

March 30, 2023

*Submitted via email*

Senator Joe Rafferty  
Chair, Education and Cultural Affairs Committee  
Maine State Legislature  
3 State House Station  
Augusta, Maine 04333

Representative Michael F. Brennan  
Chair, Education and Cultural Affairs Committee  
Maine State Legislature  
2 State House Station  
Augusta, Maine 04333

Re: Call to reject L.D. 51

Dear Senator Rafferty and Representative Brennan:

The Center for Inquiry (CFI) writes to urge you to reject L.D. 51, legislation that would create an exemption from school immunization requirements for students and parents who object on religious or philosophical grounds. **CFI likewise urges you to reject the related bills L.D. 1098 and L.D. 1209.**

CFI is a national nonprofit organization dedicated to advancing science, reason, and secularism in American law and public policy. We have numerous members and supporters in Maine.

Essential Elements of the Bill

L.D. 51 would exempt a student from school immunization requirements if the student—or their parent, in the case of a minor—“states in writing a sincere religious belief that is contrary to” such requirement or “an opposition to the immunization for philosophical reasons.”

Additionally, the bill would provide employees of nursery schools and certain health care facilities an exemption from state immunization requirements for this type of work if they object “on the grounds of sincerely held religious or philosophical belief.”

The related bill L.D. 1098 would include the exemptions mentioned above and also provide an exemption from school immunization requirements for students enrolled in private schools and virtual public charter schools.



Lastly, the related bill L.D. 1209 would provide the exemption based on religious or philosophical belief only for students enrolled in private schools and virtual public charter schools.

### CFI's Analysis

**CFI opposes each of these bills because they would allow religious beliefs to trump public health, despite overwhelming evidence demonstrating the harm of doing so.**

To protect the safety and health of children, several states recently have eliminated religious exemptions for school vaccination and immunization requirements, including Connecticut, New York, and California.<sup>1</sup> It would be a shame—and a significant detriment to Maine residents' health—for Maine to act now to extend such exemptions.

Maine has wisely required student immunization against tetanus/diphtheria (Tdap), measles, mumps, and rubella (MMR), and other diseases.<sup>2</sup> As a result, the CDC reports that for the 2021–22 school year, Maine's kindergarten population had 96.7 percent coverage for two doses for MMR, 96.3 percent coverage for five doses for Tdap, 96.5 percent coverage for polio, and 95.5 percent coverage for varicella—all higher than the national average.<sup>3</sup>

**These strong vaccination numbers explain why Maine was not among the list of states that have seen a rise in the outbreak of measles.** The United States saw an increase in measles cases from 49 in 2021 to 121 in 2022, including outbreaks in Minnesota and Ohio.<sup>4</sup> Tellingly, all cases were among children who were not fully vaccinated.<sup>5</sup>

Maine parents also didn't have to worry about polio as parents in New York did, where the polio virus was discovered in wastewater last year and where an unvaccinated adult male suffered paralysis from polio.<sup>6</sup> It is worth noting that the last two major polio outbreaks began in Amish, Mennonite, and Christian Science communities where parents claimed religious reasons for failure to vaccinate their children.<sup>7</sup>

Religious exemptions not only put public health at risk, but they grant special privileges to religious people. **Equal treatment under the law for people of all religions and for those with no religion is a fundamental precept of American law.** It is a matter of fundamental fairness and enhances peaceful coexistence among a diverse polity. Fully 31 percent of surveyed adults in Maine identify themselves as “unaffiliated” with any particular faith.<sup>8</sup> This figure includes those who identify as atheist, agnostic, or “nothing in particular.” These are

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<sup>1</sup> <https://apnews.com/article/connecticut-religion-health-education-government-and-politics-%206d9ce916908bbdacce4e7a7840a57a87>

<sup>2</sup> <https://studentrecords.umaine.edu/policies/immunizations>

<sup>3</sup> <https://www.cdc.gov/mmwr/volumes/72/wr/mm7202a2.htm>

<sup>4</sup> <https://www.co.marion.or.us/HLT/COVID-19/Documents/Measles%203.3.23.pdf>

<sup>5</sup> *Id.*

<sup>6</sup> <https://www.cnn.com/2022/10/04/how-polio-silently-spread-in-new-york-and-left-a-person-paralyzed.html>

<sup>7</sup> <https://scholarship.law.missouri.edu/cgi/viewcontent.cgi?article=3820&context=mlr&httpsredir=1&referer=>

<sup>8</sup> <https://www.pewresearch.org/religion/religious-landscape-study/state/maine>



your constituents. They don't want their children potentially exposed to measles because some religious parents are willing to put their own children at risk for these deadly diseases.

A vast majority of religious Maine residents happily vaccinate their children. This suggests that parents who object to childhood vaccinations on religious grounds are being disingenuous, since **no major religion opposes vaccines or immunization as a whole.**

**But this concern about religious sincerity is irrelevant as the proposed legislation would add an exception for “philosophical” objections, meaning anyone convinced by anti-vax web claims would be free to exclude their children from medical protections—protections that serve not only their individual child but all children who come into contact with that child.** It is a limitation without limits.

For instance, a father in Colorado who claims to have done his own research (*e.g.*, “printouts from right-wing and anti-vaccine websites”) refused to vaccinate his children despite his pediatrician’s reasoning. Similarly, a mother refused routine boosters for her kindergarten-age daughter and, when her daughter became sick with COVID-19, requested that the same pediatrician prescribe ivermectin to her.<sup>9</sup> Once the law opens the door to objections based on philosophical or personal belief, at least some parents are prone to placing the health of their child at risk.

### Conclusion

Any religion-based or philosophical exception to public health rules would put Maine’s estimated 173,158 school children at risk.<sup>10</sup>

For all the above reasons, CFI urges the Maine State Legislature to vote against L.D. 51 as well as the related bills L.D. 1098 and L.D. 1209. Thank you for your time.

Sincerely,

Azhar Majeed  
Director of Government Affairs  
Center for Inquiry

cc:

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<sup>9</sup> <https://www.nytimes.com/2022/05/25/magazine/anti-vaccine-movement.html>

<sup>10</sup> <https://educationindicators.me/maine-school-enrollment-2>

