

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)



120th MAINE LEGISLATURE

FIRST REGULAR SESSION-2001

Legislative Document

No. 1261

H.P. 947

House of Representatives, February 28, 2001

An Act to Promote Abstinence in Sex Education and through Public Education.

Reference to the Committee on Education and Cultural Affairs suggested and ordered printed.

Millicent M. MacFarland

MILLICENT M. MacFARLAND, Clerk

Presented by Representative MacDOUGALL of North Berwick.
Cosponsored by Senator McALEVEY of York and
Representatives: BOWLES of Sanford, DAVIS of Falmouth, FOSTER of Gray, GLYNN of South Portland, KASPRZAK of Newport, MENDROS of Lewiston, SNOWE-MELLO of Poland, TRAHAN of Waldoboro.

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

2
4
6
8
10
12
14
16
18
20
22
24
26
28
30
32
34
36
38
40
42
44
46
48

Sec. 1. 5 MRSA §12004-I, sub-§30-A is enacted to read:

<u>30-A.</u>	<u>Maine</u>	<u>Expenses</u>	<u>22 MRSA</u>
<u>Health</u>	<u>Abstinence</u>	<u>Only</u>	<u>§1699-A</u>
	<u>Oversight</u>		
	<u>Council</u>		

Sec. 2. 20-A MRSA §4709-A is enacted to read:

§4709-A. Sex education and human sexuality instruction

An elementary or secondary school may include sex education and human sexuality instruction as part of the school's curriculum. Sex education and human sexuality instruction must include the following components.

1. Sex education and sexually transmitted diseases. Course materials and instruction relating to sex education and sexually transmitted diseases may include:

A. An emphasis on sexual abstinence as the only completely reliable method of avoiding unwanted teenage pregnancy and sexually transmitted diseases;

B. An emphasis on the importance of self-control, responsibility and ethical conduct in making decisions relating to sexual behavior;

C. Statistics, based upon the latest medical information, that indicate the efficacy of the various forms of contraception;

D. Information concerning the laws relating to the financial responsibilities associated with pregnancy, childbirth and child rearing;

E. Information concerning the laws prohibiting sexual abuse and the legal and counseling options available to victims of sexual abuse;

F. Information on how to cope with and rebuff unwanted physical and verbal sexual advances and the importance of avoiding the sexual exploitation of another person;

G. Psychologically sound methods of resisting unwanted peer pressure; and

2 H. An emphasis, provided in a factual manner and from a
3 public health perspective, that homosexuality is not a
4 lifestyle acceptable to the general public.

5 2. Human sexuality course. Course materials and
6 instruction on human sexuality, sexually transmitted diseases or
7 immunodeficiency virus or acquired immune deficiency syndrome
8 must be selected by the school board with the advice of the local
9 health education advisory council established in subsection 3.
10 The school board shall consider any recommendations from the
11 local health education advisory council before making a change in
12 the course materials or instruction. The course materials and
13 instruction may:

14 A. Present abstinence from sexual activity as the preferred
15 choice of behavior for sexual activity for an unmarried
16 person of school age;

17 B. Devote more attention to abstinence from sexual activity
18 than to any other sexual behavior;

19 C. Emphasize that abstinence from sexual activity, if
20 consistently and correctly practiced, is the only method
21 that is 100% effective in preventing pregnancy, sexually
22 transmitted diseases, infection from the human
23 immunodeficiency virus or acquired immune deficiency
24 syndrome and the emotional trauma associated with adolescent
25 sexual activity;

26 D. Direct adolescents to a standard of behavior in which
27 abstinence from sexual activity before marriage is the most
28 effective way to prevent pregnancy, sexually transmitted
29 disease and infection from the human immunodeficiency virus
30 or acquired immune deficiency syndrome; and

31 E. Teach contraception and condom use in terms of actual
32 effectiveness from field studies instead of theoretical
33 laboratory effectiveness if instruction on contraception and
34 condoms is included in curriculum content.

35 A school administrative unit may not distribute condoms in
36 conjunction with a course on human sexuality.

37 A school administrative unit that provides human sexuality
38 instruction may separate students by sex for the instruction.

39 A school administrative unit shall notify a parent of a student
40 enrolled in a human sexuality course of the basic content of the
41 human sexuality course provided to the student and the parent's
42 right to remove the student from any part of this instruction.

2 A school administrative unit shall keep curriculum materials used
4 in human sexuality instruction accessible for public inspection.

6 3. Local health education advisory councils. A school
8 administrative unit shall establish a local health education
10 advisory council to help ensure that local community values and
12 health issues are reflected in the unit's human sexuality
14 instruction.

16 A. A majority of the membership of a local health education
18 advisory council must include parents of students enrolled
20 in a school in the school administrative unit. Membership
22 also must include members who represent diverse views in the
24 community about human sexuality instruction. Membership may
26 include teachers, school administrators, students, health
28 care professionals, members of the business community, law
30 enforcement officials, senior citizens, clergy and other
32 interested members of the public.

34 B. The local health education advisory council duties
36 include:

38 (1) Recommending appropriate grade levels for human
40 sexuality instruction;

42 (2) Recommending the methods and content of
44 instruction for human sexuality education; and

46 (3) Recommending the number of hours of instruction
48 dedicated to human sexuality education.

Sec. 3. 22 MRSA c. 274 is enacted to read:

CHAPTER 274

ABSTINENCE

§1699-A. Maine Abstinence Oversight Council

1. **Maine Abstinence Oversight Council.** The Maine
Abstinence Oversight Council, referred to in this chapter as the
"council," is established by Title 5, section 12004-I, subsection
30-A.

2. **Membership; appointments.** Membership consists of 9
members of the public who have a business, social service or
faith-based background and are appointed as follows:

2 A. Three interested members of the public appointed by the
3 Governor;

4 B. Three interested members of the public appointed by the
5 President of the Senate; and

6 C. Three interested members of the public appointed by the
7 Speaker of the House of Representatives.

10 3. Term. Members on the council serve 3-year terms.

12 4. Chair. The council annually shall select a chair from
13 among its members.

14 5. Duties. The council shall oversee the Maine Abstinence
15 Program established in section 1699-B.

18 6. Compensation. Members of the council serve without
19 compensation but are entitled to reimbursement of necessary
20 expenses for their attendance at authorized meetings of the
21 council.

22 7. Administration. The department shall provide
23 administrative support and staffing services to the council.

26 **§1699-B. Maine Abstinence Program; fund**

28 1. Maine Abstinence Program established. The Maine
29 Abstinence Program, referred to in this section as the "program,"
30 is established. The purpose of the program is to reduce the
31 number of children in the State born to unwed mothers.

32 2. Public education. The program shall develop initiatives
33 and media campaigns in conjunction with interested public and
34 private organizations to educate the public, particularly
35 teenagers, about the problems associated with childbirth and
36 raising children in single-parent households and the role of
37 abstinence in preventing pregnancy.

40 3. Maine Abstinence Fund established. The Maine Abstinence
41 Fund, referred to in this section as the "fund," is established.
42 The council shall administer the fund pursuant to rules adopted
43 by the department. The fund consists of all money appropriated
44 or allocated for inclusion in the fund, from whatever source, and
45 any funds received as contributions from private and public
46 sources. Eligible investment earnings credited to the assets of
47 the fund become part of the assets of the fund. Any balance
48 remaining in the fund at the end of the year does not lapse but
49 must be carried forward. The proceeds of the fund may be applied

2 and expended for the purposes of this section pursuant to rules
3 adopted by the department.

4 4. Rules. The department shall adopt rules to establish
5 policies and guidelines for the administration of the fund.
6 Rules adopted under this section are routine technical rules as
7 defined in to Title 5, chapter 375, subchapter II-A.

8
9
10 **SUMMARY**

11 This bill suggests curriculum and materials emphasizing
12 abstinence for sex education and human sexuality instruction
13 given by school administrative units. The bill also creates the
14 Maine Abstinence Oversight Council, Maine Abstinence Program and
15 Maine Abstinence Fund to reduce through public education the
16 number of children in the State born to unwed mothers.