

MAINE STATE LEGISLATURE

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N I N E T Y - F I F T H L E G I S L A T U R E

Legislative Document

No. 254

H. P. 433

House of Representatives, January 30, 1951.

Referred to the Committee on Judiciary, sent up for concurrence and ordered printed.

HARVEY R. PEASE, Clerk

Presented by Mr. House of Lincoln.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
FIFTY-ONE

**AN ACT Relating to Liability of Relatives to Support Inmates of Certain
Institutions.**

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

R. S., c. 23, §§ 5-A, 5-B, 5-C, additional. Chapter 23 of the revised statutes is hereby amended by adding thereto 3 new sections to be numbered 5-A, 5-B and 5-C, to read as follows:

‘Sec. 5-A. **Liability of relatives to support; procedure.** The husband, wife, father, mother, grandparent, child or grandchild of a person admitted or confined to any state hospital for the mentally ill, sanatorium or to any other charitable or correctional state institution shall, if of sufficient ability, be responsible for the support of such persons. In determining the ability of such relative, his assets as well as his income shall be considered.

The commissioner is authorized and empowered to bring proceedings in the name of the state of Maine in any court of competent jurisdiction to compel any person liable under the provisions of this section for support to contribute to the support of any person admitted or confined to any state hospital for the mentally ill, sanatorium or to any other charitable or correctional state institution. The court shall have power to determine what shall be a fair and reasonable amount for such support and mainte-

nance to be paid by the party adjudged liable. The action may be brought in the same manner and form as that provided by section 20 of chapter 80, except that such action may be commenced and acted upon by the court in vacation upon not less than 10 days' notice.

Sec. 5-B. Claims against estate of person admitted. Upon the death of a person admitted or confined to any state hospital for the mentally ill, sanatorium or to any other charitable or correctional state institution, the state shall have a claim against his estate, enforceable in the probate court, for the support furnished him while in such institution. Such claim shall have priority over all unsecured claims against such estate, except:

- I. Administrative expenses, including probate fees and taxes;
- II. Expenses of the last sickness and burial expenses.

The attorney general shall collect any claim which the state may have hereunder against such estate.

Sec. 5-C. Limitation. The provisions of sections 5-A and 5-B shall not apply in those cases where the person has been admitted or confined for juvenile delinquency, a misdemeanor or a felony.'