

TESTIMONY IN OPPOSITION TO

L.D. 1461

AN ACT TO PROHIBIT SCHOOL BOARDS FROM IMPLEMENTING OR ENFORCING MASK MANDATES

April 30, 2025

Senator Rafferty, Representative Noonan Murphy, and members of the Joint Committee on Education and Cultural Affairs, I am Steven Bailey, the Executive Director of the Maine School Management Association, testifying on behalf of the legislative committees of the Maine School Boards Association and the Maine School Superintendents Association in opposition to L.D. 1461.

School Boards (also considered School Committees for municipal school administrative units) are a creation and function of the Maine Legislature, and thus are guided by the statutes bestowed upon them. These are best articulated within §1001. Duties of school boards.

In addition to the statutes adopted and described in 20-A, M.R.S.A., all school board members are required to take an oath of office upon being elected/appointed before they can begin their term of service on their local school board. This oath states: “I,, do swear that I will faithfully discharge to the best of my abilities the duties incumbent on me as a school board member of (name of _____ school unit) according to the Constitution of Maine and laws of this State, so help me God.”

As shown below, these duties do include responsibilities for the safety of students and staff within their school administrative unit.

§1001. Duties of school boards

School boards shall perform the following duties.

1. General duties. They shall have the duties prescribed to them in this Title.

1-A. Adoption of policies.

8. Operate public preschool programs, kindergarten and grades one to 12.

11. Persons not immunized excluded.

11-A. Exposure to communicable disease.

15. Adoption of student code of conduct

15-A. School disciplinary policies.

16. Comprehensive health and safety and emergency management plan.

Of particular note from the list above is sub-section 11-A, along with sub-section 16, that provide particular responsibilities by the Board to provide for the safety of students. 11-A states, “school boards” shall adopt a policy for enforcement by the superintendent to safeguard the health of any student or employee who has contracted or been exposed to a communicable disease, in accordance with [sections 6301](#), 6351-A and 6551, and [Title 22, chapter 251](#).

As seen within the COVID-19 pandemic, mask-wearing was utilized to help prevent the spread of disease. It was implemented during a declared state of emergency, and had come forward as an executive order, that during the state of emergency, had the force of law.

Maine is a fervent local control state. That said, there are times when, for the health and well-being of the state, statutes and expectations are developed that benefit us all. School boards, as noted above, have the duty to abide by the laws of the state, including the protection of the health of students and staff.

To pass a law that precludes the ability to have students and staff wear masks to prevent the spread of disease would be extremely short-sited. It would be akin to penning that same statute preventing medical staff from wearing masks.

Who knows when another situation might arise when a similar need could exist. Approving this proposed bill could indeed set school districts up for exposure to the profound spread of disease. This is a public health concern that extends to the schools. Our associations strongly urge the Committee to vote Ought Not to Pass on L.D. 1461.