

# MAINE STATE LEGISLATURE

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# 114th MAINE LEGISLATURE

FIRST REGULAR SESSION - 1989

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Legislative Document

No. 365

H.P. 253

House of Representatives, February 23, 1989

Reference to the Committee on Education suggested and ordered printed.

A handwritten signature in cursive script that reads "Ed Pert".

EDWIN H. PERT, Clerk

Presented by Representative CARROLL of Gray.

Cosponsored by Senator ESTES of York, Senator ANDREWS of Cumberland and Representative KILKELLY of Wiscasset.

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STATE OF MAINE

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

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An Act to Allow a Student an Option in Biological Dissection.

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

3 7 MRSA §3973 is enacted to read:

5 §3973. Student's right to refrain from the harmful or  
7 destructive use of animals

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

15 A. "Alternative education project" includes, but is not  
17 limited to, the use of video tapes, models, films, books and  
19 computers which would provide an alternate avenue for  
21 obtaining the knowledge, information or experience required  
23 by the course of study in question. Alternative education  
25 project for surgical instruction may also include use of  
27 animals or consenting humans if their condition actually  
29 calls for performance of the proposed diagnosis, therapy,  
31 treatment, surgery or other procedure which is the subject  
33 of instruction. Alternative education project also includes  
35 an alternative test.

37 B. "Animal" means any living organism of the kingdom  
39 Animalia, which typically differs from plants in capacity  
41 for spontaneous movement and rapid motor response to  
43 stimulation, by a usually greater mobility with some degree  
45 of voluntary locomotor ability, by greater irritability  
47 commonly mediated through a more or less centralized nervous  
49 system, which is characterized by a requirement for complex  
51 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  
to perform photosynthesis, by cells that lack cellulose  
walls and by frequent presence of discrete complex sense  
organs.

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

D. "Student" means an elementary student or a secondary  
student as defined in Title 20-A, section 1. For the  
purpose of asserting the student's rights and receiving any  
notice or response pursuant to this section, student also  
includes the parents of the matriculated minor.

2. Student's right of refusal; alternate education  
projects. Any student has the right to refuse to dissect or  
otherwise harm or destroy animals or any parts of animals as part  
of the student's course of instruction.

1           A. If the student chooses to refrain from participation in  
3           an education project involving the harmful or destructive  
5           use of animals and if the teacher believes that an adequate  
7           alternative education project is possible, then the teacher  
9           shall work with the student to develop and agree upon an  
          alternative education project for the purpose of providing  
          the student an alternate avenue for obtaining the knowledge,  
          information or experience required by the course of study in  
          question.

11           B. The alternative education project shall require a  
13           comparable time and effort investment by the student. It  
15           shall not, as a means of penalizing the student, be more  
          arduous than the original education project.

17           C. The student shall not be discriminated against based  
19           upon the decision to exercise the student's rights pursuant  
          to this section.

21           D. The student choosing an alternative educational project  
23           shall pass all examinations of the respective course of  
25           study in order to receive credit for that course of study.  
          However, if tests require the harmful or destructive use of  
          animals, a student may, similarly, seek alternative tests  
          pursuant to this section.

27           3. Grievance procedure. If the teacher and student do not  
29           agree upon an adequate alternative education project, the student  
31           may file a grievance with the school. The school shall use  
33           existing procedures, if any, for the resolution of student  
35           grievances, to resolve any grievance filed pursuant to this  
          section. If no grievance procedures exist, the school official  
          in charge of academic programs shall respond, in writing, to the  
          student within 30 days of the receipt of the grievance. Unless  
          arbitrary or capricious, the response of the official in charge  
          of academic programs shall be final.

37           4. Notification of students. The school shall notify all  
39           incoming students of their rights pursuant to this section. Each  
41           teacher teaching a course that utilizes live or dead animals or  
          animal parts shall also inform students of their rights pursuant  
          to this section.

43           5. Scope. Notwithstanding any provision of law to the  
45           contrary, this section applies to all levels of instruction and  
47           to all elementary and secondary schools.

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## STATEMENT OF FACT

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5       This bill authorizes all elementary and secondary school  
7 students to refuse to participate in any educational course  
9 requirement involving the harmful or destructive use of animals.  
11 The bill authorizes a teacher to work with that student to  
13 develop an alternative education project as a method of obtaining  
15 the required learning and provides for a grievance procedure if  
an adequate alternative cannot be agreed upon. The bill also  
requires the school to notify incoming students of their right to  
refuse to participate and requires teachers of courses that use  
animals or animal parts to inform their students of this right.  
Finally, the bill prohibits discrimination against students based  
on their exercise of this right.