

MAINE STATE LEGISLATURE

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ONE HUNDRED AND SIXTH LEGISLATURE

Legislative Document

No. 1261

H. P. 929

House of Representatives, March 6, 1973

Speaker laid before the House and on Motion of Mr. Carrier of Westbrook referred to the Committee on Judiciary. Sent up for concurrence and ordered printed.

E. LOUISE LINCOLN, Clerk

Presented by Mr. McKernan of Bangor.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-THREE

AN ACT Relating to Reimbursement of Municipalities for Expenses and Costs in General Assistance to Nonsettled Paupers.

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

Sec. 1. R. S., T. 22, § 4454, amended. The 2nd sentence of section 4454 of Title 22 of the Revised Statutes is amended to read as follows:

In case the existing derivative settlement of a person cannot be determined after a diligent effort and search by the municipality furnishing pauper supplies to said person, then said person shall be deemed to have no settlement in the State and the State shall be liable for the support of said person, **together with the reasonable administrative expenses and costs incurred by any municipality in servicing such pauper**, provided said derivative settlement which cannot be determined shall involve a period of more than 20 years or the 3rd generation and that the Commissioner of Health and Welfare and the Attorney General shall first be satisfied that the municipality furnishing the relief has made a diligent effort and search to establish the true legal settlement of said person.

Sec. 2. R. S., T. 22, § 4455, amended. The 2nd sentence of section 4455 of Title 22 of the Revised Statutes is amended to read as follows:

The State shall reimburse such municipality for the relief furnished ~~to such~~, **together with the reasonable administrative expenses and costs incurred by said municipality in servicing such paupers**, in an amount as the commissioner adjudges to have been necessarily expended therefor.

Sec. 3. R. S., T. 22, § 4459, amended. The 3rd and 4th sentences of section 4459 of Title 22 of the Revised Statutes are amended to read as follows:

Nothing contained herein shall in any way diminish the liability of the town of settlement or of the State with respect to the reimbursement to the town of residence for supplies furnished to such pauper or dependent person, **together with the reasonable administrative expenses and costs incurred by said municipality in servicing such pauper or dependent person.** Overseers of the poor and all other officers having charge of the administration of pauper funds shall keep full and accurate records of the paupers fully supported, the persons relieved and partially supported and the travelers and vagrants lodged at the expense of their respective towns, together with the amount paid by them for such support and relief **and the reasonable administrative expenses and costs of said overseers in servicing such paupers;** and shall annually make return of the number of such persons supported and relieved, with the **total cost,** to the ~~Department of Health and Welfare~~ department.

Sec. 4. R. S., T. 22, § 4468, amended. The first 2 sentences of the 2nd paragraph of section 4468 of Title 22 of the Revised Statutes are repealed and the following enacted in place thereof:

When such paupers have no legal settlement in the State, the State shall reimburse said town for the actual cost of the relief furnished together with the reasonable administrative expenses and costs incurred by said overseers in servicing such paupers.

Sec. 5. R. S., T. 22, § 4485, amended. Section 4485 of Title 22 of the Revised Statutes is amended to read as follows:

§ 4485. Recovery from pauper or wife

A town which has incurred expense for the support of a pauper or his wife, whether he has a settlement in that town or not, may recover the full amount expended for the support of either or both, **together with the reasonable administrative expenses and costs incurred by said town in servicing such pauper or his wife,** from either the pauper or his wife, their executors or administrators, in a civil action. If such pauper has no settlement within the State and the town is reimbursed by the State for the expense incurred for the support of such pauper **together with reasonable administrative expenses and costs,** the State may recover it in the manner provided.

STATEMENT OF FACT

The purpose of this bill is to clarify the provisions of Chapter 1251, Title 22 of the Revised Statutes in respect to the liability for municipal administrative expenses and costs incurred in servicing paupers whose settlement rests with another municipality or with the State. Current interpretations of Chapter 1251 conclude that only the actual costs of the relief furnished may be reimbursed by the municipality in which the pauper resides. No consideration is given for the expenses incurred in servicing the pauper or determining his settlement.