

MAINE STATE LEGISLATURE

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EIGHTY - SEVENTH LEGISLATURE

Legislative Document

No. 510

S. P. 422

In Senate, February 12, 1935.

Referred to Committee on Legal Affairs and 1000 copies ordered printed.
Sent down for concurrence.

ROYDEN V. BROWN, Secretary.

Presented by Senator Pinansky of Cumberland.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
THIRTY-FIVE

**AN ACT Relating to Support of Paupers or Other Dependent Persons
Falling into Distress.**

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

Sec. 1. Liability for support. No city, town or plantation shall hereafter be liable for support of any pauper or other dependent person falling into distress, but the liability shall rest entirely upon the state. Such persons shall be under the care and control of the department of health and welfare, and said department shall make such arrangements for their care and support as may appear to be for the best interests of such persons and of the state. Municipal officers shall hereafter have no duties as to the care and support of such persons.

Sec. 2. Appointment and compensation of employees. Said department shall have authority to appoint overseers and other necessary employees, whose qualifications shall be determined by the commissioner of health and welfare, and said commissioner shall fix the compensation of such overseers and other employees, subject to the approval of the governor and council.

Sec. 3. Settlements. A person shall not be deemed to have a settlement in this state until he has been a resident of the state for 5 years

continuously, after reaching the age of 21, without receiving pauper assistance from any source within the state.

A person shall be deemed to have lost his settlement in this state when he has lived, or shall live outside of the state for 5 years continuously, after reaching the age of 21, without receiving pauper assistance from any source within the state.

The settlement of a married woman shall be the same as the settlement of her husband.

The settlement of legitimate children shall be the same as the settlement of their father.

Illegitimate children shall have the settlement of their mother, but when the parents of such children intermarry, they shall be deemed legitimate and shall have the settlement of their father.

Sec. 4. Interpretation of words. The word "person," as used in this chapter, shall mean a male person at least 21 years of age, or a female person at least 21 years of age with no husband.

The word "settlement," as used in this chapter, shall mean the right of support by the state, by reason of 5 years' continuous residence in the state after reaching the age of 21, without receiving pauper assistance during that period of 5 years.

The words "other dependent person," as used in this chapter, shall mean a dependent person who cannot be considered a pauper for the reason set forth in section 6 of this act. The words "pauper assistance," as used in this chapter, shall include assistance to any dependent person who cannot be considered a pauper for the reason set forth in section 6 of this act.

Sec. 5. Support of persons without settlement. A person falling into distress without a settlement in this state shall be supported in the same manner as one who has a settlement in the state, until he can be removed to his place of settlement outside of the state, if any.

Sec. 6. Honorably discharged soldiers, sailors and marines not considered paupers. No soldier, sailor, or marine who served in the army, navy, or marine corps of the United States, in the war of 1861, in the war with Spain, or in the World War; and who has received an honorable discharge from said service, and who has or may become dependent upon the state shall be considered a pauper, or be subject to disfranchisement for that cause; and any such person or his family shall not be removed to or supported in an almshouse. The word "family" here used shall be held to include the soldier, sailor, or marine, his wife or widow, his un-

married minor children living with him and dependent upon him for support, and such other unmarried children of his dependent upon him for support, who by reason of mental incapacity or physical disability are unable to provide for themselves; but the state shall support them at his own home in his place of residence, or in such suitable place other than an almshouse as may be determined by the department of health and welfare.

Sec. 7. Kindred liable. The father, mother, grandfather, grandmother, children and grandchildren, by consanguinity, living within the state and of sufficient ability, shall support persons chargeable, in proportion to their respective ability.

Sec. 8. Court on complaint may assess kindred. The state or any kindred of a pauper having incurred expense for the relief of such pauper may complain to the superior court in the county where any of the kindred reside; and the court may cause such kindred to be summoned, and upon hearing or default; may assess and apportion a reasonable sum upon such as are found to be of sufficient ability for the support of such pauper to the time of such assessment; and may enforce payment thereof by warrant of distress. Such assessment shall not be made to pay any expense for relief afforded more than 6 months before the complaint was filed.

Sec. 9. Complaint filed, may be amended. Such complaint may be filed with the clerk of the court, who shall issue a summons thereon, returnable and to be served as writs of summons are; and on suggestion of either party that there are other kindred of ability not named, the complaint may be amended by inserting their names, and they may be summoned in like manner, and be proceeded against as if originally named.

Sec. 10. Assessment for future support; court may order with whom pauper is to live. The court may assess and apportion upon such kindred a sum sufficient for the future support of such pauper, to be paid quarterly, until further order; and may direct with whom of such kindred consenting thereto, and for what time, he may dwell, having regard to his comfort and their convenience. On application of the department of health and welfare or person to whom payment was ordered, the clerk may issue or renew a warrant of distress returnable to the next term of the court, to collect what may be due for any preceding quarter.

Sec. 11. Court may alter assessment. The court may, from time to time, make any further order on complaint of a party interested, and after

notice given, alter such assessment or apportionment. On failure to sustain a complaint, the respondents recover costs.

Sec. 12. Persons receiving pauper assistance may be set to work; state may acquire property and erect buildings for occupancy of such persons, and may arrange for their employment. The department of health and welfare may set to work any able-bodied person receiving pauper assistance for himself or family, and such person shall perform the work assigned him.

The state may acquire property adjoining any state institution or elsewhere in the state and erect suitable buildings thereon, or may erect such buildings on any land now owned by the state, for the occupancy of such persons and their families, and may order such persons and their families placed therein and cared for and employed in or at such institution or elsewhere, under the direction of the superintendent of any such institution or of the department of health and welfare, and the expense of acquiring any such property or erecting any such buildings shall be paid from the fund for support of paupers and other dependent persons, or from any other fund which may be available for said purpose. Whenever such persons are so employed elsewhere than in or at such institution, said superintendent or the department of health and welfare, as may be determined by said department, shall contract for the payment of wages for such employment, which shall be collected and paid into the state treasury, and credited to the fund for support of paupers and other dependent persons.

Sec. 13. Removal permitted. Whenever any person for whose support the state is liable shall be in need of immediate relief, the department of health and welfare may order such person to be removed to any city, town or plantation within the state or placed in the care of any state institution without formal commitment, and such orders shall be executed by any official designated by the department of health and welfare or by any employee of said department. The expenses of such removal shall be paid by the state from the fund for support of paupers and other dependent persons.

Sec. 14. Paupers belonging outside of state may be removed. On complaint of the department of health and welfare that a person receiving pauper assistance in this state has no settlement in this state, any judge of a municipal or police court, or trial justice, may, by his warrant directed to a person named therein, cause such pauper to be conveyed, at the expense

of the state, beyond the limits of the state to the place where he belongs; but this section does not apply to the families of honorably discharged veterans of the Civil War, Spanish War, Philippine Insurrection or World War, enlisted in this state.

Sec. 15. State liable to individuals who relieve paupers. The state shall pay expenses necessarily incurred for the relief of paupers by an inhabitant not liable for their support, after notice and request to the department of health and welfare, until provision is made for them.

Sec. 16. Intemperate paupers, or those failing to support themselves or families, when able, may be committed to jail. When a person notoriously subject to habits of intemperance is in need of relief, the department of health and welfare may make complaint to a judge of a municipal or police court or trial justice, who shall issue a warrant and cause such person to be brought before him, and upon hearing and proof of such habits he shall order such person to be committed to jail, to be there supported by the state until discharged by order of the department of health and welfare. A person failing to support himself or his family, when able to do so, may be dealt with in the same manner.

Sec. 17. State may take possession of property of paupers deceased. Upon the death of a pauper or other dependent persons then chargeable, the department of health and welfare may take into its custody all his personal property, and if no administration on his estate is taken within 30 days, the department may sell so much thereof as is necessary to repay the expenses incurred. The department has the same remedy to recover any property of such pauper, not delivered to said department, as his administrator would have.

Sec. 18. Department may prosecute and defend. For all purposes provided for in this chapter, the department of health and welfare may prosecute and defend the state.

Sec. 19. Penalty for bringing paupers or other destitute persons into the state. Whoever brings into and leaves in the state any poor, indigent or insane person having no visible means of support and having no settlement in the state, or hires or procures such person to be so brought, or aids or abets in so doing, knowing such person to be poor, indigent or insane as aforesaid, with intent to cause expense to the state for the support of such person, shall be punished by a fine of not more than \$300

or by imprisonment for not more than 11 months. And shall be further liable to the state for such sums of money as are expended by the state for the support and maintenance of such person, which may be recovered in an action on the case.

Sec. 20. P. L., 1933, c. 1, § 206, amended. Section 206 of chapter 1 of the public laws of 1933 is hereby amended to read as follows:

'Sec. 206. Department may provide for maintenance and education of children committed to care of the state; such children or their parents not considered paupers. The department shall provide for the maintenance and education in or by duly incorporated children's institutions and child welfare organizations, where such are available, and otherwise direct in family homes, of any children committed to its custody under the provisions of the preceding sections. Bills itemizing the expense of maintenance and education of children committed under the provisions of sections 201 to 213, when approved by the department, shall be paid by the state. At the request of the parents or next friend of any dependent child under 16 years of age who is without parent or grandparent of sufficient ability, or without other relatives able and willing to provide for its care, said request being approved by any duly incorporated children's institution or organization, the department may make similar provision without intervention of court, for the care of such child. No such child, nor the parents or grandparents of such child who are unable to provide for its care, shall be deemed paupers by reason of any care furnished to the child under the provisions of sections 201 to 213.'

Sec. 21. Distribution of powers or duties. Any of the powers or duties imposed upon the department of health and welfare or the commissioner of health and welfare by this chapter, may be exercised by the commissioner of health and welfare or by any subordinate under the direction of said commissioner.

Sec. 22. Repealing clause. The following provisions of law are hereby repealed:

Chapter 33 of the revised statutes.

Chapter 124 of the public laws of 1931.

Section 220 of chapter 1 of the public laws of 1933.

Chapter 23 of the public laws of 1933.

Chapter 162 of the public laws of 1933.

Chapter 203 of the public laws of 1933.

Chapter 223 of the public laws of 1933.

Chapter 228 of the public laws of 1933.

All other acts or parts of acts inconsistent with this act are hereby repealed.

Sec. 23. Date when act shall take effect. This act shall take effect on October 1, 1935.