

MAINE STATE LEGISLATURE

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MINORITY

L.D. 1096

Date: 5-19-09

(Filing No. S-185)

EDUCATION AND CULTURAL AFFAIRS

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STATE OF MAINE

SENATE

124TH LEGISLATURE

FIRST REGULAR SESSION

COMMITTEE AMENDMENT "A" to S.P. 407, L.D. 1096, Bill, "An Act To Protect School Children from Dangerous or Abusive Restraint and Seclusion"

Amend the bill by striking out all of section 2 (page 1, lines 9 to 18 in L.D.) and inserting the following:

'Sec. 2. 20-A MRSA §4009, sub-§3, as enacted by PL 1981, c. 693, §§5 and 8, is amended to read:

3. Effect on civil liability; construction. This section may not be construed to increase the scope of potential civil liability of a teacher or other person entrusted with the care or supervision of a person for special or limited purposes. Nothing in this section may be construed to limit any duty imposed on a school district regarding standards governing the use of time out or restraints.'

SUMMARY

This amendment is the minority report of the Joint Standing Committee on Education and Cultural Affairs.

This amendment clarifies that the limited civil immunity provided to teachers and others for the reasonable use of force against a person creating a disturbance may not be construed to limit any duty imposed on a school district regarding standards governing the use of time out or restraints.

FISCAL NOTE REQUIRED

(See attached)

COMMITTEE AMENDMENT



124th MAINE LEGISLATURE

LD 1096

LR 1762(02)

An Act To Protect School Children from Dangerous or Abusive Restraint and Seclusion

Fiscal Note for Bill as Amended by Committee Amendment "A"

Committee: Education and Cultural Affairs

Fiscal Note Required: Yes

Fiscal Note

Minor cost increase - General Fund

Fiscal Detail and Notes

Additional costs to the Department of Education associated with the rulemaking process can be absorbed within existing budgeted resources.