

# MAINE STATE LEGISLATURE

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ONE HUNDRED AND FIFTH LEGISLATURE

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**Legislative Document**

**No. 931**

S. P. 317

In Senate, February 23, 1971

Referred to Committee on Judiciary. Sent down for concurrence and ordered printed.

HARRY N. STARBRANCH, Secretary

Presented by Senator Violette of Aroostook.

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STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED  
SEVENTY-ONE

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**AN ACT to Provide for Hospitalization of Those Addicted or Habituated  
to Dangerous Drugs.**

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

**Sec. 1. R. S., T. 15, § 106, additional.** Title 15 of the Revised Statutes is amended by adding a new section 106, to read as follows:

**§ 106. Examination to determine if hospital care needed**

Whenever an individual is found guilty of an offense involving dangerous drugs or an offense which is made to appear to the court to be the direct result of addiction to or habitual use of dangerous drugs, the court on its own motion may order the respondent to be examined to determine if hospital care and treatment is indicated for the respondent's addiction to or habitual use of dangerous drugs. The examination may be conducted at the Augusta State Hospital, Bangor State Hospital, Pineland Hospital and Training Center or at a mental health clinic of, or recommended by, the Department of Mental Health and Corrections, and when conducted at any such facility shall be the responsibility of a psychiatrist or of a licensed psychologist, who may join with him in such examination other psychiatrists or clinical psychologists, as in his opinion are required. The examination may be conducted by a psychiatrist independent from any such facility, employed for such purpose by the court. The court in selecting the examination site shall consider proximity to the court, availability of an examiner or examiners, and the necessity for security precautions. No person shall be presented for examination under this paragraph without arrangements therefor, with the head of the institution or clinic or with the individual examiner being first made by the court, clerk of courts or sheriff. The opinion of the examiner or

examiners relative to the respondent shall be reported forthwith to the court following examination.

If it is made to appear to the court by the report of any such examiner that the respondent is in need of care and treatment in a hospital for the mentally ill, the court may sentence the respondent and then may order the respondent committed to the custody of the Commissioner of Mental Health and Corrections to be placed in an appropriate institution for the mentally ill, or may order the respondent to an appropriate institution, approved by the commissioner, for the mentally ill or for the care of drug addicts or for the care of those habituated to drugs, there to serve all or part of his sentence under appropriate care and treatment. Any uncompleted portion of the respondent's sentence remaining at the completion of appropriate care and treatment shall be served in the correctional institution designated by the court in the respondent's sentence.

Sec. 2. R. S., T. 34, § 2251, sub-§ 5, amended. Subsection 5 of section 2251 of Title 34 of the Revised Statutes is amended to read as follows:

5. **Mentally ill individual.** "Mentally ill individual" means an individual having a psychiatric or other disease which substantially impairs his mental health. For the purposes of this chapter, the term "mentally ill individual" does not include mentally retarded or sociopathic individuals, **but does include those addicted or habituated to dangerous drugs.**

### STATEMENT OF FACT

Section 1 would permit the criminal courts of the State to order appropriate care and treatment for those people convicted of criminal offenses who are, at the same time, suffering from drug addiction or problems of drug abuse. This procedure would provide for an alternative type of admission to a health facility rather than commitment to a correctional facility. The period of time spent in the health facility would be regarded as part of any sentence time imposed by the court. If treatment at the health facility were completed prior to the completion of the sentence imposed by the court, the remaining time would be served in the appropriate correctional institution.

Section 2 of this bill amends the State's present law on the hospitalization of the mentally ill. It expands the definition of a mentally ill individual to include those people addicted to or habituated to dangerous drugs, and thereby makes available the voluntary and involuntary commitment procedures of that Act to drug addicted individuals.