

# MAINE STATE LEGISLATURE

The following document is provided by the  
**LAW AND LEGISLATIVE DIGITAL LIBRARY**  
at the Maine State Law and Legislative Reference Library  
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied  
(searchable text may contain some errors and/or omissions)

**This document is from the files of the Office of  
the Maine Attorney General as transferred to  
the Maine State Law and Legislative Reference  
Library on January 19, 2022**

July 6, 1972

John Stevens, Commissioner

Indian Affairs

John Kendrick, Assistant

Attorney General

Payment for medical treatment of Indian couple living off the reservation

I have your memo of June 28, 1972, in which you ask for an interpretation of 22 M.R.S.A. § 4713.

Section 4713 is one of the excepted sections that was not transferred for administration from the Department of Health and Welfare to the Department of Indian Affairs. There is no conflict between this statute and 22 M.R.S.A. § 4452-A. Section 4452-A deals with hospitals' authorization from a pauper's town of residence for emergency admittance. The pauper may be a non-Indian or he may be an Indian whose residence is somewhere off the reservation. He is simply a person who has no means of support.

In contrast, § 4713 deals with reimbursement of money spent by a town to relieve a destitute Indian who is found in that town to be in distress. The scope is broader in that relief may consist of food, clothing, shelter or emergency medical aid. Reimbursement comes to the town from the Department of Health and Welfare. The town, to be entitled to reimbursement, must have spent the money on necessary relief items, and must have been "the town required by law to provide relief for such persons". This means a town of the pauper's legal settlement (22 M.R.S.A. § 4458) or a town in which the pauper is found (22 M.R.S.A. § 4476), but has no settlement. In either case the town, after notice, has a duty to see to the pauper's relief.

This notice requirement is what brings § 4452-A into play. Where there is a medical emergency, the admitting hospital may notify the town (the statute calls it application for authorization) within 3 business days from the day of admitting the pauper. This is an exceptional provision designed to cover true emergencies. Ordinarily the town, to be financially responsible must have notice of the pauper's need before relief is rendered by any third party.

22 M.R.S.A. § 4713 is the same law in essence if not identical wording as 22 M.R.S.A. § 4772 with the exception that it applies to a different group. Section 4713 applies to Indians anywhere in the State who are not members of the Penobscot or Passamaquoddy tribes. Section 4772 applies to Penobscot Indians off the reservation. There is no comparable statute for Passamaquoddy tribe members.

**NOT A FORMAL OPINION**

My understanding of the factual situation you are confronted with is incomplete. Even if you can assume there was a true emergency, the St. Joseph Hospital made no 3-day application (notice) to the town of Orrington where the Paul couple lived. As Mr. Downs of Health and Welfare says in his memo to you dated June 27, 1972, the hospital should be aware of the necessity of obtaining authorization from the town as specified under State law. The emergency nature of medical aid rendered (requiring treatment before the town can be notified) appears questionable where both husband and wife have continuing out-patient accounts.

JK/mf