



TESTIMONY OF ALICIA REA, ESQ.
LD 1974 – Ought Not to Pass

An Act to Affirm Parental Rights

Joint Standing Committee on Judiciary
May 16, 2025

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Senator Carney, Representative Kuhn and distinguished members of the Joint Standing Committee on Judiciary, greetings. My name is Alicia Rea and I am a policy fellow at the ACLU of Maine, a statewide organization committed to advancing and preserving civil liberties guaranteed by the Maine and U.S. Constitutions. On behalf of our members, I urge you to oppose LD 1974.

This bill proposes an amendment to Maine statute that would open the door to giving parents absolute authority to direct their children's upbringing, education and care. A law proposing this kind of parental control in every aspect of a child's development is both unnecessary and dangerous. This bill rests on the premise that all homes in Maine are safe for the children who live in them and that is, unfortunately, not the reality.

Our constitution already recognizes the fundamental right to raise one's children. There are "parental rights under the Due Process" clause, as recently affirmed in a First Circuit case.¹ These rights include the parental right "to seek and follow medical advice" concerning one's children.² No change in Maine statute is necessary to preserve these basic rights.

But parental rights to direct their child's care cannot be absolute: in some cases, those rights must give way to protect a child's safety and well-being.³ For example, the Supreme Court of the United States has long held that parental rights in education are not absolute.⁴

This bill attempts to override that careful balancing of interests. By adding an absolute right for parents to direct all aspects of their children's lives, including education, this bill would threaten children's safety in favor of parental control.

¹ *Foot v. Ludlow School Committee*, No. 23-1069 (1st Cir. 2025), n.15.

² *Id.* (quoting *Parham v. J.R.*, 442 U.S. 584, 602 (1979)).

³ See, e.g., *In re Child of Ryan F.*, 2020 ME 21, ¶ 19 ("It is well established that 'parents have a fundamental liberty interest 'to make decisions concerning the care, custody, and control of their children.'" citing *Rideout v. Riendeau*, 2000 ME 198, ¶ 18.)

⁴ See *San Antonio Independent School District v. Rodriguez*, 411 U.S. 1 (1973).



This legislation would jeopardize the safety and well-being of children who do not feel safe sharing details of their school lives with unsupportive parents. Its implementation will harm children who seek out LGBTQ+ education at school, youth who obtain mental health services or sexual health services at school, and children who are not safe in their homes.

We urge you to reject LD 1974.