

MAINE STATE LEGISLATURE

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115th MAINE LEGISLATURE

FIRST REGULAR SESSION-1991

Legislative Document

No. 527

H.P. 373

House of Representatives, February 11, 1991

Reference to the Committee on Education suggested and ordered printed.

A handwritten signature in cursive script that reads "Ed Pert".

EDWIN H. PERT, Clerk

Presented by Representative HANLEY of Paris.
Cosponsored by Representative BARTH of Bethel.

STATE OF MAINE

IN THE YEAR OF OUR LORD
NINETEEN HUNDRED AND NINETY-ONE

**An Act to Revoke Drivers' Licenses of Students Who Do Not Complete
High School.**



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

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

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

1. Denial of license. In accordance with Title 29, section 2241, subsection 1, paragraph O, the Department of the Secretary of State, Division of Motor Vehicles, shall deny 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:

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

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

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

2. Documentation of enrollment. Upon request, the attendance officer shall provide documentation of enrollment status on a form approved by the Department of Education to any student 16 years of age or older who is properly enrolled in a school under the jurisdiction of that officer. A student shall present that documentation to the Division of Motor Vehicles upon 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 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.

3. Withdrawal from school. For the purposes of this section, "withdrawal from school" is defined as more than 10 full days, or at least 1/2 day on 7 consecutive school days, of 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 determined not a circumstance beyond the control of the person.

2 4. Circumstances beyond student's control. Whenever
4 withdrawal from school or failure to enroll in a course needed to
6 obtain a general educational development certificate or high
8 school diploma is beyond the control of a student or is for the
10 purpose of transfer to another school as confirmed in writing by
12 the student's parent or guardian, the attendance officer may not
14 send a notice to the Division of Motor Vehicles to suspend the
16 student's motor vehicle operator's license and, if the student is
18 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 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, is the sole
 judge of whether a withdrawal is due to circumstances beyond the
 control of the student.

 Sec. 2. 29 MRSA §2241, sub-§1, ¶O and P, as enacted by PL 1989,
c. 514, §§20, 25, are amended to read:

O. Has violated any of the provisions of the federal
Commercial Motor Vehicle Safety Act of 1986, Public Law
99-570, Title XII, and any rules and regulations promulgated
and adopted under that Act; or

P. Has failed to surrender to the Secretary of State a
commercial driver's license which that has been suspended or
revoked; or

Sec. 3. 29 MRSA §2241, sub-§1, ¶Q is enacted to read:

Q. Is under the age of 18 and has withdrawn either
voluntarily or involuntarily from a secondary school
pursuant to Title 20-A, section 5105.

STATEMENT OF FACT

This bill gives the Department of the Secretary of State,
Division of Motor Vehicles, the right to revoke the license of a
high school dropout.