

# MAINE STATE LEGISLATURE

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# ONE - HUNDRETH LEGISLATURE

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**Legislative Document**

**No. 694**

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H. P. 495

House of Representatives, January 24, 1961

Referred to the Committee on Judiciary, sent up for concurrence and ordered printed.

HARVEY R. PEASE, Clerk

Presented by Mr. Cox of Dexter.

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## STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED  
SIXTY-ONE

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### AN ACT Relating to Property of Inmates of Institutions Under Jurisdiction of Department of Mental Health and Corrections.

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

**Sec. 1. R. S., c. 27, §§ 17-A - 17-E, additional.** Chapter 27 of the Revised Statutes is amended by adding 5 new sections to be numbered 17-A to 17-E, to read as follows:

**‘Sec. 17-A. Money and effects of inmates; control by institutional head; trusts and benefit funds.** The institutional head of a state institution under the control of the department is authorized to take possession of and have control over all moneys and personal effects on the person of inmates when admitted or subsequently received and may be disbursed as directed by the rules and regulations of the department. Such right to possess and control shall extend to negotiable instruments which may be converted into moneys by the institutional head at his discretion. Accounts shall be kept with respect to each inmate, in accordance with the rules and regulations of the Department of Mental Health and Corrections.

In case of the discharge or release of an inmate, said inmate or legal guardian shall be entitled to receive all personal effects in custody and all moneys to the credit of his account. In case conditional donations or gifts have been made for the benefit of an inmate and accredited to his account, payment shall be made to the person or persons entitled thereto under the conditions of the donation.

The institutional head shall be authorized to accept and have control over such donations and gifts for the benefit of inmates, as are not necessary contrary to law, to be disbursed as authorized by the Commissioner of Mental Health and Corrections.

The institutional head of any state institution under the control of the department may deposit any funds of inmates in his possession in any bank in the State, or may invest and reinvest such funds in bonds or obligations of the United States of America, and for the purpose of deposit or investment only, may mingle the funds of any inmate with the funds of other inmates. The superintendent may deposit the interest or increment accruing on such funds in a special fund, to be designated the "Benefit Fund" of which he shall be the trustee.

Subject to such rules and regulations as may be established by the commissioner, the institutional head is authorized to create a special fund to be known as the "Benefit Fund" which shall be composed of earnings from investments of inmates' funds, profit from operation of stores or canteens, interest on trust funds and gifts, grants, bequests and other donations for the benefit of the inmates, such moneys to be expended by the institutional head for the relief, benefit, welfare or entertainment of the inmates of the respective institutions.

Sec. 17-B. Payment of accounts of deceased inmates. If any inmate shall die, leaving moneys on deposit with the institution on which the balance due him shall not exceed \$500, and no executor of his will or administrator of his estate shall be appointed, the institutional head may pay the balance of his or her account to the surviving spouse, next of kin, funeral director or other professed creditor or creditors who may appear to be entitled thereto. For any payment so made the institutional head shall not be held liable to the decedent's executor or administrator thereafter appointed unless the payment shall have been made within 6 months after the decedent's death and an action to recover the amount shall have been commenced within one year after the date of payment.

Sec. 17-C. Money represented by bank books or former inmates. Any bank book representing a deposit account in a savings bank or trust company within the State of Maine, which belongs to a former inmate of a state institution under the control of the commissioner and shall have remained unclaimed for a period of 3 years in the custody of the institutional head, may be presented by the department to such bank or trust company accompanied by his written request for payment to them of such deposit account, except so much as is in excess of the amount due the State of Maine for the support of such inmate and such bank or trust company shall thereupon pay to the institutional head the amount so requested. Such moneys so received shall be credited to the General Fund of the State.

Sec. 17-D. Disposition of unclaimed money of former inmates. All moneys remaining to the credit of a former inmate of a state institution under the control of the commissioner to which no deposit has been made and from which no part of the deposit has been withdrawn for a period of 7 years, and provided the institutional head shall have made every reasonable attempt to locate the owner or his heirs without success, such moneys shall be deemed presumptively abandoned and the institutional head is authorized to deposit such funds with the Treasurer of State where they shall be held in trust. Any lawful claimant may petition the Governor and Council for payment of such moneys to the claimant. In his petition the claimant shall state fully the facts showing the

basis of his right, title and interest in such moneys. The Governor and Council, after a hearing, shall determine who are lawful claimants and shall authorize payment by the Treasurer of State from the principals of the trust the amount of said unclaimed deposit. The institutional head is authorized to expend as he may direct such income as may be derived from such trust fund for the relief, benefit, welfare and entertainment of the inmates of the respective institution.

Sec. 17-E. Disposition of unclaimed property of former inmates. Property belonging to, or deposited for the benefit of, former inmates of any state institution under the control of the commissioner which shall have remained unclaimed for more than 7 years shall be disposed of as provided, by the institutional superintendent and a representative of the department designated by the commissioner, acting as a special board for said purpose, but only if all known next of kin of the former inmate shall have been notified in writing by said institutional head. The board shall ascertain whether the property has any sale value and, if so, shall solicit from at least 3 reputable dealers in like property offers for the purchase thereof, and shall sell the same to the dealer offering the highest price. The proceeds of such sale shall be deposited with the Treasurer of State where they shall be held in trust. Any lawful claimant may petition the Governor and Council for payment of moneys received from the sale of such property to the claimant. In his petition the claimant shall state fully the facts showing the basis of his right, title and interest in such moneys. The Governor and Council, after hearing, shall determine who are lawful claimants and shall authorize payment by the Treasurer of State from the principals of the trusts the proceeds of such sale.

The institutional head is authorized to expend as he may direct such income as may be derived from such trust fund for the relief, benefit, welfare or entertainment of the inmates of the respective institution.

The board may dispose of such of said property as, in its opinion, has no sale value, or any said property for which no offer, solicited as aforesaid, has been received, in such manner as it may deem proper. A complete record of each transaction shall be made and signed by both members of the board and filed with the other records at such institution relating to the former inmate whose property shall have been disposed of as aforesaid.'

Sec. 2. R. S., c. 27, § 48, repealed. Section 48 of chapter 27 of the Revised Statutes, as amended by chapter 65 of the public laws of 1959, is repealed as follows:

~~'Sec. 48. Convicts property taken care of by Warden. The Warden shall receive and take care of any property that a convict has with him at the time of his entering the prison keep an account thereof, and pay the same to him on his discharge.'~~

Sec. 3. Resolves, 1951, c. 62, repealed. Chapter 62 of the Resolves of 1951, which relates to authorizing expenditure of certain moneys in possession of Bangor State Hospital, is repealed.

Sec. 4. Resolves, 1955, c. 38, repealed. Chapter 38 of the Resolves of 1955, which relates to authorizing certain moneys in possession of the Augusta State Hospital to be added to the hospital's trust funds, is repealed.