

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

3.
D. OF R.

1 L.D. 1048
2 (Filing No. S- 182)

3 STATE OF MAINE
4 SENATE
5 112TH LEGISLATURE
6 FIRST REGULAR SESSION

7 COMMITTEE AMENDMENT " A " to S.P. 381, L.D.
8 1048, Bill, "AN ACT to Clarify and Improve the Laws
9 on Education in the Unorganized Territory."

10 Amend the bill in section 2 in that part desig-
11 nated "§3251." in the 3rd and 4th lines (page 2,
12 lines 8 and 9 in L.D.) by striking out the following:
13 "between the ages of 5 and 20 years" and inserting in
14 its place the following: 'between the ages of 5 and
15 20 years who have attained the age of 5 years on Oc-
16 ttober 15th and have not reached 20 years of age be-
17 fore the start of the school year and'

18 Further amend the bill in section 5 in that part
19 designated "§3253-A." in subsection 1 in the last
20 line (page 3, line 24 in L.D.) by inserting after the
21 underlined word "he" the underlined words 'or she'

22 Further amend the bill in section 5 in that part
23 designated "§3253-A." in subsection 3, in the last
24 line (page 3, line 37 in L.D.) by adding after the
25 underlined word and punctuation "scholarship." the
26 following: 'At the request of the school board of a
27 receiving school administrative unit, the commissioner
28 may pay up to 110% of the official tuition rate
29 for students enrolled under this section.'

30 Further amend the bill in section 8 by striking
31 out all of that part designated "§3272." and insert-
32 ing in its place the following:

33 '§3272. Truancy; excusable absences

34 1. Truancy. A person required to attend school
35 or alternative instruction under this chapter is tru-
36 ant when an absence of 1/2 day is not excused.

COMMITTEE AMENDMENT " A" to S.P. 381, L.D. 1048

- 1 2. Habitual truancy. A person is a habitual tru-
2 ant if the person is required to attend school or al-
3 ternative instruction under this chapter and is ab-
4 sent, without excuse, for the equivalent of 10 full
5 days or for at least 1/2 day on 7 consecutive school
6 days within any 6-month period.
- 7 3. Excusable absence. A person's absence is ex-
8 cused when the absence is for the following reasons:
- 9 A. Personal illness;
- 10 B. An appointment with a health professional
11 that must be made during the regular school day;
- 12 C. Observance of a recognized religious holiday
13 when the observance is required during the regu-
14 lar school day;
- 15 D. A family emergency; or
- 16 E. A planned absence for a personal or educa-
17 tional purpose which has been approved.
- 18 4. Adult responsibility. Any adults having a
19 person of compulsory school age under their control
20 shall cause the person to attend school as provided
21 in this section.
- 22 §3273. Enforcement
- 23 1. Offenses. Each of the following acts shall
24 constitute a civil violation under this chapter:
- 25 A. Having control of a person who is a habitual
26 truant and being primarily responsible for that
27 truancy;
- 28 B. Inducing a student to be truant; or
- 29 C. Harboring or concealing a student who is a
30 truant.

COMMITTEE AMENDMENT "A " to S.P. 381, L.D. 1048

1 2. Jurisdiction. The District Court shall have
2 jurisdiction over these offenses.

3 3. Process. Warrants and legal process issued by
4 a court to enforce this section may be directed to
5 and executed by the attendance officer of the school
6 administrative unit where the offense is alleged to
7 have been committed.

8 4. Penalties. The following provisions apply to
9 penalties.

10 A. A person who is guilty of a civil violation
11 under:

12 (1) Subsection 1, paragraph A shall be pun-
13 ished by a forfeiture of not more than \$200;
14 and

15 (2) Subsection 1, paragraphs B and C shall
16 be punished by a forfeiture of not less than
17 \$500.

18 B. All forfeitures in paragraph A shall be paid
19 to the treasurer of the school administrative
20 unit in which the offense was committed for the
21 support of its public schools.

22 C. The court may require that the offender un-
23 dergo counseling by a professional selected by
24 the offender, with the court's approval, or by
25 the court. The counselor shall submit a written
26 report to the court and to the offender.'

27 Further amend the bill in section 12 in that part
28 designated "§3303." in the 3rd line (page 8, line 29
29 in L.D.) by striking out the underlined word
30 "persons" and inserting in its place the following:
31 'students of eligible age' and in the 4th and 5th
32 lines (page 8, lines 30 and 31 in L.D.) by striking
33 out the following: "between the ages of 5 and 20

D. OF R.

COMMITTEE AMENDMENT "A" to S.P. 381, L.D. 1048

1 years"

2 Further amend the bill in section 13 in subsec-
3 tion 2, in the first line (page 8, line 34 in L.D.)
4 by striking out the following: "portion of" and in-
5 serting in its place the following: '~~portion of~~' and
6 in the 2nd line (page 8, line 35 in L.D.) by striking
7 out the following: "based on capital expenditure" and
8 inserting in its place the following '~~based on capi-~~
9 ~~tal expenditure~~' and by striking out all of the last
10 sentence '~~The balance of tuition income shall be~~
11 ~~credited to the General Fund for the year in which it~~
12 ~~is earned and shall be a credit in computing the~~
13 ~~school assessment on the property of the unorganized~~
14 ~~unit in which it was earned.~~'

15 Further amend the bill by adding at the end, be-
16 fore the statement of fact, the following:

17 'FISCAL NOTE

18 This bill establishes a nonlapsing contingency
19 fund which could tie up General Fund dollars for an
20 indefinite period, thus, reducing revenue available
21 for other programs.'

22 STATEMENT OF FACT

23 The purpose of this amendment is:

24 1. In section 2 it makes the age eligibility
25 compatible with current law;

26 2. In section 5 it allows receiving units to
27 charge 110% of the allowable tuition charges to bet-
28 ter reflect actual costs;

29 3. In section 8 it replaces section 3272 with
30 new sections 3272 and 3273 to better follow current
31 laws regarding the definition of truancy and enforce-

COMMITTEE AMENDMENT " A" to S.P. 381, L.D. 1048

1 ment procedures;

2 4. In section 12 it clarifies who should be
3 counted in the school census; and

4 5. In section 13 it corrects language on tuition
5 money.

6 3794052385

Reported by Senator Gauvreau for the Committee on Education.
Reproduced and Distributed Pursuant to Senate Rule 12.
(5/31/85) (Filing No. S-182)