

MAINE STATE LEGISLATURE

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120th MAINE LEGISLATURE

FIRST REGULAR SESSION-2001

Legislative Document

No. 715

H.P. 560

House of Representatives, February 13, 2001

An Act to Change the Truancy Laws.

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

Millicent M. MacFarland

MILLICENT M. MacFARLAND, Clerk

Presented by Representative CARR of Lincoln.
Cosponsored by Senator KILKELLY of Lincoln and
Representatives: BELANGER of Caribou, DUNLAP of Old Town, LOVETT of Scarborough,
RICHARD of Madison, ROSEN of Bucksport, STEDMAN of Hartland, Senators:
CATHCART of Penobscot, DAVIS of Piscataquis.

2
3 **Be it enacted by the People of the State of Maine as follows:**

4 **Sec. 1. 20-A MRSA §5051, sub-§2, ¶F,** as amended by PL 1999, c.
5 198, §2, is repealed and the following enacted in its place:

6 F. When a student is determined habitually truant and in
7 violation of section 5001-A and the superintendent has made
8 a good faith attempt to meet the requirements of paragraph
9 A-1, the superintendent may notify the local law enforcement
10 department of the decision. After this notification, a
11 local law enforcement officer who sees a truant may:

12
13 (1) Offer to transport the truant to the appropriate
14 school if the truant and the truant's parent or
15 guardian provide verbal consent and if the truant is
16 off school grounds during school hours and is not under
17 the supervision of school personnel;

18 (2) Summons the truant to appear in District Court; and

19 (3) Summons the truant's parent or guardian to appear
20 in District Court for having control of or primary
21 responsibility for a student who is habitually truant.

22
23 **Sec. 2. 20-A MRSA §5053,** as amended by PL 1989, c. 415, §§22
24 to 25, is further amended to read:

25 **§5053. Enforcement**

26
27 **1. Civil violation.** Having control of a student who is
28 habitually truant and or being primarily responsible for that
29 truancy constitutes a civil violation under this chapter.

30 **2. Jurisdiction.** The District Court ~~shall~~--has
31 jurisdiction of these violations.

32 **3. Process.** Service of the petition on the parent ~~will~~
33 must be in accordance with the Maine Rules of Civil Procedure.

34 **4-A. Penalties imposed by court.** The court may impose one
35 or more of the following penalties against a person who commits a
36 civil violation under subsection 1.

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

2 B. The court may find the offender in contempt of court for
3 failing to comply with any of the dispositions in subsection
4 5 and sentence the offender as appropriate for a contempt of
5 court finding.

6 **5. Disposition.** The court ~~may~~ shall order injunctive
7 relief of one or more of the following actions against any person
8 who commits a civil violation under subsection 1:

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

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

14 C. Enjoining the offender from engaging in specific conduct
15 which interferes with or may interfere with the student's
16 attendance at school; ~~or~~

18 D. Ordering the offender to undergo counseling by a
19 professional selected by the offender, with the court's
20 approval, or by the court. The counselor shall submit a
21 written evaluation to the court and to the offender; or

24 E. Ordering the student to attend school.

26
27 **SUMMARY**

28
29 This bill amends the truancy laws to allow law enforcement
30 officers to summons the parent or guardian of a truant student to
31 appear in court. The court may order the student to attend
32 school, hold the parent or guardian in contempt of court and
33 suspend any state license issued to the parent or guardian for
34 failing to comply with the court's orders related to the
student's attendance at school.