

# MAINE STATE LEGISLATURE

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# 114th MAINE LEGISLATURE

FIRST REGULAR SESSION - 1989

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Legislative Document

No. 1622

H.P. 1168

House of Representatives, May 10, 1989

Reference to the Committee on Education suggested and ordered printed.

A handwritten signature in cursive script, reading "Ed Pert".

EDWIN H. PERT, Clerk

Presented by Representative BAILEY of Farmington.

Cosponsored by Senator WEYMOUTH of Kennebec, Representative NUTTING of Leeds and Representative NORTON of Winthrop.

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STATE OF MAINE

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

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An Act to Ensure Regular Attendance for All Maine School Children.

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

3 Sec. 1. 20-A MRSA §5051-A is enacted to read:

5 §5051-A. Child neglect

7 1. Habitual truancy; evidence of neglect. Proof that a  
8 student is a habitual truant shall be prima facie evidence of  
9 neglect by the parent or guardian in any hearing under this  
10 subchapter.

11 2. Dispositional hearing. If the court finds a child to be  
12 a habitual truant in need of supervision, the court shall set a  
13 time for a dispositional hearing to determine if it is in the  
14 best interest of the child and public that the child be made a  
15 ward of the court.

16 The court may not order detention for any child found to be a  
17 truant in need of supervision. A habitual truant in need of  
18 supervision may be:

19 A. Referred to the superintendent of the appropriate school  
20 administrative unit for enrollment in an alternative program  
21 or individualized education plan;

22 B. Required to comply with an individualized education plan  
23 as specifically provided by the superintendent of the  
24 appropriate school administrative unit; or

25 C. Ordered to obtain counseling or other supportive  
26 services.

27 Sec. 2. 20-A MRSA §5052, sub-§1, ¶D is enacted to read:

28 D. When notified by a teacher that a student has been  
29 absent without excuse for the equivalent of 5 full school  
30 days or at least 1/2 a school day on 3 consecutive school  
31 days or 10 unexcused, within a 6-month period, shall notify  
32 the student's parent or guardian or custodian, in writing,  
33 of the situation and shall schedule a meeting between the  
34 person notified and the appropriate teacher, principal or  
35 superintendent.

36 Sec. 3. 20-A MRSA §5053, sub-§1, ¶¶B and C, as amended by PL  
37 1983, c. 806, §54, are further amended to read:

38 B. Inducing a student to be absent from school; or

39 C. Harboring or concealing a student when the student is  
40 absent from school; or

1           **Sec. 4. 20-A MRSA §5053, sub-§1, ¶D** is enacted to read:

3           D. Habitual truancy as defined in section 5051.

5           **Sec. 5. 20-A MRSA §5053, sub-§4, ¶¶A and B,** as enacted by PL  
6 1981, c. 693, §§5 and 8, are amended to read:

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

9           (1) Subsection 1, paragraph A shall be punished by a  
11 forfeiture of not more than \$200; and

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

15           (3) Subsection 1, paragraph D shall be punished by a  
17 forfeiture of not more than \$100 payable, at the option  
18 of the court, by a period of public service calculated  
19 at the then-in-effect state minimum hourly wage; or

21           (4) Subsection 1, paragraphs A, B or C, if such person  
22 is the parent or legal guardian of the habitual truant,  
23 the court may order such parent or legal guardian to  
24 bring the habitual truant to school and to remain there  
25 with the habitual truant through the school day until  
26 such time as the court deems appropriate.

27           The principal or the principal's designee may allow the  
28 parent or legal guardian to leave the school when the  
29 principal is satisfied that a plan has been established  
30 designed to ensure the student's regular attendance in the  
31 future.

32           Every day a habitual truant is out of school, contrary to  
33 the provisions of this subchapter, shall constitute a  
34 separate violation.

35           B. All monetary forfeitures ~~in--paragraph--A~~ under this  
36 section shall be paid to the treasurer of the school  
37 administrative unit in which the offense was committed for  
38 the support of its public schools.

39           **Sec. 6. 20-A MRSA §5054** is enacted to read:

40           §5054. Employment of truants prohibited

41           Any business or other employing agency that hires or  
42 otherwise engages any student described in this subchapter  
43 without a release from the supervising superintendent of schools  
44 will be considered a civil violation under section 5053,  
45 subsection 1, paragraph B.

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### STATEMENT OF FACT

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This bill amends the truancy laws by allowing judges to impose court penalties on habitual truants, some of which may be satisfied, at the court's discretion, through community service. The bill allows the court to order parents of truants to bring their children to school and remain there with them. In addition, habitual truancy by a student is prima facie evidence of child neglect by the parent or guardian.