

MAINE STATE LEGISLATURE

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STATE OF MAINE

REPORT

OF THE

ATTORNEY GENERAL

for the calendar years
1951 - 1954

March 3, 1952

To Eleanor G. Powers, Director, Special Education for Physically Handicapped Children

Re: Hospital Instruction Costs

We have your memo of February 6, 1952, relative to Sections 180-A through 180-I pertaining to the hospital instruction conducted under those sections for physically handicapped children at the State Sanatoria, the Maine General Hospital, and the Hyde Memorial Home. You outline in some detail the procedure used by the Division of Special Education in determining which of the children hospitalized are eligible for education under this program. You then ask the following questions:

"1. Is there anything contrary to the law establishing Special Education (Sections 180-A to I inclusive, Chapter 37, R. S.) in the above procedure for handling cases of hospital instruction?"

Our answer is in the negative.

"2. Is a child's town of legal school residence responsible for a child's education whether he is in school or having home or hospital instruction under approved programs of the Division of Special Education, at least to the extent of the per capita cost?"

The answer to Question 2 is in the affirmative.

"3. Can a community, by local action of the superintending school committee, deny a child hospital instruction given under an approved program of the Division of Special Education?"

The answer to Question No. 3 is in the negative. With respect to the obligation of a town and its responsibility to handicapped children, we refer you to an opinion by Ralph Farris to the Commissioner of Education dated November 7, 1950, more particularly the last paragraph of that opinion. Though we feel that a town is responsible for the education of its children, when the children are hospitalized the town is responsible only to the extent of the per capita cost of educating normal children in their respective school districts and not the excess above that normal cost that is generally required when a child is not hospitalized.

JAMES G. FROST

Assistant Attorney General

March 3, 1952

To Guy R. Whitten, Deputy Insurance Commissioner

Re: Examination, Certain Agents

You have asked this office to interpret Section 252 of Chapter 56, R. S. 1944, as amended by Chapter 277, Public Laws of 1951, with regard to whether or not agents of domestic life insurance companies which engage in selling casualty insurance must take the examination provided for in Section 252.

That portion of Section 252 with which we are here interested reads as follows: