

# MAINE STATE LEGISLATURE

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NEW DRAFT.

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# SEVENTY-THIRD LEGISLATURE

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HOUSE.

No. 233

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## STATE OF MAINE.

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IN THE YEAR OF OUR LORD ONE THOUSAND NINE  
HUNDRED AND SEVEN.

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AN ACT to amend Chapter one hundred forty-four of the  
Revised Statutes, relating to commitment and support of the  
insane.

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*Be it enacted by the Senate and House of Representatives in  
Legislature assembled, as follows:*

Section 1. Section five of chapter one hundred forty-four  
2 of the Revised Statutes is hereby amended by striking out  
3 the words "or municipality" in the eleventh line of said  
4 section, and the words "in whole or in part" in the thir-  
5 teenth line of said section, so that said section as amended  
6 shall read as follows:

'Sect. 5. The trustees may transfer any patients from  
8 one hospital to the other, whenever, in their judgment, the

9 welfare of the patients or of either institution will be pro-  
10 moted thereby. A copy of the certificate of commitment  
11 certified by the superintendent of the hospital in which said  
12 patient has been confined, with a certificate signed by the  
13 secretary of the trustees, showing that such transfer has  
14 been voted by the trustees, shall authorize the superintend-  
15 ent of the hospital to which such patient is transferred to  
16 receive and detain him in custody in the same manner as  
17 if he had originally been committed to such institution.  
18 The expense attending such transfer shall be paid out of  
19 the funds of the hospital receiving such patient and shall  
20 be a charge upon the person liable for the board of such  
21 patient, and if the board of such patient is paid by the state  
22 the expense of such transfer shall be paid by the state out  
23 of the appropriation for insane state beneficiaries.'

Sect. 2. Section ten of chapter one hundred forty-four  
2 of the Revised Statutes is hereby repealed.

Sect. 3. Section eighteen of chapter one hundred forty-  
2 four of the Revised Statutes as amended by chapter thirty-  
3 one of the Public Laws of 1905 is hereby amended by strik-  
4 ing out all of said section as amended after the word "com-  
5 mit" in the fourth line, and inserting in place thereof the  
6 words 'shall in writing certify that fact to the trustees and  
7 that he has no relatives liable and of sufficient ability to  
8 pay for his support, and such certificate shall be sufficient  
9 evidence in the first instance to charge the town where the  
10 insane resided or was found at the time of his arrest for

11 the expenses of his examination and commitment, and to  
12 charge the state for the expenses of his support in the  
13 hospital, and the treasurer of the hospital shall charge to  
14 the state the reasonable expense of his support which shall  
15 be paid from the state treasury upon itemized bills therefor  
16 when audited and approved by the governor and council,  
17 until otherwise provided for by appropriation made for that  
18 purpose,' so that said section as amended shall read as  
19 follows :

'Sect. 18. The officers ordering the commitment of a  
21 person unable to pay for his support, or becoming unable  
22 to pay for his support after commitment, or their successors,  
23 any like officer with power to commit, shall in writing certify  
24 that fact to the trustees and that he has no relatives liable  
25 and of sufficient ability to pay for his support, and such  
26 certificate shall be sufficient evidence in the first instance  
27 to charge the town where the insane resided or was found  
28 at the time of his arrest for the expenses of his examination  
29 and commitment, and to charge the state for the expenses  
30 of his support in the hospital, and the treasurer of the  
31 hospital shall charge to the state the reasonable expense of  
32 his support which shall be paid from the state treasury upon  
33 itemized bills therefor audited and approved by the gov-  
34 ernor and council, until otherwise provided for by appro-  
35 priation made for that purpose.'

Sect. 4. Section twenty-two of chapter one hundred  
2 forty-four of the Revised Statutes is hereby amended by

3 inserting the word 'and' after the word "examination" in  
4 the fourth line, and by striking out the words "and support  
5 in the hospital" after the word "commitment" in the fourth  
6 line, and inserting in place thereof the words 'to the hos-  
7 pital,' also by striking out the word "but" in the fifth line  
8 of said section, and inserting in place thereof the word  
9 'and,' and by striking out the words "such town" in the  
10 sixth line of said section, and inserting in place thereof the  
11 words 'the state,' so that said section as amended shall read  
12 as follows:

'Sect. 22. The certificate of commitment to the hospital  
14 after a legal examination, is sufficient evidence, in the first  
15 instance, to charge the town where the insane resided, or  
16 was found at the time of his arrest, for the expenses of his  
17 examination and commitment to the hospital; and when his  
18 friends or others file a bond with the treasurer of the hos-  
19 pital in which he is confined the state shall not be liable for  
20 his support, unless new action is had by reason of the  
21 inability of the patient or his friends longer to support him;  
22 and such action may be had in the same manner, and before  
23 the same tribunal, as if he had never been admitted to the  
24 hospital.'

Sect. 5. Section twenty-three of chapter one hundred  
2 forty-four is hereby amended by striking out the words "or  
3 town" in the first line, so that said section as amended shall  
4 read as follows:

‘Sect. 23. The person liable for support of a person when  
6 lawfully committed to a hospital, is liable therefor, and for  
7 the expenses of his removal, when unlawfully committed  
8 and removed as provided in section ten; but the expenses  
9 of such removal shall not exceed ten cents a mile from the  
10 hospital to the place of commitment.’

Sect. 6. Section twenty-four of chapter one hundred  
2 forty-four of the Revised Statutes as amended by chapter  
3 ten of Public Laws of 1905 is hereby amended by inserting  
4 after the word “chargeable” in the first line of said section  
5 the words ‘for the expenses of examination and commit-  
6 ment,’ and by striking out the words “commitment and  
7 support of the insane at a hospital” in the second and third  
8 lines, and inserting in place thereof the words ‘examination  
9 of the insane and his commitment to a hospital,’ so that  
10 said section as amended shall read as follows:

‘Sect. 24. Any town thus made chargeable for the ex-  
12 penses of examination and commitment in the first instance,  
13 and paying for the examination of the insane and his com-  
14 mitment to a hospital, may recover the amount paid, from  
15 the insane, if able, or from persons legally liable for his  
16 support, or from the town where his legal settlement is,  
17 as if incurred for the expense of a pauper, but if he has no  
18 legal settlement in the state, such expenses shall be refunded  
19 by the state, and the governor and council shall audit all  
20 such claims and draw their warrant on the treasurer there-  
21 for. And the reasonable expenses and services of the

22 municipal officers of said town relative to such insane per-  
23 son, shall be included in the amount to be so refunded by  
24 the state. No insane person shall suffer any of the dis-  
25 abilities of pauperism nor be deemed a pauper, by reason  
26 of such support. But the time during which the insane  
27 person is so supported shall not be included in the period  
28 of residence necessary to change his settlement.'

Sect. 7. Section twenty-five of chapter one hundred  
2 forty-four of the Revised Statutes is hereby repealed.

Sect. 8. Section twenty-six of chapter one hundred forty-  
2 four of the Revised Statutes is hereby amended by striking  
3 out the words "person or town" in the first line of said  
4 section, and inserting in place thereof the words 'guardian  
5 or relative,' so that said section as amended shall read as  
6 follows:

'Sect. 26. A friend, guardian or relative liable for the  
8 support of a patient who has been in either hospital for  
9 six months, not committed by order of the supreme judicial  
10 court nor afflicted with homicidal insanity, thinking that he  
11 is unreasonably detained, may apply to the municipal offi-  
12 cers of the town where the insane resides, and they shall  
13 inquire into the case, and summon before them any proper  
14 testimony, and their decision and order shall be binding  
15 on the parties. They shall tax legal costs and decide who  
16 shall pay them. If such application is unsuccessful, it shall  
17 not be made again until the expiration of another six  
18 months.'

Sect. 9. Section twenty-seven of chapter one hundred  
2 forty-four of the Revised Statutes is hereby amended by  
3 striking out the word "support" in the first and second lines,  
4 and inserting in place thereof the words 'expenses of exam-  
5 ination of a patient and his commitment,' and by striking  
6 out the words "of a patient at" in the same line and insert-  
7 ing the word 'to,' so that said section as amended shall read  
8 as follows:

'Sect. 27. When the overseers of the poor of a town,  
10 liable for the expenses of examination of a patient and his  
11 commitment to either hospital, are notified by mail by the  
12 superintendent, that he has recovered from his insanity,  
13 they shall cause him to be removed to their town; and if  
14 they neglect it for fifteen days, the superintendent shall  
15 cause it to be done at the expense of such town.'

Sect. 10. Section forty-two of chapter one hundred forty-  
2 four of the Revised Statutes is hereby repealed.

Sect. 11. This act shall not affect the liability of any  
2 person who is under contract with any city or town for the  
3 support of its insane poor, but such contractor shall pay  
4 to the city or town whose insane poor he has contracted to  
5 support the expenses of the support of such insane poor in  
6 the hospital, during the continuance of his contract, in  
7 accordance with the provisions of statute in force at the  
8 time such contract was made.

Sect. 12. The state may recover from the insane, if able,  
2 or from persons legally liable for his support, the reason-



3 able expenses of his support in the insane hospital.

Sect. 13. All acts and parts of acts inconsistent with this  
2 act are hereby repealed.

Sect. 14. This act shall take effect when approved.

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STATE OF MAINE.

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HOUSE OF REPRESENTATIVES,

Augusta, February 20, 1907.

Reported by Mr. THERIAULT from Committee on Legal Affairs, and  
ordered printed under joint rules.

E. M. THOMPSON, *Clerk.*