

# MAINE STATE LEGISLATURE

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STATE OF MAINE  
HOUSE OF REPRESENTATIVES  
114TH LEGISLATURE  
FIRST REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 253, L.D. 365, Bill, "An Act to Allow a Student an Option in Biological Dissection"

Amend the bill by striking out everything after the enacting clause and before the statement of fact and inserting in its place the following:

Sec. 1. 7 MRSA §3973 is enacted to read:

§3973. Student's right to refrain from harmful or destructive use of animals

1. Definitions. As used in this section, unless the context otherwise indicates, the following terms have the following meanings.

A. "Alternative education project" includes, but is not limited to, at a minimum, the use of books, research projects, the observation of other students in class and taking notes recording class activities and may include, at the option of the school, the use of video tapes, models, films and computer programs to provide an alternate method for obtaining the knowledge, information or experience required by the course of study in question. "Alternative education project" also includes an alternative test procedure.

B. "Animal" means any living organism of the kingdom Animalia, which typically differs from plants in capacity for spontaneous movement and rapid motor response to stimulation, by a usually greater mobility with some degree of voluntary locomotor ability, by greater irritability commonly mediated through a more or less centralized nervous system, which is characterized by a requirement for complex organic nutrients, including proteins or their constituents, which are usually digested in an internal cavity before assimilation into the body proper and which is distinguished from typical plants by lack of chlorophyll, by an inability

1           to perform photosynthesis, by cells that lack cellulose  
3           walls and by frequent presence of discrete complex sense  
          organs.

5           C. "Harmful or destructive use" means the dissection of a  
7           dead animal or any treatment, procedure or experiment done  
          on a living animal in which the animal is injured,  
9           including, but not limited to, inducing painful or lethal  
11          pathological conditions, electrically shocking or drugging  
          an animal or interfering with the normal health of the  
          animal or causing pain or distress to the animal.

13          D. "School" means an elementary school or a secondary  
15          school as defined in Title 20-A, section 1.

17          E. "Student" means an elementary student or a secondary  
          student as defined in Title 20-A, section 1.

19          2. Student's right of refusal; alternate education  
21          projects. When the harmful or destructive use of animals as  
          defined in this section is required as part of a student's course  
23          of instruction, the student has the right to refuse to  
          participate in that harmful or destructive use. The parents of a  
25          matriculated minor may assert the rights of their child under  
          this section.

27          A. If the student chooses to refrain from participation in  
29          an education project involving the harmful or destructive  
          use of animals as defined in this section, educators in the  
31          school system shall work with the student to develop an  
          alternative education project which is feasible within the  
33          resources of the school, including staffing, classroom  
          space, library services, equipment and supplies. The school  
35          may establish procedures for timely notification of the  
          teacher by a student who chooses to exercise this option.

37          B. The alternative education project shall require a  
39          comparable investment of time and effort by the student.

41          C. The student choosing an alternative educational project  
43          shall not be discriminated against on the basis of grades or  
          classroom treatment because of the decision to exercise the  
          student's rights pursuant to this section.

45          D. The student choosing an alternative educational project  
47          shall complete all examinations of the respective course of  
          study in order to receive credit for that course of study.  
49          However, if a test requires the harmful or destructive use  
          of animals as defined in this section, a student shall be  
          given an alternative test pursuant to this section.

51          3. Notification to students. Each teacher teaching a

1 course that employs the harmful or destructive use of animals as  
3 defined in this section shall inform students in that class of  
their rights and obligations pursuant to this section.

5 4. Departmental assistance; Biological Dissection Options  
7 Fund. The department shall provide assistance to school  
9 administrative units in offering alternative education projects  
for students exercising their options under this section.

11 A. In providing assistance to school administrative units,  
13 the department shall advise school officials on the range of  
15 appropriate alternative education projects for students,  
17 coordinate resources available from public and private  
19 sources for use by schools in the development of alternative  
education projects, develop informational materials on  
innovative and creative alternative education projects  
available to schools and make available materials for use by  
schools in providing alternative education projects for  
students under this section.

21 B. There is established the Biological Dissection Options  
23 Fund within the department. The purpose of the fund is to  
25 allow the department to purchase or lease materials which  
27 will assist schools in providing alternative education  
29 projects and which are to be loaned to school administrative  
31 units for use by students exercising their options under  
this section. In addition to any funds appropriated by the  
Legislature for this fund, the department may accept gifts,  
donations or grants of money, materials or time from any  
public, private or quasi-governmental entity to assist it in  
carrying out its responsibilities under this paragraph.

33 C. The department may adopt rules in accordance with the  
35 Maine Administrative Procedure Act, Title 5, chapter 375,  
necessary to implement this section.

37 **Sec. 2. Departmental assessment; report.** The Department of  
39 Educational and Cultural Services shall assess the impact of  
41 implementation of this Act, including the existence of various  
43 legitimate alternative education projects, the cost of those  
45 alternatives, the extent to which alternatives are currently  
47 available and offered in elementary and secondary schools, the  
49 anticipated extent to which alternative education projects will  
be required to be developed as a result of this Act, sources of  
resources to meet the requirements of this Act other than  
legislative appropriations, and the extent to which General Fund  
appropriations will be necessary to fund this Act. The  
department shall report the results of its assessment to the  
Joint Standing Committee on Education by December 1, 1990.'

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**STATEMENT OF FACT**

The original bill authorizes elementary and secondary school students to refuse to participate in any educational course requirement involving the harmful or destructive use of animals and establishes a process in the school to develop an alternative education project, if possible. The bill also requires the school to notify students of that right and prohibits discrimination against students based on their exercise of this right.

This amendment clarifies and expands on several parts of the original bill by:

1. Adding a definition of "harmful or destructive use" and applying that term consistently in the bill;

2. Redefining "alternative education project" to include a broad range of equivalent alternatives, many of which can be provided from existing resources at little or no additional cost to the school;

3. Requiring that, when a student chooses not to participate in dissection, an alternative project be developed which meets the minimum level of equivalent activity as defined in the amendment. More elaborate projects may be provided at the option of the school;

4. Establishing the Biological Dissection Options Fund within the Department of Educational and Cultural Services to be used to provide equipment and materials to schools for use in offering alternative education projects. The department may accept donations to the fund; and

5. Directing the department to assess the impact of this Act and to report to the Joint Standing Committee on Education by December 1, 1990.

Reported by the Committee on Education  
Reproduced and distributed under the direction of the Clerk of the House  
5/30/89 (Filing No. H-334)