

MAINE STATE LEGISLATURE

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116th MAINE LEGISLATURE

SECOND REGULAR SESSION-1994

Legislative Document

No. 1901

S.P. 704

In Senate, February 18, 1994

**An Act to Clarify the Appropriate Secular Observance of Religious
Holidays in Maine Schools.**

(AFTER DEADLINE)

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 27.
Reference to the Committee on Education suggested and ordered printed.

A handwritten signature in cursive script, reading "Joy J. O'Brien".

JOY J. O'BRIEN
Secretary of the Senate

Presented by Senator SUMMERS of Cumberland.
Cosponsored by Senators: AMERO of Cumberland, BUSTIN of Kennebec, BUTLAND of
Cumberland, CAHILL of Sagadahoc, CARPENTER of York, CONLEY of Cumberland,
GOULD of Waldo, HALL of Piscataquis, HANLEY of Oxford, HARRIMAN of Cumberland,
KIEFFER of Aroostook, MARDEN of Kennebec, McCORMICK of Kennebec, TITCOMB of
Cumberland, VOSE of Washington, Representatives: BAILEY of Township 27, BAILEY of
Farmington, DONNELLY of Presque Isle, FARNUM of South Berwick, JACQUES of
Waterville, KERR of Old Orchard Beach, MARSHALL of Eliot, MORRISON of Bangor,
TARDY of Palmyra.

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

4 Sec. 1. 20-A MRSA §4805, sub-§9 is enacted to read:

6 9. **Religious holidays.** Religious holidays may be observed
8 and celebrated in some manner and form that does not endorse or
10 promote a particular religion or religious doctrine. They may be
12 observed for the cultural, historical and educational
14 perspectives and may include nonreligious customs, traditions and
16 symbols associated with the religious holiday.

12
14 **STATEMENT OF FACT**

16 This bill establishes that schools in Maine may observe and
18 celebrate religious holidays but not in a way that promotes or
20 endorses religion or religious doctrine. It is based on 2 United
22 State Supreme Court cases (Lynch v. Donnelly, 465 U.S. 668, 1984
24 and Allegheny County v. Greater Pittsburgh ACLU, 492 U.S. 573,
26 1989) and on the First Amendment of the United States Consitution
28 and Article I, Sec. 3 of the Constitution of Maine.

26
28 This document has not yet been reviewed to determine the
need for cross-reference, stylistic and other technical
amendments to conform existing law to current drafting standards.