

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

AS PASSED BY THE

One Hundredth Legislature

OF THE

STATE OF MAINE

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unit or nonprofit corporation receiving the grant after deducting from said expense the fees, if any, received for the services rendered. Consideration shall be given to the ability of the municipality or governmental unit to support the mental health services, as reflected by the state's evaluation of the component communities. For nonprofit corporations, all income and resources shall be taken into account.

Sec. 142-F. Fees. The program authorized by the Department of Mental Health and Corrections may include the providing of services by said department or the municipality, governmental unit or nonprofit corporation directly to individuals, for which a fee may be charged if the individual is financially able to pay the same. Fees received by the Department of Mental Health and Corrections shall credit to the General Fund. Fees received by the municipality, governmental unit or nonprofit corporation are appropriated to each for use in carrying out its duties under sections 142-A to 142-F.'

Sec. 2. Appropriation. There is appropriated to the Department of Mental Health and Corrections the sum of \$75,000 for the fiscal year ending June 30, 1962 and the sum of \$75,000 for the fiscal year ending June 30, 1963 from the General Fund to carry out the provisions of this act. The breakdown of the appropriation shall be as follows:

	1961-62	1962-63
MENTAL HEALTH AND CORRECTIONS, DEPARTMENT OF		
Community Mental Health Services		
All Other	\$75,000	\$75,000.

Any unexpended balances shall not lapse but shall remain a continuing carrying account until June 30, 1963.

Effective September 16, 1961

Chapter 392

AN ACT to Amend the Workmen's Compensation Act.

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

Sec. 1. R. S., c. 31, § 2, sub-§ IV, amended. Subsection IV of section 2 of chapter 31 of the Revised Statutes is amended to read as follows:

IV. Commission; commissioner. "Commission" shall mean the Industrial Accident Commission created by the provisions of section 29; except that as to hearings on petitions authorized by sections 9 ~~13, 28~~ and 40, ~~and also as to proceedings under the provisions of section 23~~ it shall mean any 2 or more members thereof designated from time to time by the chairman, ~~one of whom shall at all times be a legal member;~~ and except further, that in any such case by agreement of the parties the authority of the commission may be exercised by a single commissioner. "Commissioner" shall mean any member of the commission appointed under ~~the provisions of section 29.~~

Sec. 2. R. S., c. 31, § 2, sub-§ VIII, ¶ A, amended. Paragraph A of subsection VIII of section 2 of chapter 31 of the Revised Statutes is amended by adding at the end the following sentence:

'A wife living apart from her husband shall produce court order or other competent evidence as to separation and actual dependency.'

Sec. 3. R. S., c. 31, § 25, amended. The first sentence of section 25 of chapter 31 of the Revised Statutes is amended to read as follows:

'When any injury or death for which compensation or medical benefits are payable under the provisions of this act shall have been sustained under circumstances creating in some person other than the employer a legal liability to pay damages in respect thereto, the injured employee may, at his option, either claim such compensation and benefits or obtain damages from or proceed at law against such other person to recover damages.'

Sec. 4. R. S., c. 31, § 31, sub-§ II, amended. Subsection II of section 31 of chapter 31 of the Revised Statutes is amended to read as follows:

'II. Subpoenas. Any commissioner may administer oaths and any commissioner, justice of the peace, notary public or clerk of any Superior Court may issue subpoenas for witnesses and subpoenas duces tecum to compel the production of books, papers and photographs relating to any questions in dispute before the commission or to any matters involved in a hearing. Witness fees in all proceedings under the provisions of this act shall be the same as for witnesses before the Superior Court. When a witness, subpoenaed and obliged to attend before the commission or any member thereof, fails to do so without reasonable excuse, the Superior Court or any justice thereof may, on application of the Attorney General made at the written request of a member of the commission, compel obedience by attachment proceedings for contempt as in the case of disobedience of the requirements of a subpoena issued from such court or a refusal to testify therein.'

Sec. 5. R. S., c. 31, § 35, amended. The first sentence of section 35 of chapter 31 of the Revised Statutes is amended to read as follows:

'Within ~~10~~ 15 days after notice of the filing of such petition all the other parties interested in opposition shall file an answer thereto and furnish a copy thereof for the petitioner; which answer shall state specifically the contentions of the opponents with reference to the claim as disclosed by the petition.'

Sec. 6. R. S., c. 31, § 36, amended. Section 36 of chapter 31 of the Revised Statutes is amended to read as follows:

'Sec. 36. Time and place of hearing. The whole matter shall then be referred to a single commissioner, who shall fix a time for hearing upon at least a 5 days' notice given to all the parties. ~~All hearings shall be held in the town where the accident occurred unless it is deemed advisable that any hearing be held in some other place, in which case the commission may in its discretion reimburse the claimant for his actual traveling expenses incurred in attending the hearing; any sum of money paid for such expenses to be charged to the appropriation of the commission.~~ All hearings shall be held at such towns and cities geographically distributed throughout the State as the Commission shall designate. In case the place of hearing so designated is more than 10 miles

distant from the place where the accident occurred, the employer shall provide transportation or reimburse the employee for reasonable mileage in traveling within the State to and from said hearing. The amount so allowed for such travel shall be determined by the commissioner or commission and awarded separately in the decree.'

Effective September 16, 1961

Chapter 393

AN ACT Redefining the Financial Responsibility of Children and Certain Relatives in Public Assistance.

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

Sec. 1. R. S., c. 25, § 281, amended. The 4th paragraph of section 281 of chapter 25 of the Revised Statutes is amended to read as follows:

'If the applicant is unable to obtain the sworn statement from such child or spouse ~~as provided above~~, then upon proof of his inability to do so the department shall ~~determine whether such inability to do so is real and genuine, and if it decides that it is real and genuine then the merits of his application shall be considered~~ obtain such statement or the required information from any available source and proceed to process the application. Any determination made under ~~the provisions of~~ this section shall be subject to the right of appeal by the applicant under ~~the provisions of~~ section 284.'

Sec. 2. R. S., c. 25, § 283, sub-§ VI, repealed. Subsection VI of section 283 of chapter 25 of the Revised Statutes is repealed, as follows:

'VI. Has no child or children residing in this State and able to support him;'

Sec. 3. R. S., c. 25, § 287, amended. The last paragraph of section 287 of chapter 25 of the Revised Statutes, as amended, is further amended to read as follows:

'If the recipient is unable to obtain the sworn statement from such child or spouse then upon proof of his inability to do so, the department shall ~~determine whether such inability to do so is real and genuine, and if it decides that it is real and genuine, then the merits of his case may be considered~~ obtain such statement or the required information from any available source and proceed to process the case. Any determination made under ~~the provisions of~~ this section shall be subject to the right of appeal by the recipient under ~~the provisions of~~ section 284.'

Sec. 4. R. S., c. 25, § 290, amended. The first sentence of section 290 of chapter 25 of the Revised Statutes is repealed, as follows:

'The department may recover from any child, children, or spouse of any beneficiary under the provisions of sections 276 to 297, who is able to support the said beneficiary but who fails to provide such support, in an action on the case for the amount expended by the department for said support.'