

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)

108

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33

Date: 5-31-07

(Filing No. H-384)

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

STATE OF MAINE
HOUSE OF REPRESENTATIVES
123RD LEGISLATURE
FIRST REGULAR SESSION

HOUSE AMENDMENT "A" to COMMITTEE AMENDMENT "A" to H.P. 353, L.D. 454, Bill, "An Act To Amend Truancy Laws Regarding Parent Involvement"

Amend the amendment by striking out everything after the 4th indented paragraph after the title (page 1, lines 22 to 33 and page 2, lines 1 to 15 in amendment) and inserting the following:

'Amend the bill by striking out all of sections 3, 4 and 5 and inserting the following:

'Sec. 3. 20-A MRSA §3273, sub-§1, as repealed and replaced by PL 1989, c. 415, §6, is repealed and the following enacted in its place:

1. Civil violations. A parent who has control of a person who is habitually truant under section 3272, subsection 2 and who is primarily responsible for that person's truancy commits a civil violation under this chapter.

Sec. 4. 20-A MRSA §3273, sub-§6 is enacted to read:

6. Fine. For a civil violation under this section, the court may impose a fine not to exceed \$250, all or part of which may be suspended upon the offender's compliance with a court order under this section.

Sec. 5. 20-A MRSA §5051-A, sub-§1, as enacted by PL 2003, c. 533, §3, is amended to read:

1. Habitually truant. A student is habitually truant if the student is subject to section 5001-A and:

A. Is subject to section 5001-A; and

B. Has completed grade 6 and has the equivalent of 10 full days of unexcused absences or 7 consecutive school days of unexcused absences during a school year; ; or

C. Is at least 7 years of age and has not completed grade 6 and has the equivalent of 7 full days of unexcused absences or 5 consecutive school days of unexcused absences during a school year.'

HOUSE AMENDMENT

1003

HOUSE AMENDMENT "A" to COMMITTEE AMENDMENT "A" to H.P. 353, L.D. 454

1 Amend the bill in section 6 in paragraph C in subparagraph (3) in the 2nd line (page
2 2, line 11 in L.D.) by striking out the following: "or Class E crime"

3 Amend the bill in section 6 in paragraph C in subparagraph (4) in the 2nd line (page
4 2, line 14 in L.D.) by inserting after the following: "statute" the following: 'and the
5 Department of Health and Human Services of a violation under subsection 1, paragraph
6 C'

7 Amend the bill by striking out all of section 8 and inserting the following:

8 'Sec. 8. 20-A MRSA §5053-A, sub-§1, as enacted by PL 2003, c. 533, §5, is
9 amended to read:

10 1. **Civil violation.** If a parent has control of a student who is habitually truant under
11 section 5051-A, subsection 1 and that parent is primarily responsible for that truancy, that
12 parent commits a civil violation for which a fine of not less more than \$25 \$250 may be
13 adjudged, all or part of which may be suspended upon the parent's compliance with a
14 court order under subsection 2.

15 Sec. 9. 20-A MRSA §5053-A, sub-§4, as enacted by PL 2003, c. 533, §5, is
16 amended to read:

17 4. **Prima facie proof.** Evidence that shows that the parent received the notice under
18 section 5051-A, subsection 2 and that the child has accumulated ~~40~~ 7 absences that are
19 not justified under the established attendance policies of the school administrative unit is
20 prima facie proof that ~~the child's parent failed to enroll the child in school, failed to send~~
21 ~~the child to school or failed to require the child to regularly attend school~~ parent is
22 primarily responsible for the child's habitual truancy or the parent failed to take corrective
23 measures for the child's habitual truancy.

24 Sec. 10. 22 MRSA §4002, sub-§1, as amended by PL 1985, c. 739, §1, is further
25 amended to read:

26 1. **Abuse or neglect.** "Abuse or neglect" means a threat to a child's health or welfare
27 by physical, mental or emotional injury or impairment, sexual abuse or exploitation,
28 deprivation of essential needs or lack of protection from these or failure to ensure
29 compliance with school attendance requirements under Title 20-A, section 3272,
30 subsection 2, paragraph B or section 5051-A, subsection 1, paragraph C, by a person
31 responsible for the child.

32 Sec. 11. 22 MRSA §4002, sub-§6, ¶B, as amended by PL 2005, c. 373, §4, is
33 further amended to read:

34 B. Deprivation of adequate food, clothing, shelter, supervision or care or education
35 when the child is at least 7 years of age and has not completed grade 6;

36 Amend the bill by relettering or renumbering any nonconsecutive Part letter or
37 section number to read consecutively.'

2018

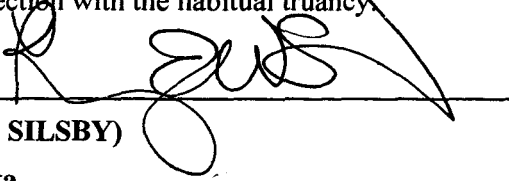
1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17

SUMMARY

This amendment removes the provision in the bill making it a Class E crime for parents who fail to take corrective measures for truant children from kindergarten to grade 6. It amends the definition of "jeopardy" in the statutes administered by the Department of Health and Human Services to include deprivation of education when the child is at least 7 years of age and has not completed grade 6. It requires a superintendent to include in the mandatory notice sent to parents of truant children that the superintendent is authorized to notify the Department of Health and Human Services of the truancy. It amends the definition of "abuse and neglect" to include violation of truancy laws by parents of children who are at least 7 years of age and have not completed grade 6.

It allows a court to impose a fine not to exceed \$250 for habitual truancy and allows the court to suspend all or part of a fine for habitual truancy upon compliance with a court order issued in connection with the habitual truancy.

SPONSORED BY:



(Representative SILSBY)

TOWN: Augusta

FISCAL NOTE REQUIRED
(See attached)



123rd MAINE LEGISLATURE

LD 454

LR 471(08)

An Act To Amend Truancy Laws Regarding Parent Involvement

Fiscal Note for House Amendment "A" to Committee Amendment "A"

Sponsor: Rep. Silsby of Augusta

Fiscal Note Required: Yes

Fiscal Note

Minor impact on fine revenue - General Fund

Minor cost increase - General Fund

Correctional and Judicial Impact Statements

Eliminates Class E crimes and replaces with fines capped at \$250 which may be suspended.

Fiscal Detail and Notes

Any additional costs to the Department of Health and Human Services can be absorbed by the department utilizing existing budget resources.