

# MAINE STATE LEGISLATURE

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ONE HUNDRED AND THIRD LEGISLATURE

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Legislative Document

No. 1650

H. P. 1154

House of Representatives, May 10, 1967

Reported by Mr. Berman from Committee on Judiciary. Printed under Joint Rules No. 18.

BERTHA W. JOHNSON, Clerk

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STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED  
SIXTY-SEVEN

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AN ACT Relating to Funds of Deceased Patients and Inmates.

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

Sec. 1. R. S., T. 34, § 9, additional. Title 34 of the Revised Statutes is amended by adding a new section 9, to read as follows:

§ 9. Funds of deceased patients and inmates

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 \$500, 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, and if none, to his next of kin, and if none, to the funeral director having any bill outstanding for the burial of the decedent, and if none, or if any balance remains after payment thereof, to any other preferred creditor or creditors who may appear to be entitled thereto, and shall deliver said personal property to the surviving spouse, and if none, to his 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. For any payment or delivery so made the head of the institution shall not be held liable to the decedent's executor or administrator thereafter appointed, or to his heirs, successors or assigns.

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 may be deposited with the Treasurer of State who shall, with respect to each institution from the head of which such deposit is received, establish and maintain a trust fund, the principal of which shall be comprised of such deposits, which fund in each case shall be maintained as part of the permanent trust funds of the State. The income from each such trust fund shall be paid by the Treasurer of State to the institution from which the deposit was received, to be

expended by the head of the institution for the general benefit of the patients or inmates, provided that prior to any deposit under this section the following conditions shall have been complied with:

1. **Petition.** The head of the institution in which such funds of any deceased patient remain shall petition the probate court for the county in which the institution is located for a judicial determination of the existence of any person entitled as an heir to such funds, which petition verified by the head of the institution shall set forth all facts known to him, or believed by him, to be true, regarding the existence and location or nonexistence of the spouse or any next of kin of the decedent.

2. **Order of notice of hearing.** Following filing of the petition the probate court shall forthwith order notice of a hearing to be given by certified mail to any person named as spouse or next of kin in the petition whose address is set forth therein, and in instances wherein the name of the spouse or any next of kin is given in the petition without indication of any address, or it is asserted that there is no known spouse or next of kin, the court shall order notice of hearing to be given once each week for 3 successive weeks in the state paper or in a newspaper of general circulation in the county wherein the decedent resided prior to hospitalization or incarceration. Notice under this section shall include the full name of the decedent, his last known residence prior to hospitalization or incarceration, the name of the spouse or of any known next of kin, and shall indicate a date and time for hearing on the matter of the disposition of the estate of the decedent at which all persons interested in the state may appear and be heard.

3. **Hearing.** At the date and time set forth in the notice, the court shall hold a hearing on the matter of the disposition of the funds of the deceased patient or inmate, at which the court may order distribution to the spouse or any next of kin who show their entitlement thereto, or may in its discretion suspend the proceedings pending filing of a petition for administration of the estate, or if no person appears and proves his entitlement as spouse or next of kin to the funds of the decedent, shall order that such funds be deposited with the Treasurer of State as provided in this section.

4. **Collective disposition.** A petition may be filed, notice given, a hearing held, and disposition made, under this section with respect to the funds of one or more deceased patients or inmates at any one time.

Any deposits made with the Treasurer of State under this section remaining unclaimed for 15 years shall then be free from the claim of any heir or any other person. Within 15 years from the deposit with the Treasurer of State of the funds of any deceased patient or inmate, any person entitled thereto by law as an heir may petition the Governor and Council for payment of such amount. The Governor and Council on receiving satisfactory proof of the legal entitlement of any such person to the funds of the deceased patient or inmate shall, by their order, authorize the Treasurer of State to pay from the trust fund, established with respect to the institution in which the deceased patient or inmate was hospitalized or incarcerated, an amount equal to the funds of the deceased patient or inmate originally deposited.

**Sec. 2. Funds affected.** As of its effective date, this Act shall be applicable to funds and property of deceased patients and inmates then in the possession of the head of any institution under the control of the Department of Mental Health and Corrections.