

MAINE STATE LEGISLATURE

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FIRST REGULAR SESSION

ONE HUNDRED AND TENTH LEGISLATURE

Legislative Document

No. 1401

H. P. 1177

House of Representatives, March 19, 1981

Referred to the Committee on Education. Sent up for concurrence and ordered printed.

EDWIN H. PERT, Clerk

Presented by Representative Davis of Monmouth.

Cosponsors: Representative T. Murphy of Kennebunk, Representative Crowley of Stockton Springs, Representative Richard of Madison.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED AND EIGHTY-ONE

AN ACT Relating to Compulsory School Attendance and the Enforcement of
Truancy.

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

Sec. 1. 20 MRSA § 911, sub-§ 1, ¶ A, as enacted by PL 1979, c. 475, § 1, is amended to read:

A. Every child between his 7th and ~~17th~~ 15th birthdays shall attend a public day school during the time it is in session. An absence therefrom of 1/2 day or more shall be deemed a violation of this requirement. This subsection shall not apply to a child who has graduated from high school before his ~~17th~~ 15th birthday, nor to a child who:

- (1) Has ~~attained age 15 or has~~ completed the 9th grade;
- (2) Has permission from his parent or legal guardian;
- (3) Has permission from the local school committee or board of directors, or its designee; and
- (4) Has made an agreement, in writing, with his parents or legal guardian and the designee of the local school committee or board of directors to meet at least once annually until he reaches the age of ~~17~~ 15 for the purpose of

reviewing the possibility of the student's return to day school or attendance in evening school.

Sec. 2. 20 MRSA § 911, sub-§ 8, 2nd and 3rd sentences, as enacted by PL 1977, c. 499, § 1, are amended to read:

Any person having control of a child who is a habitual truant as defined in section 914 and being in any way responsible for such truancy, ~~and any commits a civil violation for which a forfeiture of not less than \$200 shall be adjudged.~~ Any person who induces a child to absent himself from school, or harbors or conceals such child when he is absent ~~shall be punished by a fine of not more than \$25 or by imprisonment for not more than 30 days for each offense.~~ ~~If the commits a civil violation for which a forfeiture of not less than \$500 shall be adjudged.~~ The court ~~imposes a sentence of probation, it may in its sentence, as a condition of probation~~ 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.

Sec. 3. 20 MRSA § 966, sub-§ 1, last 3 sentences, as repealed and replaced by PL 1977, c. 696, § 174, are repealed.

STATEMENT OF FACT

This bill reduces the compulsory attendance age so that a child would be required to attend school between his 7th and 15th birthdays. It would change the penalty section for a parent responsible for truancy to a civil violation punishable by either a \$200 or \$500 forfeiture, depending on the nature of the offense. It also repeals provisions concerning minimum attendance for purposes of the annual pupil count.