

MAINE STATE LEGISLATURE

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FIRST SPECIAL SESSION
(EMERGENCY)

ONE HUNDRED AND FIRST LEGISLATURE

Legislative Document

No. 1650

S. P. 658

In Senate, January 6, 1964

The Committee on Appropriations and Financial Affairs suggested.

CHESTER T. WINSLOW, Secretary

Presented by Senator Campbell of Kennebec.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SIXTY-FOUR

**AN ACT To Revise Laws Relating To Support Of Patients At State Institutions
Under The Control Of The Department of Mental Health and Corrections.**

Emergency preamble. Whereas, acts of the Legislature do not become effective until 90 days after adjournment of the Legislature unless enacted as emergencies; and

Whereas, the Revised Statutes, chapter 27, section 135-C, was enacted by section 2 of chapter 19 of the public laws of 1963, relating to the support of patients at state institutions under the control of the Department of Mental Health and Corrections; and

Whereas, since the effective date thereof, September 21, 1963, the reimbursement division of the Department of Mental Health and Corrections in its administration has discovered that certain provisions thereof are unnecessary, burdensome and inconsistent with the general purposes of said reimbursement statute; in that, in many cases patients and other persons liable for support can not be charged therefor, despite the availability of funds in the form of pensions, benefits and other income, due to the \$400 property value restriction found in the present statute. An exhaustive investigation is required in each case, despite obvious availability of funds, ability to pay and an offer on the part of a legally liable person to pay at the fixed maximum rate. The language of the statute requires, in order to file a claim against an estate, that the amount, due and owing, be reflected on the books of account of the department at the time of death, overlooking the possibility that investigation required by the statute might be incomplete at the time of death, all such factors resulting in the actual and possible loss of reimbursement for board and care furnished in certain cases,

and resulting in an unnecessary expenditure of time and effort on the part of limited personnel; and

Whereas, the following act is vitally necessary in order to assure maximum reimbursement receipts without waste of supplies and man hours; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

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

Sec. 1. R. S., c. 27, § 135-C, sub-§ II, amended. Subsection II of section 135-C of chapter 27 of the Revised Statutes, as enacted by section 2 of chapter 19 of the public laws of 1963, is amended to read as follows:

'II. Persons liable for support. No bills shall be rendered under this section until the investigation has been made as provided for herein; **except that, in instances wherein the legally liable person agrees to pay the fixed maximum rate, such investigation may be limited to a verification by reliable references of the ability of such person to pay the fixed maximum rate.** 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.'~~

Sec. 2. R. S., c. 27, § 135-C, sub-§ V, amended. The 3rd sentence of subsection V of section 135-C of chapter 27 of the Revised Statutes, as enacted by section 2 of chapter 19 of the public laws of 1963, is further amended to read as follows:

'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.'

Emergency clause. In view of the emergency cited in the preamble, this act shall take effect when approved.