

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)



117th MAINE LEGISLATURE

FIRST REGULAR SESSION-1995

Legislative Document

No. 1188

H.P. 857

House of Representatives, April 4, 1995

An Act to Strengthen the Truancy Laws.

Reference to the Committee on Criminal Justice suggested and ordered printed.

A handwritten signature in black ink that reads "Joseph W. Mayo".

JOSEPH W. MAYO, Clerk

Presented by Representative MURPHY of Berwick.
Cosponsored by Representatives: CAMERON of Rumford, FARNUM of South Berwick,
HATCH of Skowhegan, KEANE of Old Town, LEMONT of Kittery, PENDLETON of
Scarborough, VIGUE of Winslow.

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

2 **Sec. 1. 15 MRSA §3103, sub-§1, ¶C-2** is enacted to read:

4 C-2. The willful refusal to attend school after being
6 declared habitually truant pursuant to Title 20-A, section
8 5051;

10 **Sec. 2. 15 MRSA §3103, sub-§1, ¶D**, as amended by PL 1989, c.
12 445, §2, is further amended to read:

14 D. If a juvenile is adjudicated to have committed an action
16 described in paragraph B, C ~~or~~ C-1 or C-2 willful refusal
18 to pay a resulting fine or willful violation of the terms of
20 a resulting probation;

22 **Sec. 3. 15 MRSA §3103, sub-§2**, as amended by PL 1989, c. 741,
24 §2, is further amended to read:

26 **2. Dispositional powers.** All of the dispositional powers of
28 the Juvenile Court provided in section 3314 shall apply to a
30 juvenile who is adjudicated to have committed a juvenile crime,
32 except that no commitment to the Maine Youth Center or other
34 detention may be imposed for conduct described in subsection 1,
36 paragraphs B, C ~~and~~ C-1 and C-2.

38 **Sec. 4. 15 MRSA §3105-A, sub-§2, ¶C**, as amended by PL 1989, c.
40 445, §3, is further amended to read:

42 C. A prosecution for conduct specified in section 3103,
44 subsection 1, paragraph B, C, C-1, C-2, D, E or F shall must
46 be commenced within one year after it is committed.

48 **Sec. 5. 15 MRSA §3201, sub-§3**, as amended by PL 1989, c. 445,
50 §4, is further amended to read:

3. Enforcement of other juvenile crimes. A law enforcement
officer who has probable cause to believe that a juvenile crime,
as defined by section 3103, subsection 1, paragraph B, C ~~or~~ C-1
or C-2 has been committed may request that the juvenile provide
the officer with reasonably credible evidence of the juvenile's
name, address and age. The evidence may consist of oral
representations by the juvenile. If the juvenile furnishes the
officer with evidence of the juvenile's name, address and age and
the evidence does not appear to be reasonably credible, the
officer shall attempt to verify the evidence as quickly as is
reasonably possible. During the period the verification is being
attempted, the officer may require the juvenile to remain present
for a period not to exceed 2 hours.

2 After informing the juvenile of the provisions of this
3 subsection, the officer may arrest the juvenile for a crime
4 defined in section 3103, subsection 1, paragraph B, C or C-1 or
5 C-2 if the juvenile intentionally refuses to furnish any evidence
6 of the juvenile's name, address and age, or if, after attempting
7 to verify the evidence as provided for in this subsection, the
8 officer has probable cause to believe that the juvenile has
9 intentionally failed to provide reasonably credible evidence of
10 the juvenile's name, address and age.

11 **Sec. 6. 20-A MRSA §5053, sub-§1-A** is enacted to read:

12 **1-A. Juvenile crime.** A student's willful refusal to attend
13 school after having been found to be habitually truant under the
14 provisions of this chapter constitutes a juvenile crime.

15 STATEMENT OF FACT

16
17 **20** Current law requires that children between the ages of 7 and
18 17 attend some form of school, but contains no provision to
19 enforce that requirement if the child refuses to attend school.
20 This bill establishes as a juvenile crime the willful refusal by
21 a child to attend school after being declared habitually truant
22 under the Maine Revised Statutes, Title 20-A, section 5051.
23
24