

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

DATE: 3/15/94

(Filing No. S-459)

EDUCATION

Reported by: MAJORITY

Reproduced and distributed under the direction of the Secretary of the Senate.

**STATE OF MAINE
SENATE
116TH LEGISLATURE
SECOND REGULAR SESSION**

COMMITTEE AMENDMENT "A" to S.P. 704, L.D. 1901, Bill, "An Act to Clarify the Appropriate Secular Observance of Religious Holidays in Maine Schools"

Amend the bill by striking out the title and substituting the following:

'An Act to Clarify the Appropriate Acknowledgement of Religious Holidays in Maine Schools'

Further 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. 20-A MRSA §4805, sub-§9 is enacted to read:

9. Religious holidays. A public school may acknowledge religious holidays by conveying a message of pluralism and freedom of belief in some manner or form that does not endorse religion. In determining whether an acknowledgement endorses religion, school officials shall consider the context in which the acknowledgement appears or occurs.'

STATEMENT OF FACT

This amendment is the majority report. The amendment establishes the circumstances under which a public school may acknowledge a religious holiday. It derives from United States.

COMMITTEE AMENDMENT

R of S.

COMMITTEE AMENDMENT "A" to S.P. 704, L.D. 1901

2 Supreme Court opinions in Allegheny County v. Greater Pittsburgh
3 ACLU, 492 U.S. 573 (1989) holding a display of a creche in a
4 courthouse unconstitutional and a display of a Christmas tree and
5 a menorah outside of city or county building constitutional, and
6 Lee v. Weisman, 505 U.S. ____, 112 S. Ct. 2649 (1992) holding
7 that clergy offering nonsectarian prayers, under the guidance of
8 school officials, at public school graduations is
9 unconstitutional. Whether the particular acknowledgement of a
10 religious holiday in a public school is constitutional will,
11 under the guidance of the United States Supreme Court opinions,
12 depend upon the context in which the acknowledgement occurs in
13 the school. The context may include, among other things, the
14 symbols used, the physical setting, the fact that the
acknowledgment occurs with students and the type of school
exercise in which the acknowledgement occurs.