

MAINE STATE LEGISLATURE

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SEVENTY-EIGHTH LEGISLATURE

SENATE

NO. 229

In Senate, Feb. 23, 1917.

Referred to Committee on Legal Affairs and five hundred copies ordered printed. Sent down for concurrence.

W. E. LAWRY, Secretary.

Presented by Mr. Merrill of Somerset.

STATE OF MAINE

IN THE YEAR OF OUR LORD ONE THOUSAND NINE
HUNDRED AND SEVENTEEN

AN ACT additional to Chapter 139 of the Revised Statutes of
1916 relative to the disposal of insane criminals.

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

Chapter 139 of the Revised Statutes of 1916 is hereby
2 amended by adding thereto the following sections:

'Sect. 15. Proceedings when a woman committed to the
2 reformatory for women becomes insane or is a fit subject for
3 Maine School for Feeble Minded.

Whenever a woman committed to the reformatory for
2 women has become insane, or in the opinion of the super-

3 intendent thereof is in such a condition that she is a fit
4 subject for the Maine School for Feeble Minded, the super-
5 intendent shall notify the reformatory physician of the fact,
6 and the reformatory physician shall forthwith investigate the
7 case and make a personal examination of such woman; and
8 if such physician finds such woman to be insane or a fit sub-
9 ject for the Maine School for Feeble Minded he shall forth-
10 with certify such fact in writing to the superintendent. Said
11 superintendent shall apply in writing to the judge of the
12 Western Somerset Municipal Court in the county of Som-
13 erset stating the facts connected therewith and praying that
14 the condition of such woman may be inquired into and such
15 decree made as to her commitment as justice may require.

‘Sect. 16. Hearing shall be appointed by judge; proceed-
2 ings thereat; appointment of guardian ad litem and counsel.

Such judge shall thereupon appoint a time and place for a
2 hearing by him of the allegations of such application and
3 shall cause a true copy of such application to be given in
4 hand to the person so alleged to be insane or a fit subject for
5 the Maine School for Feeble Minded, at least twenty-four
6 hours prior to the time of said hearing, together with a
7 notice of the time and place of said hearing, and that she has
8 a right and will be given an opportunity then and there to be
9 heard in the matter; he shall call before him all testimony
10 necessary for the full understanding of the case, and shall
11 personally examine and interview such person, whether she
12 shall or shall not appear at such hearing, and shall require

13 and receive evidence of at least two reputable physicians not
14 in the employ of the reformatory for women, all such evi-
15 dence being given under oath before such judge, with the
16 certificate signed by such physicians and filed with the
17 papers in the case, that in their opinion such person is or is
18 not insane or is or is not a fit subject for Maine School for
19 Feeble Minded. Such evidence and certificate shall be based
20 upon due inquiry and personal examination of the person to
21 whom insanity is imputed or who is alleged to be a fit sub-
22 ject for Maine School for Feeble Minded. At said hearing
23 the judge shall appoint a guardian ad litem for the person so
24 alleged to be insane or a fit subject for Maine School for
25 Feeble Minded, and may in his discretion appoint counsel for
26 such person. The compensation for such guardian and
27 counsel shall be fixed by the judge and included in the ex-
28 pense of the proceedings to be paid by the state.

'Sect. 17. Commitment, if person is adjudged insane, or
2 if fit subject for Maine School for Feeble Minded.

'If upon the foregoing proceedings such judge shall deter-
2 mine that such woman committed to the reformatory for
3 women is insane or that she is a fit subject for the Maine
4 School for Feeble Minded and that her comfort and safety,
5 or that of others interested, or her welfare will thereby be
6 promoted, he shall, in case such person is insane, commit her
7 to one of the insane hospitals, with a certificate stating the
8 fact of her insanity and directing that she shall be received
9 and detained accordingly until she is restored or discharged

10 by law; or in case such woman is a fit subject for the Maine
11 School for Feeble Minded he shall commit her to said school
12 by order of commitment directed to the hospital trustees,
13 directing that she shall be received and detained accordingly
14 until she is restored or discharged by law, providing that no
15 order of commitment to the Maine School for Feeble
16 Minded be made until application for admission of such per-
17 son has first been made to the hospital trustees by the super-
18 intendent of said reformatory, which application shall be
19 placed on file at the Maine School for Feeble Minded and
20 evidence thereof presented to the judge accompanied by a
21 certificate of the superintendent of said Maine School for
22 Feeble Minded, stating in substance that such person will be
23 received under provision of Section 51 of Chapter 145 of the
24 Revised Statutes of 1916. The certificate of said judge
25 shall state the town in which the woman committed to the
26 reformatory for women, so committed, resided at the time of
27 her original commitment to the reformatory for women. A
28 certified copy of the certificate, signed by the reformatory
29 physician shall accompany such order of committment made
30 hereunder, and said judge shall keep a record of his doings
31 and furnish a copy to any interested person requiring and
32 paying for it.

‘Sect. 18. Persons recovering before expiration of sen-
2 tence. Fees for examination and certificate. Inquiry into
3 cases of alleged unreasonable detention.

‘The provisions of Sections 8, 9 and 11 of Chapter 139 of
2 the Revised Statutes are hereby extended to and made ap-
3 plicable to the case of any woman committed from the
4 reformatory for women in the foregoing manner, except
5 that said fees and costs shall be audited and allowed by the
6 said auditor and shall be paid by the state.’