

MAINE STATE LEGISLATURE

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ONE HUNDRED AND THIRD LEGISLATURE

Legislative Document

No. 393

H. P. 273 House of Representatives, January 26, 1967
Referred to Committee on Judiciary. Sent up for concurrence and ordered printed.

BERTHA W. JOHNSON, Clerk

Presented by Mrs. White of Guilford.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SIXTY-SEVEN

AN ACT Relating to Funds of Deceased and Discharged Patients and Inmates.

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

R. S., T. 34, § 1, amended. Section 1 of Title 34 of the Revised Statutes is amended by adding at the end 3 new paragraphs to read as follows:

If any patient or inmate of any institution under the control of the department shall die, leaving on deposit in his personal account at such institution an amount not exceeding \$1,000, or leaving in the custody of the head thereof any personal property, and no executor of his will or administrator of his estate shall be appointed, the head of the institution may pay the balance of his account to the surviving spouse or next of kin, funeral director or other preferred creditor or creditors, who may appear to be entitled thereto, and may deliver said personal property to the surviving spouse or next of kin, who may appear to be entitled thereto. Such payment or delivery shall not be made until 6 months have elapsed following the date of death of the patient or inmate.

Any balance remaining on deposit in the personal account of a deceased patient or inmate unclaimed for 5 years following the death of the patient or inmate, and any balance remaining on deposit in the personal account of any patient or inmate unclaimed for 5 years following the discharge of any patient or inmate, may be deposited at the direction of the head of the institution in the patients' or inmates' benefit fund, the income from which to be expended for the benefit of the patients or inmates of the institution, and not otherwise provided that the following conditions shall be complied with:

1. Deceased, notice. In the case of a deceased patient or inmate, the head of the institution shall have notified in writing the spouse or next of kin of the

decedent, whose whereabouts is known, of the balance remaining on deposit in the personal account of the decedent;

2. Discharged, notice. In the case of a discharged patient or inmate, the head of the institution shall have notified in writing the patient or inmate, whose whereabouts is known, of the balance remaining on deposit in the personal account of the patient or inmate;

3. Publication. In the case of a deceased or discharged patient or inmate with respect to whose remaining balance notice cannot be effected as provided in subsections 1 or 2, the head of the institution shall have caused notice of the remaining balance on deposit in the personal account of the patient or inmate, indicating the full name and last known residence of the patient or inmate, to be published in the State paper and in a paper of general circulation in the county within the State in which the patient or inmate is known to have last resided, once each week for 3 successive weeks.

If within 20 years from the date of death of a patient or inmate, and not afterwards, his executor or administrator, or if less than \$1,000, his spouse or any next of kin, claims the balance remaining in the personal account deposited in the patients' or inmates' benefit fund, and proves legal entitlement thereto, the head of the institution shall withdraw from the patients' or inmates' benefit fund an amount equal to such balance, and pay the same to the claimant. If within 20 years from the date of discharge of a patient or inmate, and not afterwards, the patient or inmate, or if he has died within such 20-year period, his executor or administrator, or if less than \$1,000, his spouse or any next of kin claims the balance remaining in the personal account deposited in the patients' or inmates' benefit fund, and proves legal entitlement thereto, the head of the institution shall withdraw from the patients' or inmates' benefit fund an amount equal to such balance, and pay the same to the claimant.