



# AMERICAN ATHEISTS

---

March 30, 2021

The Honorable Sen. Heather Sanborn  
The Honorable Rep. Denise Tepler  
Chairs, Joint Committee on Health Coverage, Insurance, and Financial Services  
Cross Building, Room 220  
100 State House Station  
Augusta, Maine 04333

**Re: OPPOSE LD 1063, Testimony from American Atheists Concerning Legislation to Grant Exemption from Vehicle Insurance Requirements for Certain Religious Organizations**

Dear Chairperson Sanborn, Chairperson Tepler, and Members of the Joint Committee on Health Coverage, Insurance, and Financial Services:

American Atheists, on behalf of its constituents in Maine, writes in opposition to LD 1063, which would unfairly grant exemption to some religious organizations from state requirements to own vehicle insurance. The exemption to insurance requirements would attach only to some religious organizations based on their specific religious beliefs, making this bill fundamentally unconstitutional. Moreover, this bill is unfair to other Maine motorists, who must bear the brunt of the costs for these special exemptions for particular religious organizations. We urge you to reject this reckless legislation.

American Atheists is a national civil rights organization that works to achieve religious equality for all Americans by protecting what Thomas Jefferson called the “wall of separation” between government and religion created by the First Amendment. We strive to create an environment where atheism and atheists are accepted as members of our nation’s communities and where casual bigotry against our community is seen as abhorrent and unacceptable. We promote understanding of atheists through education, outreach, and community-building and work to end the stigma associated with being an atheist in America. Religious liberty is an individual right guaranteed by the First Amendment, and American Atheists opposes efforts to misuse these constitutional protections to undermine the civil rights or religious freedom of others.

LD 1063 would allow the state to grant exemption to any Maine motor vehicle financial responsibility requirement for any vehicle owned or operated by a religious organization *or its members*. In other words, this bill would allow certain religious organizations and their members, as defined by the religious organization, to opt out of general insurance requirements and instead self-insure. There does not appear to be a limit on the number of members that can take advantage of this “get out of insurance free” card, but there is a limit on the amount of money securities that the religious organization must set aside to meet minimum requirements:

A. For 5 to 25 vehicles, there is a combined single limit of \$175,000; and B. For more than 25 vehicles, there is an increase of \$1,000 per motor vehicle up to a maximum combined single limit of \$250,000.

Comparing this amount to the fiscal responsibility that an individual Maine driver is required to carry, an “amount or limit of at least: ... For one accident resulting in injury to or death of more than one person, \$100,000,”<sup>1</sup> it is easy to see that the amount required by this bill falls woefully short, especially if applied to a potentially unlimited number of drivers that are members of a religious organization.

The requirement that Maine drivers maintain vehicle insurance is called “financial responsibility” for a reason. If a driver is in an accident, the required coverage amounts ensure that those who are injured or killed, often through no fault of their own, have some protection against these potentially devastating consequences. By passing this bill, lawmakers would not only allow exempted religious organizations to endanger others without providing adequate security, they would allow a potentially unlimited number of members of those religious organizations to forgo getting their own insurance coverage and just rely on the exemption.<sup>2</sup> By allowing religious organizations and their members to take advantage of this exemption, LD 1063 would put at risk the safety, health, and lives of an inestimable number of other drivers, passengers, and pedestrians.

In an effort to put some limits on this incredible benefit for religious organizations and their members, the bill includes qualifiers based on the religious beliefs of the religious organization eligible for the exemption. This is manifestly unconstitutional. The First Amendment to the US Constitution prohibits the state from selectively granting benefits to certain religious organizations based on their beliefs.<sup>3</sup> For example, LD 1063 provides that to qualify for these extraordinarily generous benefits:

A. The religious organization has established tenets and faith-based teachings and has *been in existence continuously since December 31, 1950; ...*

C. The religious organization and its members *hold a common belief in mutual financial assistance in time of need to the extent that they share in financial obligations of members who would otherwise not be able to meet their obligations.* (Emphasis added.)

This bill unconstitutionally selects only certain religions to gain these benefits by both setting an age requirement for the religious organization and specific beliefs about mutual financial assistance. Especially regarding the age requirement, what possible relevance could the fact that a religious organization is 70 years old have regarding eligibility for self-insurance? This provision is clearly about singling out certain religious organizations for special benefits.

---

<sup>1</sup> 29-A MRS § 1605(1)(C).

<sup>2</sup> The bill provides that “Any member of the religious organization may provide the certificate of self-insurance as evidence of financial responsibility required by section 1605, subsection 2 to register a motor vehicle owned or operated by that member.”

<sup>3</sup> “Neither [a] State nor the Federal Government can pass laws which aid one religion, aid all religions, or prefer one religion over another.” *Everson v. Board of Education*, 330 U.S. 1, 15 (1947).

Moreover, this extremely broad religious exemption also raises serious constitutional concerns. Exempting only religious activities from neutral and generally applicable restrictions enacted to protect public safety would harm others and is the type of religious preference that the U.S. Constitution forbids. The Supreme Court has made clear that “the principle that government may accommodate the free exercise of religion does not supersede the fundamental limitations imposed by the Establishment Clause.”<sup>4</sup> Under the Establishment Clause, the right to religious exercise does not include the right to burden or harm others.<sup>5</sup>

LD 1063 would endanger drivers and many others across Maine in order to grant extraordinarily generous benefits to a few, select religious organizations and their members. The bill is reckless and legally indefensible, and so we strongly urge you to reject it. If you should have any questions regarding American Atheists’ opposition to LD 1063, please contact me at 908.276.7300 x309 or by email at [agill@atheists.org](mailto:agill@atheists.org).

Very truly yours,



Alison Gill, Esq.  
Vice President, Legal & Policy  
American Atheists

---

<sup>4</sup> *Lee v. Weisman*, 505 U.S. 577, 587 (1992).

<sup>5</sup> *See, e.g., Estate of Thornton v. Caldor*, 472 U.S. 703, 709 (1985) (striking down a statute that gave Sabbath observers an unqualified right not to work on their Sabbath because “the statute takes no account of the convenience or interests of the employer or those of other employees who do not observe a Sabbath”); *see also, e.g., Cutter v. Wilkinson*, 544 U.S. 709, 720 (2005) (noting that in analyzing religious exemptions, “courts must take adequate account of the burdens a requested accommodation may impose on non-beneficiaries”); *Texas Monthly, Inc. v. Bullock*, 489 U.S. 1, 18 n.18 (1989) (invalidating sales-tax exemption for religious periodicals in part because exemption would have “burden[ed] non-beneficiaries by increasing their tax bills”); *Burwell v. Hobby Lobby*, 573 U.S. 682, 739 (2014) (Kennedy, J., concurring) (explaining that religious exercise cannot “unduly restrict other persons . . . in protecting their own interests”); *id.* at 745 (Ginsburg, J., joined by Breyer, Kagan, and Sotomayor, JJ., dissenting) (“Accommodations to religious beliefs or observances . . . must not significantly impinge on the interests of third parties.”). In recognizing permissible religious exemptions, the Supreme Court has gone out of its way to note that the exemptions would not harm others. *See, e.g., Sherbert v. Verner*, 374 U.S. 398, 409 (1963) (exempting claimant from state unemployment benefits policy but noting that “the recognition of the appellant’s right to unemployment benefits under the state statute [does not] serve to abridge any other person’s religious liberties.”); *W.V. State Bd. of Educ. v. Barnette*, 319 U.S. 624, 630 (1943) (excusing students from reciting Pledge of Allegiance, but noting that “the refusal of these persons to participate in the ceremony does not interfere with or deny rights of others to do so”); *cf. Prince v. Massachusetts*, 321 U.S. 158, 166–67 (1944) (“The right to practice religion freely does not include liberty to expose the community or the child to communicable disease or the latter to ill health or death.”).

Alison Gill  
American Atheists

Please find attached testimony submitted on behalf of American Atheists.