

# MAINE STATE LEGISLATURE

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Education; Compulsory Education Exceptions  
20 MRSA § 911 - 10

JOSEPH E. BRENNAN  
ATTORNEY GENERAL



RICHARD S. COHEN  
JOHN M. R. PATERSON  
DONALD G. ALEXANDER  
DEPUTY ATTORNEYS GENERAL

STATE OF MAINE  
DEPARTMENT OF THE ATTORNEY GENERAL  
AUGUSTA, MAINE 04333

August 25, 1977

Memo to: James J. Vickerson, Jr.  
Deputy Commissioner  
Dept. of Educational & Cultural Services

From: Waldemar G. Buschmann  
Assistant Attorney General

Subject: 20 MRSA, § 911, sub-§ 10 -  
Alternate Program for Fourteen Year Olds

FACTS:

The 108th Legislature passed Public Law 1977, Chapter 499, "AN ACT Relating to Habitual Truants and School Dropouts." Section 1 of Public Law 1977, Chapter 499, repeals and replaces 20 MRSA § 911. Pursuant to sub-section 10 of section 911, a principal, "with the approval of the local school committee or board of directors, is authorized to excuse any pupil who is 14 years of age or older from regular school programs for the purpose of participating in a suitable program of work, work study or training."

QUESTION:

Does the reference to "any pupil" in 20 MRSA, § 911, sub-§ 10, as contained in Public Law 1977, Chapter 499, mean any pupil who is 14 years of age or older and is an habitual truant or school dropout or does it mean all pupils who are 14 years of age or older?

ANSWER:

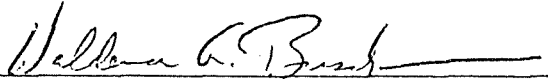
The language contained in Public Law 1977, Chapter 499, referring to "any pupil who is 14 years of age or older" refers to all pupils who are 14 years of age or older and not just those who are habitual truants or school dropouts.

REASONS:

Although 20 MRSA § 911, sub-§ 10, is contained within that

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section of the compulsory education law dealing with habitual truants and school dropouts, it does provide an exception to the compulsory attendance law set out in sub-section 1 which requires every child between his 7th and 17th birthdays to attend public school. It is my opinion that the exception must be uniformly applied to all students and not just to school dropouts and habitual truants. Also, if the legislature had intended the exception to be limited to just school dropouts and habitual truants, it would have indicated so in sub-section 10. The safeguard built into sub-section 10 is the requirement that the student has to have the consent of his parents as well as that of the principal before he may be excused to participate "in a suitable program of work, work study or training."

  
Waldemar G. Buschmann  
Assistant Attorney General

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