

MAINE STATE LEGISLATURE

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MAJORITY
EDUCATION AND CULTURAL AFFAIRS

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

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

Amend the bill in section 2 by striking out all of that part designated "§5053." and inserting in its place the following:

§5053. Enforcement

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~~ person commits a civil violation under this chapter if the person:

A. Is a student who is habitually truant;

B. Has control of a student who is habitually truant; or

C. Is primarily responsible for a student who is habitually truant.

2. **Jurisdiction.** The District Court shall ~~have~~ has jurisdiction of these violations.

3. **Process.** Service of the petition on the parent ~~will~~ person who commits a civil violation under subsection 1 must be in accordance with the Maine Rules of Civil Procedure.

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

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

2 A. The court may suspend, for a period of time determined
4 by the court, any license issued to the offender by the
State, including, but not limited to, driver's and
recreational licenses.

6 B. The court may suspend, for a period of time determined
8 by the court, any work permit issued to the offender by a
superintendent pursuant to section 5004.

10 This subsection is repealed July 1, 2003.

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

16 A. Ordering the offender to comply with this chapter;

18 B. Ordering the offender to take specific action to ensure
the student's attendance at school;

20 C. Enjoining the offender from engaging in specific conduct
22 which that interferes with or may interfere with the
student's attendance at school; or

24 D. Ordering the offender to undergo counseling by a
26 professional selected by the offender, with the court's
approval, or by the court. The counselor shall submit a
28 written evaluation to the court and to the offender; or

30 E. Ordering the student to attend school.'

32 Further amend the bill by inserting after section 2 the
following:

34 **'Sec. 3. Report.** The advisory committee to the Commissioner
36 of Education established under the Maine Revised Statutes, Title
20-A, section 5152 shall collect data on the penalties imposed by
38 the court pursuant to Title 20-A, section 5152, subsection 4-A
and in its annual report to be submitted by February 1, 2003
40 shall provide recommendations to the commissioner and the joint
standing committee of the Legislature having jurisdiction over
42 education and cultural affairs concerning the need for extending
authorization for these penalties.'

44 Further amend the bill by inserting at the end before the
46 summary the following:

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FISCAL NOTE

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The restoration of certain suspended driver's licenses will result in insignificant increases of Highway Fund revenue collected by the Department of the Secretary of State from license fees.

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The additional costs associated with gathering and reporting on certain data regarding truancy can be absorbed by the Department of Education utilizing existing budgeted resources.'

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SUMMARY

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This amendment is the majority report of the Joint Standing Committee on Education and Cultural Affairs. The amendment accomplishes the following.

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1. It strikes the provision of the bill that proposed to allow the court to suspend any state license issued to the parent or guardian of a student who is habitually truant for failing to comply with the court's orders related to the student's attendance at school.

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2. It authorizes the court to suspend the driver's license, recreational license or work permit issued to a student who is habitually truant and repeals this authority on July 1, 2003.

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3. It directs the Commissioner of Education's advisory committee on truancy, dropouts and alternative education to collect data on any penalties imposed by the court on habitual truants and to include recommendations concerning the need for extending authorization for these penalties in its annual report to be presented by February 1, 2003 to the Commissioner of Education and the joint standing committee of the Legislature having jurisdiction over education and cultural affairs.

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4. It changes the provision of the bill that proposed to require the court to order injunctive relief against a person who has control of or is responsible for a habitual truant by reverting to existing law that provides the court with the discretion of ordering injunctive relief in such cases.

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5. It retains the provision of the bill that allows the court to order the student to attend school.

The amendment also adds a fiscal note to the bill.