

# MAINE STATE LEGISLATURE

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Maine Youth Center 15 M.R.S.A. § 2712  
15 M.R.S.A. 2712  
20 M.R.S.A. 911

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August 23, 1978

Honorable Merle Nelson  
71 Carroll Street  
Portland, Maine 04102

Dear Representative Nelson:

You have inquired as to whether the summer educational program at the Maine Youth Center meets the requirements imposed under Maine law. Based upon the facts recited in your letter, it is my opinion that the Youth Center is in compliance with the applicable statutes.

According to your letter, the Youth Center conducts what would be comparable to a full day of schooling during all but the summer months. In the summer, the educational program is limited to a half-day and is combined with a "Pathfinder" program and voluntary recreational activities. Thus, the essence of your question appears to be whether the limited academic program in the summer falls short of what the law requires. I do not find that to be the case.

Although the Youth Center clearly has an obligation to provide education for juveniles, the law does not prescribe with any specificity how that obligation is to be discharged. The relevant statute (15 M.R.S.A. §2712 (1st ¶)) provides as follows:

The State shall maintain the institution located at South Portland, heretofore known as the Boys Training Center, and hereby renamed the Maine Youth Center, to rehabilitate children committed thereto as juvenile offenders by the courts of the State. Toward this end, the disciplines of education, casework, group work, psychology, psychiatry, medicine, nursing, vocational training and religion related to human relations and personality development shall be employed. The center shall be coeducational and shall fully separate the housing facilities for boys and girls.

Under this statute, the primary responsibility of the Youth Center is to rehabilitate children committed thereto. While education must be a component of the rehabilitative effort, the Center apparently has the discretion to decide what type of educational program will

be most appropriate. Thus, I cannot say that, as a matter of law, a part-time academic program in the summer violates 15 M.R.S.A. § 2712.

It is possible to argue that 20 M.R.S.A. § 911 imposes an additional duty upon the Youth Center. That section mandates that every child between his 7th and 17th birthday shall attend a public school during the time it is in session and that all persons having children under their control shall cause them to comply with this attendance requirement. The argument can be made that the Youth Center has a duty to insure that the children under its control comply with the compulsory education law.

Assuming the validity of the above argument, the Youth Center is fulfilling its duty under 20 M.R.S.A. § 911. Section 911 must be read in conjunction with 20 M.R.S.A. § 855, which requires "the maintenances of all . . . schools for not less than 180 days annually." According to Superintendent Richard Wyse, the Youth Center's full-day academic program, which runs from September through June, exceeds 180 days. Furthermore, Mr. Richard Redmond of the Department of Education has informed this Office that the Center's educational program has been approved by his Department. In short, there is no evidence that the Center is not in compliance with Maine's compulsory education statute.

For the reasons stated above, it is my opinion that the half-day educational program conducted by the Youth Center during the summer months does not violate Maine law.

Sincerely,

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Attorney General

JEB:jg