

Date:

(Filing No. H- )

## JUDICIARY

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### STATE OF MAINE HOUSE OF REPRESENTATIVES 132ND LEGISLATURE FIRST SPECIAL SESSION

COMMITTEE AMENDMENT “ ” to H.P. 321, L.D. 492, “RESOLUTION,  
Proposing an Amendment to the Constitution of Maine to Provide for Parental Rights”

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

**'RESOLUTION, Proposing an Amendment to the Constitution of Maine to Protect  
the Fundamental Rights of Parents'**

Amend the resolution in that part designated "**Constitution, Art. I, §26**" in §26 in the  
last 2 lines (page 1, lines 9 and 10 in L.D.) by striking out the following: "absent abuse or  
neglect by the parent or guardian or criminal acts by the minor" and inserting the following:  
'unless the infringement is narrowly tailored to achieve a compelling state interest,  
including the State's compelling interests in the prevention of child abuse or neglect, the  
prevention of criminal conduct by minors and the rehabilitation of minors who have been  
found to have committed criminal conduct'

Amend the resolution by relettering or renumbering any nonconsecutive Part letter or  
section number to read consecutively.

## SUMMARY

This amendment, which is the minority report of the committee, clarifies that the 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 unless the infringement is narrowly tailored to achieve a compelling  
state interest, including the State's compelling interest in the prevention of child abuse or  
neglect, the prevention of criminal conduct by minors and the rehabilitation of minors who  
have been found to have committed criminal conduct.

## FISCAL NOTE REQUIRED

(See attached)