

**§3040-A. Property of deceased clients**

Property remaining in a correctional or detention facility as a result of a client's death is governed as follows. [PL 1991, c. 314, §47 (AMD).]

**1. Payment.** Except as provided in subsection 4, if any client in the custody of the department dies, and no personal representative of the client's estate is appointed, the chief administrative officer may pay the balance of the deposits in the client's general client account and telephone call account, up to a maximum of \$1,000, to the surviving spouse or next of kin in accordance with Title 18-C, sections 2-101 to 2-113, to the funeral director having any bill outstanding for the burial of the decedent or to any other preferred creditor or creditors who may appear to be entitled thereto, and shall deliver personal property in the chief administrative officer's custody to the surviving spouse or next of kin in accordance with Title 18-C, sections 2-101 to 2-113.

[PL 2017, c. 402, Pt. C, §93 (AMD); PL 2019, c. 417, Pt. B, §14 (AFF).]

**2. Time of payment.** Payments or delivery pursuant to subsection 1 may not be made until 60 days have elapsed following the date of death of the client.

[PL 1991, c. 314, §47 (AMD).]

**3. Liability of payment.** For any payment or delivery made pursuant to subsections 1 and 2, the chief administrative officer or the chief administrative officer's designee acting under this section may not be held liable to the decedent's personal representative thereafter appointed, or to the decedent's heirs, successors or assigns.

[PL 1991, c. 314, §47 (AMD).]

**4. Alternative payment.** Notwithstanding subsection 1, upon presentation of an affidavit under Title 18-C, section 3-1201, the chief administrative officer shall pay the balance of any deposit left by a decedent in the department's general client account or telephone call account and deliver the decedent's personal property to the decedent's successor under Title 18-C, sections 3-1201 and 3-1202. The payments under this subsection take precedence over payments under subsection 1 to the extent of the balance of the deposits in the accounts and the personal property remaining in the custody of the chief administrative officer at the time the affidavit is presented.

[PL 2017, c. 402, Pt. C, §94 (AMD); PL 2019, c. 417, Pt. B, §14 (AFF).]

**SECTION HISTORY**

PL 1983, c. 581, §§22,59 (NEW). PL 1991, c. 314, §47 (AMD). PL 1991, c. 824, §A69 (AMD). PL 2005, c. 506, §§8,9 (AMD). PL 2013, c. 80, §8 (AMD). PL 2017, c. 402, Pt. C, §§93, 94 (AMD). PL 2017, c. 402, Pt. F, §1 (AFF). PL 2019, c. 417, Pt. B, §14 (AFF).

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