

MAINE STATE LEGISLATURE

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SECOND REGULAR SESSION

ONE HUNDRED AND EIGHTH LEGISLATURE

Legislative Document

No. 1916

H. P. 1866

Office of the Clerk of the House

The Committee on Education suggested. Approved for introduction by the Legislative Council pursuant to Joint Rule 24.

EDWIN H. PERT, Clerk

Presented by Mr. Garsoe of Cumberland

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-EIGHT

AN ACT Relating to Preventive Discipline in the Schools.

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

17-A MRSA § 106, sub-§ 1, as enacted by PL 1975, c. 499, § 1, is amended by adding at the end the following new paragraph to read:

A teacher or other person entrusted with the care or supervision of a person for special and limited purposes is justified in using a reasonable degree of force against that person in order to prevent or control that person's misconduct, to the extent that he reasonably believes it necessary to control that misconduct.

STATEMENT OF FACT

This bill permits a teacher or other person entrusted with the care or supervision of a person for special and limited purposes to use a reasonable degree of force against that person in order to prevent or control that person's misconduct, to the extent that the teacher or other person reasonably believes it necessary to control that misconduct.

This bill is necessary to control teacher and school liability in light of the newly-enacted Maine Tort Claims Act.