

MAINE STATE LEGISLATURE

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118th MAINE LEGISLATURE

FIRST REGULAR SESSION-1997

Legislative Document

No. 236

H.P. 181

House of Representatives, January 16, 1997

An Act to Strengthen the Requirements for Acquisition of Driver's Licenses by Minors.

Reference to the Committee on Education and Cultural Affairs suggested and ordered printed.

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

JOSEPH W. MAYO, Clerk

Presented by Representative KERR of Old Orchard Beach.
Cosponsored by Senator MILLS of Somerset and
Representatives: BUCK of Yarmouth, GOODWIN of Pembroke, MAILHOT of Lewiston,
Senators: ABROMSON of Cumberland, MICHAUD of Penobscot.

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

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

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

1. Denial of license. In accordance with Title 29-A, section 1302, subsection 1, paragraph E, 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 a person under 18 years of age 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;

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

D. Enrolled in a home education program and satisfies the requirements of section 5001-A. Students must be in compliance with the requirements of this section and have been enrolled in the home education program for at least one school year prior to verification of attendance under subsection 2, unless documentation of meeting the requirements of this section in the school year immediately preceding enrollment in the home education program can be provided;

E. Enrolled in a postsecondary vocational program or a postsecondary adult vocational program and satisfies relevant attendance requirements;

F. Enrolled in a job training program; or

G. Enrolled in other educational activities approved by the school board and satisfies relevant attendance requirements.

2. Verification; intervention. An applicant shall provide written verification of compliance with the requirements of subsection 1 or receipt of a waiver pursuant to subsection 4 to

2 the Department of the Secretary of State. The verification must
3 be obtained from the applicable school administrative unit. If
4 the applicant is enrolled in or has graduated from a private high
5 school, verification must be obtained by the applicant from the
6 governing body of the private school. A school administrative
7 unit may not refuse to provide written verification of compliance
8 with the requirements of this section to the Department of the
9 Secretary of State. Schools may implement interventions designed
10 to improve student attendance in accordance with their district
11 policies and procedures.

12 3. Restricted license. When applying for a restricted
13 license, an applicant must provide written verification to the
14 Department of the Secretary of State of compliance with the
15 requirements of subsection 1 or receipt of a waiver pursuant to
16 subsection 4. Written verification must be obtained from the
17 applicant's school. The applicant's school may not refuse to
18 provide written verification of compliance with the requirements
19 of this section to the Department of the Secretary of State.

20 4. Waiver. A public school principal, or a principal's
21 designee, or a designee of the governing body of a private school
22 shall waive the requirements of subsection 1 for any minor under
23 its jurisdiction for whom a personal or family hardship requires
24 that the minor have a driver's license for the minor's own or the
25 minor's family's employment or medical care. A public school
26 principal, or a principal's designee, or a designee of the
27 governing body of a private school shall take into consideration
28 the recommendations of teachers, other school officials, guidance
29 counselors or academic advisors prior to granting a waiver to the
30 requirements of subsection 1.

31 The hardship waiver provided in this subsection must be requested
32 by the minor or the minor's parent or guardian.

33 5. Appeal. A person denied a hardship waiver by a public
34 school principal, or a principal's designee, or a designee of the
35 governing body of a private school may appeal the decision to the
36 school board or the governing body of the private school.

37 Sec. 2. 29-A MRSA §1302, sub-§1, as enacted by PL 1993, c.
38 683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

39 1. Authorization. The Secretary of State may not accept
40 the application for a license of a minor unless the application
41 is accompanied by a diploma or other school attendance
42 documentation pursuant to Title 20-A, section 5105 and is:

43 A. Signed by a parent or guardian;

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- 2 B. Signed by the spouse of the minor, provided the spouse
is 18 years of age or older;
- 4 C. When the minor has no parent, guardian or spouse who has
attained the age of 18 years of age, signed by the employer
6 of the minor if that employer is 18 years of age or older; or
- 8 D. Accompanied by an attested copy of a court order of
emancipation under Title 15, section 3506-A.

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12 **SUMMARY**

14 This bill requires that minors 18 years of age and under
meet certain educational standards in order to apply for driver's
16 licenses.