

MAINE STATE LEGISLATURE

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1 FIRST REGULAR SESSION
2

3 ONE HUNDRED AND ELEVENTH LEGISLATURE
4

5 Legislative Document

No. 1131

6
7 H.P. 877

House of Representatives, March 9, 1983

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

10 EDWIN H. PERT, Clerk

Presented by Representative Thompson of So. Portland.

Cosponsors: Representative Mitchell of Vassalboro, Representative Rolde
of York and Senator Hayes of Penobscot.

11
12 STATE OF MAINE
13

14 IN THE YEAR OF OUR LORD
15 NINETEEN HUNDRED AND EIGHTY-THREE
16

17 AN ACT to Revise the Truancy Laws.
18

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

21 Sec. 1. 20-A MRS §5051, sub-§2, ¶A-1 is enacted
22 to read:

23 A-1. As part of the informal measures the super-
24 intendent may ask the parents to attend a series
25 of meetings with their child's teacher or other
26 school personnel designated by the superinten-
27 dent. The purpose of the meetings would be to
28 describe the education program to the parents and
29 explain the value for their child attending
30 school. The superintendent should arrange meet-
31 ing times convenient to the parents. If the par-
32 ents do not attend the meetings, the superinten-
33 dent may seek a court order requiring their
34 attendance. The fact that a child is an habitual

1 truant under subsection 1 and the superintendent
2 documents the parents were informed about the
3 meetings but did not attend is sufficient grounds
4 for the court to issue a court order requiring
5 parents' attendance.

6 Sec. 2. 20-A MRSA §5053, sub-§1, ¶¶A, B and C,
7 as enacted by PL 1981, c. 693, §§5 and 8, are amended
8 to read:

9 A. Having control of a student who is a habitual
10 truant and being primarily responsible for that
11 truancy; Failure to comply with a court order
12 under section 5051, subsection 2, paragraph B and
13 with the school board's decision under section
14 5051, subsection 2, paragraph D is sufficient
15 grounds for judging the parents primarily respon-
16 sible for their child's truancy;

17 B. Inducing a student to violate section 5051,
18 subsection 1; ~~or~~

19 C. Harboring or concealing a student who is in
20 violation of section 5001; or

21 Sec. 3. 20-A MRSA §5053, sub-§1, ¶D is enacted
22 to read:

23 D. Being 14 years old and being an habitual
24 truant as defined in section 5051, subsection 1.

25 Sec. 4. 20-A MRSA §5053, sub-§4, ¶A, as enacted
26 by PL 1981, c. 693, §§5 and 8, is amended to read:

27 A. A person guilty of a civil violation under:

28 (1) Subsection 1, paragraph A shall be pun-
29 ished by a forfeiture of ~~not more than~~ \$200
30 or 50 hours of community service; and

31 (2) Subsection 1, paragraphs B and C shall
32 be punished by a forfeiture of not less than
33 \$500; and

34 (3) Subsection 1, paragraph D shall be pun-
35 ishable by a forfeiture of 50 hours of com-
36 munity service in the same manner provided

1 in Title 15, section 3314, subsection 1,
2 paragraph B.

3 Sec. 5. 20-A MRSA §5053, sub-§4, ¶D is enacted
4 to read:

5 D. The court may report the parents to the
6 Department of Human Services for possible child
7 neglect.

8 STATEMENT OF FACT

9 This bill revises the truancy law. It clarifies
10 the school unit's and Department of Human Services'
11 responsibility. It specifies the evidence needed to
12 determine the parent's responsibility for their
13 child's truancy and makes high school students
14 responsible for their own actions. Specifically it:

15 1. Encourages more constructive communications
16 between the school and parents;

17 2. Strengthens the schools position if they must
18 bring the parents to court in order to get the
19 student to attend school; and

20 3. Provides the courts with the option of
21 assessing community service for parents or truant
22 secondary students in lieu of a fine. The enforce-
23 ment provisions of community service for truant
24 secondary students will be carried out in the same
25 manner as provided in the Maine Juvenile Code.

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