

MAINE STATE LEGISLATURE

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JW

March 7, 1945

To Harland A. Ladd, Deputy Commissioner of Education
From Ralph W. Farria, Attorney General

I received your memo of March 6, enclosing five forms which have been prepared to issue to municipalities for use in administration of the compulsory education law, and requesting me to go over these forms and see if they conform fully to the provisions of the statutes.

In regard to Form Ed 18-B, it is my opinion that the notice should be given to a person, and I think the department should find out which person is responsible under the law before notice is given, and if more than one is responsible, the notice should be given on this same form to the guardian.

The same applies to Form Ed 18-D, where there are both parents and guardians, and notice should be given each parent or guardian whom the department deems responsible.

In regard to Form Ed 18-D, you ask if there is any legal reason for the statement "did without sufficient excuse absent himself from six consecutive sessions of said school." I will say that Section 86 of Chapter 37, R. S. 1944, reads, "If a child without sufficient excuse is habitually and wilfully 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, he shall be deemed an habitual truant, etc." Under the provisions of Section 80, Chapter 37, "Towns may make such by-laws, not repugnant to law, concerning habitual truants and children between 6 and 17 years of age not attending school, etc." and it might be that the wording "without sufficient excuse absents himself from six consecutive sessions of said school" is taken from the by-laws which the towns have made in regard to truancy. That being the case, I should leave that language in Form Ed 18-D.

I have only changed Form Ed 18-A and Form Ed 18-B to conform to the new Revision of the Statutes, and I herewith return the forms for your consideration.

RWF:c