

MAINE STATE LEGISLATURE

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118th MAINE LEGISLATURE

FIRST REGULAR SESSION-1997

Legislative Document

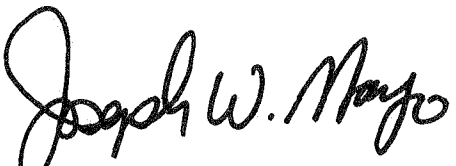
No. 1407

H.P. 1015

House of Representatives, March 11, 1997

An Act to Make Habitual Truancy a Crime.

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


JOSEPH W. MAYO, Clerk

Presented by Representative SAVAGE of Union.
Cosponsored by Representatives: CHARTRAND of Rockland, POWERS of Rockport,
WHEELER of Eliot.

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

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Sec. 1. 15 MRSA §3103, sub-§1, ¶E, as amended by PL 1995, c. 679, §15, is further amended to read:

E. Offenses involving hunting or the operation or attempted operation of a watercraft, ATV or snowmobile while under the influence of intoxicating liquor or drugs, as defined in Title 12, section 7406, subsection 3; Title 12, section 7801, subsection 9; Title 12, section 7827, subsection 9; and Title 12, section 7857, subsection 10, respectively, and offenses involving failing to aid an injured person or to report a hunting accident as defined in Title 12, section 7406, subsection 15; and

Sec. 2. 15 MRSA §3103, sub-§1, ¶F, as amended by PL 1995, c. 65, Pt. A, §46 and affected by §153 and Pt. C, §15, is further amended to read:

F. The criminal violation of operating a motor vehicle under the influence of intoxicating liquor or drugs or with an excessive blood-alcohol level, as defined in Title 29-A, section 2411 and offenses defined in Title 29-A as Class B or C crimes; and

Sec. 3. 15 MRSA §3103, sub-§1, ¶G is enacted to read:

G. Offenses involving habitual truancy, as provided in Title 20-A, sections 3273-A and 5053-A.

Sec. 4. 20-A MRSA §3272, sub-§2, as amended by PL 1989, c. 415, §5, is repealed.

Sec. 5. 20-A MRSA §3272, sub-§2-A is enacted to read:

2-A. Habitual truancy. A student is habitually truant if the person is required to attend school or alternative instruction under this chapter and:

A. Has attained the equivalent of 10 full days of nonexcused absences or 7 consecutive school days of nonexcused absences during a school year; or

B. Is willfully and repeatedly absent from school or the alternative instruction program intended to meet the student's educational needs or repeatedly violates rules of the school or alternative instruction program. As used in this paragraph, "alternative instruction program" means an organized educational program that is appropriate for the

2 age, intelligence, ability and any psychological limitation
3 of a student.

4 **Sec. 6. 20-A MRSA §3272-A** is enacted to read:

6 **§3272-A. Criminal violation**

8 Habitual truancy as described in section 3272, subsection
9 2-A, paragraph B is a Class E crime. The District Court has
10 jurisdiction over this violation.

12 **Sec. 7. 20-A MRSA §5051, sub-§1,** as amended by PL 1989, c.
13 415, §19, is repealed.

14 **Sec. 8. 20-A MRSA §5051, sub-§1-A** is enacted to read:

16 **1-A. Truancy.** A student is habitually truant if the
17 student is subject to section 5001-A and:

18 A. Has attained the equivalent of 10 full days of
19 nonexcused absences or 7 consecutive school days of
20 nonexcused absences during a school year; or

21 B. Is willfully and repeatedly absent from school or the
22 alternative instruction program intended to meet the
23 student's educational needs or repeatedly violates rules of
24 the school or alternative instruction program. As used in
25 this paragraph, "alternative instruction program" means an
26 organized educational program that is appropriate for the
27 age, intelligence, ability and any psychological limitation
28 of a student.

29 **Sec. 9. 20-A MRSA §5051-A** is enacted to read:

30 **§5051-A. Criminal violation**

31 Unless a waiver is provided under section 5051, subsection
32 2, paragraph D, habitual truancy as described in section 5051,
33 subsection 1-A, paragraph B is a Class E crime. The District
34 Court has jurisdiction over this violation.

42 **SUMMARY**

43 This bill makes habitual truancy involving willful and
44 repeated absence from school or other alternative instruction
45 program, or repeated violation of school rules and regulations, a
46 criminal violation and is a Class E crime. It further classifies
47 habitual truancy as a juvenile crime under the Maine Juvenile
48 Code.
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