

# MAINE STATE LEGISLATURE

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FIRST REGULAR SESSION

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ONE HUNDRED AND NINTH LEGISLATURE

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**Legislative Document**

**No. 47**

H. P. 36

House of Representatives, January 10, 1979

Referred to the Committee on Education and sent up for concurrence.

EDWIN H. PERT, Clerk

Presented by Mr. LaPlante of Sabattus.

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STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED  
SEVENTY-NINE

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**AN ACT Concerning Material Required for Courses in Maine Classrooms.**

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Be it enacted by the People of the State of Maine, as follows:

20 MRSA § 807, is enacted to read:

**§ 807. Experiencing objectionable material not a course requirement**

**1. Prohibition.** No public school minor pupil whose parent or guardian has complied with subsection 2 shall be required, as a condition of satisfactory completion of any course of instruction in that school, to read, view or hear any material which contains explicitly sexual or indecent matter which is offensive to the moral standards of the community encompassed in the area served by the public school.

**2. Procedure.** A minor pupil shall not be required to read, view or hear any material covered by subsection 1 if his parent or guardian objects to that material in writing, expressly naming the material to which the parent objects.

STATEMENT OF FACT

Pupils in some Maine public schools have been required to read material which they and their parents find objectionable on moral grounds, as the material containing explicit sexual matter or indecent matter which is offensive to the

community. When the pupils or their parents have objected to reading this material, they have been told that the students would fail unless they did read it.

There is no reason why a pupil who is required by law to attend school should be forced by that school to read material which he and his parents reasonably find objectionable.

This bill provides that a parent can have his child excused from having to read, view or hear objectionable material if:

1. The parent objects to the specific material in writing; and
2. The material contains either explicit sexual or indecent matter which is offensive to the moral standards of the community encompassed in the area served by the school.

This bill is not in any way an infringement on the first amendment, nor does it ban books from schools. Those pupils whose parents wish them to see or hear that material may do so; the bill only excuses those pupils whose parents make an express and written objection to their child seeing or hearing the material.

The bill also avoids frivolous objections from parents by limiting the material to which a parent may object to material containing explicitly sexual or indecent matter which is offensive to the moral standards of the community encompassed in the area served by the school.

The bill allows parents, whose children are required to by law to undergo instruction, to excuse their children, in certain limited cases, from being forced to read, view or hear objectionable material.