



Testimony in Support of LD 492:

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

Senator Carney, Representative Kuhn, and the distinguished members of the Committee On Judiciary, my name is Harris Van Pate and I serve as policy analyst for Maine Policy Institute. Maine Policy is a free market think tank, a nonpartisan, non-profit organization that advocates for individual liberty and economic freedom in Maine. Thank you for the opportunity to testify in support of LD 492, “RESOLUTION, Proposing an Amendment to the Constitution of Maine to Provide for Parental Rights.” We appreciate the opportunity to present our position on this vital issue.

Parental rights are fundamental to the structure of a free society. Parents have the inherent responsibility to direct the upbringing, education, and care of their children. These rights are natural, pre-political, and should be recognized explicitly in our state’s constitution. LD 492 ensures that parents, not government bureaucracies, hold the primary authority in making decisions that affect their children’s well-being and future.

Why LD 492 is Necessary

Across the country, parental rights have increasingly come under attack through government overreach in education, healthcare, and child-rearing. Maine is not immune to this trend. Policies that sideline parental involvement in critical decisions—such as curriculum content, medical procedures, and access to certain services—threaten the very fabric of family autonomy. By enshrining parental rights in the Maine Constitution, we protect against future legislative or regulatory efforts that may seek to erode these fundamental liberties.

Key Areas of Concern

- **Education and Curriculum Transparency**

Parents have the right to know what their children are being taught and to have a say in their education. Increasingly, parental distrust of school curriculum has grown, as school transparency for parents of students has become a growing concern.¹ Polling from 2022 shows that over 70% of Americans felt that parents should have more input in public education, and over 85% felt there should be more transparency in schools’ allocation of taxpayer dollars.²

¹

<https://standtogether.org/vela-education-fund/stories/education/parents-trust-schools-less-than-they-used-to-heres-why>

² <https://spn.org/articles/voters-want-education-transparency-and-accountability/>



- **Medical and Health Decisions**

Parents, not government bureaucrats, should have the final say in their children's mental and physical health decisions. LD 492 ensures that government entities cannot intervene in these deeply personal decisions without compelling justification.

- **Protection from Government Overreach**

The role of the state should be to support, not supplant, parental authority. For the state government to claim the right to raise people's children without exception would make Maine qualify as a nanny state by definition alone.³

Precedent and National Trends

Maine is not alone in considering the constitutional protection of parental rights. At least 18 states have enacted or are pursuing similar legal protections, including left-leaning states such as Colorado, Michigan, and Virginia.⁴ The U.S. Supreme Court has long recognized parental rights as fundamental, including in cases such as *Troxel v. Granville* (2000), which reaffirmed that "the liberty interest of parents in the care, custody, and control of their children is perhaps the oldest of the fundamental liberty interests recognized by this Court."⁵

Conclusion

Parental rights should not be subject to shifting political winds or the discretion of government agencies. LD 492 provides all Maine families with the constitutional protection they deserve, ensuring that parents remain the primary decision-makers in their children's lives. We urge the committee to support this resolution and to advance it for approval by the full Legislature and, ultimately, the people of Maine.

For these reasons, Maine Policy urges you to vote "Ought to Pass" on LD 492. Thank you for your time and consideration.

³ <https://dictionary.cambridge.org/us/dictionary/english/nanny-state>

⁴ <https://parentalrights.org/states/>

⁵ <https://www.oyez.org/cases/1999/99-138>