

VACCINATION VICTORY IN MAINE

By Scott Tips and Pamela Gerry

Typically, State and local governments – not to mention the Federal government – are notorious for being stuck in the Dark Ages of health and nutrition. So many people not only trust what the government says about such matters but even actively seek out its advice. One of the most insidious things that State and local governments have been doing is insisting that citizens must vaccinate their children in order for them to attend government schools. (See “Whiskey and Car Keys,” *HFN* 25:4, p. 2 about Maryland’s illegal intimidation tactics.)

As with Maryland, Maine does not mind violating its own laws when it comes to duping and coercing its citizens. Last year NHF board member and Southern Maine Chapter President Pamela Gerry heard from a friend who had received a letter from the superintendent of the public schools in her district stating quite clearly that unless her son Johnny’s vaccination records were submitted to the school, then Johnny would have to be removed from the school district “in compliance with Maine law.”

After obtaining a copy of the form letter being sent to the parents in the district, Gerry could easily see that it was not in compliance with the law:

Sanford School Department

John R. Turcotte
Superintendent

Delano D. Lebel
Business Administrator

917 Main Street, Suite 200, Sanford, Maine 04073
Tel: 207-324-2810 Fax: 207-324-5742

Elizabeth St. Cyr
Special Education Director

Janice Goldsberry
Curriculum Director

David Theoharides
Director of Educational Operations

SCHOOL COMMITTEE:
Marguerite Herlihy, Chairman Robert Dezenzo, Vice Chairman
Robert Stackpole Robert Gendron Patti Golinac

November 9, 2007

Name
Address 1
Address 2

Dear Name,

Principal NAME at NAME School has notified me that NAME has not received the immunizations necessary by law to attend public school. This issue has been brought to your attention on numerous occasions yet we have not received verification of your child’s updated immunization status.

State law regarding student health and safety is very clear and must be strictly enforced. Students who are not properly immunized must be excluded from attending public schools.

NAME needs to receive proper immunization or I will have no choice but to prohibit NAME from attending school. Please have your child immunized immediately so that I will not need to take such a drastic measure as I believe students need to be in school to receive an education.

Sanford School Department’s principals, school nurses and I stand ready to help you but I must be clear in my intent. Immunization of school age children is the law and will be enforced by the Sanford School Department.

Sincerely,

John R. Turcotte
John R. Turcotte,
Superintendent of Schools

JRT/d
Copy: Principal NAME

PS: If there are extenuating circumstances surrounding NAME’s immunizations, please contact your building principal immediately to determine a course of action.

OUT OF COMPLIANCE WITH MAINE LAW

6355) clearly offered an “opt out,” which exemptions were ignored in the form letters.

“2. **MEDICAL EXEMPTION.** The parent or the child provides a physician’s written statement that immunization against one or more of the diseases may be medically inadvisable.

3. **PHILOSOPHICAL OR RELIGIOUS EXEMPTION.** The parent states in writing a sincere religious belief that is contrary to the immunization requirement of this subchapter or an opposition to the immunization for philosophical reasons.”

In November 2007, Gerry filed a complaint with the Maine Attorney General, Stephen Rowe, stating that a Maine statute was being violated repeatedly, and often on a daily basis. She told the Attorney General that most people in the State were being deliberately given the false impression that children had to be vaccinated in order to attend school and that this must stop.

In mid-April 2008, after more cage rattling by Gerry, she was notified that the Attorney General had found merit in her complaint and was in the process of contacting the Commissioner of Education to notify her that the school was out of compliance with Maine law. The Attorney General sent the letter.

STATE OF MAINE
DEPARTMENT OF EDUCATION
23 STATE HOUSE STATION
AUGUSTA, MAINE
04333-0023

JOHN ELIAS BALLUCCI
GOVERNOR

SUSAN A. GENDRON
COMMISSIONER

April 23, 2008

John R. Turcotte
Sanford School Department
917 Main Street Suite 200
Sanford, Maine 04073

Dear Mr. Turcotte,

It has come to my attention that your district sends a letter home to parents with regard to immunization status of the students who attend Sanford schools that does not accurately reflect Maine Education law Title 20-A Chapter 223 Subchapter 2, Immunization.

§6359.3 states: “**Enrollment of school.** No chief administrative officer may permit any student to be enrolled in or to attend school without a certificate of immunization for each disease or other acceptable evidence of required immunization or immunity against the disease, except as follow.

A. The parent or the student provides a physician’s written statement or a written statement from a school health provider that immunization against one or more of the disease may be medically inadvisable.

B. The student or the parent, if the student is a minor states in writing a sincere religious belief, which is contrary to the immunization requirement of this subchapter or an opposition to the immunization for philosophical reasons.”

Attached is a sample letter provided to school nurses through the school health manual (available at www.maine.gov/education/sh/index). Please revise your immunization letter to reflect the current Maine statute.

Sincerely,

Nancy Dube RN
Nancy Dube RN
School Nurse Consultant
Maine Department of Education

OFFICES LOCATED AT THE BURTON M. CROSS STATE OFFICE BUILDING
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From her own experience and knowledge, Gerry knew that the State statute governing vaccinations (20-A M.R.S. §

Sample parent letter requesting immunization records.

School Letterhead

Date

Dear Parent/Guardian;

A review of the Student Health Record of _____
(Student Name)
has found that there is no record of or the record is incomplete for the following immunizations that are required by Maine State Law for enrollment in school.

___ DPT/DtaP/DT/Td (diphtheria, pertussis, tetanus) ___ OPV or IPV (Polio)
___ MMR (measles, mumps, rubella) ___ Chickenpox (Varicella)

These records must be received by _____. Please bring, send or fax a copy of the immunization record to the school by this date. Maine State Law allows for a one-time 90-day period from the time of school registration and allows for 21 days to transfer health records for a student enrolling in a new school. Following this time period, the superintendent is not permitted by state law to allow students to attend school who are not adequately immunized and an exclusion notice will be sent to you.


There are two exceptions.

1. If the student's physician believes the immunizations are medically inadvisable, a written statement to that affect signed by the physician must be given to the school each school year.
2. If you have a religious or philosophical objection to immunizations, you must write a statement indicating your objections and provide to the school each school year.

Please be aware that students, who have a waiver of immunization either for medical or religious or philosophical reasons, will be excluded from school if there is an outbreak of a disease for which the student is not immunized.

School nurse
Phone and Fax #

Pleased with the outcome because "they didn't wiggle out of it," Gerry knows that many other districts are guilty of the same infraction and is asking the Attorney General's office to obtain and review relevant immunization-demand letters from all Maine school districts in order to discover who else might need some instruction in crafting a letter that actually complies with the law.

"After that," Gerry said, "we are going to begin to identify specific doctors and nurses throughout the State who coerce, intimidate, and even harass parents to submit their children to receiving the clearly-optional vaccines." Half a dozen parents have already stated that they are on board to identify those pathetic medical practitioners who did not make known to them that the vaccine injections were optional. Stay tuned. 



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