

MAINE STATE LEGISLATURE

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120th MAINE LEGISLATURE

FIRST REGULAR SESSION-2001

Legislative Document

No. 700

H.P. 545

House of Representatives, February 13, 2001

An Act to Amend the Physical Force Justification Laws.

Reference to the Committee on Criminal Justice suggested and ordered printed.

Millicent M. MacFarland

MILLICENT M. MacFARLAND, Clerk

Presented by Representative LEMOINE of Old Orchard Beach.
Cosponsored by Senator DAGGETT of Kennebec and
Representatives: BAKER of Bangor, COLWELL of Gardiner, DUDLEY of Portland,
DUPLESSIE of Westbrook, GREEN of Monmouth, McNEIL of Rockland, SHERMAN of
Hodgdon, SULLIVAN of Biddeford.

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

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Sec. 1. 17-A MRSA §106, sub-§1, as enacted by PL 1975, c. 499,
4 §1, is amended to read:

6 1. A parent, foster parent, guardian or other similar
8 person responsible for the long term general care and welfare of
10 a person is justified in using a reasonable degree of force
12 against such person when and to the extent that he that person
14 reasonably believes it necessary to prevent or punish such
16 person's misconduct. A person to whom such parent, foster parent,
18 guardian or other responsible person has expressly delegated
permission to so prevent or punish misconduct is similarly
justified in using a reasonable degree of force. For the
purposes of this section, "reasonable degree of force" does not
include the use of a stick, a belt or any other hard or solid
object if the use of the stick, belt or other hard or solid
object causes a bruise on the dependent person.

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SUMMARY

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24 This bill specifically excludes the use of a stick, a belt
26 or any other hard or solid object from the permissible and
justifiable use of reasonable degree of force by a parent or
other responsible person when disciplining a dependent person if
the use of the stick, belt or other hard or solid object causes a
28 bruise on the dependent person.