

MAINE STATE LEGISLATURE

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March 14, 1956

To Walter F. Ulmer, Business Manager, Bangor State Hospital
Re: Expenses of Commitment and Support

We have received your inquiry to the commitment of a patient from Houlton, with the following statement in regard to her ability to support herself:

"We do not know whether or not this patient has means for support in the hospital, or whether she has relatives able. We only know that she does have a house here in Houlton."

The question is whether or not you could legally charge Houlton for her support under the provisions of Section 135 of Chapter 127, Revised Statutes of 1954, formerly Section 136 of Chapter 23, Revised Statutes of 1944, particular reference being to the last paragraph of the above mentioned section.

It would be my opinion that you could not under the existing law and state of facts, as we understand them, bill the town. The municipal officers have done their best, as I see it, to point out to you an asset, to wit, the house in Houlton. No reference is made as to whether or not this is owned by her or merely rented. Further research should disclose the true nature of the title.

The last paragraph of Section 135, supra, was added by Chapter 200, P. L. 1931, and has appeared in each subsequent revision of that section to date. Apparently its purpose is to charge the town where its officers wilfully conceal the inability of the patient to support himself or conceal the known ability of persons legally liable for the patient's support. I think that in the present case they have attempted to show, though in rather loose language, that the house may be an asset which could be liquidated to support the patient. To hold otherwise would lead the municipal officers in each and every case to certify the inability to pay for support in order to avoid any liability under this section. As I understand the situation, much reliance is placed upon the municipal officers because they have a greater knowledge of the existing financial position in regard to the committed patient. If we construe this statute to punish them for failure to make a categorical answer, I feel that in every case they will answer that those legally liable are in their opinion unable to pay for the patient's support.

Roger A. Putnam
Assistant Attorney General

RAP/c