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Legislative Document

No. 1337

H.P. 931

House of Representatives, April 6, 2017

An Act To Define "Surrogate" for Student Residency Purposes

Submitted by the Department of Education pursuant to Joint Rule 204.
Reference to the Committee on Education and Cultural Affairs suggested and ordered printed.

A handwritten signature in cursive script that reads "R B. Hunt".

ROBERT B. HUNT
Clerk

Presented by Representative PICCHIOTTI of Fairfield.
Cosponsored by Representatives: SIROCKI of Scarborough, TIMBERLAKE of Turner,
TURNER of Burlington, WARD of Dedham, Senator: MASON of Androscoggin.

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

2 **Sec. 1. 20-A MRSA §5202**, as amended by PL 1985, c. 789, §§3 and 9, is further
3 amended to read:

4 **§5202. Residence**

5 **1. Definitions.** For the purposes of this chapter, "~~parent~~" ~~means the parent or~~
6 ~~guardian with legal custody unless the context otherwise indicates, the following terms~~
7 ~~have the following meanings.~~

8 A. "Parent" means the parent or guardian with legal custody.

9 B. "Surrogate" means:

10 (1) An adult who is not a parent or legal guardian but who is related to a minor
11 by blood, marriage or adoption and with whom the minor resides and from whom
12 the minor receives the ongoing care and support expected of a parent. "Surrogate"
13 does not include a person to whom a parent has delegated parental authority to
14 consent to the minor's medical treatment through a power of attorney or other
15 written instrument; or

16 (2) If an adult relative described in subparagraph (1) does not exist, an adult to
17 whom a parent or legal guardian has not delegated parental authority through a
18 power of attorney or other written instrument with whom the minor resides and
19 from whom the minor receives the ongoing care and support expected of a parent.

20 **2. General rule.** A person is eligible to attend schools in the school administrative
21 unit where the person's parent or surrogate resides, where the person resides upon
22 reaching the age of 18 years or upon becoming an emancipated minor. A federal
23 installation ~~shall be~~ is considered part of the school administrative unit in which it is
24 located.

25 **SUMMARY**

26 This bill specifies that a person is eligible to attend schools in the school
27 administrative unit where the person's parent or surrogate resides and defines a surrogate
28 as an adult related to a minor and from whom the minor receives the ongoing care and
29 support expected of a parent or, if no such relatives exist, an adult with whom the minor
30 resides and who has provided the minor with the ongoing care and support expected of a
31 parent.