

MAINE STATE LEGISLATURE

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STATE OF MAINE

REPORT

OF THE

ATTORNEY GENERAL

for the calendar years

1959 - 1960

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Chapter 113, Private & Special Laws of 1959, effective April 22, 1959, as emergency legislation, amended Section 8, Chapter 150, Private & Special Laws of 1957, to provide that the moneys must be obligated instead of expended prior to the two-year period. Therefore, all funds not obligated prior to August 28, 1959, were lapsed.

Chapter 153, Private & Special Laws of 1959 was enacted on September 12, 1959, and carries an authorization for the Commission to requisition \$600,000 for the purpose of constructing an office building in a like manner as set out in Chapter 150, Private & Special Laws of 1957.

It is my opinion, based on the facts presented, that the \$2,950 referred to in the first question should be allocated to the funds provided under Chapter 150, Private & Special Laws of 1957, as amended, since this amount was obligated prior to the date the funds were to lapse. The Council Order of October 2, 1957, indicates this source also. This expenditure could not be paid from the Chapter 153, Private & Special Law appropriation because of the language in Section 7 thereof.

In reference to the second question, Chapter 153, Private & Special Laws, plainly sets out the amount of the appropriation at \$600,000, which is the amount now available for the purposes of the act.

GEORGE A. WATHEN
Assistant Attorney General

November 6, 1959

To: George A. Lasselle, Augusta State Hospital

Re: Board and care of patient committed as a result of prosecution for criminal offense

I have your request for information regarding cost of support of a patient committed to the State Hospital as the result of criminal offense and this patient's transfer from a penal institution. A person who is found not guilty by reason of insanity, or when the grand jury omits to find an indictment for that reason, and the party is properly committed to the hospital, the person shall be supported at his own expense if he has sufficient means; otherwise, at the expense of the State. Sections 117 and 121 of Chapter 27, R. S. 1954.

Section 129, Chapter 27, provides for support under the provisions of Section 137 to 139, inclusive, for the commitment of persons who are insane when a motion for sentence is made and proceedings for an insane person at the expiration of term of commitment.

In my opinion, prisoners who are transferred from a penal institution should not be held liable for support since they are still under sentence for a crime. If they recover prior to the expiration of their sentence, Section 125 of Chapter 27 requires they be returned to the penal institution to serve the balance of their sentence. If, on the other hand, they remain in the insane hospital under proper commitment after the expiration of their sentence, they are then liable to pay for support.

GEORGE A. WATHEN
Assistant Attorney General