

MAINE STATE LEGISLATURE

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124th MAINE LEGISLATURE

FIRST REGULAR SESSION-2009

Legislative Document

No. 933

S.P. 355

In Senate, March 10, 2009

An Act To Prohibit Cyberbullying

Reference to the Committee on Education and Cultural Affairs suggested and ordered printed.

A handwritten signature in cursive script that reads "Joy J. O'Brien".

JOY J. O'BRIEN
Secretary of the Senate

Presented by Senator NASS of York.
Cosponsored by Representative MILLER of Somerville.

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

2 **Sec. 1. 20-A MRSA §6553**, as amended by PL 1999, c. 351, §4, is further
3 amended to read:

4 **§6553. Prohibition of injurious hazing and cyberbullying**

5 **1. Definitions.** As used in this section, unless the context otherwise indicates, the
6 following terms have the following meanings.

7 A. "Injurious hazing" means any action or situation, ~~including harassing behavior,~~
8 that recklessly or intentionally endangers the mental, emotional or physical health of
9 any school personnel or a student enrolled in a public school. "Injurious hazing"
10 includes harassing behavior.

11 B. "Violator" means any person or any organization ~~which~~ that engages in injurious
12 hazing.

13 C. "Cyberbullying" means injurious hazing by any verbal, textual or graphic
14 communication of any kind effected, created or transmitted by the use of any
15 electronic device, including but not limited to a computer, telephone, cellular
16 telephone, text messaging device and personal digital assistant.

17 **2. Adoption of policy.** The school board shall adopt a policy ~~which~~ that establishes
18 that "injurious hazing and cyberbullying," either on or off school property, by any
19 student, staff member, group or organization affiliated with the public school is
20 prohibited.

21 **3. Penalties.** The school board shall establish penalties for violation of the rules
22 established in subsection 2. The penalties ~~shall~~ must include, but are not ~~be~~ limited to,
23 provisions for:

24 A. In the case of a person not associated with the public school, the ejection of the
25 violator from school property;

26 B. In the case of a student, administrator or staff violator, the individual's
27 suspension, expulsion or other appropriate disciplinary action; and

28 C. In the case of an organization affiliated with the public school ~~which~~ that
29 authorizes hazing, rescission of permission for that organization to operate on school
30 property or receive any other benefit of affiliation with the public school.

31 These penalties ~~shall be~~ are in addition to any other civil or criminal penalty to which the
32 violator or organization may be subject.

33 **4. Administrative responsibility.** The school board shall assign responsibility for
34 administering the policy to the superintendent of schools and establish procedures for
35 appealing the action or lack of action of the superintendent.

36 **5. Dissemination.** The school board shall clearly set forth the policy and penalties
37 adopted and shall distribute copies of them to all students enrolled in the public school.

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SUMMARY

This bill amends the current law covering the prohibition of hazing in public schools to specifically cover cyberbullying. Current law requires each school board to adopt a policy that addresses injurious hazing. This bill defines "cyberbullying" as injurious hazing by any verbal, textual or graphic communication of any kind effected, created or transmitted by the use of any electronic device, including but not limited to a computer, telephone, cellular telephone, text messaging device and personal digital assistant.