

# MAINE STATE LEGISLATURE

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## CHAPTER 105

## ATTENDANCE AND DISCIPLINE

Sec.

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**§ 911. Compulsory education; neglect; subnormal child**

Every child between the 7th and 15th anniversaries of his birth and every child between the 15th and 17th anniversaries who cannot read at sight and write legibly simple sentences in the English language and every child between the 15th and 16th anniversaries who has not completed the grades of the elementary school shall attend some public day school during the time such school is in session, and an absence therefrom of  $\frac{1}{2}$  day or more shall be deemed a violation of this requirement. Necessary absence may be excused by the superintending school committee, school directors or superintendent of schools or teachers acting by the direction of either. Such attendance shall not be required if the child obtains equivalent instruction, for a like period of time, in a private school in which the course of study and methods of instruction have been approved by the commissioner, or in any other manner arranged for by the superintending school committee or the school directors with the approval of the commissioner. Children shall not be credited with attendance at a private school until a certificate showing their names, residence and attendance at such school, signed by the person or persons having such school in charge, shall be filed with the school officials of the administrative unit in which said children reside. The superintending school committee or school directors may exclude from the public schools any child whose physical or mental condition makes it inexpedient for him to attend. All persons having children under their control shall cause them to attend school as provided in this section, and any person having control of a child who is an habitual truant as defined in section 914 and being in any way responsible for such truancy, and any person who induces a child to absent himself from school, or harbors or conceals such child when he is absent, shall be punished by a fine of not more than \$25 or by imprisonment for not more

than 30 days for each offense. A child between the ages of 15 and 16 who, because of subnormal mental capacity, is unable to successfully pass the tests necessary to allow a regular work permit to be issued, may under conditions deemed proper receive a work permit issued jointly by the Commissioner of Education and the Commissioner of Labor and Industry, such persons to be employed in nonhazardous occupations.

R.S.1954, c. 41, § 92; 1957, c. 364, § 48; 1961, c. 366, § 2.

**§ 912. Attendance in adjoining administrative unit; tuition**

Children living remote from any public school in an administrative unit in which they reside may be allowed to attend the public schools, other than a high school approved as provided in section 1291, in an adjoining administrative unit, under such regulations and on such terms as the school committees or school directors of said administrative units agree upon and prescribe, and the school committee or school directors of the administrative unit in which such children reside shall pay the sum agreed upon out of the appropriations of money raised in said administrative unit for school purposes. When an administrative unit adjacent to an administrative unit in another state has too few scholars for the profitable maintenance of an elementary school or when pupils live remote from any public elementary school in an administrative unit in which they reside, the superintending school committee or school directors may pay tuition and provide conveyance to a school in an administrative unit adjacent to the State of Maine in another state. It shall be the duty of any superintending school committee, community school committee or board of school directors to accept tuition pupils from any nearby administrative unit that has a total April 1st resident pupil count of 10 or less pupils when so requested by the board. Except as above provided, a child may attend a public elementary school in an administrative unit other than the administrative unit where he lives with his parent as defined in section 859, after having obtained the consent of the superintending school committee or school directors of such administrative unit, and the parent or guardian shall pay as tuition a sum equal to the average expense of each scholar in such school.

R.S.1954, c. 41, § 93; 1955, c. 62; 1957, c. 364, § 49; 1959, c. 353, § 1; 1961, c. 114.

**§ 913. Attendance officers; vacancies; neglect of duty**

The superintending school committee or school directors of every administrative unit shall annually elect one or more persons, to be designated attendance officers, who shall inquire into all cases of neglect of the duties prescribed in section 911 and ascertain the reasons therefor and shall promptly report the same to the superintending school committee or school directors. Such attendance officers or any of them shall, when so directed by the school committee, school directors or superintendent in writing, prosecute in the name of the State any person neglecting to perform the duties prescribed in said section, by promptly entering a complaint before a judge. Said officer shall, when notified by any teacher that any pupil is irregular in attendance, arrest and take such pupil to school when found truant. Such officers shall enforce sections 3771 to 3773. Attendance officers, when so directed in writing by the superintendent of schools or the superintending school committee or the school directors of their respective administrative units, may visit the manufacturing, mechanical, mercantile and other business establishments in their several administrative units during the hours in which the public schools of such administrative unit are in session, and ascertain whether any minors under the age of 14 years are employed therein, and shall report in writing any cases of such employment to the superintendent of schools or the superintending school committee or school directors of their administrative unit. If any minors are employed contrary to Title 26, chapter 7, they shall also report in writing such illegal employment to the Commissioner of Labor and Industry. The owner, superintendent, overseer or agent of all manufacturing, mechanical, mercantile or other business establishments, upon request, shall produce for the inspection of such attendance officers all work permits and vacation permits required to be kept on file in such establishments under Title 26, chapter 7. Superintending school committees or school directors shall elect attendance officers at their first meeting after the annual election; they shall fill any vacancies occurring during the year and they may fix the compensation of said officers, and said compensations shall be paid from the appropriation made for the salaries of attendance officers under section 3721, subsection 2. Any attendance officer neglecting any duty required of him under the provisions of this Title shall be punished by a fine of not less than \$10 nor more than \$50; and any administrative unit failing through its superintending school committee or school directors to meet said provisions shall be liable to section 854.

R.S.1954, c. 41, § 94; 1957, c. 364, § 50; c. 443, § 16.

**§ 914. Habitual truants; complaint**

If a child without sufficient excuse is habitually and willfully absent from school or fails without such excuse to attend school for 5 day sessions or for 10 half-day sessions within any period of 6 months, or failing to attend school, without regular and lawful occupation, and growing up in ignorance, he shall be deemed an habitual truant and subject to the penalties provided in Title 15, chapters 401 to 409.

R.S.1954, c. 41, § 95; 1957, c. 364, § 51; 1961, c. 366, § 3.

**§ 915. —Commitment to state institutions; warrants**

The District Court shall have jurisdiction of the offenses described in sections 911 and 913. All warrants issued by said court for an offense committed under said sections, and all legal processes issued by said court for the purpose of carrying into effect this section and said sections 911 and 913 may be directed to and executed by the attendance officer or either of the attendance officers of the administrative unit where the offense is committed. All fines collected under sections 911 and 913 shall be paid to the treasurer of the administrative unit in which the offense is committed, for the support of the public schools therein.

R.S.1954, c. 41, § 97; 1957, c. 364, § 52; 1959, c. 342, § 14; 1961, c. 366, § 5; 1963, c. 402, § 88.