

FREEDOM FROM RELIGION *foundation*

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March 30 , 2021

Sen. Heather Sanborn

Rep. Denise Tepler

Co-Chairs

Committee On Health Coverage, Insurance and Financial Services

Re: Testimony in opposition to LD 1063

Dear Sen. Sanborn, Rep. Tepler, and Committee Members:

I am writing on behalf of the Freedom From Religion Foundation (FFRF) in strong opposition to LD 1063, which unconstitutionally gives preference to some churches over others, and to religion over nonreligion. FFRF is a national nonprofit organization with more than 35,000 members across the country, including members in Maine and a state chapter. FFRF protects the constitutional separation between state and church, and educates the public about nontheism.

LD 1063 exempts “qualifying” religious organizations from auto insurance requirements. To qualify, a religious organization must have “established tenets and faith-based teachings and ha[ve] been in existence continuously since December 31, 1950.” There also must be “no factors causing the Secretary of State to believe that the religious organization and its members do not have the financial ability to pay any future judgements against them.”

These requirements present three fatal problems for this bill:

- 1) First and foremost, the bill discriminates against secular nonprofits by only allowing applicants that are “religious organizations,” and those with “faith-based teachings,” to qualify.
- 2) The bill discriminates against newer religious organizations, which disproportionately includes minority religions. By only offering an insurance exemption to organizations that have been in existence since a set date, the bill would create an entirely arbitrary ban on the exemption. If this became law, an organization that was established on January 1, 1951 would be

forever barred from this favored treatment, even if the provision remained on the books decades from now. There is no purpose for this approach other than favoring specific old organizations.

- 3) The broad and vague power given to the Secretary of State to deny an organization's qualification status based on any "factor" causing the Secretary to "believe" that the organization could not pay judgments against them is an invitation for unequal treatment and further discrimination. An organization with an identical financial situation as a qualifying organization might be denied this exemption because the Secretary of State's "belief" about the organization's ability to pay is different. This total discretion is inappropriate in an arena where equal treatment is paramount.

For all of these reasons, LD 1063 places the state's stamp of approval on certain religious organizations over others, and over all secular nonprofits. This selective favored treatment violates the Establishment Clause of the First Amendment to the U.S. Constitution and Art. I, § 3 of the Maine Constitution, which states that "no subordination nor preference of any one sect or denomination to another shall ever be established by law" Subordinating some denominations and giving preference to others is precisely what this bill seeks to do, by offering an exemption only to certain favored organizations while permanently barring all other organizations from that treatment.

Finally, this bill leaves a large percentage of Mainers behind because they are nonreligious. Non-religious Americans are the fastest growing segment of the U.S. population by religious identification—35 percent of Americans are non-Christians, and this includes the more than one in four Americans who now identify as religiously unaffiliated.¹ Younger Americans are not just religiously unaffiliated, they are largely atheist or agnostic. A recent survey found that 21 percent of Americans born after 1999 are atheist or agnostic.² Besides being unconstitutional, it is unfair and irrational to favor religious residents in this way.

Secular nonprofits and nonreligious residents are at least as financially trustworthy as churches, which have a rich history of financial abuse and fraud due to their total

¹ Pew Research Center, "In U.S., Decline of Christianity Continues at Rapid Pace," (Oct. 17, 2019) at <https://pewrsr.ch/2VPiFS7>.

² *Atheism Doubles Among Generation Z*, The Barna Group (Jan. 24, 2018), <https://www.barna.com/research/atheism-doubles-among-generation-z/>.

lack of accountability.³ Unlike secular nonprofits, churches are financial black holes—they are not required to file Form 990s with the IRS or to provide *any* sort of financial accountability to the government. Extending certain churches' financial exemptions based on a presumption of sound financial management is entirely backward.

At a minimum, a bill like this should apply to *all* nonprofits, provided they have filed Form 990s disclosing their financial picture for a sufficient period of time to demonstrate reliability.

For all of the above reasons, FFRF strongly urges you to vote in opposition to LD 1063. Thank you.

Sincerely,

A handwritten signature in blue ink that reads "Ryan D. Jayne". The signature is stylized and cursive, with the first name "Ryan" being the most prominent part.

Ryan D. Jayne
Staff Attorney

³ Experts estimate that worldwide, churches lose \$63 billion each year to internal “ecclesiastical crime.” See web.archive.org/web/20190116120427/https://gordonconwell.edu/ockenga/research/documents/StatusofGlobalChristianity2018.pdf.