

MAINE STATE LEGISLATURE

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ONE HUNDRED AND SEVENTH LEGISLATURE

Legislative Document

No. 417

H. P. 275

House of Representatives, January 29, 1975

Speaker laid before the House and on Motion of Mr. Talbot of Portland, motion referred to Committee on Human Resources, withdrawn. Referred to the Committee on Education. Sent up for concurrence and ordered printed.

EDWIN H. PERT, Clerk

Presented by Mr. Henderson of Bangor.

Cosponsor: Mr. Ingegneri of Bangor.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-FIVE

AN ACT to Prohibit Corporal Punishment of Pupils.

Be it enacted by the People of the State of Maine, as follows:

20 MRSA, § 807 is enacted to read:

§ 807. Use of corporal punishment prohibited

1. Prohibition. No person employed or engaged by any school committee or board shall inflict corporal punishment upon any pupil.

2. Exception. A person covered under subsection 1 may use and apply such amounts of physical restraint upon a pupil as may be reasonable and necessary to:

A. Protect any person from physical injury;

B. Prevent damage to public property; or

C. Evict a pupil from the classroom, but only after having requested the pupil to leave and only then if the pupil refuses to do so.

3. Burden of proof. In any administrative, judicial or other proceeding which results from the use of force upon a pupil by a person covered under subsection 1, such person shall bear the burden of proving compliance with all provisions of this section in his or her use of physical restraint upon the pupil.

4. Civil liability. The parents or guardian of any pupil upon whom corporal punishment has been inflicted may seek civil damages against any person covered under subsection 1.

STATEMENT OF FACT

Physical restraint should be available as a means of protecting persons and property and to preserve the degree of order necessary to conduct the educational process. It should not be such a part of that process that pupils learn by the example of school officials that the use of force is an accepted method of settling disputes.