

# MAINE STATE LEGISLATURE

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# ONE HUNDRED AND FOURTH LEGISLATURE

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## Legislative Document

No. 411

H. P. 324

House of Representatives, January 28, 1969

Referred to Committee on Health and Institutional Services. Sent up for concurrence and ordered printed.

BERTHA W. JOHNSON, Clerk

Presented by Mr. Binnette of Old Town.

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## STATE OF MAINE

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IN THE YEAR OF OUR LORD NINETEEN HUNDRED  
SIXTY-NINE

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### AN ACT Relating to Minor Children Committed to State Custody.

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

**Sec. 1. R. S., T. 22, § 3798, amended.** Section 3798 of Title 22 of the Revised Statutes is amended to read as follows:

#### § 3798. Restoration of custody

Whenever a child is in the custody of any children's institution, or ~~child's~~ **child** welfare organization, or suitable person or of the department, the parents or either of them may ~~make application in writing to petition~~ the Superior Court to have its custody restored to him or them; such notice on the ~~application~~ **petition** and the time and place of the hearing thereon as the court orders shall be given to such person, institution or organization, or to the department ~~and to the municipal board of the town where the proceedings therein were commenced.~~ If, upon such hearing, it appears that the ~~applicant~~ **petitioner** is of sufficient ability and inclination suitably to provide for maintenance and education of said child, and that justice requires that its custody be restored to said ~~applicant~~ **petitioner**, the court shall so order, and the custody and control of said child shall thereafter be given to said ~~applicant~~ **petitioner** until ~~the~~ further order of the court.

**Sec. 2. R. S., T. 22, § 3800, amended.** Section 3800 of Title 22 of the Revised Statutes is amended to read as follows:

#### § 3800. Penalties for violations

Whoever violates any provision of ~~section 3795~~ **this chapter**, or willfully fails, neglects or refuses to perform any of the duties imposed upon him by

this chapter shall be punished by a fine of not more than \$500 or by imprisonment for not more than 6 months.

**Sec. 3. R. S., T. 22, § 3801, additional.** Title 22 of the Revised Statutes is amended by adding a new section 3801, to read as follows:

**§ 3801. State's responsibility after death of committed child**

If any minor child who has been committed by a court to the custody of the department pursuant to this chapter or Title 19, section 752, shall die while the court order of custody to the department is still in full force and effect, the department shall arrange and pay for a decent burial for such child. If administration of such deceased child's estate is not commenced within 60 days after the date of death by an heir or a creditor, then the department may petition the probate court to appoint an administrator and settle the estate of the deceased child pursuant to Title 18.

**STATEMENT OF FACTS**

Without this amendment, the state's obligation would cease upon the death of a child committed to the custody of the Department of Health and Welfare and therefore there would not be anyone responsible to arrange and pay for burial.

No appropriation beyond that recommended by the Governor in the current services and supplemental appropriations acts is necessary.