

MAINE STATE LEGISLATURE

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N I N E T Y - S I X T H L E G I S L A T U R E

Legislative Document

No. 1214

H. P. 1074

House of Representatives, March 3, 1953

Referred to the Committee on Appropriations and Financial Affairs. Sent up for concurrence and ordered printed.

HARVEY R. PEASE, Clerk

Presented by Mr. Chase of Whitefield.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
FIFTY-THREE

AN ACT Establishing a Division of Alcoholism Within Department of
Health and Welfare.

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

Sec. 1. R. S., c. 22, §§ 86-A - 86-S, additional. Chapter 22 of the revised statutes is hereby amended by adding thereto 19 new sections to be numbered 86-A to 86-S, inclusive, to read as follows:

'Alcoholism

Sec. 86-A. Declaration of policy. The problem of alcoholism, with its attendant effects upon the economic condition of alcoholics and those dependent upon them, and the substantial physical deterioration brought about by the misuse of alcohol, has, as shown by the studies, become more and more a major concern of government. Those who, through the misuse of alcohol, adversely affect their health and their economic independence, have in recent years increased in number. Sections 86-A to 86-S, inclusive, are designed to provide proper treatment for those who have been habitually misusing alcohol as a beverage.

Sec. 86-B. Definition. "Alcoholic" means any person who habitually uses alcoholic beverages to the extent that he has lost the power of self-

control with respect to the use of such beverages, or while habitually under the influence of alcoholic beverages, endangers the health, morals, safety or welfare of the public or any person.

Sec. 86-C. Division of alcoholism. There is hereby established within the department of health and welfare a division of alcoholism whose duties shall be to:

- I. Promote or conduct studies on alcoholism;
- II. Promote or operate programs for the rehabilitation and care of alcoholics;
- III. Promote or conduct educational and preventive programs on alcoholism;
- IV. Provide for the care and physical welfare of the inmates, prisoners, patients and pupils of the several institutions within the department of health and welfare who are subject to alcoholism. The division of alcoholism shall furnish all necessary medical aid and care and shall take all necessary steps to protect the health of all inmates, prisoners, patients and pupils and especially guard them from all of the undesirable effects of alcoholism;
- V. Promote or establish co-operative relationships with courts, hospitals and clinics, social agencies, public health authorities, law enforcement agencies, educational and research organizations, other related groups, and the public in carrying into effect the purposes of sections 86-A to 86-S, inclusive.

Sec. 86-D. Studies in state institutions. The said division is hereby authorized to use every available means to ascertain the existence of any alcoholism among the inmates, prisoners, patients and pupils of said institutions and to make examinations of those suspected of being alcoholic.

Every inmate, prisoner, patient or pupil in any of the state institutions who, after the examination by the psychiatric physicians of the division is found to be suffering from alcoholism shall be forthwith placed under medical treatment and if in the opinion of the administrator he should be transferred to any other institution or hospital within the state for treatment, said inmate, prisoner, patient or pupil may be, on the order of said administrator, transferred from said institutions to any other institution or hospital which in the opinion of the administrator is necessary for the treatment of said inmate, prisoner, patient or pupil; that said administrator shall exercise all necessary control over said inmate, prisoner, patient

or pupil, to prevent his escape from said institution or hospital to which he had been transferred.

The administrator of said division is hereby vested with full powers of inspection, examination, transfer and treatment of all inmates, prisoners, patients or pupils in any of the institutions, who are subject to alcoholism. Said powers may be delegated to any physician by said administrator.

Sec. 86-E. Qualifications of administrator. The administrator of the division of alcoholism shall be a person who is familiar with the problem of alcoholism in its various aspects due to his training, education, knowledge or previous professional experience. Such administrator shall supervise the affairs of the division and shall obtain personnel, subject to the provisions of the personnel law, physical plant, and such other services as are necessary to carry out the intent of sections 86-A to 86-S, inclusive.

Sec. 86-F. Advisory committee. Within 60 days after the effective date of sections 86-A to 86-S, inclusive, a committee of 14 members shall be appointed by the governor with the advice and consent of the council to act in an advisory capacity to the administrator of the division of alcoholism by offering recommendations and suggestions to such administrator from time to time regarding policies, future plans and related matters of the division's business; provided, however, that said committee shall have no administrative power.

Five members of such committee shall be appointed for a term of 1 year, 4 members for a term of 2 years, and 5 members for a term of 3 years.

Such members of said advisory committee shall be selected to represent the following fields: one member to be psychiatric physician, one member to be selected from the Maine Medical Society, 2 members to represent social welfare organizations, 1 member to represent health administration, 2 members to represent religion, 1 member to represent education, 1 member to represent industry, 1 member to represent labor, 1 member to represent finance, 1 member to represent Alcoholics Anonymous, one member from the house of representatives and 1 member from the senate.

The administrator of the division of alcoholism shall be an ex officio member of such advisory committee but shall not vote. Such committee shall meet at least 6 times per year. The committee shall select a chairman from its members.

Sec. 86-G. Powers of division. The division of alcoholism may do the following:

I. It may promote the establishment and operation of clinics and other alcoholism facilities in local communities by providing financial aid, consultation and other assistance to public agencies or private agencies.

II. It may promote or establish such other alcoholism facilities as are necessary to carry out the intent of sections 86-A to 86-S, inclusive. Such facilities may be operated entirely by the division, in cooperation with public or private agencies, or entirely by public agencies.

III. It may contract for the following services:

- A. Hospitalization of alcoholics who need such care;
- B. Research concerning alcoholism in its various aspects;
- C. Laboratory and other diagnostic services;
- D. Technical consultation regarding alcoholism;
- E. Professional training of the division's personnel;
- F. Educational services;
- G. Other related services necessary to carry out the provisions of sections 86-A to 86-S, inclusive, within the appropriation made therefore.

Sec. 86-H. Acquisition of quarters and equipment. The administrator of the division of alcoholism may purchase, rent or lease land, buildings and equipment necessary to carry out the purposes of sections 86-A to 86-S, inclusive, subject to the requirements of the Maine law relating to the acquisition or renting of properties by state agencies.

Sec. 86-I. Rules and regulations. The administrator of the division of alcoholism shall make such rules and regulations respecting the care and treatment of patients and persons referred to the division's care and the management of the division's affairs as are deemed necessary to carry out the expressed purposes of sections 86-A to 86-S, inclusive.

Sec. 86-J. Voluntary treatment. Any person may voluntarily request diagnosis and treatment from the facilities of the division of alcoholism. Such person shall be selected according to policies established by the division.

Sec. 86-K. Voluntary commitment. Any person may voluntarily apply for commitment to the custody of the division of alcoholism for the purpose of treatment; that the person voluntarily committing himself to

the division for the purpose of treatment may be held by the division for at least 30 days. The person voluntarily committing himself shall be released at the end of 30 days upon written request to the administrator.

Sec. 86-L. Jurisdiction of court. If one of the next of kin, or a resident of the county in which an alleged alcoholic has a legal residence or is temporarily residing, believes it advisable that such person be committed to the division of alcoholism, he shall file a petition to that effect in the superior court in the county, in term time or vacation, in which said alcoholic lives. When such petition has been filed, the justice shall give notice of the hearing on the petition to the person named therein, and to any person that the justice determines may have a proper interest should have notice of such hearing on the petition.

Sec. 86-M. Hearing; medical testimony. At the hearing on the petition filed pursuant to the above section, the justice shall examine the witnesses in attendance and any other witnesses that he desires to call. At least two of the witnesses shall be physicians who have examined the person named in the petition. Such medical witnesses must be licensed medical practitioners of this state.

If the justice is satisfied from the evidence presented that such person is an alcoholic, he may commit such person to the custody of the division of alcoholism for treatment for not less than 30 days nor more than 2 years. If, at the end of the period of commitment the division believes it advisable to continue the treatment or care of such alcoholic, the same proceedings shall be instituted as are provided in the above section with respect to an original commitment. The division shall file its petition for a new commitment not less than 5 days prior to the expiration of the initial order of commitment.

Sec. 86-N. Detention of dangerous person. If there is reasonable cause to believe a person is an alcoholic and he is violent or dangerous or has suicidal or homicidal tendencies, he may be detained and taken without unnecessary delay to a hospital or clinic for diagnosis and treatment. Such person may be so detained by a member of his family, a public health officer, a law enforcement officer, or by any resident of the county in which such person has a legal residence or is temporarily residing.

The institution in which said person is detained shall immediately notify the division of alcoholism of such detention. Such division shall forthwith investigate and have such alleged alcoholic released from custody or file the petition mentioned in section 86-L.

The expense of treatment of the alleged alcoholic while so detained shall be paid by him or those chargeable with his support. If he is unable to pay, or there is no one so chargeable, such expense shall be borne by the division of alcoholism.

Sec. 86-O. Release or transfer of person from custody of division. Any person committed to the custody of the division of alcoholism, whether voluntarily or involuntarily, in accordance with sections 86-J to 86-N, inclusive, if such person's condition has been sufficiently rehabilitated or arrested in the opinion of the division, may, notwithstanding the order of commitment, be released from immediate custody and permitted to go at large for such time and under such conditions as the division deems advisable; provided, however, that this shall not apply in the case of any person transferred to the custody of the division of alcoholism in accordance with section 86-D, in which case such person shall be retransferred to the institution from which he had originally been removed.

Sec. 86-P. Selection of patients. The division of alcoholism may reject persons committed to its custody who are unsuited for treatment or care, and refer them back to the superior court which originally issued the order of commitment.

Sec. 86-Q. Fees. The division of alcoholism shall charge and accept payment for services rendered by it from patients obtaining its care without judicial commitment, from patients voluntarily committed to its care, and from patients who have been involuntarily committed to its custody. Fees may be adjusted in accordance with ability to pay, but no person shall be refused services because of his inability to pay. All moneys so received shall be credited to the general fund.

Sec. 86-R. Gifts. The division of alcoholism may accept in the name of or on behalf of the state any gifts of money, real estate or other valued goods and services made to such division and such gifts shall be placed in a special fund to be earmarked for the division's use in the custody of the treasurer of state.

Sec. 86-S. Information confidential. The fact that a person has been a patient under the care of the division of alcoholism shall not be used against him in any court proceedings. Information about patients contained in the division's files is confidential and shall not be subject to examination by courts, law enforcement agencies, related groups, or the public, except by consent of the patient.'

Sec. 2. Appropriation. There is hereby appropriated from the general

fund to carry out the purposes of this act the sum of \$25,000 for the fiscal year ending June 30, 1954 and \$25,000 for the fiscal year ending June 30, 1955.