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Gay marriage foes back ban

By **Emelie Rutherford**/ Staff Writer
Thursday, January 19, 2006

Gay marriage foes are backing a bill to create contracts granting same-sex couples limited legal rights like hospital visitation, part of a plan by conservative politicians to wipe gay marriage off the books.

Gay marriage supporters are scoffing at the legislation to create "reciprocal beneficiary" contracts, saying they would provide just a dozen of the 400-plus legal protections gay couples have enjoyed under marriages for the past 20 months in Massachusetts.

Lawmakers who want to redefine marriage in the state to be between just a man and a woman said the bill would provide same-sex couples core legal links to each other without being united through actual marriages.

"My issue (is) just don't call it marriage," said state Rep. Susan Pope, R-Wayland, a co-sponsor of the so-called Benefits Fairness Act. "I don't think anything is done in a nasty way ... I think we're very sympathetic to same-sex couples."

State Rep. Philip Travis, D-Rehoboth, worked with Newton-based VoteOnMarriage.org on the Benefits Fairness Act and expected to file it soon. The bill has at least nine co-sponsors including state Sen. Richard Moore, D-Uxbridge, and Pope.

Gay marriage foes promised to file the bill last year when they announced their campaign to try to stop the nuptials through a ballot question for a state constitutional amendment. That gay marriage ban is set to go before lawmakers this year in the next of a multi-step approval process.

Arline Isaacson, co-chairman of the Massachusetts Gay and Lesbian Political Caucus, said the Benefits Fairness Act "doesn't pass the laugh test."

"They're suggesting that they want us to lose the (hundreds of) legal protections we get with a marriage license and replace that with a dozen they're willing to give us," Isaacson said.

Marriage licenses in Massachusetts grant same-sex couples 400 to 450 legal rights and heterosexual couples approximately 1,400 state and federal rights, Isaacson said.

The Benefits Fairness Act would grant 12 rights to same-sex couples that enter into the reciprocal beneficiary contracts with the secretary of state.

Those reciprocal rights would include hospital visitation, insurance benefits, health care proxy designation, funeral planning and inheritance rights.

Yet many rights now afforded to married gay couples, such as filing joint state tax returns are missing, Isaacson said.

The Benefits Fairness Act also lacks any provision for divorce-type proceedings when couples terminate the contracts. Gay and Lesbian Advocates and Defenders spokeswoman Carissa Cunningham said having such oversight is important to hammer out child care issues.

Moore said he would support adding other benefits to the list of 12.

Even if the pending gay marriage ban were defeated, Moore wants the Benefits Fairness Act to become law so it can apply to nonromantic couples seeking reciprocal rights.

"I think it is something we should be doing for other kinds of relationships," Moore said. "I have never wanted to stand in the way of somebody getting their health benefits."

Emelie Rutherford can be reached at 617-722-2495 or erutherford@cnc.com

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