



Testimony in Support of LD 1974: “An Act to Affirm 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 submit testimony in support of LD 1974, An Act to Affirm Parental Rights.

LD 1974 affirms a foundational truth—that parents, not the government, are the primary decision-makers in the lives of their children. This bill recognizes that the liberty of parents to direct the upbringing, education, and care of their children is a fundamental right, codifying a principle already long held in American jurisprudence.

Why This Matters

Across the country and even here in Maine, there is a growing movement to reduce the role of parents in critical decisions affecting their children, particularly in education and health care. As government agencies and school systems assert increasing authority over students, too often parental input is treated as secondary or even obstructed.

In recent years, we have witnessed public schools adopt controversial instructional content without informing parents, social services initiating investigations based on ideological differences, and efforts to reframe the government, not families, as the ultimate authority in children’s lives. This erosion of the family unit threatens the very foundation of a free society.

LD 1974 places a crucial safeguard in Maine law to counter this trend. It recognizes that parents are the joint natural guardians of their minor children, with neither parent holding greater authority than the other, and that this relationship includes a constitutionally protected liberty interest in directing their children's upbringing.

Constitutional and Legal Precedent

The U.S. Supreme Court has consistently upheld parental rights as fundamental. In *Troxel v. Granville* (2000), the Court affirmed that “the interest of parents in the care, custody, and control of their children is perhaps the oldest of the fundamental liberty



interests recognized.”¹ LD 1974 would align Maine law with this principle, clearly stating it within state statute to ensure courts and agencies give it appropriate deference.

Crucially, this bill does not interfere with the existing judicial processes surrounding child custody or the termination of parental rights. It includes language to ensure that the courts maintain the ability to act in the best interests of the child in appropriate circumstances, such as abuse or neglect.

Maine’s Opportunity

Maine has the opportunity to lead in affirming parents' rights, which are too often questioned or ignored in today’s political climate. Other states, including Florida² and Arizona,³ have enacted similar protections, recognizing that stable families are the bedrock of healthy communities. Enshrining these rights into statute not only clarifies the legal landscape but provides peace of mind to families that their authority will be respected unless and until they forfeit it by serious misconduct.

This bill is not about partisan politics—it is about restoring balance and trust, and ensuring that the government serves families, not the other way around.

Conclusion

For the reasons stated above, Maine Policy Institute urges the committee to vote “Ought to Pass” on LD 1974. This legislation will strengthen families, enhance transparency, and provide a necessary check against government overreach. Protecting parental rights is essential to preserving freedom in Maine. Thank you for your time and consideration.

¹ <https://supreme.justia.com/cases/federal/us/530/57/#tab-opinion-1960799>

²

[https://www.flsenate.gov/Laws/Statutes/2021/Chapter1014/All#:~:text=\(1\)%20All%20parental%20rights%20are,unless%20otherwise%20prohibited%20by%20law.](https://www.flsenate.gov/Laws/Statutes/2021/Chapter1014/All#:~:text=(1)%20All%20parental%20rights%20are,unless%20otherwise%20prohibited%20by%20law.)

³ <https://www.azleg.gov/ars/1/00602.htm>