

MAINE STATE LEGISLATURE

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ONE HUNDRED AND EIGHTH LEGISLATURE

Legislative Document

No. 408

H. P. 317

House of Representatives, February 10, 1977

Referred to the Committee on Education. Sent up for concurrence and 1,800 ordered printed.

EDWIN H. PERT, Clerk

Presented by Mrs. Nelson of Portland.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-SEVEN

**AN ACT to Clarify the Responsibility of the State to Educate Children
under State Care.**

Be it enacted by the People of the State of Maine, as follows:

Sec. 1. 20 MRSA § 1292, last ¶, as last amended by PL 1971, c. 223, § 32, is repealed and the following enacted in its place:

Whenever a pupil is in the custody of persons other than parents or legal guardians because of broken homes or intolerable home conditions, whether under state custody pursuant to Title 22, section 3792, under other placement pursuant to Title 22, section 3794, or in state-operated institutions, the State shall provide to the administrative unit the full cost of the pupil's education.

Sec. 2. 20 MRSA § 3124, as repealed and replaced by PL 1975, c. 732, § 2, is amended by adding at the end a new paragraph to read:

The Department of Human Services shall make no placement of children who may require special education with foster parents, group living arrangements or other persons within the administrative unit without prior notice to the superintendent of that unit.

Sec. 3. 20 MRSA § 3126, 1st ¶, as repealed and replaced by PL 1975, c. 732, § 2, is amended to read:

The State shall provide financial aid to administrative units for special education, as defined, in accordance with guidelines and regulations established by the commissioner; provided that full reimbursement to the administrative unit shall be made by the State for the costs of educating and

evaluating children who are under state custody pursuant to Title 22, section 3792, are placed with foster parents or others pursuant to Title 22, section 3794, or are residents of state-operated institutions.

STATEMENT OF FACT

The purpose of this bill is to clarify the existing provisions of Title 22, section 3794, which places on the State the expense of educating those children who are under state custody and to make similar provisions for those children who have been placed by state agencies in municipalities or who are residents of state-operated institutions. It is the intent of this bill to distribute fairly the costs of special education by making the State responsible for those children in its own care rather than placing such expenses on the administrative units in which are found state-operated institutions, private schools or other living arrangements.