

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)

m

L.D. 715

2
4
6
8
10
12
14
16
18
20
22
24
26
28
30
32
34
36
38
40
42
44

DATE: 5/31/01

(Filing No. H-653)

Reproduced and distributed under the direction of the Clerk of the House.

**STATE OF MAINE
HOUSE OF REPRESENTATIVES
120TH LEGISLATURE
FIRST REGULAR SESSION**

HOUSE AMENDMENT "A" to COMMITTEE AMENDMENT "B" to H.P. 560, L.D. 715, Bill, "An Act to Change the Truancy Laws"

Amend the amendment by inserting after the title and before the first indented paragraph the following:

'Amend the bill in section 1 in paragraph F by striking out all of subparagraphs (1) to (4) (page 1, lines 13 to 23 in L.D.) and inserting in their place the following:

'(1) Offer to transport the truant to the appropriate school if the truant and the truant's parent or guardian provide verbal consent and if the truant is off school grounds during school hours and is not under the supervision of school personnel; and

(2) Summons the truant to appear in District Court.'

Further amend the amendment in the first indented paragraph after the title in the first line (page 1, line 22 in amendment) by striking out the following: "Amend" and inserting in its place the following: 'Further amend'

Further amend the amendment in that part designated "§5053." by striking out all of subsection 1 (page 1, lines 27 to 37 in amendment) and inserting in its place the following:

~~'1. Civil violation. Having control of a student who is habitually truant and being primarily responsible for that truancy constitutes a civil violation under this chapter. A~~

HOUSE AMENDMENT

2 person commits a civil violation under this chapter if the person
3 is a student who is habitually truant.'

4 Further amend the amendment in that part designated "**§5053.**"
5 by striking out all of subsections 4-A and 5 and inserting in
6 their place the following:

8 '4-A. Penalties imposed by court. The court may impose one
9 or more of the following penalties against a person who commits a
10 civil violation under subsection 1.

12 A. The court may suspend, for a period of time determined
13 by the court, any license issued to the truant by the State,
14 including, but not limited to, driver's and recreational
15 licenses.

16 B. The court may suspend, for a period of time determined
17 by the court, any work permit issued to the truant by a
18 superintendent pursuant to section 5004.

20 This subsection is repealed July 1, 2003.

22 **5. Injunctive relief.** The court may order injunctive
23 relief of one or more of the following actions against any person
24 who commits a civil violation under subsection 1:

26 A. Ordering the ~~effender~~ truant to comply with this chapter;

28 B. Ordering the ~~effender~~ truant to take specific action to
30 ensure the ~~student's~~ truant's attendance at school;

32 C. Enjoining the ~~effender~~ truant from engaging in specific
33 conduct ~~which that~~ that interferes with or may interfere with the
34 ~~student's~~ truant's attendance at school; ~~er~~

36 D. Ordering the ~~effender~~ truant to undergo counseling by a
37 professional selected by the ~~effender~~ truant, with the
38 court's approval, or by the court. The counselor shall
39 submit a written evaluation to the court and to the
40 ~~effender,~~ truant; or

42 E. Ordering the truant to attend school.'

44

SUMMARY

46

47 This amendment strikes those provisions of the bill and
48 Committee Amendment "B" that apply culpability for the truancy of
49 the student to the parent or guardian, including:

50

HOUSE AMENDMENT "A" to COMMITTEE AMENDMENT "B" to H.P. 560, L.D.
715

2 1. Allowing a law enforcement officer to summons the parent
or guardian to appear in court; and

4 2. Providing a civil violation for a parent or guardian who
6 has control or primary responsibility for a habitually truant
student.

8 The amendment also makes changes to clarify that the
10 injunctive relief ordered by the court applies only to the truant
student.

12

14

SPONSORED BY:

(Representative CUMMINGS)

16

TOWN: Portland

18