

MAINE STATE LEGISLATURE

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114th MAINE LEGISLATURE

FIRST REGULAR SESSION - 1989

Legislative Document

No. 1663

H.P. 1196

House of Representatives, May 16, 1989

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 27.

Reference to the Committee on Human Resources suggested and ordered printed.

Ed Pert

EDWIN H. PERT, Clerk

Presented by Representative LARRIVEE of Gorham.

Cosponsored by Senator HOLLOWAY of Lincoln, Representative HOGLUND of Portland and Representative MANNING of Portland.

STATE OF MAINE

IN THE YEAR OF OUR LORD
NINETEEN HUNDRED AND EIGHTY-NINE

An Act to Clarify the Liability of Relatives for Support.

(AFTER DEADLINE)



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

3 **22 MRSA §4319**, as amended by PL 1983, c. 701, §5, is
5 further amended to read:

7 **§4319. Liability of relatives for support; procedure**

9 The father, mother, grandfather or grandmother, by
11 consanguinity, living within or owning real or tangible property
13 within the State, shall support persons for whom they are legally
15 responsible chargeable in proportion to their respective ability.
17 A municipality, the State or any kindred of an eligible person
19 having incurred expense for the relief of that eligible person
21 may complain to the Superior Court in the county where the
23 kindred reside or to any other court of competent jurisdiction.
25 The court may cause the kindred to be summoned, and upon hearing
27 or default may assess and apportion a reasonable sum upon those
29 who are found to be of sufficient ability, for the support of the
31 eligible person to the time of the assessment, and shall issue a
33 writ of execution. The assessment shall not be made to pay any
35 expense for relief afforded more than 6 months before the
37 complaint was filed. The complaint may be filed with the clerk
39 of the court who shall issue a summons thereon, returnable and to
41 be served as writs of summons are. On suggestion of either party
43 that there are other kindred of ability not named, the complaint
45 may be amended by inserting their names, and they may be summoned
in like manner and be proceeded against as if originally named.
The court may assess and apportion upon the kindred a sum
sufficient for the future support of the eligible person to be
paid quarterly, until further order; and may direct with whom of
the kindred consenting thereto and for what time he the eligible
person may dwell, having regard to his that person's comfort and
their convenience. On application of the municipality, the State
or person to whom payment was ordered, the clerk may issue or
renew a writ of execution returnable to the next term of the
court to collect what may be due for any preceding quarter. The
court may, from time to time, make any further order on complaint
of a party interested and, after notice given, alter the
assessment or apportionment. On failure to sustain a complaint,
the respondents recover costs.

43 **STATEMENT OF FACT**

45 This bill clarifies that the liability of relatives under
47 the general assistance laws falls on those relatives who are
otherwise legally responsible for the persons needing support.