

# MAINE STATE LEGISLATURE

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Nov. 30, 1942

Harry V. Gilson, Commissioner      Education  
Frank A. Farrington, Deputy      Attorney General

(1) School Holidays      (2) Audit of Private Institutions

With reference to your memo of November 18th, (1) Chapter 136, P. L. 1935 states "All teachers of public schools in the state shall close their schools on the above named holidays.....". "Above named holidays" refer to Patriot's Day, Memorial Day, Independence Day, Labor Day, Armistice Day, Thanksgiving Day and Christmas Day. The statute makes the closing of schools mandatory on these dates.

The same chapter permits school to be held on certain other days, namely, New Year's Day, Washington's Birthday and Columbus Day. If school is held on these days it should be counted toward the 180 days. Saturday sessions should be counted.

There seems no basis for counting double for those days which could be holidays but on which school is held. The purpose of having so many days or weeks of school is to provide a minimum ~~amount~~ of instruction, and the paper figuring of two days for one does not result in two days of instruction in one day.

There may be justification for overlooking the holding of school on days which "shall" be holidays and counting as one toward the 180 under the present circumstances. This may be a question of policy to be decided by your department.

Your memo of November 18th, (2). Section 111, Chapter 19, R. S. provides that "Every academy or private school approved for attendance or tuition purposes, shall.....report to the commissioner of education the total average attendance, an account of the moneys received and expended during the preceding year and.....such other items as he may require.". If such institution fails to comply with the above requirements it shall forfeit such aid or assistance as it received from the State. Under this section of the statute it would appear that your department might be justified in refusing to approve a school for attendance or tuition purposes if it fails to report as required by the statutes.

Reference to Section 105A, created by Chapter 132, P.L.1931 indicates that the requirement is for every private educational

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institution eligible to receive financial aid shall,.....  
furnish to the state auditor.....etc.. The wording  
of this section does not seem to require that the institution  
in question should be actually receiving financial aid, although,  
not receiving it, it were eligible to receive it. However, it is  
the opinion of this department that the intent of the Legislature  
was not to place restrictions on institutions unless they were  
receiving financial aid from the State.

This opinion is borne out by Section 105C, also created  
by Chapter 132, P. L. 1931 which provides for forfeiture of  
state aid for those institutions which do not comply with  
Section 105A or Section 105B before the first day of Septem-  
ber of each year. This same rule might be applied to Section 111  
mentioned previously, but in the opinion of this department it  
should not be so applied because the financial standing of the  
school might be very material so far as deciding whether a  
particular school should be approved for attendance or tuition  
purposes.

Frank A. Farrington  
Deputy Attorney General

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