

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)

ONE HUNDRED AND FIRST LEGISLATURE

Legislative Document

No. 352

S. P. 123

In Senate, January 16, 1963

Referred to Committee on State Government. Sent down for concurrence and ordered printed.

CHESTER T. WINSLOW, Secretary

Presented by Senator Campbell of Kennebec.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SIXTY-THREE

AN ACT Relating to Support of Patients at State Institutions.

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

Sec. 1. R. S., c. 27, § 5, amended. The last 2 paragraphs of section 5 of chapter 27 of the Revised Statutes, as last amended by sections 4 and 5 of of chapter 304 of the public laws of 1961, are repealed and the following enacted in place thereof:

'It shall provide for the training of nurses in state hospitals.'

Sec. 2. R. S., c. 27, § 135-C, additional. Chapter 27 of the Revised Statutes is amended by adding a new section 135-C, to read as follows:

'Sec. 135-C. Support at state institutions.

I. Department to fix rate. The department shall fix rates for the support of patients at the Augusta State Hospital, Bangor State Hospital and the Pineland Hospital and Training Center.

II. Persons liable for support. No bills shall be rendered under this section until the investigation has been made as provided for herein. Each patient and the spouse, child and parent, if the patient was wholly or partially dependent for support upon such parent at the time of admittance, shall be legally liable from the date of admittance for the support of such person committed or otherwise legally admitted to either state hospital for the mentally ill or to the Pineland Hospital and Training Center, in accordance with his ability to pay. No patient or other person legally liable for support shall be charged therefor, if his estate is valued in the aggregate at less than \$400. If the estate of a patient or other person legally liable for support is valued at less

than \$400, at the time of the admittance of the patient, but increases in value to exceed such figure during the period of hospitalization, charges for support, if levied, shall be as of the date of the determination that the patient or person legally liable for support is able to pay.

III. Determination of ability to pay. The department shall, following the admittance of a patient, into either of the state hospitals for the mentally ill or into the Pineland Hospital and Training Center, cause an investigation to be made to determine the property, real and personal, and interests in property, if any, the patient has. The department shall also make an investigation to determine whether there exist any persons responsible under subsection II for the payment of charges for his support. It shall ascertain the financial condition of any such person and shall determine whether in each case such person is in fact, financially able to pay such charges.

In determining ability to pay in each case the department shall consider among other items the following expenses and obligations: Special employment expenses; education expenses of the children of the patient or of any person legally liable for support under this section; medical and hospital obligations, if being liquidated; shelter expenses in excess of $\frac{1}{4}$ of the gross income of the liable person minus federal income tax and any mandatory retirement deductions; accrued and unpaid obligations under a court order; debts currently being liquidated, if contracted prior to the date of admittance of the patient or contracted involuntarily, subsequent to such date; and the number and condition of others dependent upon him; and shall also consider any payments which may become due and payable to the patient or the patient's estate by reason of any Social Security, Workmen's Compensation, Veterans Administration or other like benefits, or from any policy of insurance covering such patient.

IV. Statement forms to be completed by persons liable for support. The commissioner shall prescribe financial statement forms which shall be completed by any person legally liable for support under this section. Such statement shall be sworn to by such liable person and shall be returned to the department within 30 days from the date of mailing or presentation if in hand. Should such person fail to return such statement to the department properly completed within 30 days, the department shall send another statement form by certified mail, return receipt requested and if the statement is not then returned completed within 30 days of mailing such liable person shall be assessed \$5 for each week or part thereof, in excess of the latter 30-day period that the statement is overdue. Penalties incurred under this subsection shall be collected in the same manner as are charges for support under this section. Penalties collected under this subsection shall be paid into the General Fund. A copy of this subsection shall appear in boldfaced type on the first page of each statement form.

V. Amount of charges; claims against estates. The department may charge less than the maximum rate fixed under subsection I but shall not in any case charge more than the fixed maximum rate. The department may enter into an agreement for support with any person legally liable for support under this section, under which agreement the department may postpone billing for support for any period of time. The State of Maine shall have a claim against

the estate of any patient and against the estate of any person legally liable for support under this section, for any amount due and owing to the State of Maine at the date of death of such patient or such person, according to the books of account of the department, including any claim arising under an agreement entered into under this section, enforceable in the probate court. Such claim shall have priority over all unsecured claims against such estate, except;

- A. Administrative expenses, including probate fees and taxes;
- B. Expenses of the last sickness;
- C. Funeral expenses, not exceeding \$400, exclusive of clergymen's honorarium and cemetery expenses;
- D. Claims filed against such estate under chapter 25, sections 295, 313 and 319-Q.

The Attorney General shall collect any claim which the State may have hereunder against such estate. Providing that no such claim shall be enforced against any real estate while it is occupied as a home by the surviving spouse of the patient or person legally liable for support under this section and said spouse does not marry again.

VI. Debt to State. Charges made under this section shall be a debt to the patient or of any person legally liable for support under this section, recoverable in any court of competent jurisdiction in a civil action, in the name of the State of Maine.

VII. Military and Naval Children's Home. This section shall be applicable to the support of children admitted to the Military and Naval Children's Home.'