

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE
ONE HUNDRED AND ELEVENTH LEGISLATURE

SECOND SPECIAL SESSION

November 18, 1983

AND AT THE

SECOND REGULAR SESSION

January 4, 1984 to April 25, 1984

AND AT THE

THIRD SPECIAL SESSION

September 4, 1984 to September 11, 1984

PUBLISHED BY THE DIRECTOR OF LEGISLATIVE RESEARCH
IN ACCORDANCE WITH MAINE REVISED STATUTES
ANNOTATED, TITLE 3, SECTION 164, SUBSECTION 6.

J.S. McCarthy Co., Inc.
Augusta, Maine
1986

PUBLIC LAWS
OF THE
STATE OF MAINE

AS PASSED AT THE
SECOND REGULAR SESSION
of the
ONE HUNDRED AND ELEVENTH LEGISLATURE
JANUARY 4, 1984 TO APRIL 25, 1984

Effective April 6, 1984.

CHAPTER 701

H.P. 1752 - L.D. 2314

AN ACT to Repeal the Law Requiring Adult Children to Care for Parents According to Ability.

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

Sec. 1. 19 MRSA §219, as amended by PL 1969, c. 433, §34, is repealed.

Sec. 2. 19 MRSA §442 is amended to read:

§442. Man's duty of support

Every man shall support his wife and his child, and his parent when in need.

Sec. 3. 19 MRSA §443 is amended to read:

§443. Woman's duty of support

Every woman shall support her child; and her husband and her parent when in need.

Sec. 4. 22 MRSA §4313, sub-§2, as enacted by PL 1983, c. 577, §1, is amended to read:

2. Burial. In the event of the death of an eligible person, the funeral director shall notify the overseer prior to making any burial preparations. Notwithstanding section 4305, subsection 3, paragraph C, a decision on any application for assistance with burial expenses need not be rendered until the overseer has verified that no relative or other resource is available to pay for the burial costs, but in no case shall the decision be rendered more than 10 days after receiving an application. The father, mother, grandfather, grandmother, children or grandchildren, by consanguinity, living within or owning real or tangible property within the State, shall be responsible for the burial costs of the eligible person in proportion to their respective abilities.

Sec. 5. 22 MRSA §4319, as enacted by PL 1983, c. 577, §1, is amended to read:

§4319. Liability of relatives for support; procedure

The father, mother, grandfather, or grandmother, ~~children or grandchildren~~, by consanguinity, living within or owning real or tangible property within the State, shall support persons chargeable in proportion to their respective ability. A municipality, the State or any kindred of an eligible person having incurred expense for the relief of that eligible person may complain to the Superior Court in the county where the kindred reside or to any other court of competent jurisdiction. The court may cause the kindred to be summoned, and upon hearing or default may assess and apportion a reasonable sum upon those who are found to be of sufficient ability, for the support of the eligible person to the time of the assessment, and shall issue a writ of execution. The assessment shall not be made to pay any expense for relief afforded more than 6 months before the complaint was filed. The 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. 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. 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 may dwell, having regard to his 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.

Sec. 6. 34-B MRSA §1409, sub-§3, as enacted by PL 1983, c. 459, §7, is amended to read:

3. Liable persons. Each resident, his spouse, ~~his adult child~~ and his parent are jointly and severally liable for the care and treatment of the resident, whether the resident was committed or otherwise legally admitted, from the date of the resident's admission to a state institution, except that:

A. A parent is not liable for a child resident's care and treatment, unless the child resident was wholly or partially dependent for support upon the parent at the time of admission; and

B. A child is not liable for a parent resident's care and treatment, if-

(1) The parent resident willfully failed to support the child prior to the child's 18th birthday, and

(2) The child provides the department with clear and convincing evidence substantiating such a claim, and

C. The department may not charge any parent for the care and treatment of a child resident beyond the child's 18th birthday, or beyond 6 months from the date of the child's admission, whichever occurs later.

Effective July 25, 1984.

CHAPTER 702

H.P. 1649 - L.D. 2175

AN ACT to Create the Judicial Employees
Labor Relations Act.

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

26 MRSA c. 14 is enacted to read:

CHAPTER 14

JUDICIAL EMPLOYEES LABOR RELATIONS ACT

§1281: Purpose

It is declared to be the public policy of this State and it is the purpose of this chapter to promote improvement of the relationship between the Judicial Department of the State and its employees by cooperating with the Supreme Judicial Court in recognizing the right of judicial employees to join labor organizations of their own choosing and to be repre-