

MAINE STATE LEGISLATURE

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FIRST REGULAR SESSION

ONE HUNDRED AND TENTH LEGISLATURE

Legislative Document

No. 966

H. P. 806

House of Representatives, February 23, 1981

Referred to the Committee on Education. Sent up for concurrence and ordered printed.

EDWIN H. PERT, Clerk

Presented by Representative Leighton of Harrison.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED AND EIGHTY-ONE

AN ACT to Establish the Maine Family Protection Act.

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

19 MRSA c. 17 is enacted to read:

CHAPTER 17

MAINE FAMILY PROTECTION ACT

§ 901. Short title

This chapter may be cited as the "Maine Family Protection Act."

§ 902. Definition

As used in this chapter, unless the context otherwise indicates, the term "family" means a group of persons united by the traditional ties of marriage, blood or adoption, constituting a single household, interacting with each other in their respective social positions of husband and wife, mother and father, son and daughter, brother and sister, and grandparents, who share, create and maintain a common culture and set of values.

§ 903. State or local funds

Notwithstanding any other provision of law, after December 31, 1981, no state or local funds authorized under any applicable program may be made available to any state or local educational agency or unit:

1. **Participation mechanisms.** Which does not have in place mechanisms and procedures to insure that parents, guardians or legal custodians and representatives of the community can participate in decisions relating to the establishment or continuation of courses relating to the study of religion. Any mechanism shall provide for a student's enrollment in those courses only upon prior, informed written consent of a parent, guardian or legal custodian;

2. **Visits; inspections.** Which limits parental visits to public schools or classes, or limits the right of parents to inspect their child's school records, unless those records are required to be confidential under other provisions of state law;

3. **Textbooks.** Which does not provide for parental review of textbooks or instructional materials, or both, prior to their use in public school classrooms;

4. **Programs.** For any program which produces or promotes courses of instruction, or curriculum seeking to inculcate values or modes of behavior, which contradict the traditional beliefs or values, or both, held by the community; or

5. **Materials; role differences.** To purchase or prepare any educational materials, or studies relating to the preparation of education materials, if such materials would tend to denigrate, diminish or deny the role differences between the sexes as they have been historically understood in the community.

§ 904. Prohibited programs

No student may be required, as part of any applicable public educational school program, to submit to psychological, psychiatric or medical examination, testing, treatment or discussion, in which the purpose is to reveal information concerning:

1. **Political affiliation.** Political affiliations;
2. **Problems.** Mental and psychological problems potentially embarrassing to the student or his family;
3. **Behavior.** The following types of behavior:
 - A. Sex behavior and attitudes; and
 - B. Illegal, antisocial, self-incriminating and demeaning behavior;
4. **Appraisals.** Critical appraisals of other individuals with whom the student has close family relationships;
5. **Privileged relationships.** Legally recognized privileged relationships, such as lawyer-client, physicians-patient and ministers-penitent; or
6. **Income.** Income, other than that required by law to determine eligibility for participation in a program or for receiving financial assistance under such program, without:
 - A. The prior consent of the student, if the student is an adult or emancipated minor; or

B. The prior informed written consent of the parent, guardian or legal custodian, if the student is an unemancipated minor.

§ 905. Prior knowledge and consent of parent

No person may approach, treat, nurse, teach or correct a child without the direct knowledge and informed consent of the child's parent, guardian or legal custodian.

§ 906. Freedom from governmental intrusion

The rights of parents to raise their children as they see fit, in order to safeguard each child's need for parent-child continuity, shall remain free from government intrusion, except in cases of child abuse. For purposes of this chapter, the term "child abuse" includes physical maltreatment and psychological or emotional neglect, but does not include discipline or corporal punishment methods applied reasonably by a responsible parent or individual explicitly authorized by a parent to perform such functions.

§ 907. Presumption in favor of parent role

In any action brought under this chapter which involves the parent's role in supervising and determining the religious or moral formation of his child, there is a legal presumption in favor of an expansive interpretation of that role.

STATEMENT OF FACT

This bill creates the Maine Family Protection Act, to sustain the sovereignty of the American family as the cornerstone of freedom. The bill places restrictions on activity interfering with the family relationship. It would also cut off state funding to educational agencies and units conducting activities or programs interfering with the family relationship.