society to research & submit to the Commission an alternate State Seal which would not be derogatory to women.

<u>AREA</u>	<u>ISSUE</u>	<u>DECISION</u>
TRANSPORTING MENTAL PATIENTS	Female mental patients being transported must be accompanied by a female or by a male relative. (Art. 59, Sec. 17(e))	Amend to require all patients being transported be accompanied by persons of same sex or by relative.
COMMISSION ON STATUS OF WOMEN - Purpose	One of the purposes of the Maryland Commission on Status of Women is to "strengthen homelife by directing attention to critical problems, confronting women as wives, mothers, homemakers, and workers." (Art. 49C, Sec. 4(2)). No attempt is being made to strengthen homelife by assisting men in their problems as husbands and homemakers.	Leave as is but evaluate purpose & operation of Maryland Commission on Status of Women.
MILITIA	Only able bodied male citizens constitute the militia. (Art. 65, Sec. 1) or can enlist (Art. 65, Sec. 24)	Extend to female but provide exemption for persons so requesting whose presence at home is required for the care of dependent minor children or incapacitated dependent spouses.
EMPLOYMENT - Dress Code	Employers may establish dress and grooming standards based on sex. (Art. 49B, Sec. 19(g) (2))	Amend Sec. 19(g) (2) to allow dress and grooming standards as long as they are not based on sex.
- BFOQ in Public Education	Sex discrimination by State Superintendent of Schools is permitted "where the employment of a certain sex may be reasonably necessary by reason of the nature of the employment." (Art. 77, Sec. 113)	Delete quoted portion.
- Remedies	Are statutory remedies for sex discrimination in employment adequate? (Art. 49B, Secs. 17-20; Art. 100 Secs. 55A - 55H)	Evaluate operation of State Human Relations Commission, Commissioner of Labor, County Human Relations Commissions, and Equal Employment Opportunity Commission to determine number and nature of complaints, time taken in resolution, satisfaction of complaints with outcome, general effectiveness of remedies.

<u>AREA</u>	<u>ISSUE</u>	<u>DECISION</u>
- Human Relations Commission	The State Human Relations Commission does not have the authority to order back pay. (<u>Gutwein v. Easton Pub. Co.</u> , DR 10/22/73)	Give State Human Relations Commission authority to order back pay.

IV. FINANCIAL AND HOUSING

<u>AREA</u>	<u>ISSUE</u>	<u>DECISION</u>
CREDIT	Grantors of retail credit accounts must consider alimony as income when extending credit for personal, household or family use. Alimony need not be considered for credit transactions other than retail credit accounts nor for other use. A creditor need not consider child support as income for any purpose. (Art. 83, Sec. 153C(i))	Alimony and spousal support should be considered income in all credit transactions. Child support should be considered income for household or family use in all credit transactions.
- Variety of remedies	Depending on the type of lending institution and the type of credit sought to be extended, sex or marital status discrimination complaints are processed through the Human Relations Commission or the Commission of Consumer Credit. (Art. 49B, Sec. 23,; Art. 83, Sec. 128, Sec. 153(c) (b) and (i))	All complaints relating to discrimination in credit should be processed in the same way. (The Subcommittee will make specific recommendations as to process after holding hearings.)
PUBLIC ACCOMMODATIONS	Chapter 875 of 1974 amended Art. 49B, Sec. 11, so as to prohibit discrimination on basis of marital status, but not sex, in public accommodations. Discrimination against women in A.A. Co. bars can actually be State mandated. (Art. 2B, Sec. 158)	Prohibit sex discrimination in public accommodations.
HOUSING	Should law be extended or should exemptions for dwellings planned or occupied exclusively by individuals of one sex and owner occupied rooming houses of any size or owner occupied apartment houses with 5 or less apartments be removed. (Art. 49B, Sec. 22)	Leave as is. (But evaluate enforcement.)
PRIVATE REMEDIES FOR SEX DISCRIMINATION IN CREDIT AND HOUSING	Enforcement of prohibitions against sex discrimination is by no means of complaints to Human Relations Commission, Commission of Consumer Credit or resort to criminal process. (Art. 49B, Sec. 23; Art. 83, Sec. 128, Sec. 153C(b) and (i); Art. 49B, Secs. 22, 22A and 23)	Create a private cause of action so that aggrieved persons can sue directly in addition to existing administrative remedies.

APPENDIX D*

I. CRIMINAL LAW

A. Problems as Identified in the Preliminary Report (1974 - Statement of Problems).

(1) ABDUCTION

<u>Year</u>	<u>Bill No.</u>	<u>Sponsor</u>	<u>Title and Description</u>	<u>Action</u>
1973	SB 381	Steers	Sexual Discrimination - Abduction Applicable to persons of both sexes but does not lower age.	Killed in Jud. Proc.
1974	SB 117	Steers	Same as 1973 bill (SB 381).	Killed in Jud. Proc.
1975	SB 53	Steers	Same as 1973 bill (SB 381).	Unfavorable report from Jud. Proc.
	SB 540	Curran, Steers, Crawford (Dept-ERA)	Sex Discrimination - Criminal Law Extend to males; lower age to 16; reduce penalty. (Art. 27, Sec. 1)	Unfavorable report from Jud. Proc.
1976	SB 186	Steers	Same as 1973 bill (SB 381).	Unfavorable report from Jud. Proc.
1977	SB 987	Crawford	Sex Discrimination - Criminal Law Extend to males; lower age to 16; reduce penalty.	Not reported out of Jud. Proc.
1978	HB 998	Owens (Dept-ERA)	Sex Discrimination - Abduction Extend to males; lower age to 16; reduce penalty.	Passed, Signed (Chap. <u>1019</u>)

(2) ADULTERY

<u>Year</u>	<u>Bill No.</u>	<u>Sponsor</u>	<u>Title and Description</u>	<u>Action</u>
1973	HB 859	Conaway	For the purpose of eliminating the crime of adultery and its criminal punishment.	Unfavorable report from Judiciary.

* For a more detailed year-by-year chronology and analysis of legislation affecting women, see NOW In Annapolis, 1974-1978, published by the Maryland Chapter of the National Organization for Women.

SB 382	Steers	Sexual Discrimination - Criminal Intercourse (Art. 27, Sec. 4) Applies prohibition of criminal intercourse to both sexes.	Killed in Jud. Proc.
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<u>Year</u>	<u>Bill No.</u>	<u>Sponsor</u>	<u>Title and Description</u>	<u>Action</u>
1974	SB 118	Steers	Same as 1973 bill (SB 382).	Killed in Jud. Proc.
	HB 14	Conaway	Same as 1973 bill (HB 859).	Unfavorable report from Judiciary
1975	SB 54	Steers	Same as 1973 bill (SB 382).	Unfavorable report from Jud. Proc.
	HB 736	Jacques	Adultery - Abolishing Crime For abolishing the common law offense of adultery	Unfavorable report from Judiciary.
1976	SB 187	Steers	Same as 1973 bill (SB 382).	Unfavorable report from Jud. Proc.
1978	SB 994	Denis	Adultery (Art. 27, Sec. 4) Same as 1975 bill (HB 736).	Unfavorable report from Jud. Proc.

(3) CARNAL KNOWLEDGE, STATUTORY RAPE

<u>Year</u>	<u>Bill No.</u>	<u>Sponsor</u>	<u>Title and Description</u>	<u>Action</u>
1973	SB 383	Steers	Sexual Discrimination - Criminal Assault (Art. 27, Sec. 12) Eliminate sex distinctions in crimes of assault with intent to have carnal knowledge.	Killed in Jud. Proc.
	SB 386	Steers	Sexual Discrimination - Rape (Art. 27, Secs. 461A, 462, 464, 465; Repealing Sec. 462A) Making crimes applicable to both sexes.	Killed in Jud. Proc.
1974	SB 119	Steers	Same as 1973 bill (SB 383).	Killed in Jud. Proc.
	SB 122	Steers	Same as 1973 bill (SB 386).	Killed in Jud. Proc.
1975	SB 55	Steers	Same as 1973 bill (SB 383).	Unfavorable report from Jud. Proc.
	SB 57	Steers	Same as 1973 bill (SB 386)	Unfavorable report from Jud. Proc.
	SB 534	Curran, Steers,	Crimes and Punishments - Sex Discrimination (Art. 27, Secs.	Unfavorable report from

<u>Year</u>	<u>Bill No.</u>	<u>Sponsor</u>	<u>Title and Description</u>	<u>Action</u>
		Crawford (Dept-ERA)	12, 462, 464, 465; Repealing Sec. 462A) Extended assault with intent to have carnal knowledge to both sexes. Extended crime of carnal knowledge with child under 14 to both sexes. Made changes in age, sex, penalty of crime of carnal knowledge of person 14-16.	Jud. Proc.
1976	SB 188	Steers	Same as 1973 bill (SB 383).	Unfavorable report from Jud. Proc.
	SB 193	Steers	Same as 1973 bill (SB 386).	Unfavorable report from Jud. Proc.
	SB 431	Hoyer, et al.	Felony Murder & Certain Assaults (Art. 27, Secs. 12, 410) Changed assault with intent to have carnal knowledge to intent to commit a second degree sexual offense, and attempt to rape to intent to commit a first degree sexual offense.	Passed Senate Killed in Judiciary
	SB 358	Hoyer, et al.	Rape and Sexual Offenses (See RAPE Section)	Passed and signed. CHAP. 573
1977	SB 697	Hoyer, et al.	Rape and Sexual Offenses (Repeal Art. 27, Secs. 461(g), 462, 463; Reenact Secs. 461(e), 464A, 464C) A clean-up bill. Changes terminology.	Passed Senate. Died in House
	SB 934	Hoyer, et al.	Crimes - Rape (Art. 27, Secs. 462, 463) Changes from first degree rape to second degree rape the commission of intercourse (consensual) with a person under 14 if violator is at least 4 years older.	Passed and signed. CHAP. 292

(4) RAPE

<u>Year</u>	<u>Bill No.</u>	<u>Sponsor</u>	<u>Title - Description</u>	<u>Action</u>
1973	SB 386	Steers	See CARNAL KNOWLEDGE Section	
	SB 166	Steers	To require law enforcement officers to offer to transport reported rape victims to the nearest approved facility.	Passed Senate. Unfavorable report from Environ. Mat.
1974	SB 122	Steers	See CARNAL KNOWLEDGE Section.	

<u>Year</u>	<u>Bill No.</u>	<u>Sponsor</u>	<u>Title - Description</u>	<u>Action</u>
	HB 1645	Lee, Williams	Crime of Rape Altering penalty. Prior sexual experience not admissible. Providing for clearing courtroom for certain testimony. Concerning hospital examination.	Failed in chamber of origin.
	SB 976	Hoyer	Rape - Evidence of Prior Sexual Experience Made such evidence not admissible.	Failed in chamber of origin.
	HR 129	Alperstein, Needle, Rynd	Rape Study Commission Report to be made by Jan. 15, 1975.	Adopted.
	SB 243	Steers	Same as 1973 bill (SB 166)	Passed and signed CHAP. 314
1975	SB 541	Curran, Steers, Crawford (Dept-ERA)	Crimes and Punishments - Rape Define rape to include victims and offenders of both sexes.	Passed Senate. Unfavorable report from Judiciary.
	SB 201	Welcome, Hoyer	Evidence - Rape Complainant (Art. Courts, Secs. 10-911, 10-912) Concerning the admissibility of evidence.	Jud. Proc. referred it to Legis. Council.
	SB 57	Steers	See CARNAL KNOWLEDGE Section	
	SB 200	Welcome	Closed Trials - Rape	Unfavorable report from Jud. Proc.
	HB 1483	Brown	Criminal Sexual Conduct Would divide rape into various degrees and make forcible sodomy and perverted practices as serious as rape.	Killed in House Judiciary
1976	SB 358	Hoyer, et al.	Rape and Sexual Offenses (Art. 27, Secs. 461-465, 553, 554) Rape law reform legislation. Sex neutralizing "sexual offenses" and dividing them into degrees.	Passed and signed. CHAP. 573
	HB 715	Sheehan	Crime and Punishment - Rape (Art. 27, Sec. 461A) On admissibility of evidence.	Passed and signed. CHAP. 574
	SB 399	Hoyer, et al.	Rape - Admissibility of Evidence (Art. 27, Sec. 464F)	Passed both houses. Vetoed.

<u>Year</u>	<u>Bill No.</u>	<u>Sponsor</u>	<u>Title - Description</u>	<u>Action</u>
	SB 359	Hoyer, et al.	Criminal Prosecutions - Permitting Closed Courtrooms (Art. 27, Sec. 593A) Would permit judge to close a courtroom upon a "showing of good cause and in the interest of justice."	Killed in Jud. Proc.
	HB 2064	Brown	Sexual Offenses - Jury Instructions (Art. 27, Sec. 461A) To prohibit the Lord Hale Instruction.	Killed in Judiciary.
	SB 1040	Levitan	Same as HB 2064	Killed in Judiciary.
	SB 193	Steers	See CARNAL KNOWLEDGE Section.	
1977	SB 937	Hoyer, et al.	Rape and Sexual Offenses (Art. 27, Secs. 12, 35A(b), 372, 410, 433, 463, 464C) Makes changes in criminal code to comply with the 1976 rape and sexual offenses laws.	Passed and signed. CHAP. 290
	SB 938	Hoyer, et al.	Rape and Sexual Offenses - Doctor and Hospital Charges (Art. 43, Sec. 31D) Provided that victims of these offenses not be charged cost of certain examinations.	Passed both houses. But conference agreement was on companion HB 1984 instead.
	HB 1984	Sheehan, et al.	Same as SB 938	Passed and signed. CHAP. 854
	SB 658	Hoyer, et al.	Rape and Sexual Offenses - Indict- ments for Rape and Sexual Offenses Generally (Art. 27, Sec. 461B)	Passed and signed. CHAP. 336
	HB 1067	Hagner	Same as SB 658	Passed but not signed.
	SB 700	Hoyer, et al.	Police Training Commission - Additional Duties (Art. 41, Sec. 70A(d)) To provide for police training concerning rape and sexual offenses.	Passed and signed. CHAP. 293
	HB 1446	Sheehan, et al.	Same as SB 700	Killed in Judiciary
	SB 699	Hoyer, et al.	Rape and Sexual Offenses - Admissibility of Evidence (Art. 27, Sec. 461A) Limiting or excluding evidence of prior	Passed both houses, but not signed.

<u>Year</u>	<u>Bill No.</u>	<u>Sponsor</u>	<u>Title - Description</u> conduct for sexual offenses, not just rape.	<u>Action</u>
	HB 1445	Sheehan, et al.	Same as SB 699.	Passed and signed. CHAP. 294
	SB 426	Hoyer, et al.	Sexual Offenses - Jury Instructions (Art. 27, Sec. 461B) Eliminating the Lord Hale instruction.	Passed Senate killed in Judiciary.
	HB 741	Sheehan, et al.	Same as SB 426.	Killed in Judiciary.
	SB 698	Hoyer, et al.	Rape and Sexual Offenses Trials- Admissibility of Certain Medical Reports and Records (Art. Courts Sec. 10-911) Records admissible so doctor need not be present.	Passed Senate but killed in Judiciary.
	HB 1447	Sheehan, et al.	Same as SB 698.	Killed in Judiciary.
	SB 934	Hoyer, et al.	Crimes - Rape Changes from first degree to second degree rape, the act of intercourse with a person under 14 years of age, if the other person is at least 4 years older than the victim.	Passed and signed. CHAP. 292
1978	SB 161	Hoyer, et al.	Medical Treatment - Capacity of Minor to Consent (Art. 43, Sec. (Art. 43, Sec. 135(a)) Allows minor to consent to physical examination for crime when raped or sexually offended.	Passed and signed. CHAP. 979
	HB 250	Sheehan et al.	Same as SB 161.	Passed both houses. Vetoed.
	HB 284	Brown	Minor's Consent to Medical Treatment (Art. 43, Sec. 135(a)(6)) Allows minor to consent to treatment of injuries when raped or sexually offended.	Passed and signed. CHAP. 996
	SB 162	Hoyer, et al.	Rape and Sexual Offenses Trials - Admissibility of Certain Medical Reports and Records. Same as 1977 bill (SB 698).	Passed Senate. Killed in House Judiciary.
	HB 251	Sheehan, et al.	Same as SB 162	Killed in House Judiciary.

<u>Year</u>	<u>Bill No.</u>	<u>Sponsor</u>	<u>Title - Description</u>	<u>Action</u>
	SB 163	Hoyer, et al.	Sexual Offenses - Age Factors (Art. 27, Secs. 464, 464A, 464C) Redefined crimes of first, second & fourth degree sexual offense.	Passed and signed. CHAP. 205
	HB 252	Sheehan, et al.	Same as SB 163.	Unfavorable report from Judiciary.
	SB 164	Hoyer, et al.	Rape and Sexual Offenses (Art. 27, Secs. 461(a), 461(e), 462, 463, 464A, 464C) Repeal "rape"; include vaginal intercourse under sexual offense.	Passed Senate. Killed in House Judiciary.
	HB 253	Sheehan, et al.	Same as SB 164.	Killed in Judiciary.
	SB 165	Hoyer, et al.	Sexual Offenses - Jury Instructions Same as 1977 bill (SB 426).	Passed Senate. Killed in House Judiciary.
	HB 254	Sheehan, et al.	Same as SB 165.	Killed in Judiciary.

(5) NUDITY AND SEXUAL DISPLAYS

1974

The Proposed Criminal Code would have eliminated sex discrimination in sections dealing with "Sexual Conduct" and "Sexual Excitement". This proposed legislation was never enacted.

(6) PANDERING

<u>Year</u>	<u>Bill No.</u>	<u>Sponsor</u>	<u>Title - Description</u>	<u>Action</u>
1973	SB 320	Steers	Sexual Discrimination - Prostitution To provide that certain sections relating to pandering shall apply to persons of both sexes.	Killed in Jud. Proc.
	SB 342	Steers	Sexual Discrimination - Persons on Parole or Probation (Art. 27, Sec. 17) Eliminating a distinction based on the sex of a person placed on parole or probation.	Killed in Jud. Proc.
1974	SB 101	Steers	Same as 1973 bill (SB 320).	Killed in Jud. Proc.
	SB 105	Steers	Same as 1973 bill (SB 342).	Killed in Jud. Proc.

<u>Year</u>	<u>Bill No.</u>	<u>Sponsor</u>	<u>Title - Description</u>	<u>Action</u>
1975	SB 78	Steers	Same as 1973 bill (SB 320).	Unfavorable report from Jud. Proc.
	SB 535	Curran, Steers, Crawford (Dept-ERA)	Crimes and Punishments - Sex Discrimination (Art. 27, Secs. 18, 182, 426-432) On bigamy, Pandering, false insignia - making crimes apply to both sexes.	Passed and signed. CHAP. 331 (with Bigamy section deleted)
	SB 754	Mitchell	Prostitution and Pandering (Art. 27, Secs. 15, 16, 17, 426) Changes in relation to crime of prostitution. But does not make it applicable to both sexes.	Killed in Jud. Proc.
	SB 80	Steers	Same as 1973 bill (SB 342).	Unfavorable report from Jud. Proc.
1976	HB 887	Owens, (Dept-ERA)	Sex Discrimination-Probation Officers (Art. 27, Sec. 17A) To remove provision that female prostitutes have female probation officers.	Killed in Judiciary
	SB 764	Mitchell	Prostitution and Pandering Same as 1975 bill (SB 754)	Unfavorable report from Jud. Proc.
	HJR 43	Hickman	Legalizing Prostitution To establish a commission to study the feasibility of legalizing prostitution in Prince George's County.	Unfavorable report from Judiciary.
1977	SB 830	Mitchell	Enforcement of Prostitution Laws (Art. 27, Sec. 17A) Police officers must be deployed to uncover buyers to the same degree as sellers.	Killed in Jud. Proc.
	SB 1028	Mitchell	Prostitution and Pandering (Art. 27, Secs. 15, 16, 17, 426) Decriminalize prostitution, leaving intact penalties for pandering, etc.	Killed in Jud. Proc.
1978	SB 847	Mitchell	Prostitution and Pandering Same as 1977 bill (SB 1028)	Killed in Jud. Proc.
	SB 848	Mitchell	Enforcement of Prostitution Laws Same as 1977 bill (SB 830).	Killed in Jud. Proc.
	SB 949	Crawford	Sex Discrimination - Probation	Killed in

<u>Year</u>	<u>Bill No.</u>	<u>Sponsor</u>	<u>Title - Description</u>	<u>Action</u>
			Officers for Prostitution Offenders (Art. 27, Sec. 17) Eliminates the distinction based on the sex of a person placed on parole or probation.	Jud. Proc.

(7) FEMALE SITTERS

<u>Year</u>	<u>Bill No.</u>	<u>Sponsor</u>	<u>Title - Description</u>	<u>Action</u>
1973	SB 385	Steers	Sexual Discrimination - Female Sitters (Art. 27, Secs. 152, 153) To provide that the prohibition against sitters apply to both sexes.	Killed in Jud. Proc.
	HB 1464	Rutkowski, Wyatt	To provide that the prohibition against sitters apply to both sexes.	Killed in Judiciary.
1974	SB 121	Steers	Same as 1973 bill (SB 385).	Killed in Jud. Proc.
1975	SB 95	Steers	Same as 1973 bill (SB 385).	Unfavorable report from Jud. Proc.
	SB 536	Curran, Steers, Crawford (Dept-ERA)	Crimes and Punishments - Female Sitters To abolish crime.	Passed Senate Unfavorable report from Judiciary.
1976	SB 192	Steers	Sexual Discrimination - Female Sitters To abolish crime.	Passed Senate Killed in Judiciary.
1978	SB 1066	Crawford	Crimes and Punishments - Female Sitters Extends the crime to males.	Killed in Jud. Proc.

B. Problem Categories Not Listed Among the Preliminary Report's Statement of Problems.

(1) PROHIBITED SEXUAL ACTS/BIGAMY

1975	HB 1024		Sodomy-Unnatural or Perverted Sexual Practices (Art. 27, Sec. 554) Exclude acts of consenting adults from the provisions of the law relating to the crime of sodomy.	Unfavorable report from Judiciary.
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<u>Year</u>	<u>Bill No.</u>	<u>Sponsor</u>	<u>Title - Description</u>	<u>Action</u>
	HB 904	Menes	Sodomy (Art. 27, Sec. 553) Exclude the acts of consenting adults from the provisions of the law relating to the crime of sodomy.	Unfavorable report from Judiciary.
	SB 538	Curran, Steers, Crawford (Dept-ERA)	Crimes and Punishments-Sodomy and Perverted Practices (Art. 27, Sec. 554A) Creating the crimes of forcible sodomy and forcible perverted practices.	Passed Senate. Unfavorable report from Judiciary.
1976	HB 826	Owens (Dept-ERA)	Sex Discrimination - Bigamy (Art. 27, Sec. 18) Removes sex discrimination from the bigamy penalty. (Also, in PROPERTY section.)	Passed and signed. CHAP. 438
1977	SB 1137	Steinberg	Crimes and Punishments - Prohibited Acts (Art. 27, Sec. 464C, 553, 554) To repeal certain crimes and penalties relating to prohibited acts between consenting adults.	Passed Senate Unfavorable report from Judiciary.
1978	SB 741	Steinberg, et al.	Crimes and Punishments - Prohibited Sexual Acts (Like 1977 bill - SB 1137)	Killed in Jud. Proc.

II. DOMESTIC LAW

A. Problems as Identified in the Preliminary Report (1974 - Statement of Problems).

(1) DOMICILE

<u>Year</u>	<u>Bill No.</u>	<u>Sponsor</u>	<u>Title and Description</u>	<u>Action</u>
1975	SB 533	Curran, Steers, Crawford (Dept-ERA)	Sex Discrimination - Domicile (Art. 16, Sec. 26B and Art. 72A, Sec. 1A) Providing that a married person may maintain or acquire a domicile of his or her own; concerning desertion by not following spouse to new domicile; providing that child's domicile is that of parent with legal custody, or who stands in loco parentis to the child.	Unfavorable report from Jud. Proc.

<u>Year</u>	<u>Bill No.</u>	<u>Sponsor</u>	<u>Title and Description</u>	<u>Action</u>
1976	HB 828	Owens (Dept-ERA)	Sex Discrimination - Domicile (Art. 16, Sec. 29 and Art. 72, Sec 1A) Providing that spouse's domicile is not fixed by operation of law; providing that child's domicile is that of parent with legal custody or who stands in loco parentis to the child. (Amended out of the bill was a provision that refusal to follow a spouse does not constitute desertion in a divorce action.)	Passed and signed CHAP. 690

(2) GROUNDS FOR DIVORCE

<u>Year</u>	<u>Bill No.</u>	<u>Sponsor</u>	<u>Title and Description</u>	<u>Action</u>
1973	HB 1581	Conaway	Repeal divorce laws and replace with new subtitles on divorce, property rights, support, etc.	Killed in Judiciary.
	HB 92	Conaway	Provide for a new system for the dissolution of marriages.	Unfavorable report from Judiciary.
	SB 334	Steers	No Fault Divorce (Art. 16, various sections; Art. Courts, Secs. 3-603, 10-901) Provides for 2 grounds for divorce: if marriage is irretrievably broken or if one of the spouses is mental incom- petent. The petitioner for the divorce regardless of sex may have to pay alimony.	Killed in Jud. Proc.
	HB 361	Levitan	To repeal divorce laws and establish no fault divorce.	Unfavorable report from Judiciary.
1974	SB 341	Steers	Same as the 1973 bill (SB 334).	Killed in Jud. Proc.
	HB 31	Conaway	No Fault Divorce.	Unfavorable report from Judiciary.
	HB 919	Cardin, Conaway	Grounds for Divorce (Art. 16, Sec. 24) Attempted to eliminate the ground for divorce of incarceration and the <u>3-year</u> voluntary separation ground.	Failed in house of origin.

<u>Year</u>	<u>Bill No.</u>	<u>Sponsor</u>	<u>Title and Description</u>	<u>Action</u>
	HB 920	Cardin	Grounds for Divorce (Art. 16, Sec. 24) To reduce the period of time of incarceration one spouse must serve in order to create a ground for divorce.	Passed House Unfavorable report from Jud. Proc.
1975	SB 119	Steers	Same as the 1973 bill (SB 334).	Killed in Jud. Proc.
	SB 710	O'Reilly	Divorce a Vinculo - Incarceration (Art. 16, Sec. 24) Reduced time period one spouse must be incarcerated before the other can obtain a divorce.	Passed and signed. CHAP. 354
	HB 563	Ruben, et al.	Divorce - Separation (Art. 16, Sec. 24) Would have reduced involuntary separation time from 3 to 2 years.	Passed House Died in Jud. Proc.
	HB 1596	Vallario, et al.	Divorce - Eighteen Month Separation (Art. 16, Sec. 24) Would have shortened the involuntary separation period from 3 years to 18 months.	Died in Judiciary
1976	SB 5	Steers	Same as the 1973 bill (SB 334).	Killed in Jud. Proc.
	HB 1891	Scull, Sheehan	No Fault Divorce To provide for the enactment of the Uniform Marriage and Divorce Act.	Unfavorable report from Judiciary.
	HB 379	Vallario, McCaffrey	Same as the 1975 bill (HB 1596). Was amended by House Judiciary to shorten to 2 years rather than 1 1/2 years.	Passed House. Killed in Jud. Proc.
1977	HB 6	Vallario	Same as 1975 bill (HB 1596).	Killed in Judiciary.
	HB 1553	Alperstein, et al.	Same as 1975 bill (HB 563).	Passed House. Killed in Jud. Proc.
	HB 1087	Vallario, et al.	Divorce - Length of Voluntary Separation (Art. 16, Sec. 24) Would have altered length of voluntary separation time from 1 year to 6 months.	Killed in Judiciary.

<u>Year</u>	<u>Bill No.</u>	<u>Sponsor</u>	<u>Title and Description</u>	<u>Action</u>
1978	HB 410	Vallario, McCaffrey	Same as 1975 bill (HB 563).	Passed House. Died in Jud. Proc.
	HB 665	Chasnoff	Same as 1975 bill (HB 1596).	Died in Judiciary.
	HB 794	Vallario, et al.	Same as 1977 bill (HB 1087).	Died in Judiciary.

(3) SLANDER OF CHASTITY

<u>Year</u>	<u>Bill No.</u>	<u>Sponsor</u>	<u>Title and Description</u>	<u>Action</u>
1973	SB 302	Steers	Sexual Discrimination - Slander of Males and Females (Art. 88, Secs. 1, 2 and 4) Extend to both sexes.	Killed in Jud. Proc.
1974	SB 92	Steers	Sexual Discrimination - Slander of Males and Females (Courts & Judicial Proceedings, Secs. 3- 501, 3-502) Extend to both sexes.	Killed in Jud. Proc.
1975	SB 86	Steers	Same as 1974 bill (SB 92).	Unfavorable report from Jud. Proc.
1976	SB 207	Steers	Same as 1974 bill (SB 92).	Unfavorable report from Jud. Proc.
	HB 886	Owens (Dept-ERA)	Slander of Chastity Extend to both sexes.	Killed in Judiciary.
1978	HB 700	Owens (Dept-ERA)	Slander of Chastity (Courts & JPR, Secs. 3-501, 3- 502, 3-503, 3-504) Would repeal the statute.	Killed in Judiciary.

(4) NAMES

<u>Year</u>	<u>Bill No.</u>	<u>Sponsor</u>	<u>Title and Description</u>	<u>Action</u>
1973	HB 884	Menes, Ross	Whenever the court shall grant a divorce decree, it may include a restoration of the woman's maiden name. (Art. 16, Sec. 32 added)	Passed and signed. CHAP. 811
1976	HB 442	Krysiak, (Dept-Bd. of Elections)	Election Code - Change of Name (Art. 33, Secs. 3-8(a)(2), 3-17 (a)(1), 3-18(a)(2) and (a)(3))	Passed and signed. CHAP. 382

<u>Year</u>	<u>Bill No.</u>	<u>Sponsor</u>	<u>Title and Description</u>	<u>Action</u>
			Eliminates the sexually discriminatory practice of systematically removing newly married women from the voter's rolls, when they fail to respond to notice concerning their change of name.	
	HB 1101	Owens, (Dept-ERA and DOT)	Vehicle Laws - Names (Art. 66 1/2, Secs. 1-151, 3-116. 2 and 6-116(a)) Correcting definition of "true and legal name" and permitting MVA to recognize a married person's change to a pre-marital name.	Killed in Judiciary.
	HB 824	Owens (Dept-ERA)	Sex Discrimination - Surnames (Art. 16, Sec. 32) Requiring that restoration of an individual's pre-marital name is included in divorce decree, if requested.	Killed in Judiciary.
1977	SB 811	Abrams	Vehicle Laws - Names (Art. Transportation, Secs. 11-137, 13-118, 13-414(b), 16-116 (a), (b) & (c)) Provides for reporting name changes after application for and receipt of licenses and certificates of title. (Was amended to include vehicle registrations.)	Passed Senate Killed in Judiciary.
	HB 1997	Wagner	Vehicle Laws - Names Similar to SB 811, but not quite as comprehensive.	Killed in Judiciary.
	HB 48	Cardin	Custody of Children - No Preference to Either Spouse (Art. 72A, Sec. 1)	Passed and signed. CHAP. 181
1975	SB 46	Steers	Same as 1973 bill (SB 388)	Unfavorable report from Jud. Proc.
	SB 17	Pres. & Leg. Council	Uniform Child Custody Jurisdiction Act (Art. 16, Sec. 184-207) Establishes procedure to deal with child custody matters in cases involving other states.	Passed and signed.. CHAP. 265
1976	SB 181	Steers	Same as 1973 bill (SB 388)	Unfavorable report from Jud. Proc.

<u>Year</u>	<u>Bill No.</u>	<u>Sponsor</u>	<u>Title and Description</u>	<u>Action</u>
	HB 412	Owens (Dept-ERA)	Same as 1976 bill (HB 824) (Since the session, however, a decision of the Court of Special Appeals (<u>Klein v. Klein</u> , _____ Md. App._____, #962, Sept. Term, 5/15/77 has made legislation in this area unnecessary.)	Passed House. Killed in Jud. Proc.
1978	SB 872	Dorman	Applications for Driver's Licenses - Divorced People (Art. Trans., Sec. 11-137, 16-106(d)) Allows individual to elect previous name on license after a divorce. No provision for a simple name change while still married, though.	Passed and signed. CHAP. 511
	SB 820	Curran	Change of Name (Art. Courts & JPR, Sec. 3-602(c)) Allows court when granting a divorce to change the surname of a minor child born before the marriage and legitimized by it, to the surname of the father.	Died in Senate Jud. Proc.

(5) CUSTODY

<u>Year</u>	<u>Bill No.</u>	<u>Sponsor</u>	<u>Title and Description</u>	<u>Action</u>
1973	SB 388	Steers	Sexual Discrimination - Divorce, Alimony and Property (Art. 16, Secs. 25 and 29) Includes a section empowering courts to award custody to either party with no presumption in favor of either party.	Killed in Jud. Proc.
	HB 1146	Cardin	Providing that neither sex is given preference in court custody proceedings.	Unfavorable report from Judiciary.
1974	SB 123	Steers	Same as 1973 bill (SB 388)	Killed in Jud. Proc.
	SB 401	Bishop, et al.	Equity Courts - Jurisdiction (Art. Courts & JPR, Sec. 3-602) Gave equity courts jurisdiction over legitimation and visitation of a child. Consequently the court may determine the legitimacy of a child pursuant to Sec. 1-208 of the Estates and Trusts Article.	Passed and signed. CHAP. 317

<u>Year</u>	<u>Bill No.</u>	<u>Sponsor</u>	<u>Title and Description</u>	<u>Action</u>
	SB 74	Bishop, et al.	Domestic Cases - Appointment of Counsel for Minors (Courts & JPR, Sec. 3-604) Authorized the court to appoint an attorney on behalf of a minor involved in a contested action for custody, visitation rights or support.	Passed and signed. CHAP. 250

(6) ILLEGITIMATES

Only a few bills were introduced on this wide range of topics from 1973-1978. They are as follows:

<u>Year</u>	<u>Bill No.</u>	<u>Sponsor</u>	<u>Title and Description</u>	<u>Action</u>
1974	HB 1067	Douglass	Wrongful Death - Illegitimate Children- Changed definitions of child and parent. "Child" means a person under 18 years of age and includes an illegitimate child (of a deceased mother). "Parent" includes the mother and father of a deceased illegitimate child.	Passed and signed. CHAP. 494
1975	SB 399	Crawford	Wrongful Death (Art. Courts & JPR, Sec. 3-904 (d)) Provide that certain damages may be collected for the death of a parent of a minor child.	Killed in Jud. Proc.
	SB 32	Bishop	Wrongful Death Similar to SB 399.	Passed and signed. CHAP. 32
	HB 754	Cardin	Wrongful Death Similar to SB 399.	Unfavorable report from Judiciary.
	SB 414	Dorman	Transportation - Applications for Driver Licenses (Art. Transportation, Secs. 11-317 and 16-106 (d)) Providing that certain women may elect to use their maiden names in applying for driver licenses.	Passed Senate. Killed in Judiciary.
	HB 992	Bienen, Menes	Same as SB 414.	Killed in Judiciary.

<u>Year</u>	<u>Bill No.</u>	<u>Sponsor</u>	<u>Title and Description</u>	<u>Action</u>
1976	HB 1478	Cardin (Dept- H. Res.)	Children - Support Enforcement (Art. 16, Sec. 66G) Includes section which provides that not only the mother and child's but also the father's failure to take blood tests is admissible and may be commented upon.	Passed and signed. CHAP. 778

(7) ALIMONY, SPOUSAL SUPPORT

<u>Year</u>	<u>Bill No.</u>	<u>Sponsor</u>	<u>Title and Description</u>	<u>Action</u>
1973	SB 343	Steers	Sexual Discrimination - Alimony and Counsel Fees (Art. 16, Sec. 5(a)) To provide that restrictions upon the granting of alimony, alimony pendente lite, and counsel fees shall apply equally to both spouses.	Passed Senate. with amend- ments. Killed in Judiciary.
	SB 748	Crawford	Providing for the substitution of "maintenance" for "alimony"; limiting it to 5 years with certain exceptions.	Unfavorable report from Jud. Proc.
	HB 1145	Cardin	Factors Governing Alimony (Art. 16, Sec. 3) For the purpose of determining certain guidelines for an award of alimony. Con- sider primarily the financial situation; secondarily, the circumstances of the separation.	Passed House. Killed in Jud. Proc.
1974	SB 106	Steers	Same as the 1973 bill (SB 343)	Killed in Jud. Proc.
	SB 34	Pine	Chancery - Alimony (Art. 16, Sec. 5(c)) Providing for the suspension of alimony during time of recipient's cohabitation with a member of the opposite sex.	Passed Senate. Failed in House.
	HB 44	Cardin	Same as the 1973 bill (HB 1145)	Unfavorable report from Judiciary.
1975	SB 81	Steers	Same as the 1973 bill (SB 343)	Unfavorable report from Jud. Proc.
	SB 537	Curran, Steers, Crawford (Dept-ERA)	Sex Discrimination - Alimony (Art. 16, Sec. 3) Providing that alimony may be awarded to either spouse.	Passed and signed. CHAP. 332

<u>Year</u>	<u>Bill No.</u>	<u>Sponsor</u>	<u>Title and Description</u>	<u>Action</u>
1976	SB 180	Steers	Same as the 1973 bill (SB 343)	Passed by both houses. Vetoed.
	HB 829	Owens	Sex Discrimination - Alimony, Alimony Pendente Lite, and Counsel Fees (Art. 16, Sec. 5) Provide that the courts may not award alimony, alimony pendente lite, or counsel fees unless it appears that the spouse's income is insufficient to care for his or her needs.	Passed and signed. CHAP. 440
	HB 467	Owens	Divorce - Court's Jurisdiction to Modify Certain Agreements (Art. 16, Sec. 28) Provides that all provisions in separation agreements relating to spousal support are modifiable unless the agreement clearly states it is not modifiable. (An emergency bill.)	Passed and signed. CHAP. 170
	SB 324	Hoyer, Bishop	Chancery Jurisdiction - Agreements Between Husband and Wife (Art. 16, Sec. 28) Similar to HB 467.	Passed both houses, but was vetoed.
1978	HB 872	Hixson	Alimony - Periodic Review (Art. 16, Sec. 5) Would require the review of alimony awards every three years.	Killed in Judiciary.

(8) NECESSARIES

<u>Year</u>	<u>Bill No.</u>	<u>Sponsor</u>	<u>Title and Description</u>	<u>Action</u>
1973	SB 355	Steers	Sexual Discrimination - Debts to Spouses To eliminate reference to sex with respect to the providing of necessities.	Killed in Jud. Proc.
	SB 290	Steers	Sexual Discrimination - Necessaries for Spouses (Art. 16, Sec. 40) This section deals with the husband's right to prevent wife from pledging his credit if he feels she is buying more than necessities. The bill eliminates reference to sex in regard to the providing of necessities and the court orders to prohibit further pledging of the provider's credit.	Killed in Jud. Proc.
	SB 285	Steers	Constitutional Amendment (Art. III, Secs. 38, 43) The change of Section 43 provides that no person may be liable for the debts of that	Killed in Jud. Proc.

<u>Year</u>	<u>Bill No.</u>	<u>Sponsor</u>	<u>Title and Description</u> person's spouse.	<u>Action</u>
1974	SB 113	Steers	Same as the 1973 bill (SB 355)	Killed in Jud. Proc.
	SB 87	Steers	Same as the 1973 bill (SB 290)	Killed in Jud. Proc.
	SB 126	Steers	Sexual Discrimination - Protection from Spousal Debts (Constitutional Amendment: Art. III, Sec. 43) Same change as in the 1973 bill (SB 285).	Killed in Jud. Proc.
1975	SB 49	Steers	Same as the 1973 bill (SB 355)	Unfavorable report from Jud. Proc.
	SB 41	Steers	Same as the 1973 bill (SB 290)	Unfavorable report from Jud. Proc.
	SB 52	Steers	Same as the 1974 bill (SB 126)	Referred to Legis. Council from Jud. Proc.
1976	SB 200	Steers	Same as the 1973 bill (SB 355)	Unfavorable report from Jud. Proc.
	SB 183	Steers	Same as the 1973 bill (SB 290)	Unfavorable report from Jud. Proc.
	SB 206	Steers	Sexual Discrimination - Protection from Certain Spousal Debts (Constitutional Amendment: Art. III, Sec. 43) Providing that per- sons are liable for the debts of their spouses only as to necessaries.	Unfavorable report from Jud. Proc.
1978	SB 1161	Bishop	Husband and Wife - Necessaries (Art. 45, Sec. 21) Would sex- neutralize the statute by allowing homemaking spouses of either sex to pledge the credit of the other spouse.	Killed in Jud. Proc.

(9) SUPPORT OF INSANE EX-SPOUSES

<u>Year</u>	<u>Bill No.</u>	<u>Sponsor</u>	<u>Title and Description</u>	<u>Action</u>
1973	SB 344	Steers	Sexual Discrimination - Divorce Eliminating reference to a particular sex in relation to divorce a vinculo matri-monii	Passed Senate. Killed in Judiciary.

<u>Year</u>	<u>Bill No.</u>	<u>Sponsor</u>	<u>Title and Description</u> resulting from one spouse being incurably insane. Thus the bill de-sexes the support requirement.	<u>Action</u>
1974	SB 107	Steers	Same as the 1973 bill (SB 344).	Killed in Jud. Proc.
1975	SB 82	Steers	Same as 1973 bill (SB 344)	Unfavorable report from Jud. Proc.
1976	SB 182	Steers	Same as 1973 bill (SB 344)	Unfavorable report from Jud. Proc.

(10) SUPPORT OF ILLEGITIMATES/SUPPORT OF CHILDREN

<u>Year</u>	<u>Bill No.</u>	<u>Sponsor</u>	<u>Title and Description</u>	<u>Action</u>
1973	SB 827	Bauman	Provide for remedies for enforcement of support for financially dependent minor children. (Art. 88A, new Sec. 84-108)	Killed in Jud. Proc.
1975	SB 702	Bishop	Child Support - Payroll Deductions (Art. Courts & JPR, Sec. 3-602(a); Art. 64A, Sec. 28) Permit court of equity to order lien on defendant's earnings and allow State Government to enter into agreements on deductions.	Passed Senate Unfavorable report from Judiciary.
	HB 301	Cardin	Civil Support Decrees - Lien on Earnings (Art. 16, Sec. 5B) Providing that the court may order the decree of child support to constitute a lien; and providing for employer deduction of the child support amounts.	Unfavorable report from Judiciary.
1976	HB 1366	Owens (Dept-ERA)	Spousal and Child Support - Earnings Liens (Art. 16, Sec. 5B) Providing that a court may order a lien be placed on earnings of a party defaulting in payment of support and relating to collection of such liens.	Passed and signed. CHAP. 496
	SB 434	Steinberg, et al.	Child Support and Alimony (Art. Courts & JPR, Sec. 6-103.1) To confer personal jurisdiction over a non-resident defendant upon a court in certain actions involving demands for child support and alimony.	Passed Senate. Died in House.

<u>Year</u>	<u>Bill No.</u>	<u>Sponsor</u>	<u>Title and Description</u>	<u>Action</u>
	HB 841	Cardin	Same as 1975 bill (HB 301)	Unfavorable report from Judiciary.
	SB 265	Blount	Child Support - Lien on Earnings of Defendant (Art. Courts, Sec. 3-602(a)) Permitting a court of equity to order a lien on a defendant's earnings in exercising its jurisdiction in child support proceedings.	Killed in Jud. Proc.
	HB 808	Linton	Child Support - Payroll Deductions (Art. Courts, Sec. 3-602(a); Art. 64A, Sec. 28) Permitting a court of equity to order a lien of a certain amount on earnings of certain parties by payroll deductions; and permitting the state government to enter into deduction agreements.	Unfavorable report from Judiciary.
	SB 367	Bishop, Curran, Steinberg	Same as the 1975 bill (SB 702)	Passed Senate. Died in House.
	HB 626	Murphy	Support and Alimony - Liens (Art. Courts, Sec. 3-604) Providing that certain courts may pass an order for child support or alimony which shall constitute a lien on the earnings of the payor.	Unfavorable report from Judiciary.
	HB 944	Ward, Ruben	Support Payments - Attachment and Modification (Art. 16, Sec. 3; Art. Courts, Sec. 3-306; Art. Commercial Law, Sec. 15-602(e)) Prohibiting retroactive modification of support payments; extending the jurisdiction of the court in attachment proceedings.	Unfavorable report from Judiciary.
	HB 1478	Cardin (Dept-H Res.)	Children - Support Enforcement (Art. 88A and 89C, various sections; Art. 41, Sec. 71(c-1)(1); Art. 16, Secs. 66B(b), 66C, 66G, 66H(a), 66I and 66J(c); Art. 27, Sec. 88(b)) Relates primarily to setting up program and a Division of Child Support Enforcement. Includes a provisions that support orders constitute a lien on earnings.	Passed and signed. CHAP. 778

<u>Year</u>	<u>Bill No.</u>	<u>Sponsor</u>	<u>Title and Description</u>	<u>Action</u>
1977	HB 1811	Owens (Dept-H. Res.)	Child Support Enforcement (Art. Commercial Law, Secs. 15-601(b) and 15-603(a); Art. 16, Secs. 66(e) and 66C(a); Art. 88A, Secs. 59(b)(2), (c)(2), (e); Art. 89C, various sections) Authorizing the wages of employees of public entities to be attached for child support collection; allowing non-AFDC recipients to avail themselves of Departmental enforcement services for a minimal fee; and generally relating to child support enforcement.	Killed in Judiciary
	HB 673	Krysiak Dept-Work- men's Compen- sation Comm.	Lien on Earnings - Workmen's Compensation Payments (Art. 16, Sec. 5B(a)) To exempt Workmen's Compensation payments from the 1976 earnings lien law.	Killed in House Con. & Ad. Law
	SB 69	Steinberg, et al.	Same as 1976 bill (SB 434).	Passed Senate Unfavorable report from Judiciary.
	HB 1342	Green	Divorce - Alimony (Art. Courts & JPR, Sec. 6-103) Involving demands for alimony, child support and property settlements and an attempt to create long-arm jurisdiction in domestic cases.	Killed in Judiciary.
1978	HB 491	Wolfgang	Alimony - Unemployment Insurance (Art. 16, Sec. 5B(a)(2)) Includes unemployment insurance benefits under the definition of "earnings".	Killed in Judiciary.
	HB 562	Owens, Cardin	Liens on Unemployment Compensation Benefits (Art. 16, Sec. 5B(a)(2), Art. 95A, Sec. 16(c)) Similar to HB 491.	Killed in Judiciary.
	HB 967	Menes	Equity Courts-Child Support (Art. Courts & JPR, Sec. 3-602(a)(3); Art. 72A, Sec. 1) Authorize equity courts to recognize the custodial parent's services in determining child support.	Died in Judiciary.

<u>Year</u>	<u>Bill No.</u>	<u>Sponsor</u>	<u>Title and Description</u>	<u>Action</u>
	HB 517	Maurer, et al.	Child Support Payments - Death of Obligor (Art. Courts & JPR, Sec. 3-602(a)) Provide for order of child support payments from decedent's estate. (Already possible for illegitimates.)	Killed in Judiciary.
	HB 749	Owens	Child Support Enforcement (Art. Commercial, Sec. 15-601(b), 15-603(a), Art. 88A, Sec. 59(d) & (e), Art. 89C, Sec. 26(d)) Provides for attachment of public wages.	Killed in Judiciary.
	SB 553	Steinberg	Child Support and Alimony Same as 1976 bill (SB 434).	Passed and signed. CHAP. 476
	HB 1711	Devlin	Support - Lien on Earnings (Art. 16, Sec. 5B(b)(1)) Makes a lien mandatory if a defaulting party is 2 months or more behind in support payments.	Died in Judiciary.
	SB 855	Hoyer	Support Orders - Enforcement (Art. 16, Sec. 5B(d)) Provides that a lien cannot be terminated until all arrearages have been satisfied.	Passed and signed. CHAP. 271
	SB 1248	O'Reilly	Actions for Child Support or Alimony Pendente Lite (Art. 16, Sec. 5C) Requires that such cases shall be heard within 2 weeks of being filed.	Killed in Jud. Proc.
	HB 607	Chrm. Approp.	Department of Human Resources - Collection of Support Payments (Art. 88A, Secs. 59(b-1), 3(c), 5A, 59(a); Art. 16, Secs. 66B(b), 66C, 66G, 66-I; Art. 27, Sec. 88; Art. 89C, Secs. 14(b), 17, 25(c), 26, 27) Provides mechanisms for State collection of support payments.	Passed and signed. CHAP. 885

(11) CRIMINAL NON-SUPPORT/DESERTION

<u>Year</u>	<u>Bill No.</u>	<u>Sponsor</u>	<u>Title and Description</u>	<u>Action</u>
1973	SB 353	Steers	Sexual Discrimination - Crime of Desertion (Art. 27, Sec. 88(a)) Changing the name of the subtitle and making the crime of desertion apply to both sexes.	Favorable report from Jud. Proc., but failed in Senate.

<u>Year</u>	<u>Bill No.</u>	<u>Sponsor</u>	<u>Title and Description</u>	<u>Action</u>
	SB 293	Steers	Sexual Discrimination - Crime of Desertion (Art. 27, Sec. 90) To eliminate references to a particular sex with respect to desertion and certain penalties.	Unfavorable report from Jud. Proc.
	SB 285	Steers	Constitutional Amendment (Art. III, Secs. 38 and 43) The change in Section 38 eliminates the reference to a particular sex for being imprisoned for support debts.	Killed in Jud. Proc.
	HB 899	Douglass	Providing civil remedies to prevent desertion rather than criminal ones. (Art. 27, Secs. 88-95, 97-110; Art. 16, Sec. 66Q-66EE)	Passed House. Killed in Jud. Proc.
	HB 840	Hagner, et al.	Support of Dependents - Revision of Article (Art. 89C) Relating to the uniform reciprocal enforcement of duties of support of dependents and to procedures for criminal and civil enforcement of support orders.	Unfavorable report from Judiciary. Referred to Legis. Council.
	HB 1144	Cardin	To repeal criminal provisions relating to desertion and non-support of wife and children. (Art. 27, Secs. 88-93, 95, 96)	Unfavorable report from Judiciary.
1974	SB 112	Steers	Same as 1973 bill (SB 353)	Killed in Jud. Proc.
	SB 366	Steers	Same as 1973 bill (SB 293)	Killed in Jud. Proc.
	SB 85	Steers	Same as 1973 bill (SB 285)	Killed in Jud. Proc.
	HB 774	Douglass, Owens	Support-Civil Procedures (Art. 16, Secs. 66Q-66EE; Art. Courts, Sec. 4-401; Art. 27, Secs. 88-110) Repealing criminal provisions relating to non-support of deserted spouses and dependents and providing for civil remedies for desertion and non-support.	Passed House. Killed in Jud. Proc.
	HB 1345	Hagner, et al.	Same as 1973 bill (HB 840)	Passed House. Killed in Jud. Proc.

<u>Year</u>	<u>Bill No.</u>	<u>Sponsor</u>	<u>Title and Description</u>	<u>Action</u>
1975	SB 45	Steers	Same as 1973 bill (SB 353)	Unfavorable report from Jud. Proc.
	SB 317	Steers	Same as 1973 bill (SB 293)	Unfavorable report from Jud. Proc.
	SB 77	Steers	Same as 1973 bill (SB 285)	Unfavorable report from Jud. Proc.
	SB 561	Blount	Family Law - Support and Alimony (Art. 27, Secs. 88-110; Art. Courts, Secs. 3-602, 3-603) Repeal certain provisions which pertain to criminal non-support and give the courts power to order support or alimony liens.	Unfavorable report from Jud. Proc.
	HB 1523	Hagner	Same as 1973 bill (HB 840)	Unfavorable report from Judiciary.
1976	SB 189	Steers	Same as 1973 bill (SB 353)	Unfavorable report from Jud. Proc.
	SB 190	Steers	Same as 1973 bill (SB 293)	Unfavorable report from Jud. Proc.
	SB 205	Steers	Same as 1973 bill (SB 285)	Unfavorable report from Jud. Proc.
	HB 52	Hagner	Same as 1973 bill (HB 840)	Unfavorable report from Judiciary.
	HB 1478	Cardin (Dept-H. Res.)	Children - Support Enforcement (See SUPPORT OF ILLEGITIMATES Section)	Passed and signed. CHAP. 778
1977	SB 824	Boyer	Desertion of Wife (Art. 27, Sec. 88(a)) Removing the criminal prohibition against desertion of one's wife.	Passed and signed. CHAP. 213
	HB 1532	Owens	Paternity and Non-Support Proceedings (Art. 16, Secs. 66A-66P, Sec. 66; Art. Courts, Sec. 3-602; Art. 89C, Secs. 2(e), 5, 6; and Art. 27, Secs. 88-104) De-criminalizing non-support, including support of both legitimate	Killed in Judiciary.

<u>Year</u>	<u>Bill No.</u>	<u>Sponsor</u>	<u>Title and Description</u>	<u>Action</u>
			illegitimate children and support of spouses; and establishing uniform civil procedures.	
	HB 1995	Wagaman	Desertion of Wife or Child - Non-Support (Art. 27, Sec. 88(c)) Prohibiting the bringing of criminal actions for non-support of wife or child unless the petition alleges willful non-support.	
	HB 1811	Owens	Child Support Enforcement (See SUPPORT OF ILLEGITIMATES Section.)	Killed in Judiciary.
1978	HB 1170	Alperstein, et al.	Nonsupport of a Spouse (Art. 27, Sec. 88) Extend to both sexes.	Passed and signed. CHAP. 921
	SB 640	Steinberg	Support of Dependents (Art. 27, Sec. 88; Art. 16, Secs. 66(f), 66-I, 66J, 66K, 66M; Art. 89C various sections) Repeals criminal non-support statute; provides for civil procedures.	Died in Jud. Proc.
	SB 743	Curran	Paternity and Nonsupport Proceedings Decriminalization (Art. 16, various sections; Art. 89C; Art. 27; Art. Courts & JPR, various sections) Similar to HB 1532 (1977).	Died in Jud. Proc.

(12) DISPOSITION OF PRISON LABOR EARNINGS

<u>Year</u>	<u>Bill No.</u>	<u>Sponsor</u>	<u>Title and Description</u>	<u>Action</u>
1973	SB 294	Steers	Sexual Discrimination - Desertion of Wife or Child (Art. 27, Sec. 95) Eliminating reference to a particular sex with respect to certain payments on behalf of certain inmates.	Passed Senate. Killed in Judiciary.
	SB 324	Steers	Provides for the disposition of either a husband's or wife's county roads board earnings. (Art. 27, Sec. 715)	Killed in Jud. Proc.
	SB 325	Steers	Provides for the disposition of either husband's or wife's State Highway Administration earnings. (Art. 27, Sec. 724)	Killed in Jud. Proc.
1974	SB 89	Steers	Same as 1973 bill (SB 294)	Killed in Jud. Proc.

<u>Year</u>	<u>Bill No.</u>	<u>Sponsor</u>	<u>Title and Description</u>	<u>Action</u>
	SB 90	Steers	Sexual Discrimination - Prisoner's Wages (Art. 27, Secs. 715 and 724) Making provisions regarding prisoner wages apply equally to both sexes.	Killed in Jud. Proc.
1975	SB 43	Steers	Same as 1973 bill (SB 294)	Unfavorable report from Jud. Proc.
	SB 152	Steers	Same as 1974 bill (SB 90)	Unfavorable report from Jud. Proc.
1976	SB 191	Steers	Same as 1973 bill (SB 294)	Unfavorable report from Jud. Proc.
	SB 184	Steers	Sexual Discrimination - Penal System (Art. 27, Secs. 630, 644, 645(a), 712, 715, 720, 724, 725 and 726) Includes sections which provide for the sex neutralizing of provisions concerning prison labor earnings.	Unfavorable report from Jud. Proc.

(13) PROPERTY

<u>Year</u>	<u>Bill No.</u>	<u>Sponsor</u>	<u>Title and Description</u>	<u>Action</u>
1973	SB 348	Steers	Sexual Discrimination - Divorce and Property Settlements (Art. 16, Sec. 25) Providing that the court's power to award certain property in connection with a certain type of divorce shall apply equally to both husbands and wives.	Passed Senate. Killed in Judiciary.
	SB 306	Steers	Sexual Discrimination - Property Interests (Art. 45, Sec. 2) Eliminates sexually discriminatory references concerning property interests.	Killed in Jud. Proc.
	SB 351	Steers	Sexual Discrimination - Property of Spouses (Art. 45, Sec. 1) Making provisions regarding property acquired after a marriage applicable to both husband and wife.	Killed in Jud. Proc.
	SB 384	Steers	Sexual Discrimination - Bigamy (Art. 27, Sec. 18) Property rights of the parties shall be equal regardless of the sex of the offender with respect to bigamy.	Passed Senate. Killed in Judiciary.

<u>Year</u>	<u>Bill No.</u>	<u>Sponsor</u>	<u>Title and Description</u>	<u>Action</u>
	SB 388	Steers	Sexual Discrimination - Divorce, Alimony and Property (Art. 16, Secs. 25, 29) Includes provisions empowering the court to determine the disposition of both real and personal property.	Killed in Jud. Proc.
	HB 896	Conaway	Divorce and Alimony - Personal and Real Property (Art. 16, Sec. 4A) Permits court to restrain a person from committing certain acts when a spouse has filed for alimony or divorce, such as changing status of personal property, requiring a continuation of payments upon items of mutual importance, and preventing the pledging of the other party's credit.	Unfavorable report from Judiciary.
	HB 979	Conaway	Divorce and Annulment - Personal Property (Art. 16, Sec. 29A) Would make it illegal before granting a divorce for the deserting party to remove any personal property acquired since the beginning of the marital relationship without written consent of both parties.	Unfavorable report from Judiciary.
1974	SB 109	Steers	Same as 1973 bill (SB 348)	Killed in Judicial Proc.
	SB 96	Steers	Same as 1973 bill (SB 306)	Killed in Jud. Proc.
	SB 110	Steers	Same as 1973 bill (SB 351)	Killed in Jud. Proc.
	SB 120	Steers	Same as 1973 bill (SB 384)	Killed in Jud. Proc.
	SB 123	Steers	Same as 1973 bill (SB 388)	Killed in Jud. Proc.
	SB 842	Welcome	Divorce - Property Settlements (Art. Courts, Sec. 3-603) Providing for the award of money judgments for the value of personal property in some cases; providing for an equitable claim against property acquired during marriage and held in the sole name of one party for the value of contributions made by the other party and generally relating to	Favorable with amend. from Jud. Proc. Amended on floor. Killed on 3rd reader in Senate.

<u>Year</u>	<u>Bill No.</u>	<u>Sponsor</u>	<u>Title and Description</u>	<u>Action</u>
			more equitable division of property.	
	HB 1605	Koss, Ruben, Menes	Same as SB 842	Killed in Judiciary.
	HB 15	Conaway	Same as the 1973 bill (HB 979)	Unfavorable report from Judiciary.
	HB 19	Conaway	Same as 1973 bill (HB 896)	Unfavorable report from Judiciary.
	SB 46	Steers	Same as 1973 bill (SB 348)	Unfavorable report from Jud. Proc.
	SB 94	Steers	Same as 1973 bill (SB 306)	Unfavorable report from Jud. Proc.
	SB 84	Steers	Same as 1973 bill (SB 391)	Unfavorable report from Jud. Proc.
	SB 56	Steers	Same as 1973 bill (SB 384)	Unfavorable report from Jud. Proc.
	SB 181	Steers	Same as 1973 bill (SB 388)	Unfavorable report from Jud. Proc.
	HB 763	Koss, et al.	Divorce - Property Settlements (Art. Courts, Sec. 3-603(c)) Make certain property settle- ment provisions; including claims for the value of contributions to educational benefits for- one spouse by the other.	Unfavorable report from Judiciary.
	HB 762	Koss, et al.	Divorce - Property Settlements (Art. Courts, Sec. 3-603(b)(4)) Provide for a monetary award for the value of certain personal property.	Unfavorable report from Judiciary.
1976	SB 197	Steers	Same as 1973 bill (SB 306)	Unfavorable report from Jud. Proc.
	SB 196	Steers	Same as 1973 bill (SB 391)	Unfavorable report from Jud. Proc.

<u>Year</u>	<u>Bill No.</u>	<u>Sponsor</u>	<u>Title and Description</u>	<u>Action</u>
	SB 181	Steers	Same as 1973 bill (SB 388)	Unfavorable report from Jud. Proc.
	HB 826	Owens (Dept-ERA)	Sex Discrimination - Bigamy (Art. 27, Sec. 18) Eliminating certain sex discriminatory provisions for forfeiture of estate in instances of bigamy.	Passed and signed. CHAP. 438
	HB 1010	Koss	Divorce - Disposition of Property (Art. 16, Sec. 29) Court may divide the marital property without regard to misconduct after considering such factors as contributions of each spouse (including non-monetary contributions) and economic circumstances.	Unfavorable report from Judiciary.
	HB 1011	Koss	Divorce - Award of Marital Home (Art. 16, Sec. 29) Specifying factors to be considered by the court in award of the right to live in the marital home upon dissolution of the marriage, including economic circumstances, and each spouse's contributions.	Unfavorable report from Judiciary.
	HB 1012	Koss	Divorce - Disposition of Personal Property (Art. 16, Sec. 29) Providing for the court's division of marital personal property, without regard to misconduct, after considering contributions of both spouses, and economic circumstances.	Unfavorable report from Judiciary.
1977	HB 1038	Koss	Same as 1976 bill (HB 1010)	Killed in Judiciary.
	HB 1039	Koss	Same as 1976 bill (HB 1011)	Referred to Dom. Rel. Law Commission.
	HB 1040	Koss	Same as 1976 bill (HB 1012)	Killed in Judiciary.
	HB 1616	Docter	Divorce - Disposition of Property (Art. 16, Sec. 33) Similar to HB 1039, although it directed courts to divide property "equally" whereas HB 1039 directed an "equitable" division.	Killed in Judiciary.

<u>Year</u>	<u>Bill No.</u>	<u>Sponsor</u>	<u>Title and Description</u>	<u>Action</u>
	SB 650	Curran, et al.	Divorce - Disposition of Property (Art. 16, Sec. 33) Similar to HB 1039. However, the Committee amended it to include marital fault.	Favorable report with amendment from Jud. Proc. Then sent to Dom. Rel. Law Commission.
	SB 1083	Mitchell	Divorce - Disposition of Property (Art. Courts, Sec. 3-603A) Similar to HB 1039.	Died in Jud. Proc.
	SB 702	Boyer	Divorce - Division of Property {Art. Courts, Sec. 3-603(c)} Grant the courts the authority to divide property in favor of the non-culpable spouse when a divorce was granted on a culpable ground.	Killed in Jud. Proc.
	SB 782	O'Reilly	Family Home - Marital Home (Art. Courts & JPR, Sec. 3-605) Attempting to prevent a deserting spouse from continually leaving and returning to the marital home.	Killed in Jud. Proc.
1978	SB 604	Pres.- Admin.	Divorce and Annulment - Disposition of Property (Art. Courts & JPR, Sec. 3-603) Creates different categories of property; allows for monetary award and distribution of family use property, regardless of title.	Passed and signed. CHAP. 794
	HB 949	Pres.- Admin.	Same as SB 604.	Died in Judiciary.
	SB 334	O'Reilly	Divorce - Disposition of Property (Art. 16, Sec. 33) Same as 1977 bill (HB 1038).	Died in Jud. Proc.
	SB 1211	Bishop	Divorce - Division of Property (Art. Courts & JPR, Sec. 3-603(c)) Provides for equitable division of the marital property taking into account homemaker's services. No fault.	Died in Jud. Proc.

B. Problem Categories Not Listed Among the Preliminary Report's Statement
of Problems.

(1) BATTERED SPOUSES

<u>Year</u>	<u>Bill No.</u>	<u>Sponsor</u>	<u>Title and Description</u>	<u>Action</u>
1976	HB 1309	Menes	Assault-Intraspousal Tort Immunity (Art. 45, Sec. 5A) Repealing the doctrine of intraspousal tort immunity for suits brought in tort for assault of one spouse against the other.	Unfavorable report from Judiciary.
	HJR 78	Menes, et al.	Battered Wives Would have required police departments to keep statistics on wife beating separate from other assaults.	Unfavorable report from Judiciary.
	HB 2045	Menes	Divorce - Temporary Injunctions (Art. Courts, Sec. 3-604) Would have allowed court to issue temporary injunction excluding spouse from marital home if that spouse constitutes a danger to the physical well-being of the other spouse.	Killed in Judiciary.
	SB 1085	Abrams	Same as HB 2045 (Was amended by Judicial Proceedings to ensure that remaining spouse was not living with a lover on marital property.)	Passed Senate. Killed in Judiciary.
1977	SB 776	Abrams	DHR - Battered Spouses (Art. 88A, Secs. 101-104) As amended by the Finance Committee, the bill requires that DHR establish a model temporary shelter for battered spouses. The original bill proposed setting up a number of homes around the state.	Passed and signed. CHAP. 731
	HJR 32	Menes, et al.	Same as the 1976 resolution (HJR 78) (Was amended to apply only to Maryland State Police.)	Passed and signed. JR. 61
	HB 124	Menes	Assault and Battery - Spousal Tort Immunity Same as 1976 bill (HB 1309)	Killed in Judiciary
	SB 442	Hoyer, et al.	Eligibility - Criminal Injuries Compensation Act (Art. 26A, Sec. 5) Removes the "family exclusion" from the Criminal Injuries Compensation Board proceedings, so that battered spouses can be compensated.	Killed in Jud. Proc.

<u>Year</u>	<u>Bill No.</u>	<u>Sponsor</u>	<u>Title and Description</u>	<u>Action</u>
	HB 1673	Wilkinson	Criminal Law - Spouse Beating (Art. 27, Sec. 554A) Attempted to specify a separate crime of "spouse beating" and make certain provisions for enforcement and reporting. (Wilkinson introduced the same bill (HB 1773) in the 1976 Session. It, too, was killed in House Judiciary.	Killed in Judiciary.
	SB 874	Miller, Steinberg	Divorce and Alimony - Court of Equity Power (Art. Courts, Sec. 3-603(a)) Gives divorce courts all the power of equity courts, including the power to issue an injunction to protect a spouse from physical harm or harassment.	Passed and signed. CHAP. 221
	SB 166	Abrams	Divorce, Alimony and Annulment - Injunctive Relief from Equity Court (Art. Courts, Sec. 3-603(a)) Incorporated the provisions of the 1976 SB 1085 with language necessary to meet the requirements of the <u>Kapneck</u> decision.	Killed in Jud. Proc.
	HB 1540	Owens, et al.	Divorce, Alimony and Annulment - Court of Equity Power (Art. Courts, Sec. 3-603(a)) Providing that courts sitting in actions for divorce, alimony and annulment shall exercise ordinary equity jurisdiction.	Passed both houses, but not signed.
	HB 109	Hagner, et al.	Equity Courts - Jurisdiction (Art. Courts, Sec. 3-603(a)) Providing that equity courts shall exercise ordinary equity jurisdiction in actions for divorce, alimony or annulment.	Unfavorable report from Judiciary.
	HB 1506	Menes	Same as HB 1540.	Unfavorable report from Judiciary.
1978	HB 87	Menes	Assault and Battery - Spousal Tort Immunity Similar to HB 124 (1977) except limited to divorcing couples.	Killed in Judiciary.

<u>Year</u>	<u>Bill No.</u>	<u>Sponsor</u>	<u>Title and Description</u>	<u>Action</u>
	HB 928	Young	Battered Spouses (Art. 27, Sec. 554A; Art. 45, Sec. 5A) Repeals interspousal tort immunity and creates crime of spouse beating.	Killed in Judiciary.
	HB 450	Bienen	Domestic Violence - Injunctions (Art. Courts & JPR, Sec. 3-603) Permits injunction even if divorce action has not been initiated.	Killed in Judiciary.
	HB 1643	Menes, Bienen	Divorce and Annulment - Clarifying Injunctive Power (Art. Courts & JPR, Sec. 3-603) This bill was not passed, but the change it would have made was a part of the Marital Property bill which did pass.	Killed in Judiciary.

(2) MISCELLANEOUS DOMESTIC

<u>Year</u>	<u>Bill No.</u>	<u>Sponsor</u>	<u>Title and Description</u>	<u>Action</u>
1974	SB 4	Pine	Criminal Conversation - Prohibited Action (Art. Courts & JPR, Sec. 5-301(a)) To prohibit the action of Criminal Conversation.	Killed in Jud. Proc.
	HB 13	Conaway	Prohibited Actions - Breach of Promise and Criminal Conversation (Art. Courts & JPR, Sec. 5-301(a)) Similar to SB 4.	Passed House. Unfavorable report from Jud. Proc.
1976	HB 960	Bienen, et al.	Desertion - Husband's Misconduct (Art. 16, Sec. 29) Providing that any misconduct of the husband making it impossible for the wife to remain in the marital home and rendering the continuance of the marriage relation unbearable, shall justify the wife in leaving the home, although it is the husband who shall be considered guilty of desertion.	Failed in chamber of origin.
1977	HB 170	Riley	Criminal Conversation (Art. Courts, Sec. 5-301(a)) Repeal the common law tort action of "criminal conversation".	Passed House. Unfavorable report from Jud. Proc.
	HB 961	McCoy	Criminal Injuries Compensation - Financial Support (Art. 26A, Secs. 7, 12(f)(1))	Passed House. Killed in Jud. Proc.

<u>Year</u>	<u>Bill No.</u>	<u>Sponsor</u>	<u>Title and Description</u>	<u>Action</u>
			To clarify the definition of the term "support". It would have limited the Board's authority to award damages unless the loss of support due to criminal injury was "direct financial support". Would have eliminated including unpaid domestic services in the interpretation of "support".	
	SB 437	Dorman	Spouses - Value of Domestic Services (Art. 45, Sec. 22) Would have required the jury or judge in an action for death or disability of a spouse to include a determination as to the economic value of unpaid domestic services performed by the spouse.	Unfavorable report from Jud. Proc.
1978	SB 173	Miller, et al.	Child Abduction (Art. 27, Sec. 3) Provides a criminal penalty for the abduction of a child by his or her non-custodial parent.	Passed and signed. CHAP. 435
	HB 680	McCoy	Same as 1977 bill (HB 961).	Unfavorable report from Judiciary.

APPENDIX D

III. EMPLOYMENT, EDUCATION, CHILDREN, HEALTH AND SEXUAL STEREOTYPES

A. Problems as Identified in the Preliminary Report (1974 - Statement of Problems).

(1) STATUTES ABROGATING THE COMMON LAW

1973- 1977			Nothing was done to repeal the obsolete sections during these years. However, legislation was introduced for several years to repeal the entire Article dealing with notary publics (Art. 68] and replace it with a new article similar to the Uniform Notary Act.	
1978	HB 699	Owens (Dept-ERA)	Sex Disctimination - Obsolete Provisions (Art. 10, Sec. 6; Art. 68, Sec. 9; Art. 69, Sec. 10) Would eliminate these obsolete provisions.	Passed and signed. CHAP. 350

(2) RULES OF CONSTRUCTION AND GENDER IDENTIFIED LANGUAGE

1973 -
1978

It was decided by the Commission to rely on the Commission to Revise the Annotated Code to accomplish the removal of gender identified language as it systematically revises sections of the Code. Some revisions have been enacted in the last 5 years; others still need to be made.

Legislative Reference and some Senators and Delegates have attempted in recent years to use sex neutral language whenever practical in the drafting of bills.

(3) STATE SEAL

<u>Year</u>	<u>Bill No.</u>	<u>Sponsor</u>	<u>Title and Description</u>	<u>Action</u>
1973	SB 399	Steers	Sexual Discrimination - State Seal For the purpose of eliminating a sexually discriminatory reference in the motto on the State Seal.	Unfavorable report from Jud. Proc.
1974	SB 128	Steers	Same as the 1973 bill (SB 399)	Killed in Jud. Proc.
1975	SB 68	Steers	Same as the 1973 bill (SB 399)	Unfavorable report from Con. & Pub. Law.
	SB 909	Hopkins, Lapidés	Maryland Seal - Description Changed the loose translation of the motto from "Deeds are manly, words are womanly" to "Manly deeds, womanly words."	Passed and signed. CHAP. 370
1976	SB 195	Steers	Same as the 1973 bill (SB 399)	Unfavorable report from Con. & Pub. Law.
1978	SJR 2	Denis	The State Motto Called for a committee to devise a new motto more compatible with women's equal rights and privileges today.	Killed in Con. & Pub. Law.

(4) TRANSPORTING MENTAL PATIENTS

<u>Year</u>	<u>Bill No.</u>	<u>Sponsor</u>	<u>Title and Description</u>	<u>Action</u>
1973	SB 357	Steers	For the purpose of eliminating the reference to a particular sex in this subsection.	Killed in Jud. Proc.

<u>Year</u>	<u>Bill No.</u>	<u>Sponsor</u>	<u>Title and Description</u>	<u>Action</u>
1974	SB 114	Steers	Sexual Discrimination - Patients in Mental Health Facilities Providing that no patient may be transported to or from certain facilities for the treatment of mental disorders unless accompanied by a person authorized by the facility.	Killed in Jud. Proc.
1975	SB 67	Steers	Same as 1974 bill (SB 114)	Unfavorable report from Finance.
	SB 532	Curran, Steers, Crawford (Dept-ERA)	Sex Discrimination (Various Articles and Sections, including Art. 59, Sec. 17(e)) Removes references to gender in the criminal law and laws relating to various concerns including the transporting of mental patients. The bill provides that a patient may not be transported to or from any facility unless accompanied by a person of the same sex authorized by the facility or an adult relative.	Passed and signed. CHAP. 330

(5) COMMISSION ON THE STATUS OF WOMEN

1973 -
1978

There have been no bills introduced dealing with changing the Commission's purpose statement to provide for the strengthening of the homelife of men along with that of women.

(6) STATE MILITIA

<u>Year</u>	<u>Bill No.</u>	<u>Sponsor</u>	<u>Title and Description</u>	<u>Action</u>
1973	SB 287	Steers	Sexual Discrimination - State Militia To provide that all able-bodied citizens shall constitute the militia, irrespective of gender, subject to exemptions.	Passed Senate. Killed in Judiciary.
1974	SB 86	Steers	Same as the 1973 bill (SB 287)	Passed Senate. Unfavorable report from Judiciary.
1975	SB 316	Steers	Same as the 1973 bill (SB 287)	Passed 2nd reader in Senate. On 3rd reader it was postponed indefinitely.

<u>Year</u>	<u>Bill No.</u>	<u>Sponsor</u>	<u>Title and Description</u>	<u>Action</u>
	SB 532	Curran, Steers, Crawford (Dept-ERA)	Sex Discrimination (Various articles and sections including Art. 65, Sec. 1, 5, 24 and 62) Removing references to gender in the criminal law and laws relating to fire-fighters, mental hygiene, mental retardation, the militia, seamen, the State Police retirement and pension system, and natural resources. (However, the bill was amended by the Judicial Proceedings Committee to exclude the militia.)	Passed and signed. CHAP. 330

(7) EMPLOYMENT

(a) Dress Code

<u>Year</u>	<u>Bill No.</u>	<u>Sponsor</u>	<u>Title and Description</u>	<u>Action</u>
1975	SB 539	Curran, Steers, Crawford (Dept-ERA)	Sex Discrimination - Employment Removing provisions in Art. 49B, Sec. 19(g) which permit sex-based dress codes and grooming standards in the law unless the standards are directly related to the nature of the employment.	Passed and signed. CHAP. 333

(b) BFOQ in Public Education

1973 -
1978

No legislation was introduced affecting Art. 77, Sec. 113 during these years.

(c) Human Relations Commission

<u>Year</u>	<u>Bill No.</u>	<u>Sponsor</u>	<u>Title and Description</u>	<u>Action</u>
1973	SB 575	Synder (Dept)	Authorize HRC to appoint hearing examiners and provide powers of procedure. (Art. 49B, Secs. 2, 14)	Killed in Jud. Proc.
	SB 850	Curran (Dept)	Amending laws relating to judicial review standards in enforcing an order of the HRC. (Art. 49B, Sec. 15(a))	Unfavorable report from Jud. Proc.
	SB 709	Boyer, Bauman	Requiring the HRC to hear violations within one year of the original complaint. (Art. 49B, Sec. 14(a))	Passed Senate. Killed in Judiciary.
	HB 408	Ross, et al.	Provide that the HRC shall forward certain complaints for adjudication by a County Human Relations agency. (Art. 49B, Sec. 12(a))	Unfavorable report from Judiciary.

<u>Year</u>	<u>Bill No.</u>	<u>Sponsor</u>	<u>Title and Description</u>	<u>Action</u>
1974	HB 196	Webster	Human Relations Commission (Art. 49B, Sec. 31) Extend authority of HRC to apply to public and private educational institutions.	Unfavorable report from Judiciary.
	SB 546	Curran (Dept)	HRC - Hearings (Art. 49B, Sec. 14) Provides for hearings before a trial examiner of the HRC and generally relating to these hearings.	Passed Senate. Unfavorable report from Judiciary.
	SB 549	Curran (Dept)	HRC - Enforcement and Judicial Review (Art. 49B, Sec. 15) Establish certain limitations upon the applicability of the judicial review standards of the Administrative Procedure Act to orders of the HRC.	Passed Senate. Killed in Judiciary.
1975	HB 233	Owens (Dept)	HRC - Enforcement and Judicial Review (Art. 49B, Sec. 15) Similar to 1974 bill (SB 549)	Passed House. Con. & Pub. Law referred to Legis. Council.
	HB 237	Owens (Dept)	HRC - Interlocutory Court Relief (Art. 49B, Sec. 4) Provide that the HRC may seek certain types of court relief in certain cases after a complaint has been filed alleging discrimination.	Passed and signed. CHAP. 419
	HB 486	Speaker	HRC - Enforcement Powers (Art. 49B, Sec. 14(e)) Makes certain provisions relating to the enforcement powers of the HRC. Emergency bill.	Unfavorable report from Judiciary.
	SB 288	Pres.	HRC - Enforcement Powers (Art. 49B, Sec. 14(e)) Same as HB 486.	Referred to Legis. Council.
	HB 790	Knoll, et al.	State HRC - Monetary and other Awards (Art. 49B, Sec. 14(e)) Make certain provisions relating to monetary and other awards to victims of discrimination.	Unfavorable report from Judiciary.
	SB 328	Welcome	HRC - Awarding Damages (Art. 49B, Sec. 14A) Grant the HRC the power to award damages upon a finding of discrimination.	Unfavorable report from Con. & Pub. Law.
	HB 186	Owens (Dept)	HRC - Hearings (Art. 49B, Sec. 14) Providing for hearings before a hearing examiner of the HRC.	Passed House Con. & Public Law referred it to Leg. Coun.

<u>Year</u>	<u>Bill No.</u>	<u>Sponsor</u>	<u>Title and Description</u>	<u>Action</u>
1976	SB 288	Legis. Council	Human Relations Commission (Art. 49B, various sections) Completely revise procedures and authority of HRC, including giving the Commission authority to award back pay.	Killed in Con. & Pub. Law.
	SB 630	Hutchinson	HRC - Directors (Art. 49B, Sec. 2) Give appointment powers to Commission rather than Governor.	Killed in CPL.
	SB 569	Welcome	State HRC - Monetary and other Awards (Art. 49B, Sec. 14(e)) Gives authority to HRC to award a wide range of compensatory, punitive and humiliation damages to victims of prohibited discrimination.	Killed in CPL.
	SB 351	Welcome	State HRC - Hearings (Art. 49B, Sec. 14) Authorizes HRC to appoint and utilize hearing examiners.	Killed in CPL.
	HB 1968	Harchenhorn	HRC - Right to Speedy Hearing (Art. 49B, Sec. 14(h)) Guaranteed the respondent in a discrimination case the right to a "speedy hearing."	Unfavorable report from Judiciary.
	HB 1285	Randolph	HRC - Hearings (Art. 49B, Sec. 14) Provides for certain hearings before a hearing examiner and for review of findings.	Unfavorable report from Judiciary.
	HB 1398	Murphy, et al.	State HRC - Monetary and other Awards (Art. 49B, Sec. 14(e)) Describes HRC's powers and duties with regard to awards to victims.	Unfavorable report from Judiciary.
1977	HB 458	Chrm, App.	HRC - Members, Employees and Powers (Art. 49B, Secs. 1, 2, 3, 14(a) & (e)) Complete and thorough re- structuring and re-empowering of the HRC. The final amended and adopted bill provides for some monetary relief in certain cases; the authority to hire hearing examiners; and structural re- organization of the Commission and its staff.	Passed and signed. CHAP. 937

<u>Year</u>	<u>Bill No.</u>	<u>Sponsor</u>	<u>Title and Description</u>	<u>Action</u>
	SB 347	Welcome	HRC - Complaints Against State Agencies (Art. 49B, Sec. 11B) Provides process by which people aggrieved by discriminatory acts of the State of Maryland can seek remedies the same as against private respondents. Compromises to get it passed, however, considerably weakened the impact of the bill.	Passed and signed. CHAP. 706
	SB 37	Hutchinson	Same as the 1976 bill (SB 630)	Killed in Con. & Pub. Law.
	SB 402	Blount	HRC Members - Salaries (Art. 49B, Sec. 2) Would have created \$75 per diem salary for Commissioners.	Died in Budget & Taxation.
	SB 583	Douglass, Blount, Broadwater	Same as HB 458.	Unfavorable report from Con. & Pub. Law.
1978	SB 389	Chrm., CPL	HRC - Members and Officials (Art. 49B, Secs. 1, & 2(a) & (c)) Would restructure the Commission and change who is hired by whom.	Passed Senate. Killed in Approp.
	SB 390	Chrm., CPL	HRC - Complaints Against State Agencies (Art. 49B, Sec. 11B(a) & (b)) Same as 1977 bill (SB 347).	Passed Senate. Killed in Approp.

B. Problem Categories Not Listed Among the Preliminary Report's Statement of Problems.

(1) EMPLOYMENT: PART-TIME, VETERAN'S PREFERENCE AFFIRMATIVE ACTION PROGRAMS, MERIT SYSTEM, DISPLACED HOMEMAKERS, DOMESTIC WORKERS, ETC.

<u>Year</u>	<u>Bill No.</u>	<u>Sponsor</u>	<u>Title and Description</u>	<u>Action</u>
1973	SB 280	Steers	Sexual Discrimination - Merit System and Disabled Veterans (Art. 64A, Secs. 18(c) and (d) Sex shall not be a limitation in qualifying for competitive exams and preferences; and credit for disabled veterans' spouses shall apply to both sexes.	Passed Senate. Favorable report from Approp., but failed in House.
	HB 52	Lee	Provides for the payment of minimum wage to domestic workers, (Art. 100, Sec. 82(e))	Passed and signed. CHAP. 123
1974	SB 82	Steers	Same as 1973 bill (SB 280)	Same actions as for '73 Bill.

<u>Year</u>	<u>Bill No.</u>	<u>Sponsor</u>	<u>Title and Description</u>	<u>Action</u>
	SB 297	Abrams	Merit System - Part-Time Employees (Art. 64A, Sec. 3) To include part-time employees in the State Merit System.	Passed Senate. Favorable report from Approp., but failed in House
	HJR 67	Menes	Flexible Employment Program Calls for a study of the feasibility of providing flexible employment alternatives in the State employment system.	Unfavorable report from Approp.
	HB 1604	Dixon, Lee	Workmen's Compensation - Domestic Servants (Art. 101, Secs. 21(b) (9) and (c) (1)) Provide that domestics employed in a private home are to be covered by the Workmen's Compensation Act.	Unfavorable report from Con. & Ad. Law.
1975	HB 623	Goldwater, Kopp, et al.	Merit System - Part-Time Employment (Art. 64A, Sec. 50) For providing increased employment opportunities for part-time employees in the Merit System.	Passed and signed. CHAP. 701
	SB 285	Abrams	Merit System - Part-Time Employees (Art. 64A, Secs. 3, 4A) For the purpose of removing prohibitions against including certain positions in the classified system and for requiring certain part-time employees be included in classified service.	Passed and signed. CHAP. 573
	SB 61	Steers	Same as 1973 bill (SB 280)	Passed and signed. CHAP. 272
	HB 503	Dixon, Lee	Same as 1974 bill (HB 1604)	Unfavorable report from Con. & Ad. Law.
	HB 492	Young, et al.	Domestic Servants - Eligibility for Workmen's Compensation Benefits (Art. 101, Secs. 21(b) (9) and 21(c) (1) and (2)) Add certain domestic servants to the list of employees eligible to receive Workmen's Compensation benefits.	Passed and signed. CHAP. 686

<u>Year</u>	<u>Bill No.</u>	<u>Sponsor</u>	<u>Title and Description</u>	<u>Action</u>
1976	HB 94	Koss	DHR - Displaced Homemakers and Corporate Income Tax-Interest and Dividends (Art. 81, Sec. 280A(c); Art. 88A, Secs. 90-100) As amended by the Ways and Means Committee, the bill authorizes \$190,000 for a pilot project to create a multi-purpose service center for Displaced Homemakers. Originally the bill (at the cost of \$5 million) would have provided for a much more extensive program of services.	Reported favorable with amendments from W & M. Passed and signed. CHAP. 637
	HB 1195	Cardin	Casualty Insurance (Art. 48A, Sec. 481 1/2A) Provide that certain forms of casualty insurance provide Workmen's Compensation coverage to domestic servants.	Passed House. Killed in Econ. Affairs.
	SB 293	Pres. - Legis. Council	Homeowner's Insurance - Domestic Servants (Art. 48A, Sec. 482A) Requiring "home-owners" insurance policies to offer workmen's compensation coverage for certain domestic servants.	Favorable w/a. Then re-referred to Econ. Affairs.
	HB 1004	Booth, et al.	Employment - Discrimination Based on Sexual Orientation (Art. 49B, Secs. 11B, 11C, 17, 19(a), (b), (c), (d) and (h)) Prohibiting certain discrimination based on sexual orientation in certain employment practices.	Killed in Judiciary.
1977	HB 635	Chester, et al.	Merit System - Layoffs (Art. 64A, Sec. 35) Would have made seniority the basis for layoffs in Merit System employment. Would have been detrimental to recently hired women and minority employees.	Killed in Approp.
	HB 618	Chrm. Comm. on Personnel Management Study	Merit System - Veterans (Art. 64A, Sec. 17(a)) Abolishing the requirement that an appointing officer who passes over a veteran eligible for an appointment must file his reasons with the Secretary of Personnel; and abolishing the absolute preference for veterans before non-veterans with the same or lower examination scores.	Favorable report w/a from Approp. Failed on 3rd reader in House.

<u>Year</u>	<u>Bill No.</u>	<u>Sponsor</u>	<u>Title and Description</u>	<u>Action</u>
	HB 1424	Dixon	Similar to HB 268.	Favorable report from Econ. Matters, passed House. Killed in Econ. Affairs.
	HB 1576	Krysiak	Workmen's Compensation (Art. 101, Sec. 21(b)(9)) Include domestic servants under Workmen's Compensation coverage.	Killed in Con. & Ad. Law.
	HB 1991	Toth	State Construction Contracts (Art. 78A, Sec. 7A(a)) Prohibits sex discrimination in the awarding or performance of State contracts.	Passed and signed. CHAP. 980
	HB 268	Young, et al.	Casualty Insurance - Domestic Servants Workmen's Compensation (Art. 48A, Sec. 481 1/2A) Required insurance companies writing comprehensive liability, tenant or homeowner's insurance to include provisions for workmen's compensation insurance for domestic workers as an option.	Unfavorable report from Con. & Ad. Law
	HJR 10	Sheehan, Komenda	State Employment Applications Requesting that space be provided on State employment application forms where an applicant can list volunteer work.	Unfavorable report from Appropriations.
	HB 1970	Robey	Merit System Examinations - Viet Nam Veterans (Art. 64A, Sec. 18(c-1)) Allowing a certain credit for certain veterans on State Merit System examinations.	Passed and signed. CHAP. 851
	HB 894	Goldwater, Pesci	Higher Education - Part-Time Employees (Art. 77A, Sec. 97) Requiring certain part-time employees of institutions of higher education receive the same privileges, benefits, and salaries as full-time employees.	Unfavorable report from Appropriations.
	HB 2107	Hargreaves	Merit System - Equal Opportunity Program (Art. 64A, Secs. 12A-12E) Establishing an Equal Opportunity Program for State Merit System employees and applicants for State employment.	Unfavorable report from Appropriations.

<u>Year</u>	<u>Bill No.</u>	<u>Sponsor</u>	<u>Title and Description</u>	<u>Action</u>
	HB 1865	Dean, Murphy	Merit System - Equal Employment Opportunity Program Similar to HB 2107.	Unfavorable report from Appropriations.
	HB 921	Booth, et al.	Employment - Sexual Orientation Discrimination Same as 1976 bill (HB 1004)	Killed in Judiciary.
	SB 774	Abrams	Employment - Disability Benefits for Pregnancy (Art. 49B, Sec. 19A) Requires that for all employment- related purposes, disability due to pregnancy shall be treated the same as other temporary disabilities.	Passed and signed. CHAP. 907
	SB 1153	Abrams	Unlawful Employment Practices (Art. 49B, Sec. 19(g)) Would have included a definition of "sex" to make certain that discrimination based on gender or on physiological conditions unique to women is prohibited. An alternative method to SB 774 & SB 775.	Essentially, was put in a holding pattern pending action on SB 774 and SB 775.
1978	HB 1423	Booth, et al.	Employment - Sexual Orientation Discrimination Same as 1976 bill (HB 1004).	Killed in Judiciary.
	HB 58	Murphy	Merit System - Equal Opportunity Program Same as HB 2107 (1977).	Passed and signed. CHAP. 306
	SB 7	Bishop	Merit System - Honorably Discharged Veterans (Art. 64A, Sec. 18(c)) Would give 5 additional points to veterans retiring after 20 or more years.	Killed in Finance.
	SB 217	Clark- Dept-Pers.	Permanent Part-Time Employment (Art. 64A, Sec. 51(a)(2) and (3)) A minor bill which redefines the work week.	Killed in Finance.
	HB 584	Hargreaves- Dept.	Permanent Part-Time Employment Same as SB 217.	Passed and signed. CHAP. 344
	HB 1046	Goldwater, et al.	General Assembly - Permanent Part- Time Employees (Art. 73B, Sec. 9(18); Art. 40, Sec. 4B) Would provide for a full year of retirement service for certain permanent part-time employees.	Passed and signed. CHAP. 915

<u>Year</u>	<u>Bill No.</u>	<u>Sponsor</u>	<u>Title and Description</u>	<u>Action</u>
	SB 518	Lapides	Employment - Medical Questions (Art. 100, Sec. 95A(a)) Would prohibit an employer asking questions about an applicant's <u>physical</u> condition which do not bear on the job.	Passed and signed. CHAP. 470
	SB 37	Crawford	Casualty Insurance - Domestic Servant Workmen's Compensation (Art. 48A, Sec. 48 1/2A) Would require that an insurer offering a homeowner's liability policy also offer an option of workmen's compensation insurance for domestics.	Died in Senate Econ. Affairs.
	SB 407	Byrnes	Workmen's Compensation - Domestic Employees	All 3 bills died in Senate Econ. Affairs.
	SB 408	"	Workmen's Compensation - Domestic Servants	
	SB 409	"	Workmen's Compensation - Average Weekly Wage of Domestic Servants (Art. 101, various sections) All three bills tried to change the way average weekly wage is computed to remedy the situation where it is computed only according to the weekly wage earned only at the place where the injury occurred.	

(2) CHILD CARE

(a) Day Care Rules and Regulations

<u>Year</u>	<u>Bill No.</u>	<u>Sponsor</u>	<u>Title and Description</u>	<u>Action</u>
1973	SB 556	Welcome	Would allow day care in public schools. (Art. 77, Sec. 97)	Passed and signed. CHAP. 413
	SJR 12	Welcome	Request Governor to appoint a committee to assess the need for industry in this State to provide for day care facilities.	Passed Senate. Killed in House Ways & Means.
1974	SB 605	Abrams	Child Development and Services (Art. 41, Secs. 457-462) Create a State Council of Child Development and Services to deal with child development and day care programs.	Killed in Senate Finance.

<u>Year</u>	<u>Bill No.</u>	<u>Sponsor</u>	<u>Title and Description</u>	<u>Action</u>
1975	HB 845	Maurer	Use of School Property (Art. 77, Sec. 97(b)) Providing for day care programs during school hours if space is available.	Passed and signed. CHAP. 452
	SB 853	Levitan	Child Care Facilities - Tax Exemption (Art. 81, Sec. 9H) Providing a property tax exemption for a corporation which provides child care facilities for its employees.	Referred by Bud. & Tax. to Legis. Council for study.
	SJR 15	Blount	Day Care for Children Request Department of Education and Social Services to develop and recommend a State wide plan for adequate day care facilities.	Passed but not signed.
	SB 1013	Smelser	Day Care Center Advisory Board (Art. 43, Secs. 708A, B, 715) Create a Day Care Center Advisory Board and provide for its powers and duties.	Unfavorable report from Finance.
1976	SB 115	Levitan	Same as 1975 bill (SB 853)	Unfavorable report from Bud. & Tax. To be worked on over summer.
1977	SB 301	Dorman	Office of Children (Art. 70A added) Create an Office of Children with DHR which provides for agency coordination of day care services, etc.	Killed in Bud. and Taxation.
	SJR 71	Wiser, et al.	Programs for Children Request formation of a Task Force to examine licensing of out-of- house facilities and programs for day care.	Killed in Finance.
1978	SB 63	Abrams	Maryland Office for Children and Youth (Art. 49D) Creates a permanent bureaucratic department.	Passed and signed. CHAP. 426
	HB 357	Krysiak	Maryland Office for Children and Youth Same as SB 63.	Passed House. Died in B & T.
	HB 154	Cardin- Dept. H. Res.	Family Day Care Homes (Art. 88A, Sec. 32A(a)) Limit the number of children in family day care homes to six.	Passed House. Killed in Finance.

<u>Year</u>	<u>Bill No.</u>	<u>Sponsor</u>	<u>Title and Description</u>	<u>Action</u>
	HB 1269	Schmincke, et al.	Group Day Care Centers (Art. 43, Sec. 713A) Would require that a group day care center may not care for any child less than 6 months old.	Killed in Env. Matters.

(b) Tax Relief for Child Care Expenses

<u>Year</u>	<u>Bill No.</u>	<u>Sponsor</u>	<u>Title and Description</u>	<u>Action</u>
1977	HB 663	Toth	Income Tax Credit-Household and Dependent Care Services (Art. 81, Sec. 288(h))	Unfavorable report from Ways & Means.
	HB 855	Devlin	Income Tax Credit-Household and Dependent Care Services (Art. 81, Sec. 288(h))	Unfavorable report from Ways & Means.
	HB 1319	Blumenthal, et al.	Income Tax Credit-Household and Dependent Care Services (Art. 81, Sec. 288(h))	Unfavorable report from Ways & Means.
	HB 1486	Munson, et al.	Income Tax Credit-Household and Dependent Care Services (Art. 81, Sec. 288(h))	Unfavorable report from Ways & Means.
	SB 579	Wiser, et al.	Income Tax Credit-Household and Dependent Care Services (Art. 81, Sec. 288(h))	Killed in Budget and Taxation.
	HB 758	Devlin	Income Tax-Child Care Deductions (Art. 81, Sec. 281B) (Emergency Bill)	Unfavorable report from Ways & Means.
	HB 668	Devlin	Income Tax-Child Care Deductions (Art. 81, Sec. 280(c))	Unfavorable report from Ways & Means.
	HB 942	Docter	Income Tax-Deduction for Dependent Child Care (Art. 81, Sec. 280(c))	Unfavorable report from Ways & Means.
	HB 1046	State Tax Reform Study Comm.	Income Tax-Amount of Standard Deduction (Art. 81, Sec. 282) Amended to include the subtraction modification as designed in HB 1047.	Passed House. Favorable rpt. B&T. Was tangled up with other bills on Floor and thus failed in Senate.
	HB 1047	State Tax Reform Study Comm.	Income Tax - Child Care Expenses (Art. 81, Sec. 280(c))	Killed in Ways & Means.

<u>Year</u>	<u>Bill No.</u>	<u>Sponsor</u>	<u>Title and Description</u>	<u>Action</u>
	SB 943	Mitchell	Income Tax-Household and Dependent Care Services (Art. 81, Sec. 280(c))	Killed in Budget & Taxation.
1978	SB 517	Admin.	Income Tax-Household and Dependent Care Services (Art. 81, Sec. 280(c)) Allows for a subtraction modification.	Passed and signed. CHAP. 42
	HB 850	Admin.	Income Tax-Household and Dependent Care Services Companion bill to SB 517.	Unfavorable report from House W&M.
	HB 558	Maurer	Income Tax-Household and Dependent Care Services (Art. 81, Sec. 280(c)) As originally drafted was retroactive. As finally passed was the same as SB 517.	Passed both houses. Vetoed.
	HB 18	Toth, Devlin	Income Tax Credits-Household and Dependent Care Services (Art. 81, Sec. 288(h)) An emergency bill providing for a tax credit.	Killed in W&M.
	SB 60	Levitan	Income Taxes-Child Care Expenses (Art. 81, Sec. 280(c)) Allows for a subtraction modification, but calculation of the amount would be done by using the pre-1976 law.	Killed in B&T.

(3) ABORTION/MEDICAID FUNDING

<u>Year</u>	<u>Bill No.</u>	<u>Sponsor</u>	<u>Title and Description</u>	<u>Action</u>
1978*	HB 129	Green, et al.	Abortion (Art. 15A, Sec. 40; Art. 43, Sec. 138) Would have permanently prohibited the appropriation of State funds for abortions, except where the woman's life was endangered.	Unfavorable report from House Env. Matters. Then killed on the House floor when a motion to bring it to the floor for a vote was defeated.
	HJR 68	Weisengoff, et al.	Abortions - Prohibition on Funding Requests the Secretary of Health and Mental Hygiene not to place any funds in the budget for abortions except for those meeting the Federal criteria.	Defeated in House Env. Matters.

* Although legislation dealing with abortion has been introduced every year, 1978 was the first year the question of limiting Medicaid funding was brought up and, therefore, the first year the ERA Commission dealt with this issue as a priority.

<u>Year</u>	<u>Bill No.</u>	<u>Sponsor</u>	<u>Title and Description</u>	<u>Action</u>
	SB 856	Garrity, et al.	Abortions - Prohibition on Funding (Art. 43, Sec. 138) Would have permanently restricted State funding for abortions to the Federal criteria.	Died in Senate Bud. & Tax.
	SB 1108	O'Reilly, et al.	Prohibition of Appropriations for Abortion (Art. 15A, Sec. 40; Art. 43, Sec. 138) Contained the same provisions as HB 129.	Died in Senate Bud. & Tax.

APPENDIX D

IV. FINANCIAL AND HOUSING

A. Problems as Identified in the Preliminary Report (1974 - Statement
of Problems).

(1) CREDIT

<u>Year</u>	<u>Bill No.</u>	<u>Sponsor</u>	<u>Title and Description</u>	<u>Action</u>
1973	HB 119	Boswell	Forbid discrimination in certain financial relationships because of sex or marital status. (Art. 45, Sec. 5; Art. 83, Sec. 153C(b), 128(e))	Passed and signed. CHAP. 131
1974	SB 488	Welcome	Alimony - Eligibility for Credit (Art. 16, Sec. 5B) Providing that alimony payments to a divorced person shall be considered as income by any persons for the purpose of eligibility for the extension of credit.	Passed and signed. CHAP. 347
	SB 836	Clark	Retail Installment Sales - Discrimi- nation (Art. 83, Sec. 128(e)) Forbid sales finance companies from discriminating on the basis of sex or marital status.	Passed Senate. Killed in Env. Matters.
1975	HB 1119	Brown, Koss	Equal Credit Opportunity Act (Art. Commercial, Secs. 12-701 to 12-708) Eliminating discriminatory practices in the granting of credit.	Passed and signed. CHAP. 753
	HB 213	Rosenshine, Hull	Retail Credit Accounts - Child Support (Art. 83, Sec. 153C()) Purpose of providing that child support payments be considered income for certain purposes.	Passed and signed. CHAP. 661

<u>Year</u>	<u>Bill No.</u>	<u>Sponsor</u>	<u>Title and Description</u>	<u>Action</u>
1976	HB 1038	Brown, Koss	Equal Credit Opportunity Act - Damages (Art. Commercial, Sec. 12-707) Raises damage ceilings and permits action for damages by individual or class. Strengthens the Maryland ECOA.	Passed and signed. CHAP. 723
1977	HB 647	Brown, Koss	Equal Credit Opportunity Act Amendments (Art. Commercial, Sec. 12-207) Bill makes the refusal to consider both applicants' income when both parties of a marriage apply for a joint account a discriminatory credit practice.	Passed and signed. CHAP. 121
1978	SB 157	Curran (Dept-L&R)	Equal Credit Opportunity Act (Art. Commercial, Secs. 12-701(b), (d), (e) and 12-705(1)) Would have included leases of personal property under ECOA provisions.	Passed Senate. Killed in Econ. Matters.

(2) PUBLIC ACCOMMODATIONS

<u>Year</u>	<u>Bill No.</u>	<u>Sponsor</u>	<u>Title and Description</u>	<u>Action</u>
1974	HB 1040	Doolan, et al.	Discrimination - Prohibited in Public Accommodations, Housing and Employment (Art. 49B, Secs. 11, 11B, 11C, 17, 19(a), (b), (c), (d), 21(a), 22, 23(a)) Includes a prohibition of marital status discrimination in public accommodations.	Passed and signed. CHAP. 875
	HB 1626	Alperstein, et al.	Marital Status - Discrimination Pro- hibited (Art. 49B, Secs. 17, 19) Prohibit certain forms of employment and labor discrimination based solely on marital status.	Unfavorable report from Judiciary.
1975	HB 575	A.A. County Del.	Anne Arundel County - Stag Bars (Art. 2B, Sec. 158(d)(3)) For the purpose of repealing certain of the provisions pertaining to the operation of stag bars in Anne Arundel County.	Passed and signed. CHAP. 63
	HB 232	Owens (Dept)	Human Relations Commission - Public Accommodations (Art. 49B, Sec. 11) Prohibiting discrimination in public accommodations because of sex.	Passed House Unfavorable report from Jud. Proc.

<u>Year</u>	<u>Bill No.</u>	<u>Sponsor</u>	<u>Title and Description</u>	<u>Action</u>
1976	HB 761	Owens (Dept-H. Relations)	Sex Discrimination - Public Accommodations Making it unlawful for an owner or operator of a place of public accommodation to discriminate against certain persons because of sex. Includes a "privacy exception."	Unfavorable report from Judiciary.
1978	HB 1344	Robey, et al.	Human Relations Commission (Art. 49B, various sections) A "housekeeping bill" which also happened to include a prohibition of sex discrimination in public accommodations. Includes a "privacy exception."	Passed and signed. CHAP. 684

(3) HOUSING

<u>Year</u>	<u>Bill No.</u>	<u>Sponsor</u>	<u>Title and Description</u>	<u>Action</u>
1974	HB 1040	Doolan, et al.	Discrimination - Prohibited in Public Accommodations, Housing and Employment (Art. 49B, Sec. 22, etc.) Includes a prohibition of marital status discrimination in the sale of or rental of housing.	Passed and signed. CHAP. 875
	HB 390	Koss, et al.	HRC - Discrimination in Housing (Art. 49B, Secs. 21, 22, 22A) Prohibited sex and marital status discrimination in the rental and sale of housing. Included exception for cases where building is planned for one sex (e.g., YWCA) and when people rent rooms or units in their own homes.	Passed and signed. CHAP. 848
1978	HB 835	Koss, Brown	Discrimination - Housing (Art. 49B, Sec. 22) This bill applies the prohibitions against discrimination found in the Equal Credit Opportunity Act to housing practices.	Passed and signed. CHAP. 629

(4) PRIVATE RIGHT OF ACTION

1973 -
1978

The Commission researched and discussed this issue and worked on drafting a bill to create a private right of action in certain discrimination cases. However, no legislation was ever introduced on this matter.

B. Problem Categories Not Listed Among the Preliminary Report's Statement of Problems.

(1) INSURANCE/WORKMEN'S COMPENSATION

<u>Year</u>	<u>Bill No.</u>	<u>Sponsor</u>	<u>Title and Description</u>	<u>Action</u>
1973	SB 282	Steers	To eliminate any reference to a distinction between male and female risks in calculating net premiums and present values of life insurance policies. (Art. 48A, Secs. 83(3)(a), 339(g), 414(i) and (j))	Passed Senate. Unfavorable report from Econ. Matters.
	SB 322	Steers	Provides that the section exempting insurance proceeds from creditors' claims shall apply equally to proceeds of policies made for the benefit of either spouse. (Art. 48A, Sec. 385)	Passed and signed. CHAP. 7
	SB 84	Abrams	To amend the unemployment insurance law to provide benefits for pregnant women who had been laid off through no fault of their own, if they were willing and able to work. (Art. 95A, Sec. 6(F))	Passed and signed. CHAP. 652
	HB 97	Becker	Same as SB 84.	Unfavorable report from Econ. Matters.
	SB 326	Steers	Sexual Discrimination - Unemployment Insurance (Art. 95A, Sec. 3(c)) Eliminating the designation of a particular sex in allowances for dependents under the Unemployment Insurance Law.	Killed in Econ. Matters.
	SB 300	Steers	Making provisions relating to payment of compensation to wives upon the death of an employee. (Art. 101, Sec. 36(1)(c))	Passed and signed. CHAP. 218
1974	SB 102	Steers	Same as 1973 bill (SB 326)	Killed in Jud. Proc.
	HB 178	Becker	Unemployment Insurance Law-Dependents' Allowances (Art. 95A, Sec. 3(c)) Providing an allowance for dependents partially supported by an eligible recipient of benefits; and removing the presumption that a father or stepfather is the sole support of children with respect to dependents' allowances.	Passed and signed. CHAP. 708

<u>Year</u>	<u>Bill No.</u>	<u>Sponsor</u>	<u>Title and Description</u>	<u>Action</u>
	HB 18	Conaway	Insurance - Unfair Practices (Art. 48A, Sec. 234A(d)) Providing that no insurer, agent or broker shall discriminate in any motor vehicle insurance premium charge on the basis of the age or sex of the applicant.	Unfavorable report from Econ. Matters.
	HB 574	Hull	Insurance - Maternity Benefits (Art. 48A, Secs. 354E, F, 470F and 477F) Providing that no individual, group or blanket health insurance policy delivered or issued for deliverance to any person by a non-profit organization, which provides pregnancy coverage, shall discriminate in benefits between an employee and the spouse of an employee, or with regard to marital status.	Passed House. Favorable report from Finance, but failed in the Senate.
	HB 575	Hull	Insurance - Full Maternity Benefits (Art. 48A, Secs. 354E, 470F, and 477F) Provides that non-profit organization which provides maternity care coverage shall provide <u>full costs</u> of hospitalization for childbirth up to the limit of the number of days of care provided in the policy for <u>other covered illnesses</u> .	Passed House Favorable report from Finance, but failed in the Senate.
	SB 83	Steers	Same as 1973 bill (SB 282)	Killed in Jud. Proc.
	HB 1502	Donovan	Health Insurance - Maternity Care (Art. 48A, Sec. 477F) All health insurance policies shall provide coverage for complete maternity care and do so regardless of marital status.	Unfavorable report from Econ. Matters
	SB 638	Byrnes	Same as HB 1502.	Favorable report from Econ. Affairs, but failed in Senate.
	HB 859	Resnick, Hergenroeder	Insurance - Underwriting Requirements (Art. 48A, Sec. 234A(a)) Provides that no insurance agent or broker may cancel or refuse to underwrite any insurance risk except by application of certain objective standards.	Passed and signed. CHAP. 752

<u>Year</u>	<u>Bill No.</u>	<u>Sponsor</u>	<u>Title and Description</u>	<u>Action</u>
1975	SB 62	Steers	Sexual Discrimination - Life Insurance (Art. 48A, Secs. 83(3), 339(g) and 414(i) and (j)) Requiring that a distinction between male and female risks in calculating net premiums and present values of life insurance policies reflect actuarial differences only if approved by the Insurance Commissioner.	Passed and signed. CHAP. 273
	HB 1217	Koss	Sex Discrimination - Health and Casualty Insurance (Art. 48A, Secs. 223(b), 226(c) and 234A(b)) Preventing certain insurers from making or permitting differentials in ratings, premium payments or dividends because of sex unless there is actuarial justification for the differentials.	Passed and signed. CHAP. 479
	HB 433	Hull, et al.	Insurance - Full Maternity Benefits (Art. 48A, Secs. 354F, 470H, 477-I) Same as 1974 bill (HB 575).	Passed and signed. CHAP. 682
	HB 434	Hull, et al.	Insurance - Maternity Benefits (Art. 48A, Secs. 354G, H, 470-I, 477J) Same as 1974 bill (HB 574).	Passed and signed. CHAP. 683
	HB 256	Brown	Health Insurance - Maternity Benefits (Art. 48A, Secs. 354E, 470F, 477G) Provide that all individual, group and hospital service corporation policies shall provide for complete maternity care benefits.	Unfavorable report from Econ. Matters.
	HB 254	Brown	Health Insurance - Discriminatory Coverage (Art. 48A, Secs. 355A, 470F, 477G) Prohibiting discrimination in the manner of coverage, among illnesses covered, and of waiting period.	Unfavorable report from Econ. Matters.
1976	HB 384	McCaffrey, Shore	Auto Insurance - Unfair Discrimination (Art. 48A, Sec. 226(c)(3)) Prohibiting different rates for auto insurance for men and women.	Unfavorable report from Econ. Matters.
	SB 224	Abrams	Conversion of Group Health Policies (Art. 48A, Sec. 477K) If group or blanket health is terminated for any reason other than failure to pay, the company shall offer those covered by the policy an individual policy with equal coverage.	Passed and signed. CHAP. 274

<u>Year</u>	<u>Bill No.</u>	<u>Sponsor</u>	<u>Title and Description</u>	<u>Action</u>
1977	HB 1764	Wolfgang, et al.	Automobile Insurance - Unfair Discrimination (Art. 48A, Sec. 226(c) (3)) Eliminate sex-based premium rating in auto insurance.	Favorable report from Econ. Matters, failed in House.
	HB 266	Young	Unemployment Insurance Law-Exception to Disqualification (Art. 95A, Sec. 6(a)) Providing that an individual is not dis-qualified from receiving un- employment insurance benefits if the individual has voluntarily left his or her employment to accompany or join his or her spouse at a place from which it is impractical to commute to such employment.	Unfavorable report from Econ. Matters.
	HB 267	Young, et al.	Health Insurance - Coverage of Spouse (Art. 48A, Secs. 354J, 477-I) Requires group health insurance policies to extend a conversion option, without proof of insurability to covered dependent spouses, when their group membership is terminated because of divorce or spouse's death.	Passed and signed. CHAP. 74
	SB 775	Abrams	Insurance - Maternity Disability Benefits (Art. 48A, Sec. 477N) Requires that health insurance providers offer group purchasers a disability policy for pregnancy the same as that for other temporary disabilities, whenever the provider offers a disability policy.	Passed and signed. CHAP. 908
1978	HB 293	Wolfgang	Nonprofit Health Service Plans-Nongroup Subscribers (Art. 48A, Sec. 361C) Would allow nonprofit health service plans to offer nongroup subscribers coverage that does not include certain mandated benefits.	Passed House. Killed in Senat Econ. Affairs.
	HB 1263	Komenda	Health Insurance - Individual and Group Policy Holders (Art. 48A, Secs. 470L, 477Q) Similar to HB 293 but applies to commercial insurers.	Killed in House Econ. Matters.
	HB 1555	Goldwater	Health Insurance - Benefits for Services of Nurse Anesthetists (Art. 48A, Secs. 354M, 470L, 477Q, 490A-2; Art. 43, Sec. 42(a)(2), 294(a)(18), 295(f), 301A) Provided for mandated coverage.	Killed in Econ. Matters.

<u>Year</u>	<u>Bill No.</u>	<u>Sponsor</u>	<u>Title and Description</u>	<u>Action</u>
	HB 1556	Goldwater	Health Insurance - Benefits for Services of Nurse Midwives (Art. 48A, Secs. 354M, 470L, 477Q, 490A-2; Art. 43, Secs. 42(a)(2), 294(a)(18), 295(f), 301A) Provided for mandated coverage.	Passed and signed. CHAP. 716
	HB 1557	Goldwater	Health Insurance - Benefits for Services of Nurse Practitioners (Art. 48A, Secs. 354M, 470L, 477Q, 490A-2; Art. 43, Secs. 42(a)(2), 294(a)(18), 295(f), 301A) Provided for mandated coverage.	Killed in Econ. Affairs.
	HB 373	Wolfgang/ (Dept-H.Res.)	Unemployment Insurance Law (Art. 95A, various sections) Amends the Unemployment Insurance Law including deleting the disqualification provision based on pregnancy.	Passed and signed. CHAP. 874

(2) COUNTRY CLUBS/PROPERTY TAX EXEMPTIONS

<u>Year</u>	<u>Bill No.</u>	<u>Sponsor</u>	<u>Title and Description</u>	<u>Action</u>
1973	HB 790	Allen, et al.	Country clubs may not discriminate against any person because of race, sex, creed, color or national origin in order to qualify for the assessment with respect to country clubs. (Art. 81, Sec. 19(e)(4))	Passed House Favorable report from Finance, but failed in Senate.
1974	HB 620	Allen, et al.	Tax Assessments - Country Clubs Same as 1973 bill (HB 790) but does make exceptions for sex discrimination in certain cases.	Passed House. Amended and passed Senate. House concurred with amendments. CHAP. 870
1977	SB 445	Hoyer	Attorney General-Subpeona Power/ Country Club (Art. 81, Secs. 19(e)(4)). Gives the Attorney General power over the membership records of country clubs against which investigations of discriminatory practices are being pursued for determining the club's eligibility for property tax exemptions.	Passed and signed. CHAP. 321
	HB 539	Maurer	Subpeonas - Country Clubs Substantially similar to SB 445.	Passed, but vetoed.

<u>Year</u>	<u>Bill No.</u>	<u>Sponsor</u>	<u>Title and Description</u>	<u>Action</u>
	HB 1010	Toth, Hagner	Property Tax Exemptions - Disabled Veterans Surviving Spouses (Art. 81 Sec. 9(a)) Provides that property exemptions apply to surviving spouse's subsequently acquired property as long as they remain unmarried and own and reside at that property.	Passed and signed. CHAP. 794
	HB 1189	Hagner, et al.	Similar to HB 1010.	Unfavorable report from Ways & Means.
1978	HB 443	Kopp	Property Tax Exemptions - Discrimination (Art. 81, Sec. 9H) Notwithstanding any law to the contrary, the real and tangible personal property of any private organization which discriminates on the basis of sex in its membership policies may not be exempt from state, county, or city ordinary taxation.	Killed in W & M.
	HB 61	McCoy	Real Property Tax Credits - Widows (Art. 81, Sec. 12F-1(b)(1)) Would have allowed for a circuit breaker tax credit to widows 50 or older.	Unfavorable report from W & M.
	HB 744	McCoy, et al.	Real Property Tax Credits - Widows (Art. 81, Sec. 12F-1(b)(1)) Would have allowed for the tax credit to widows of any age.	Unfavorable report from W & M.

(3) PENSIONS/ESTATES

<u>Year</u>	<u>Bill No.</u>	<u>Sponsor</u>	<u>Title and Description</u>	<u>Action</u>
1974	SB 1001	Abrams	Pensions - Providing Option 1 Death Benefits for Certain Beneficiaries (Art. 73B, Secs. 11(11)(b), 11(11)(c) and 11A(g); Art. 77, Secs. 195(8)(b), 195(8)(c), 195A(g)) Providing Option 1 Death benefits to those who have attained a certain age and served a certain number of years.	Killed in house of origin.
1975	SB 436	Abrams	Similar to 1974 bill (SB 1001)	Referred by Finance to Legis. Council.
	SB 69	Steers	Sexual Discrimination - State Police Retirement System (Art. 88B, Sec. 53 (6)(c), (9) & (12)) Eliminate sexually discriminatory references with respect to certain benefits under State Police Retirement System.	Passed and signed. CHAP. 72

<u>Year</u>	<u>Bill No.</u>	<u>Sponsor</u>	<u>Title and Description</u>	<u>Action</u>
1976	SB 911	Abrams	Pensions-Death Benefits for Certain Beneficiaries (Art. 73B, Sec. 11(11) (b); Art. 77, Sec. 195(8) (b)) Would have created a more equitable pension beneficiary designation option for State employees, since the present one discriminates against women.	Unfavorable report from Finance.
1977	SB 518	Abrams	Pensions-Death Benefits for Certain Beneficiaries Same as 1976 bill (SB 911)	Finance Comm., referred to the Pension Study Committee.
	HB 1	Owens	Decedent's Estates - Interstate Succession (Art. Estates and Trusts, Sec. 3-102 and 3-203) For changing the share which the surviving spouse receives to a higher percentage; and removing a surviving sibling or their issue from those eligible to receive a share of the estate.	Unfavorable report from Jud. Proc.
	HB 1396	Maurer, et al.	Pension Benefits (Art. 100, Sec. 109) Would have "tracked" the law of pensions available with State employment with Federal Social Security law regarding divorced women whose ex-husbands pre-decease them.	Appropriations referred it to the Pension Study Comm.
	HB 1464	Basilone, et al.	Benefits to Spouses of Killed Employees (Art. 73B, Sec. 11(9-a) Providing for certain compensation to spouses of certain State employees killed in the line of duty.	Unfavorable report from Appropriations.
1978	HB 591 SB 360	Hargreaves Clark	Pensions - Benefits (Art. 73B, Secs. 11(2) (a) & (b), 3(b), 9(a), 11(a), (13) and (19) Changes section on surviving spouse's payment. Allows for a monthly allowance for life, rather than a lump sum payment.	Both bills passed both houses. SB 360 vetoed. HB 591 signed. CHAP. 609
	HB 559	Maurer, et al.	State Employee's and Teacher's Retirement Systems - Benefits for Former Spouses of Members (Similar to 1977 bill - HB 1396)	Unfavorable report from Approp.
	SB 1001	McGuirk	Servicemen's Pensions and Retirement Plans - United States Cadet Nurse Corps (Art. 65, Sec. 88) Would have included the Nurse's Corps under the provisions concerning military service with regard to pension and retirement funds.	Passed the Senate. Killed in House. (Re-referred to Approp. for study.)

<u>Year</u>	<u>Bill No.</u>	<u>Sponsor</u>	<u>Title and Description</u>	<u>Action</u>
	HB 256	Owens	Decedent's Estates - Interstate Succession and Statutory Shares Similar to 1977 bill (HB 1).	Passed and signed. CHAP. 111

APPENDIX E

STATEMENT OF PROBLEMS - 1978

I. DEFINITE PROBLEMS

1. Art. 26A (Criminal Injuries Compensation Act) Sec. 12
Prerequisites to award.
("....a family is considered to be partially dependent
on a mother....")
2. Art. 27 (Crimes and Punishments) Sec. 1 Abduction.#
3. Art. 27, Sec. 17 Probation Officers for Prostitution
Offenders.
4. Art. 27, Sec. 152 Female Sitters.
5. Art. 49C (Maryland Commission for Women) Sec. 4 Powers
and duties generally.
("....acting as clearinghouse for all problems of women
as homemakers....")
6. Art. 65 (Militia) Although women can volunteer to join the
Militia, they are not automatically a part of it. Moreover,
throughout the Article only enlisted men are mentioned.
7. Art. 101 (Workmen's Compensation) Sec. 33 Officers and
enlisted men of the organized militia.

II. DOMESTIC RELATIONS LAWS COMMISSION

1. Art. 16 (Chancery) Sec. 25 Divorce a mensa et thoro.
(Disposition of property to husband and wife.)
2. Art. 16, Sec. 26 Divorce on account of insanity.
("Where the plaintiff is the husband, the court may...
require the plaintiff to pay alimony...")
3. Art. 16, Sec. 40 Wife may be prevented from pledging
husband's credit.
4. Art. 16, Sec. 42 Rights of wife.
5. Art. 240 (Courts and Judicial Proceedings) Sec. 3-502.
Slander of Chastity.

Passed both houses, awaiting Governor's signature.

6. Art. 16, Secs. 66, 66A, 66B, 66D, 66E, 66F, 66G, 66H, 66-I, 66J, 66M, 66N, 66-O Paternity proceedings.
7. Art. 16, Sec. 74 Consent for adoption.
("...by mother of a child born out of wedlock...")
8. Art. 27 (Crimes and Punishments) Secs. 89 and 90 Criminal Non-Support.
("...failed to provide for the support and maintenance of his wife...")
9. Art. 27, Sec. 95 Allotment of earnings of convict.
("...to allot and pay over to the wife, minor child...")
10. Art. 43 (Health) Secs. 19, 21, 26 Birth and death certificates; certificates as evidence. (Determination of paternity.)
11. Art. 45 (Husband and Wife) Secs. 1, 2, 3, 4, 5, 11, 16, 17, 18, 20, 21 Rights of married women.
12. Art. 71 (Ordinaries, Hotels, Inns and Boardinghouses) Sec. 6 Rights of married landlady as feme sole.
13. Art. 73B (Pensions) Sec. 11 Benefits; Maryland Employees Retirement Review Board.
("...with whom he was living as husband or wife on the date of his death...")
14. Art. 88A (State Department of Public Welfare) Secs. 45, 59 Paternity proceedings.
15. Art. 240 (Courts and Judicial Proceedings) Sec. 3-602 Paternity proceedings.
16. Art. 240, Sec. 3-904 Action for wrongful death.
("He is considered to be the child of his father only if...")
17. Art. 240, Sec. 5-301 Breach of promise to marry and alienation of affections.
18. Art. 280 (Estates and Trusts) Sec. 3-108 Inheritance from illegitimate person.
("...except that the father or his relations can inherit only if the person is treated as the child of the father...")
19. Art. 995 (Maryland Rules of Procedure) Secs. 204 and 774 Married woman's property act; Executions.
("In the case of the marriage of a female...")
20. Art. 995, Sec. 774 Sentencing - Revisory Power of Court.
("...and non-support of wife, children and destitute parents")
21. Art. 995, Secs. D72, D74 Petition and Notice for Adoption.
("...mother of a child born out of wedlock...")

22. Art. 995, Secs. BA70, BA71, BA72 The pledging of credit for necessaries by wife.
("A married man who shall believe that the pledging of his credit by his wife for necessaries is being abused may petition the equity court...")

III. CODE REVISION

The starred (*) sections all include passages using the term "man" to mean all human beings, such as the "prevention of disease in man" or "the food of man" or sections where the proper course of action proscribed is determined according to the conduct of "a man of ordinary prudence and discretion."

1. Art. 2B (Alcoholic Beverages) Sec. 41 More than one license for same person.
("...in Queen Anne's County and Wicomico County, a man and wife shall...")
2. Art. 2B, Sec. 71A Activities requiring recovation.
(Employment of person in sale or service of alcoholic beverages while unclothed or attired "so as to expose to view any portion of the female breast...")
- *3. Art. 2B, Sec. 119
("...such knowledge as a reasonable man would have...")
4. Art. 11 (Banks and Trust Companies) Sec. 100 Deposits by persons under eighteen or females subsequently married.
5. Art. 18 (Acknowledgments) Sec. 6 Acknowledgment by a married woman.
6. Art. 23B (Municipal Corporation Charter) Sec. 40
("Women shall have equal privileges with men in registering, voting...")
- *7. Art. 27 (Crimes and Punishments) Sec. 62 Definitions
("...'animal' means every living creature except man...")
- *8. Art. 27, Secs. 277 and 300
("...disease in man;...body of man;...use by man")
9. Art. 27, Secs. 474, 493, 534A
(garbage man; pin boy)
- *10. Art. 27, Sec. 577A
("...a reasonable man...")
11. Art. 27, Sec. 645 Working prisoners on farms in Anne Arundel County.
("...to assign able-bodied male prisoners...")

- *12. Art. 27, Sec. 711
 ("...to summon a jury of twelve good and lawful men...")
- 13. Art. 27, Secs. 719, 270, 724
 ("...male prisoners; payments to prisoners' wives")
- *14. Art. 27, Sec. 730
 ("...reasonable and prudent men")
- *15. Art. 41 (Governor - Executive and Administrative Departments)
 Sec. 252
 ("...reasonable and prudent men")
- *16. Art. 43 (Health) Secs. 177, 178, 187A, 188F, 189B, 189C, 552, 615
 (food of man; disease in man; body of man; use by man)
- *17. Art. 73B (Pensions) Sec. 74
 ("...a prudent man")
- *18. Art. 81 (Revenue and Taxes) Sec. 9A
 ("...desire of man")
- 19. Art. 101 (Workmen's Compensation) Sec. 36 Amounts to be
 paid employees and dependents.
 ("...a legal obligation on the part of said employee to
 support his wife...")
- *20. Art. 205 (Agriculture) Secs. 5-101, 5-106, 5-201, 5-301, 6-101
 (living man; toxic to man)
- *21. Art. 220 (Commercial Law) Secs. 7-204, 7-309
 (reasonably careful man)
- 22. Art. 240 (Courts and Judicial Proceedings) Sec. 10-902
 Offenses committed by wife in presence of husband.
- *23. Art. 280 (Estates and Trusts) Secs. 13-212, 13-304, 14-202
 (a man of ordinary prudence; a prudent man of discretion)
- *24. Art. 320 (Natural Resources) Secs. 5-210, 5-701, 7-408,
 7-409, 7-425, 7-450
 (man power; where men travel; where men are passing;
 before the men enter the mine; employing less than
 100 men).
- *25. Art. 995 (Maryland Rules of Procedure) Sec. 1231
 ("men...as ministers of justice...")
- *26. Constitution (Art. 996) Secs. 13, 19, 21, 22, 23, 36, 4.40
 ("That every man has a right...;it is the duty of every
man to worship God...; elect three men...")

IV. SEXUALLY DISCRIMINATORY CASE LAW

Criminal

Presumption of 14 year old or younger males' impotence.

Clark & Marshall, Crimes, Section 612, at 394 (6th ed.)

Adultery (definition) - Adultery is intercourse with a married woman.

Hughes v. State, 14 Md. App. 497, 505; Evans v. Murft, 135 F. Supp. 907

Domestic

Necessaries - Husband is responsible for wife's debts for necessities, regardless of her income.

Kerner v. Eastern Hospital, 210 Md. 375; Jones v. Gutman, 88 Md. 355;

Ewell v. State, 207, Md. 288

(Declared unconstitutional by Pennsylvania Court, Albert Einstein Medical Center v. Nathans, 363 A. 2d 1333)

Partnerships - A wife owes her husband a duty of services even in a business.

Collier v. Collier, 182 Md. 82

Homemaker's Services - Homemaker's services are not contributions of value.

Gebhard v. Gebhard, 253 Md. 125; Woodall v. Woodall, 16 Md. App. 17

APPENDIX F

MARYLAND APPELLATE COURT DECISIONS INVOLVING THE ERA

1. Minner v. Minner, 19 Md. App. 154, 310 A. 2d 208 (10/23/73) Payor of alimony had no standing to challenge constitutionally of alimony statute.
2. Maryland State Board of Barber Examiners v. Kuhn, 207 Md. 496, 312 A. 2d 216 (12/15/73) Cosmetologists, being male and female, had no standing under the ERA to challenge law limiting cosmetologists to dressing female hair as the cosmetologist is not discriminated against because of sex. However, classification of barbers and cosmetologists was declared unconstitutional under the 14th Amendment.
3. Colburn v. Colburn, 20 Md. App. 346, 353, 316 A. 2d 283 (3/8/74)
(See Minner)
4. Cooke v. Cooke, 21 Md. App. 376, 319 A. 2d 841 (5/24/74)
Preserved the preference for mothers as custodians of the young and immature only as a "tie-breaker" when other factors are equal.
(See McAndrew, infra)
- *5. Gosman v. Gosman, 271 Md. 514, 318 A. 2d 821 (1974)
Partnership of husband and wife recognized.
6. Brooks v. State, 24 Md. App. 334, 330 A. 2d 670 (1975)
Although a man convicted under the Maryland rape law claimed on appeal that the ERA invalidated that law because of its sexually discriminatory nature, the Court of Appeals upheld his conviction notwithstanding his claims. (In 1976, Maryland's rape law was sex neutralized.)
- *7. Holmes v. Criminal Injuries Compensation Board, 278 Md. 60 (1976)
The Court of Appeals held that a homemaker's services could be determined to have a monetary value, for purposes of certain proceedings.
- *8. Kromm v. Kromm, 31 Md. App. 635 (1976)
Extended to women in the common law tort action of "criminal conversation". Previously only a man could sue his wife's paramour for damages arising from intercourse between his wife and the paramour.
- *9. Klein v. Klein, 36 Md. App. 177 (May 1977)
Stated that a woman may resume use of her pre-marital name at the time of divorce, if she requests it, unless the reason for the change is fraudulent.
10. Rand v. Rand, 280 Md. 508, 374 A. 2d 900 (July 1977)
The Court of Appeals held that under the Maryland ERA, both parents are responsible for the support of their children, and that child support awards should be made on the basis of each parent's financial resources.
11. Coleman v. State, 37 Md. App. 322 (Sept. 1977)
The Court of Special Appeals declared that the criminal non-support statute as it applied to spousal support was unconstitutional because of its sexually discriminatory nature, in light of the ERA.

12. McAndrew v. McAndrew, 39 Md. App. 1 (1978)

In this case, the Court of Special Appeals concluded that the maternal preference is abolished under Maryland law and that there can be no "tie-breaker" in a custody case because there should never be a tie.

*13. Bender v. Bender, _____ Md. _____, #152, Sept. Term 1977 (5/10/78)

The Court of Appeals ruled in this case that furniture and other household goods acquired in contemplation of and after marriage should be considered in divorce proceedings to belong to both husband and wife, no matter who paid for them.

* Involved sex discrimination, but was not decided on the basis of the ERA.

FEDERAL DISTRICT COURT DECISION RELATING TO MARYLAND DOMESTIC RELATIONS STATUTES

1. Fathers United for Equal Rights v. Circuit Court of Baltimore County, 361 F. Supp. 1080 (D. Md. 8/6/73)

Plaintiff's suit in federal court claiming violation of Equal Protection and discrimination against men by the application and provisions of the Maryland Domestic Relations Statutes, which was pending when Maryland passed the State ERA, was dismissed without prejudice; the federal court abstained to give the Maryland court an opportunity to determine the effect, if any, of the new State amendment on the domestic relations laws.