

MAINE STATE LEGISLATURE

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October 18, 1963

William Schusscher, M.D., Director

Bureau of Mental Health

Courtland D. Ferry, Asst. Atty. Gen'l.

Mental Health and Corrections

Day Students at Pineland Hospital and Training Center.

FACTS:

There are within commuting distance from the Pineland Hospital and Training Center certain retarded children of school age who cannot benefit from the usual public school program, however, such children it is believed, could benefit from special classes for the mentally retarded.

QUESTION:

(1) Can the Pineland Hospital and Training Center admit mentally retarded children as day students for the purpose of education, and (2) do the provisions of R.S. 1954, c. 27, §148 cover such procedure?

ANSWER:

(1) Yes.

(2) No.

OPINION:

The provisions of R.S. 1954, c. 27, §148, Specialists for temporary patients; bureau for community service, provide no assistance in the resolution of this question, however, the general provisions relating to the Pineland Hospital and Training Center appearing in R.S. 1954, c. 27, §144-A St. Sec. Annot. P.L. 1963, c. 351, §7, indicating as one of the purposes of the institution the education of the mentally retarded and providing admittance procedures therefor, together with the provisions of R.S. 1954, c. 41, §107-A St. Sec. Annot. P.L. 1955, c. 467, §1 and acts amendatory thereof, specifically, designating the Fernald State School (Pineland Hospital and Training Center), as an institution to which the "exceptional child" might be admitted for special classes and providing for payment for the education of such children from the School Administrative District involved, subsidized in part by the Department of Education, all demonstrate clearly the intent of the Legislature that Pineland Hospital and Training Center may provide as one of its services the education of the mentally retarded on a day student basis.

Dr. William Schmecher

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Details in the initiation of such a program in order to ensure conformity with the applicable statutes will require consultation between, and the participation of, the Department of Education and the Department of Mental Health and Corrections.

Emotion E. Perry
Assistant Attorney General

esr/s

cc: Office of Attorney General
Dr. Peter W. Brown
Dr. A.J. Pappalardo
Walter F. Winer, Commissioner