

# MAINE STATE LEGISLATURE

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FIRST REGULAR SESSION

ONE HUNDRED AND NINTH LEGISLATURE

Legislative Document

No. 818

H. P. 658

House of Representatives, February 28, 1979

On Motion of Mr. Connolly of Portland, referred to the Committee on Education. Sent up for concurrence and ordered printed.

EDWIN H. PERT, Clerk

Presented by Mr. Hanson of Kennebunkport.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED  
SEVENTY-NINE

**AN ACT to Increase Parental Responsibility for Habitual Truants.**

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

20 MRSA § 911, sub-§ 8, as enacted by PL 1977, c. 499, § 1, is repealed and the following enacted in its place:

8. **Responsibility of parents and guardians; penalties.** All persons having children under their control shall cause them to attend school as provided in this section. Any person having control of a child who is an habitual truant, as defined in section 914, and who, with criminal negligence, as defined in Title 17-A, section 10, permits, allows or is responsible for that child's truancy, shall be guilty of a Class E crime. Proof of the fact that a person having control of a child received notice from a school official that the child is an habitual truant and proof that the child's habitual truancy continued following the notice shall be evidence that the person having control of the child did permit, allow or was responsible for that child's truancy. Any person who induces a child to absent himself from school or harbors or conceals that child when he is absent shall be guilty of a Class E crime.

In addition to any fine or imprisonment imposed pursuant to this section upon any person having control of a child, the court shall impose a sentence of probation on that person. As a condition of the probation, the court may require that the convicted person receive professional counseling by a qualified professional

**counselor who shall be selected by the convicted person, with the approval of the court, or by the court. The counselor shall submit a written report of his counseling to the court and to the person counseled. If during that probation period the child shall again become an habitual truant, and the person on whom the sentence of probation was imposed, with criminal negligence as defined in Title 17-A, section 10, has permitted, allowed or is responsible for that truancy, the court shall order that child committed into the custody of the Department of Human Services or into the custody of any suitable person, provided that that person consents to accept custody of that child.**

#### STATEMENT OF FACT

The purpose of this bill is to require parents, guardians and those responsible for the care of children to accept increased responsibility when these children become habitual truants.

The bill also provides that the court shall place the parent, guardian or party responsible for an habitual truant on probation and if during that period of probation the parents, guardian or responsible person allows the habitual truancy to continue, the child shall be made a ward of the State.