

# 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)



# 114th MAINE LEGISLATURE

FIRST REGULAR SESSION - 1989

---

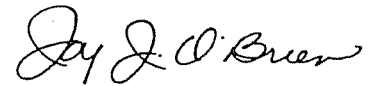
Legislative Document

No. 652

S.P. 262

In Senate, March 7, 1989

Reference to the Committee on Transportation suggested and ordered printed.

  
JOY J. O'BRIEN  
Secretary of the Senate

Presented by Senator HOLLOWAY of Lincoln.

Cosponsored by Representative HOGLUND of Portland, Representative LEBOWITZ of Bangor and Senator GILL of Cumberland.

---

STATE OF MAINE

---

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

---

An Act to Revoke Driving Privileges of High School Dropouts.

---



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

3 Sec. 1. 20-A MRSA §5105 is enacted to read:

5 §5105. School attendance as condition for issuance of driver's  
7 license.

9 1. Denial of license. In accordance with the provisions of  
11 Title 29, section 2241, subsection 1, paragraph O, the Department  
13 of the Secretary of State, Division of Motor Vehicles, shall deny  
15 a license or instruction permit for the operation of a motor  
vehicle to any person under the age of 18 who does not at the  
time of application present a diploma or other certificate of  
graduation issued to the person from a secondary school of this  
State or any other state, or documentation that the person is:

17 A. Enrolled and making satisfactory progress in a course  
19 leading to a general educational development certificate  
21 from a state-approved institution or organization, or has  
23 obtained such a certificate;

25 B. Enrolled in a secondary school of this State or any  
27 other state; or

29 C. Excused from presenting a diploma, certificate or other  
31 documentation required by this subsection due to  
33 circumstances beyond the person's control.

35 2. Documentation of enrollment. The attendance officer  
37 shall provide documentation of enrollment status on a form  
39 approved by the Department of Educational and Cultural Services  
41 to any student 16 years of age or older upon request who is  
43 properly enrolled in a school under the jurisdiction of the  
45 official for presentation to the Division of Motor Vehicles on  
application for or reinstatement of an instruction permit or  
license to operate a motor vehicle. Whenever a student 16 years  
of age or older withdraws from school, except as provided in  
subsection 4, the attendance officer shall notify the Division of  
Motor Vehicles of the withdrawal. Within 5 days of receipt of  
the notice, the Division of Motor Vehicles shall send notice to  
the licensee that the license will be suspended under the  
provisions of Title 29, section 2241, subsection 1, paragraph O,  
30 days following the date the notice was sent, unless  
documentation of compliance with this section is received by the  
Division of Motor Vehicles before that time.

47 3. Withdrawal from school. For the purposes of this  
49 section, withdrawal from school shall be defined as more than 10  
51 full days, or at least 1/2 day on 7 consecutive school days, of  
53 absence within any 6-month period. For the purposes of this  
section, suspension or expulsion from school or imprisonment in a  
jail or a penitentiary is deemed not a circumstance beyond the  
control of the person.

1  
3  
5  
7  
9  
11  
13  
15  
17  
19  
21  
23  
25  
27  
29  
31  
33  
35  
37  
39  
41  
43  
45  
47

4. Circumstances beyond student's control. Whenever the withdrawal from school of a student, or a student's failure to enroll in a course leading to or to obtain a general educational development certificate or high school diploma, is beyond the control of the student, or is for the purpose of transfer to another school as confirmed in writing by the student's parent or guardian, no notice may be sent to the Division of Motor Vehicles to suspend the student's motor vehicle operator's license and, if the student is applying for a license, the attendance officer shall provide the student with documentation to present to the Division of Motor Vehicles to excuse the student from the provisions of this section. The secondary school principal, or the appropriate school official of any private secondary school, with the assistance of the attendance officer and any other staff or school personnel, shall be the sole judges of whether a withdrawal is due to circumstances beyond the control of the person.

Sec. 2. 29 MRSa §2241, sub-§1, ¶M, as amended by PL 1987, c. 791, §27, is further amended to read:

M. Has failed to provide, pursuant to section 246, proof of payment of the use tax imposed by the United States Internal Revenue Code of 1954, Section 4481, within time periods established by federal statute and regulations promulgated pursuant to federal statute; or

Sec. 3. 29 MRSa §2241, sub-§1, ¶N, as enacted by PL 1987, c. 791, §28, is amended to read:

N. Has failed to submit to or complete a test to determine the blood-alcohol level pursuant to section 1312, subsection 11, paragraph D.; or

Sec. 4. 29 MRSa §2241, sub-§1, ¶O is enacted to read:

O. Is under the age of 18 and has withdrawn either voluntarily or involuntarily from a secondary school, as provided in Title 20-A, section 5105.

STATEMENT OF FACT

The purpose of this bill is to give the Department of the Secretary of State, Division of Motor Vehicles, the right to revoke the license of a high school dropout.