

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

AS PASSED BY THE

One Hundred and Second Legislature

OF THE

STATE OF MAINE

Published by the Director of Legislative Research in accordance with
the Revised Statutes of 1964, Title 3, Section 164, Subsection 6.

KENNEBEC JOURNAL

AUGUSTA, MAINE

1965

PUBLIC LAWS
OF THE
STATE OF MAINE
AS PASSED BY THE
One Hundred and Second Legislature
1965

or its equivalent, or regularly attending a course of vocational or technical training designed to fit him for gainful employment, and who has been deprived of parental support or care by reason of the death, continued absence from home or the physical or mental incapacity of a parent and who is living with his father, mother, grandfather, grandmother, brother, sister, stepfather, stepmother, stepbrother, stepsister, uncle, aunt, first cousin, nephew or niece in a place of residence maintained by one or more of such relatives as his or their own home.'

Effective September 3, 1965

Chapter 292

AN ACT to Revise the Laws Relating to the Support of Persons in State Institutions.

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

Sec. 1. R. S., T. 22, § 4492, amended. Section 4492 of Title 22 of the Revised Statutes is amended to read as follows:

‘§ 4492. Financial information to be furnished

A treasurer of any bank, trust company, benefit association, insurance company, safe deposit company or any corporation or association receiving deposits of money, except national banks, shall, on request in writing signed by a member of the board of overseers of the poor of any town or city or its agents, or by the Commissioner of Health and Welfare or his agents ~~or by the Commissioner of Mental Health and Corrections or his agents~~ or by the Commissioner of Veterans Services or his agents, inform such board of overseers of the poor or the Department of Health and Welfare ~~or the Department of Mental Health and Corrections~~ or the Department of Veterans Services of the amount deposited in the corporation or association to the credit of the person named in such request, who is a charge upon such town or city or the State, or who has applied for support to such town or city or the State. Whoever willfully renders false information in reply to such request shall be punished by a fine of not less than \$25 nor more than \$100, to be recovered on complaint in any court of competent jurisdiction for the use of the town, city or the State making the request.'

Sec. 2. R. S., T. 34, § 2512, repealed and replaced. Section 2512 of Title 34 of the Revised Statutes is repealed and the following enacted in place thereof:

‘§ 2512. Persons liable

No bills shall be rendered until a determination of ability to pay has been made as provided, except that, in instances wherein the patient or legally liable person agrees to pay the fixed maximum rate, such determination may be limited to a verification by reliable references of the ability of such person to pay the fixed maximum rate. Each patient and the spouse, adult child and parent, jointly and severally, shall be legally liable from the date of admission for the support of any patient committed or otherwise legally admitted to either state hospital for the mentally ill or to the Pineland Hospital and Training Center, except that a parent shall not be legally liable for support unless the patient was wholly or partially dependent for support upon such parent at the time of admission.

No child of a patient shall be liable for any part of such costs for a parent who willfully failed to support such child prior to the child's 18th birthday. Any child claiming such exemption shall be required to furnish the department with clear and convincing evidence substantiating such claim.'

Sec. 3. R. S., T. 34, § 2513, amended. Section 2513 of Title 34 of the Revised Statutes is amended by adding at the end, 2 new paragraphs, to read as follows:

'Every agency and department of the State is required to render all reasonable assistance to the department in obtaining all information necessary for the proper implementation of the purposes of this chapter.

For the purposes of this chapter, the commissioner and any representative of the department duly authorized by the commissioner shall have the power to administer oaths, take testimony, subpoena and compel the attendance of witnesses and the production of books, papers, records and documents deemed material or pertinent in connection with the duty of securing payments for support as provided by this chapter. Any person who shall willfully testify falsely as to any matter in an investigation or proceeding under this chapter shall be guilty of, and punishable for, perjury. Banking organizations, insurance companies, brokers or fiduciaries upon request by the commissioner or any representative of the department duly authorized by the commissioner shall furnish to such person in writing and duly certified, full information concerning the earnings or income of or any funds deposited to the credit of or owing to such patient or any person legally liable for the support of such patient. Such certified statement shall be admissible in evidence in any action or proceeding to compel payment for the support of such patient, and shall be prima facie evidence of the facts therein stated.'

Sec. 4. R. S., T. 34, § 2513-A, additional. Title 34 of the Revised Statutes is amended by adding a new section 2513-A, to read as follows:

§ 2513-A. Authority of superintendent to receive payments

The Superintendent of the Augusta State Hospital, Bangor State Hospital and the Pineland Hospital and Training Center is authorized to receive as payee any benefits from social security, veterans administration, railroad retirement or any other like benefits paid on behalf of any patient, and shall apply such benefits toward the support of any such patient in accordance with the rate fixed by the department. Any surplus from such payments shall be held in a personal account at the hospital in the name of such patient, and shall be available for such patient's personal needs.'

Sec. 5. R. S., T. 34, § 2514, amended. Section 2514 of Title 34 of the Revised Statutes is amended to read as follows:

§ 2514. Statement forms to be completed by persons liable for support

The commissioner shall prescribe financial statement forms which shall be completed by the guardian or conservator of a patient, and by any person legally liable for support under this chapter. Such statement shall be sworn to by such guardian, conservator or legally liable person and shall be returned to the department within 30 days from the date of mailing or presentation if in hand. Should such person fail to return such statement to the department properly completed within 30 days, the department shall send another statement form by certified mail, return receipt requested and if the statement is not then

returned completed within 30 days of mailing such liable person shall be assessed \$5 for each week or part thereof, in excess of the latter 30 day period that the statement is overdue. Penalties incurred under this section shall be collected in the same manner as are charges for support under this chapter. Penalties collected under this section shall be paid into the General Fund. A copy of this section shall appear in boldfaced type on the first page of each statement form.'

Effective September 3, 1965

Chapter 293

AN ACT Relating to Records of Tests of Water Samples.

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

R. S., T. 22, § 563, additional. Title 22 of the Revised Statutes is amended by adding a new section 563, to read as follows:

'§ 563. Record of tests for water samples

In testing any water sample, the person requesting such test shall divulge the source of said water sample. Any state agency which tests any water supply shall forward a copy of the results of such tests to the Department of Health and Welfare.'

Effective September 3, 1965

Chapter 294

AN ACT Relating to Legal Fees in Court Proceeding for Benefits Under Employment Security Law.

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

R. S., T. 26, § 1044, sub-§ 2, amended. Subsection 2 of section 1044 of Title 26 of the Revised Statutes is amended by inserting before the last sentence, a new sentence, as follows:

'In the event a claimant has retained counsel for the purpose of prosecuting an appeal from a decision of the commission, and the final decision of such court results in a reversal, in whole or in part, of the decision appealed from, the fees for such service shall be paid by the commission from its administrative fund. Said fees shall not be less than the fees established for similar services by the bar association of the county in which the claimant's attorney has his office.'

Effective September 3, 1965

Chapter 295

AN ACT Relating to Roadside Beautification.

Emergency preamble. Whereas, Acts of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and