

# MAINE STATE LEGISLATURE

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THE  
REVISED STATUTES

OF THE  
STATE OF MAINE,

PASSED JANUARY 25, 1871;

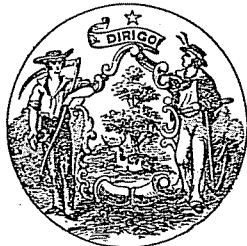
TO WHICH ARE PREFIXED  
THE CONSTITUTIONS

OF THE  
UNITED STATES AND OF THE STATE OF MAINE:

WITH AN APPENDIX.

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BY AUTHORITY OF THE LEGISLATURE.



PORTLAND:  
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**CHAPTER 143.**

## THE INSANE HOSPITAL.

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#### APPOINTMENT AND DUTIES OF TRUSTEES.

Appointment  
of trustees.  
R. S. c. 143, § 1.

SEC. 1. The government of the Maine insane hospital is vested in a board of six trustees, appointed by the governor, with advice of council, for the term of three years, and so divided into three classes that the term of two expires each year; and all vacancies, occurring before the expiration of the term, shall be filled for the remainder thereof.

They have the  
general man-  
agement, hold  
property,  
make by-laws,  
commence  
and defend  
suits.  
R. S. c. 143,  
§ 2.

SEC. 2. They shall have the general care and management of the institution; see that it is conducted according to law and the by-laws for its internal government and economy, which they are hereby authorized to establish, not inconsistent with the laws of the state; hold in trust for the state any land, money, or other property, granted, bequeathed, or given, to the institution, and apply the same for the support, comfort, or improvement of the insane, and the general use of the institution, and have power to bring actions, in the name of the treasurer, for all dues to the institution, and to defend all suits brought against it.

Appointment  
of superinten-  
dent, steward,  
and assistants  
salaries.  
R. S. c. 143, § 3.

SEC. 3. They shall appoint a superintendent, and they and the superintendent shall appoint a steward and all other officers necessary for the efficient and economical management of the business of the institution; all appointments shall be made according to the by-laws, and the salaries of all such officers shall be fixed by the trustees, subject to the approval of the governor and council.

Examinations  
and records of  
them; pay of  
officers and  
trustees. May  
examine and  
discharge pa-  
tients.  
R. S. c. 143, § 4.  
1860. c. 190.

SEC. 4. There shall be a thorough examination of the hospital monthly by two of the trustees; quarterly by three; and annually by a majority of the full board; and at any other time, when they deem it necessary, or the superintendent requests it. At each visit, a written account of the state of the institution shall be drawn up by the visitors, recorded, and presented at the annual meeting of the trustees; at which meeting they, with the superintendent, shall make a particular examination into the condition of each patient, and discharge any one so far restored that his comfort and safety, and that of the public, no longer require his confinement. They shall receive two dollars a day for such visits, and the same sum for every twenty miles' travel. Their accounts shall be audited by the governor and council, and they shall draw their warrant, on the treasurer of state, for the amount due them and the other officers of the institution, except attendants on the patients and laborers on the premises, and for all money appropriated by the legislature for the insane hospital.

SEC. 5. The trustees, at their next meeting after the expiration of each quarter, shall examine carefully the books and vouchers of the steward and treasurer, and audit and settle his accounts.

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To settle steward's accounts quarterly.

R. S. c. 143, § 5.

Annual meetings and reports to the governor and council.

R. S. c. 143, § 6.

1859, c. 70.

SEC. 6. They shall hold an annual meeting on the first day of December, at which there shall be made a full and detailed report, containing a particular statement of the condition, concerns, and wants of the hospital; and this report, and the reports of the superintendent and steward, shall be made up to the first day of December, and laid before the governor and council at that time, for the use of the government.

#### DUTIES OF SUPERINTENDENT.

SEC. 7. The superintendent shall be a physician; reside constantly at the hospital; have the general superintendence of the hospital and grounds; receive all patients legally sent to the hospital, unless the number exceeds its accommodations, and have the charge of them, and the direction of all persons therein, subject to the regulations of the board of trustees; and annually, on the first day of December, report to the governor and council the condition and prospects of the institution, with such remarks and suggestions relative to its management and the general subject of insanity, as he thinks will promote the cause of science and humanity.

Duties of the superintendent.

R. S. c. 143, § 7.

1859, c. 70.

SEC. 8. He shall apportion the number of patients, who can be accommodated in the hospital, among the towns, according to their population by the last census; and when the applications for admission exceed or are liable to exceed that number of patients, he shall give preference to those from towns that have not their full proportion of patients in the hospital, and may reject others.

Apportionment of patients.

R. S. c. 143, § 8.

SEC. 9. When any person appears to have been unlawfully committed, the superintendent shall report the case to the trustees at their next monthly meeting; and they may cause the removal of such person to the town from which he was committed.

Unlawful commitments.

R. S. c. 143, § 9.

#### DUTIES OF THE STEWARD.

SEC. 10. The steward shall be treasurer; give bond to the trustees, in such amount and with such sureties as they deem sufficient, for the safe keeping and proper disbursement of the funds of the institution; under the advice and direction of the superintendent and of the trustees, make all necessary purchases of supplies and provisions; hire attendants and other laborers; see to the proper cultivation of the farm and grounds; have a careful oversight of the patients when employed thereon; perform such other duties as the trustees direct; and annually make a detailed report to them of his receipts and expenditures, and of the financial affairs of the institution.

Duties of the steward.

R. S. c. 143, § 10.

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## DUTIES OF PARENTS AND GUARDIANS OF INSANE MINORS.

Duties of parents and guardians of insane minors. R. S. c. 143, § 11.

SEC. 11. Parents and guardians of insane minors, if of sufficient ability to support them there, within thirty days after an attack of insanity, without any legal examination, shall send them to the hospital, and give to the treasurer thereof the bond required; or to some other hospital for the insane.

## DUTIES OF MUNICIPAL OFFICERS.

Municipal officers to decide on cases and commit to hospital with certificate; keep a record of doings. R. S. c. 143, § 12, 35 Me. 402, 48 Me. 353.

SEC. 12. All insane persons, not thus sent to any hospital, shall be subject to examination as hereinafter provided. The municipal officers of towns shall constitute a board of examiners, and, on complaint in writing of any relative or justice of the peace of their town, they shall immediately inquire into the condition of any insane person therein; call before them all testimony necessary for a full understanding of the case; and if they think such person is insane, and that his comfort and safety, or that of others interested, will thereby be promoted, they shall forthwith send him to the hospital, with a certificate, stating the fact of his insanity, and the town in which he resided or was found at the time of examination, and directing the superintendent to receive and detain him till he is restored or discharged by law, or by the superintendent and trustees. And they shall keep a record of their doings, and furnish a copy to any interested person requesting and paying for it.

May certify inability to pay for his support, and steward may charge state one dollar and fifty cents per week. R. S. c. 143, § 13, 1869, c. 32.

SEC. 13. The officers, ordering the commitment of a person unable to pay for his support, may certify in writing to the superintendent that fact, and that he has not relations liable and of sufficient ability to pay for it; and if the superintendent is satisfied that such certificate is true, the treasurer of the hospital may charge to the state one dollar and fifty cents per week for his board, and deduct it from the charge made to the patient or town for his support.

## DUTIES OF JUSTICES OF THE PEACE AND QUORUM.

Appeal to two justices of the peace and quorum; how selected. R. S. c. 143, § 14.

SEC. 14. Any person or corporation, deeming himself or the insane aggrieved by the decision of the board of examiners for or against the insanity, may appeal therefrom by claiming the appeal within five days after the decision is made known, naming a justice of the peace and quorum on his part, and appointing a time within three days thereafter, and a place in such town or an adjoining town for the hearing, and he shall procure the attendance of such justice at such time and place, if in his power, if not, he may select another; the board of examiners shall select another justice of the peace and quorum.

Municipal officers or justices neglecting to decide for three days; proceedings.

SEC. 15. If the two justices neglect or refuse to decide the appeal within three days after the time appointed for the hearing; or if the municipal officers neglect or refuse for three days after complaint is made to them to examine and decide any case of insan-

ity in their town, complaint may be made by any relative of the insane, or any other respectable person to two justices of the peace and quorum; and the two justices, selected in either of the above modes, may call before them any proper testimony, and hear and decide the case. If they find the person insane, and that he will be more comfortable and safe to himself or others, they shall give a certificate for his commitment to the hospital like that described in section twelve.

CHAP. 143.  
R. S. c. 143,  
§ 15.  
35 Me. 497.

SEC. 16. Such justices shall keep a record of their doings and furnish a copy thereof to any person interested requesting and paying for it; those deciding an appeal shall be entitled to receive for their services two dollars a day and ten cents a mile for their travel, and shall determine which party shall pay it; those deciding an original case shall charge the same fees as for a criminal examination, to be paid by the person or corporation liable in the first instance for the support of the insane in the hospital.

Justices to  
keep a record  
of doings,  
their compensa-  
tion, and by  
whom paid.  
R. S. c. 143,  
§ 16.

SEC. 17. When such justices order a commitment to the hospital, the municipal officers of the town where the insane resides, or such other person as the justices direct, shall cause such order to be complied with forthwith at the expense of the town; and after such commitment is made, the justices shall decide and certify the expenses thereof.

Their order for  
commitment,  
by whom paid.  
R. S. c. 143,  
§ 17.

#### EXPENSES OF SUPPORTING THE INSANE AT THE HOSPITAL.

SEC. 18. The certificate of commitment to the hospital, after a legal examination, shall be sufficient evidence, in the first instance, to charge the town, where the insane resided, or was found at the time of his arrest, for the expenses of his examination, commitment, and support in the hospital; but when his friends or others file a bond with the treasurer of the hospital, such town shall not be liable for his support, unless new action is had by reason of the inability of the patient or his friends longer to support him; and such action may be had in the same manner, and before the same tribunal, as if he had never been admitted to the hospital.

Towns, where  
insane person  
resided or was  
found, pay for  
support, un-  
less a bond  
given for it.  
R. S. c. 143,  
§ 18.  
46 Me. 558.  
48 Me. 358.

SEC. 19. The person or town, liable for the support of a person when lawfully committed to the hospital, shall be liable therefor, and for the expenses of his removal, when unlawfully committed and removed as provided in section nine; but the expenses of such removal are not to exceed ten cents per mile from the hospital to the place of commitment.

Also, when  
unlawfully  
committed,  
and expense of  
removal.  
R. S. c. 143,  
§ 19.

SEC. 20. Any town, thus made chargeable in the first instance, and paying for the commitment and support of the insane in the hospital, may recover the amount paid, of the insane, if able, or of persons legally liable for his support, or of the town where his legal settlement is, as if incurred for the ordinary expenses of any pau-

Towns have  
remedy  
against the  
person, or  
those liable  
for his sup-  
port as a pau-  
per.

CHAP. 143. per; but if he has no legal settlement in this state, such expenses exceeding one dollar per week shall be refunded by the state; and the governor and council shall audit all such claims, and draw their warrant on the treasurer therefor. No insane person shall suffer any of the disabilities incident to pauperism, nor be hereafter deemed a pauper, by reason of such support. But the time during which the insane person is so supported shall not be included in the period of residence necessary to change his settlement.

R. S. c. 143,  
§ 20.  
1862, c. 76.  
1870, c. 127.  
53 Me. 128, 442.

## DISCHARGE OF THE INSANE.

Those liable  
for support  
may apply for  
discharge.  
R. S. c. 143,  
§ 21.

SEC. 21. When any friend, person, or town, liable for the support of any patient, who has been in the hospital six months, not committed by order of the supreme judicial court, nor afflicted with homicidal insanity, thinks he is unreasonably detained, he may apply to the municipal officers of the town where the insane resides, and they shall inquire into the case, and summon before them any proper testimony, and their decision and order shall be binding on the parties. They shall tax legal costs and decide who shall pay them. If such application is unsuccessful, it shall not be made again till the expiration of another six months.

Overseers of  
poor to re-  
move, when  
notified so to  
do.  
R. S. c. 143,  
§ 22.

SEC. 22. When the overseers of any town, liable for the support of a patient at the hospital, are notified by mail by the superintendent, that he has recovered from his insanity, they shall cause him to be removed to their town; and if they neglect it for fifteen days, the superintendent shall cause it to be done at the expense of such town.

Persons dis-  
charged un-  
der section  
four, how re-  
moved. Town  
liable, upon  
notice, for  
costs of re-  
moval.  
1861, c. 43, § 1.

SEC. 23. When any patient is discharged from the hospital, by the trustees, under the provisions of section four, they shall cause the selectmen of the town, or the mayor of the city from which such patient was received, to be immediately notified by mail, and on receipt of such notice said town or city shall cause such patient to be forthwith removed thereto; and if they neglect such removal for thirty days thereafter, such patient may be removed to said town or city by the trustees, or their order; and the superintendent may maintain an action in his name, against such city or town, for the recovery of all expenses necessarily incurred in the removal of such patient.

Towns of less  
than two hun-  
dred inhabi-  
tants not liable  
for removal,  
&c.  
1861, c. 43, § 2.

SEC. 24. The preceding sections shall not apply to towns having less than two hundred inhabitants, but all insane persons found, and having their residence in such towns, who have no settlement within any town of this state, and who have no means of their own for support, or are without relatives able and liable to support them, shall be supported in the hospital at the expense of the state.



## GUARDIANS FOR THE INSANE SENT TO THE HOSPITAL.

## CHAP. 143.

SEC. 25. When any man or unmarried woman, of twenty-one years of age, is sent to the hospital for insanity under any of the provisions of this chapter, the municipal officers, of the town where such insane resides, may apply to the judge of probate for the same county for the appointment of a guardian, when they think it for the interest of the insane and to prevent waste of his property, and the judge, on their certificate to that effect, without notice to the insane, shall forthwith appoint some suitable guardian of the same county, who shall give bond as in other cases, and have reasonable compensation for his services, to be allowed by the judge and paid out of the estate; but shall not be required to return any inventory, or exercise any other powers or duties of guardian for one year after his appointment, except to provide for the support of the insane and his family, and prevent waste of his property.

Judge of probate may appoint guardians for persons sent to hospital; their duties and compensation. R. S. c. 143, § 23.

## MANAGEMENT OF THE HOSPITAL.

SEC. 26. Every person committed to the insane hospital by any court, as provided in section one of chapter one hundred and thirty-seven, shall be discharged by the superintendent, if not sent for by the court during the next term thereof after his commitment, but shall be liable to re-commitment by the municipal officers of the town to which he belongs, if found to be insane, to be supported in the same manner as other persons committed by said officers.

Persons committed under c. 137, § 1, when to be discharged. May be re-committed by municipal officers. 1868, c. 226, § 1.

SEC. 27. The superintendent shall keep posted, in conspicuous places about said hospital, printed cards containing the rules prescribed for the government of the attendants in charge of the patients.

Rules, and regulations to be kept posted. 1868, c. 226, § 2.

SEC. 28. When it appears that any such attendant treats any patient with injustice or inhumanity, he shall be immediately discharged. When the superintendent is satisfied that any attendant intentionally abuses or ill treats any inmate of the hospital, he shall discharge him at once, and make complaint of such abuse or ill treatment before any court having jurisdiction of the offences charged; and such attendant, upon conviction thereof, shall be sentenced to pay a fine of not less than one hundred, nor more than five hundred dollars, or to imprisonment in the county jail not more than ninety days.

Intentional ill-treatment of patients, how punished. 1868, c. 226, §§ 3, 4.