

# MAINE STATE LEGISLATURE

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DEPARTMENT OF THE ATTORNEY GENERAL

JEB  
Mellor

Memo From

WILLIAM J. KELLEHER  
ASSISTANT ATTORNEY GENERAL  
COUNSEL, MENTAL HEALTH & CORRECTIONS



Date: 24 November 1975  
To: John Rosser, Ed.D., Commissioner Dept: Mental Health and Corrections  
Subject: AUTHORITY TO EDUCATE CHILDREN AT THE STEVENS SCHOOL

SYLLABUS:

The Department of Mental Health and Corrections has no authority to educate, at the Stevens School, any children who have not been committed by the Juvenile Court to that institution.

FACTS:

The Commissioner of the Department of Mental Health and Corrections has requested a formal opinion of this Office with respect to the following question:

QUESTION AND ANSWER:

Does the Department of Mental Health and Corrections have the authority to educate, at the Stevens School, children from the City of Hallowell who have not been committed to that institution?

No.

REASON:

The Legislature has mandated that "the State shall establish and maintain (the Stevens School) to rehabilitate children committed thereto as juvenile offenders by the courts of the State..." 15 MRSA §2712. Additionally, in section 2712, it has provided that the discipline of education, among others, shall be employed at that institution. The Department of Mental Health and Corrections, by virtue of 34 MRSA §1 and the above quoted statute, is responsible for the supervision, management and control of the Stevens School on behalf of the State. We find no authority to educate at the Stevens School any children not committed thereto by the courts of this State. Interestingly, the Legislature has provided that children between the ages of 5 and 20 "committed or otherwise legally admitted to any state-operated institution, shall have the right to attend the public schools in the administrative unit in which such institution is located..." 20 MRSA §859, as enacted by P.L. 1975, c. 69.

We, therefore, are of the opinion that children not committed by the courts of this State to the Stevens School, including children from the City of Hallowell, may not be educated at that institution.

*William J. Kelleher*  
William J. Kelleher  
Assistant Attorney General 12/9/75

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STATE OF MAINE  
DEPARTMENT OF MENTAL HEALTH AND CORRECTIONS  
AUGUSTA, MAINE 04333

24 November 1975

William J. Kelleher, Ass't. Atty. Gen'l.

Mental Health and Corrections

John Rosser, Ed.D., Commissioner

Mental Health and Corrections

REQUEST FOR OPINION

I would appreciate a formal opinion of the Attorney General in answer to the following question:

Does the Department of Mental Health and Corrections have any authority to educate, at the Stevens School, children from the City of Hallowell who have not been committed to the institution?

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JOHN ROSSER, Ed.D.,  
COMMISSIONER

JR/vv