

CONSTITUTION OF THE STATE OF MAINE 2013 ARRANGEMENT

(Arranged by the Chief Justice of the Maine Supreme Judicial Court
and approved by the Maine State Legislature, Resolve 2013, chapter 75,
pursuant to the Constitution of Maine, Article X, Section 6)

Article I.

Declaration of Rights.

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Section 3. Religious freedom; sects equal; religious tests prohibited; religious teachers. All individuals have a natural and unalienable right to worship Almighty God according to the dictates of their own consciences, and no person shall be hurt, molested or restrained in that person's liberty or estate for worshipping God in the manner and season most agreeable to the dictates of that person's own conscience, nor for that person's religious professions or sentiments, provided that that person does not disturb the public peace, nor obstruct others in their religious worship; -- and all persons demeaning themselves peaceably, as good members of the State, shall be equally under the protection of the laws, and no subordination nor preference of any one sect or denomination to another shall ever be established by law, nor shall any religious test be required as a qualification for any office or trust, under this State; and all religious societies in this State, whether incorporate or unincorporate, shall at all times have the exclusive right of electing their public teachers, and contracting with them for their support and maintenance.

NOTE: In *Blount v. Department of Educational & Cultural Services*, 551 A.2d 1377 (Me. 1988), the Supreme Judicial Court of Maine held that Article I, Section 3 of the state constitution requires strict scrutiny of law or government action that infringe on religious free exercise. *Blount* held: "a person challenging a government regulation as a violation of the Free Exercise Clause of the Maine Constitution has the burden of showing: "1) that the activity burdened by the regulation is motivated by a sincerely held religious belief; and 2) that the challenged regulation restrains the free exercise of that religious belief"; and 2) that the challenged regulation restrains the free exercise of that religious belief." If the challenger makes those showings, "the burden shifts and the State can prevail only by proving both: 3) that the challenged regulation is motivated by a compelling public interest; and 4) that no less restrictive means can adequately achieve that compelling public interest."

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