

# Hearing on domestic partnerships outrages MCC

In a move described by Catholic leaders as startling, a legislative committee approved regulations defining domestic partnerships Jan. 10.

The regulations were approved by the Joint Committee on Administrative, Executive and Legislative Review during a brief hearing in Annapolis.

The Maryland Catholic Conference (MCC), the church's lobbying arm, opposed the regulations at the hearing and no advocates of same-sex marriage testified. The impetus came from the Maryland Insurance Administration, which had drafted the emergency regulations in response to legislation approved last year that required insurance companies to offer coverage to domestic partners if an employee requests it.

The regulations define domestic partners as adults 18 and older who have been in a committed relationship for more than six months and live together. The regulations were approved by the Joint Committee on Administrative, Executive and Legislative Review, 12-4, and because they are emergency regulations, they are automatically in effect for the next 180 days.

Mary Ellen Russell, MCC deputy director for education and family life, urged the committee to reject the regulations, saying, "Our reasons for urging the committee to take this action are simple: the responsibility for codifying a legal definition of domestic partnerships does not belong to this committee, to the Maryland Insurance Administration, or to the regulatory process. It properly belongs to the legislature, who last year rejected such a definition when considering the legislation that has prompted these proposed regulations."

Normally a law is passed first, and then the agencies involved will promulgate regulations as to how the law should be implemented, Ms. Russell told The Catholic Review.

"This is regulations before the law," she said. "This is a huge abrogation of the

democratic process. It's a real outrage."

Karen Barrow, director of public affairs for the insurance commission, said, "We were implementing a statute passed in the last general assembly ... as part of that we needed to promulgate that regulation."

The MCC immediately drafted letters to the Senate president and House speaker to voice grave concerns over the manner in which domestic partnerships were approved. The letter said: "We have no argument with the legislation passed last year which, according to the Maryland Insurance Administration, has prompted the need for regulations. Our contention is that the regulations proposed by the Insurance Administration go beyond the scope of that charge, and should not have been approved by the committee. The statute does not, and should not, specifically require that a legal definition of 'domestic partnerships' be created in regulation ... It is not the responsibility of the Maryland Insurance Administration to settle issues that have not been resolved by the legislature. We urge you - as the House of Delegate's principle sentinel of legislative prerogative - to insist that the lawmaking role of the General Assembly is not circumvented and thereby abused." The letter was signed by Richard J. Dowling, executive director of the MCC.

Said Ms. Russell: "If the legislature chose to be silent on the legal definition of domestic partnerships, surely the Insurance Administration should not assume that task."