

MAINE STATE LEGISLATURE

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1 L.D. 187

3 (Filing No. S- 290)

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7 STATE OF MAINE
8 SENATE
9 114TH LEGISLATURE
10 FIRST REGULAR SESSION
11

13 COMMITTEE AMENDMENT "A" to S.P. 121, L.D. 187, Bill, "An
14 Act to Amend the Laws Relating to Truants, Dropouts and
15 Alternative Programs"

17 Amend the bill in section 1 by striking out all of
18 subsection 4 and inserting in its place the following:
19

21 '4. Exclusive jurisdiction. Original jurisdiction, not
22 concurrent with that of the Superior Court, of mental health
23 commitment hearings under Title 34, chapter 229, mental
24 retardation certification hearings under Title 34, chapter 229,
25 habitual truancy actions under Title 20-A, chapters 119 and 211
26 under which equitable relief may be granted and small claims
27 actions under Title 14, chapter 738; and'

29 Further amend the bill by inserting after section 1 the
30 following:

31 'Sec. 2. 20-A MRSA §261, as enacted by PL 1985, c. 797, §9,
32 is amended by adding at the end a new paragraph to read:
33

34 The commissioner may adopt rules to implement statutory
35 policies regarding student residency, the right of a student to
36 attend school in another administrative unit and other exceptions
37 to the general residency rules. Rules adopted by the
38 commissioner pursuant to this section shall take precedence over
39 any inconsistent or conflicting rules adopted by a school board
40 pursuant to section 5201, subsection 4.'
41

42 Further amend the bill in section 9 in subsection 5 by
43 striking out all of the first 5 lines (page 2, lines 22 to 26 in
44 L.D.) and inserting in their place the following:
45

46 '5. Disposition. The court may order injunctive relief of
47 one or more of the following actions against any person who
48 commits a civil violation under subsection 1:'

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Further amend the bill in section 11 in that part designated "~~§4729.~~" in the 2nd paragraph in the 3rd line (page 3, line 17 in L.D.) by striking out the following: "~~5104~~" and inserting in its place the following: '~~5104~~-A'

Further amend the bill in section 13 in paragraph B in the next to the last line (page 4, line 7 in L.D.) by striking out the following: "~~5104~~" and inserting in its place the following: '~~5104~~ ~~5104~~-A'

Further amend the bill in section 18 in that part designated "~~§5051.~~" in subsection 2 in paragraph A by striking out all of the last stricken sentence and inserting in its place the following: 'The superintendent shall first try to correct the problem informally.'

Further amend the bill in section 18 in that part designated "~~§5051.~~" in subsection 2 by inserting after paragraph A the following:

'A-1. As part of the informal measures set out in paragraph A, the superintendent may ask the student's parents to attend a series of meetings with their child's teacher or other school personnel designated by the superintendent. The purpose of the meetings is to describe the education program to the parents and explain the value of their child attending school. The superintendent shall arrange meeting times convenient to the parents.'

Further amend the bill in section 20 in that part designated "~~§5052-A.~~" by striking out all of subsections 1 and 2 and inserting in their place the following:

'1. Election. The following provisions apply to the election of attendance coordinators.'

A. A school board shall elect an attendance coordinator or coordinators.'

B. Vacancies shall be filled as they occur.'

'2. Qualifications. An attendance coordinator shall be a professionally certified or registered person in the mental health, social welfare or educational system who is qualified to carry out the duties in accordance with rules to be established by the State Board of Education.'

Further amend the bill in section 24 in subsection 5 by striking out all of the first 5 lines (page 8, lines 1 to 5 in L.D.) and inserting in their place the following:

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'5. Disposition. The court may order injunctive relief of one or more of the following actions against any person who commits a civil violation under subsection 1:'

Further amend the bill by adding after section 24 the following:

'Sec. 25. 20-A MRSa §5054 is enacted to read:

§5054. Employment of truants prohibited

Any firm or corporation, or agent or manager of any firm or corporation, who hires or otherwise engages any student who is habitually truant as defined in this subchapter without a release from the student's supervising superintendent of schools shall be subject to the penalty provided in Title 26, section 781.'

Further amend the bill in section 27 in that part designated "§5103." by striking out all of subsection 2 and inserting in its place the following:

'2. Membership. The dropout prevention committee shall be composed of the following members:

- A. A member of the school board selected by that board;
- B. A school administrator selected by the superintendent;
- C. A teacher and a school counselor selected by the school administrative unit's teacher organization;
- D. A parent selected by the unit's organized parent group, or, if no organized parent group exists, by the school board;
- E. A school attendance coordinator from the district selected by the superintendent;
- F. A high school student selected by the dropout prevention committee members selected in paragraphs A to E;
- G. A dropout selected by the dropout prevention committee members selected in paragraphs A to E; and
- H. A community resident of the district selected by the dropout prevention committee members selected in paragraphs A to E.

A dropout prevention committee may increase its membership by majority vote.'

Further amend the bill by inserting after section 30 the

1 following:

3 'Sec. 31. 26 MRSA §781, as amended by PL 1987, c. 665, §2, is
5 further amended to read:

7 **§781. Penalties; employers**

9 Any person, firm or corporation, agent or manager of any
11 firm or corporation, who, either for that person or entity or for
13 some firm or corporation, or by that person or entity or through
15 agents, servants or foremen, employs, permits or suffers any
17 child to be employed, or to work in violation of any of the
provisions of sections 771 to 780, or otherwise fails to comply
with any of the provisions of these sections, or any firm or
corporation or agent or manager of any firm or corporation who
violates the provisions of Title 20-A, section 5054 shall be
punished by a fine of not less than \$100 nor more than \$500.'

19 Further amend the bill by renumbering the sections to read
21 consecutively.

23 Further amend the bill by inserting before the statement of
25 fact the following:

27 **FISCAL NOTE**

29 The Department of Educational and Cultural Services will be
31 able to absorb within existing budgeted resources the costs of
rulemaking authorized by this bill.'

33 **STATEMENT OF FACT**

35 The original bill proposed several changes to strengthen
37 existing compulsory attendance laws and to clarify requirements
for developing alternative programs for students at risk of
dropping out. This amendment makes several changes to clarify
the original bill.

39 1. Equitable jurisdiction of the District Court is
41 clarified and the monetary penalty for violations of the
43 compulsory attendance laws is eliminated.

45 2. The commissioner is granted authority to adopt rules
47 governing compulsory attendance which override those of local
school boards.

49 3. The informal process for resolving a potential truancy
51 problem by the superintendent is strengthened.

51 4. Employment of a truant is made a violation of the child
labor laws.

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5. The membership selection of the local dropout prevention committees is clarified in order to preserve a voice by the represented groups in the selection process.

6. Several technical amendments are made to the bill.

Reported by Senator Estes for the Committee on Education.
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