

Vermont House passes bill allowing 'civil unions' between homosexuals

State may become first to recognize same-sex couples

Associated Press

MONTPELIER, Vt. — The Vermont House approved historic legislation yesterday allowing homosexuals to form "civil unions" that would carry many of the benefits — and burdens — of marriage.

The bill takes Vermont to the edge of recognizing marriage by homosexuals. If it becomes law, the state will have gone further than any other in recognizing same-sex couples.

The House voted 76-69 to forward the bill to the state Senate, where it is expected to win approval. The legislation has the support of Democratic Gov. Howard Dean.

A crowd of at least 150 people lined the galleries and balconies of the House chamber as lawmakers cast their votes. Many wore their opinions on their lapels — pink stickers for supporters of the bill, white for opponents.

"This certainly is groundbreaking," said Peg Byron of the Lambda

Legal Defense and Education Fund, a gay advocacy group. "I think it really sets a moral as well as a legislative example for the rest of the country."

Homosexuals who form civil unions would be entitled to 300 state benefits or privileges available to married couples, in such areas as inheritance, property transfers, medical decisions, insurance and taxes. Such couples could file a joint state income-tax return, for example.

The federal government would not recognize same-sex unions in such areas as immigration rights, Social Security and federal taxes.

Congress and more than 30 states have passed laws denying recognition to same-sex "marriages" performed in other states. Nonetheless, some suggest those state laws might not apply to same-sex "civil unions" performed in Vermont.

Susan Murray, a lawyer, said it's an open question whether couples from another state might be able to enter civil unions in Vermont and have them recognized in their home state.

"It totally depends on what state laws say in that other state and what courts would interpret in that other state," Murray said. "Other states have structures called marriage that

they already recognize. They don't have structures called civil unions."

The Vermont bill provides for unions that amount to marriage in everything but name. Partners could apply for a license from town clerks and have their civil union "certified" by a justice of the peace, a judge or a member of the clergy.

The burdens are equally heavy. Partners who want to split up would have to go through "dissolution" proceedings in Family Court, in the same way that married couples must pursue a divorce. They would also assume each other's debts as married couples do.

Vermont lawmakers sought to preserve the term "marriage" for the union of a man and a woman, adopting an amendment making that clear.

But the House also rejected an amendment to prohibit Vermont from recognizing same-sex "marriages" performed elsewhere.

The issue was forced on the legislature when the state Supreme Court ruled in December that same-sex couples are being unconstitutionally denied the benefits of marriage. The high court left it up to the legislature to decide whether to allow such marriages or create some kind of domestic partnership.