

MAINE STATE LEGISLATURE

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STATE OF MAINE

R E P O R T

OF THE

ATTORNEY GENERAL

for the calendar years

1949 - 1950

I feel that I would be remiss in my duty if I failed to point out that the statute contemplates "regular employment" and that there might be some question as to whether or not the performance of part-time duties as a building inspector constitutes "regular employment."

I think I should also point out that to the ordinary lawyer this would not appear to be good legislation, since there would seem to be no reason why an architect should not practice his profession in any community other than the one in which he was exercising his office of building inspector, by analogy with other statutes such as those allowing Municipal Court Judges to practice in any court except their own, etc.

There are other serious criticisms to be made of legislation of this kind, which I need not point out here, but which nevertheless influence me in my first statement, to the effect that I cannot give you a categorical answer to your question.

JOHN S. S. FESSENDEN
Deputy Attorney General

January 5, 1950

To Walter F. Ulmer, Business Agent, Bangor State Hospital
Re: Disposition of Money Left on Deposit

I have your memo of January 3d, stating that from time to time the hospital has money left on deposit in personal cash accounts of patients who have died, said patients having been so-called State cases, nothing having been paid for their care and treatment while there. The question arises whether you have the right to take whatever money is left, for care and treatment, or whether you should endeavor to find the proper parties to whom to send such moneys; and you would like to have this situation clarified, so that there will be no question in your mind as to the proper procedure to follow in the future.

When patients who have been in the hospital as State cases die, having moneys on deposit, the money belongs to the estate of the deceased. If administration is not taken out, it cannot be turned over unless all the heirs sign off, if there is a considerable sum of money. If there are only a few dollars, a husband, wife, father or mother could be paid this money, if they would sign a statement releasing the hospital and the State from any liability.

There is another angle to this situation. In cases where State cases leave a considerable amount of money, it should go for their board and care if they have no dependents who are entitled to it; and the matter should be taken up with the relatives or the administrator and the money should be turned over to the hospital on account of the care and treatment received by the patient while there. Of course, actually, any money that is to the credit of the hospital goes to the State Treasurer and not to the hospital under our present statute, as the hospital is operating on a fiscal-year basis on appropriation from the legislature, and any money collected in previous years should be turned over to the general fund of the State.

RALPH W. FARRIS
Attorney General