

132nd MAINE LEGISLATURE

FIRST REGULAR SESSION-2025

Legislative Document

No. 492

H.P. 321

House of Representatives, February 11, 2025

RESOLUTION, Proposing an Amendment to the Constitution of Maine to Provide for Parental Rights

Received by the Clerk of the House on February 6, 2025. Referred to the Committee on Judiciary pursuant to Joint Rule 308.2 and ordered printed pursuant to Joint Rule 401.

R(+ B. Hunt

ROBERT B. HUNT Clerk

Presented by Representative POIRIER of Skowhegan. Cosponsored by Senator HAGGAN of Penobscot and Representatives: DUCHARME of Madison, GIFFORD of Lincoln, GRIFFIN of Levant, HAGGAN of Hampden, LYMAN of Livermore Falls, QUINT of Hodgdon, THORNE of Carmel, WADSWORTH of Hiram. 1 **Constitutional amendment. Resolved:** Two thirds of each branch of the 2 Legislature concurring, that the following amendment to the Constitution of Maine be 3 proposed:

4 **Constitution**, **Art. I**, **§26** is enacted to read:

5 <u>Section 26. Parental rights.</u> The natural, inherent and unalienable rights of minor 6 children are held by their parents or guardians until the age of majority or a grant of 7 emancipation. This State, its political subdivisions and all governmental entities may not 8 infringe on the authority of parents to direct the upbringing, education and care for the 9 physical, mental and spiritual health of their children, absent abuse or neglect by the parent 10 or guardian or criminal acts by the minor.

11 **Constitutional referendum procedure; form of question; effective date.** 12 **Resolved:** That the municipal officers of this State shall notify the inhabitants of their 13 respective cities, towns and plantations to meet, in the manner prescribed by law for holding 14 a statewide election, at a statewide election held in the month of November following the 15 passage of this resolution, to vote upon the ratification of the amendment proposed in this 16 resolution by voting upon the following question:

17 "Do you favor amending the Constitution of Maine to describe parental
18 rights that are reserved to the parent of a minor child and limit the
19 infringement of these rights by the State or a political subdivision of the
20 State?"

21 The legal voters of each city, town and plantation shall vote by ballot on this question and designate their choice by a cross or check mark placed within the corresponding square 22 23 below the word "Yes" or "No." The ballots must be received, sorted, counted and declared 24 in open ward, town and plantation meetings and returns made to the Secretary of State in the same manner as votes for members of the Legislature. The Governor shall review the 25 26 returns. If it appears that a majority of the legal votes are cast in favor of the amendment, 27 the Governor shall proclaim that fact without delay and the amendment becomes part of the Constitution of Maine on the date of the proclamation. 28

Secretary of State shall prepare ballots. Resolved: That the Secretary of State shall prepare and furnish to each city, town and plantation all ballots, returns and copies of this resolution necessary to carry out the purposes of this referendum.

SUMMARY

32

This resolution proposes to amend the Constitution of Maine to provide that the natural, inherent and unalienable rights of minor children are held by their parents or guardians until the age of majority or a grant of emancipation and that this State, its political subdivisions and all governmental entities may not infringe on the authority of parents to direct the upbringing, education and care for the physical, mental and spiritual health of their children, absent abuse or neglect by the parent or guardian or criminal acts by the minor.