

MAINE STATE LEGISLATURE

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SEVENTH REVISION

THE
REVISED STATUTES

OF THE
STATE OF MAINE

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or who may hereafter be committed there, who is insane, or who, after his commitment, becomes insane, or any girl now under the guardianship of the state school for girls, or who may hereafter be committed there, who is insane, or who, after her commitment, becomes insane, may be transferred by the trustees of juvenile institutions to either of the state hospitals for insane. In such event the trustees of juvenile institutions, by their president or secretary, shall endorse on the original mittimus the fact that the boy or girl is insane, and attach thereto a certificate from a regular practicing physician within the state, certifying that the boy or girl is insane. Upon the delivery of the boy or girl to the officers of either of the state hospitals for insane, together with the original mittimus and certificates herein provided, it shall be the duty of the officers of either of the state hospitals for insane to receive such boy or girl, and thereafter the trustees of juvenile institutions shall cease to have any authority over such boy or girl, and the hospital trustees shall have the same authority over said boy or girl as they would have if he or she had been originally committed to either of the state hospitals for insane.

Duty of superintendents to report aliens committed to U. S. immigration inspector, c. 34, § 1.

CHAPTER 155.

Institutions for the Insane and Feeble-Minded.

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Hospital Trustees.

Sec. 1. Trustees, appointment and tenure. R. S. c. 145, § 1. 1923, c. 44. 1925, c. 33. The government of the Augusta state hospital, established at Augusta, and of the Bangor state hospital, established at Bangor, and of the Pownal state school, established at Pownal, is vested in a board of trustees consisting of seven inhabitants of the state, who shall be appointed by the governor, with the advice and consent of the council, for terms of four years. The board shall be known as "Hospital Trustees." Any vacancy occurring during a term shall be filled in like manner for the remainder of the unexpired term. Any trustee may be removed at any time by the governor and council for cause.

Sec. 2. Authority and duty of trustees. R. S. c. 145, § 2. They shall have the general care and management of the institutions; see that they are con-

ducted according to law, and the by-laws for their internal government and economy, which said trustees are hereby authorized to establish, not inconsistent with law; hold in trust for the state any land, money, or other property, granted, bequeathed, or given to the institutions, or either of them, and apply the same for the support, comfort, or improvement of the insane, and the general use of the institution designated, and have power to bring actions, in the name of the treasurer, for all dues to either of the institutions, and to defend all suits brought against them.

See c. 157, § 1.

The Insane Hospitals.

Sec. 3. Appointment of superintendent, steward, and treasurer. R. S. c. 145, § 3. The trustees shall appoint a superintendent, and a steward and treasurer, for each hospital, subject to the approval, and to hold office during the pleasure, of the governor and council; and all other officers necessary for the efficient and economical management of the business of the institutions; and all appointments shall be made according to the by-laws.

Sec. 4. Examinations by the trustees, and records thereof; examinations and discharge of patients; accounts to be audited. R. S. c. 145, § 4. There shall be a thorough examination of each 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 visited 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, including patients committed while under sentence in the state prison or any of the county jails; at any meeting a majority of the trustees may discharge any one so far restored that his comfort and safety, and that of the public, no longer require his confinement; and they may transfer to the care and custody of his relatives and friends applying therefor, on conditions to be fixed by the superintendent and trustees, any such patient not held under sentence whom they are satisfied will be properly cared for by the person making such application. Their accounts shall be audited by the state auditor, and the governor and council shall draw warrants on the treasurer of state for the amount due them, and for all money appropriated by the legislature for the insane hospitals.

Sec. 5. Transfer of patients by trustees; expense of transfer, how paid. R. S. c. 145, § 5. The trustees may transfer any patients from one hospital to the other, whenever, in their judgment the welfare of the patients or of either institution will be promoted thereby. A copy of the certificate of commitment certified by the superintendent of the hospital in which said patient has been confined, with a certificate signed by the secretary of the trustees, showing that such transfer has been voted by the trustees, shall authorize the superintendent of the hospital to which such patient is transferred to receive and detain him in custody in the same manner as if he had originally been committed to such institution. The expense attending such transfer shall be paid out of the funds of the hospital transferring such patient and shall be a charge upon the person liable for the board of such patient, and if the board of such patient is paid by the state the expense of such transfer shall be paid by the state.

Sec. 6. Trustees may transfer patients to Pownal state school, or insane patients from said school to either insane hospital. R. S. c. 145, § 6. The trustees may transfer feeble-minded persons, who are now or may be hereafter

in said insane hospitals, to the Pownal state school, and may transfer any inmate of the Pownal state school to either insane hospital, whenever in their judgment, the welfare of the patients and inmates or of either institution will be promoted thereby. A copy of the certificate of commitment certified by the superintendent of the hospital or said school in which said patient or inmate has been confined, with a certificate signed by the secretary of the trustees, showing that such transfer has been voted by the trustees, shall authorize the superintendent of the hospital or said school to which such patient or inmate is transferred to receive and detain him in custody in the same manner as if he had originally been committed to such institution. The expense attending such transfer shall be paid out of the funds of the institution transferring such patient or inmate and shall be a charge upon the person liable for the board of such patient or inmate, and if such board is paid by the state, the expense of such transfer shall be paid by the state.

Sec. 7. Annual meetings and reports to the governor and council. R. S. c. 145, § 7. 1917, c. 74. The trustees shall hold an annual meeting on the third Thursday of December, at which a full and detailed report shall be made, containing a particular statement of the condition, concerns, and wants of the hospitals. The books of accounts and record of the hospitals shall be closed on the thirtieth day of June of each year, and an annual report, and the reports of the superintendents and stewards, shall be made on or before the thirtieth day of September for the year ending on said thirtieth day of June preceding, and be laid before the governor and council at that time.

Duties of Superintendents and Stewards.

Sec. 8. Duties and powers of the superintendent; his annual report. R. S. c. 145, § 8. The superintendent of each hospital shall be a physician; reside constantly at the hospital; have general superintendence of the hospital and grounds; receive all patients legally sent to the hospital, unless the number exceeds its accommodations, and have charge of them, and direction of all persons therein, subject to the regulations of the board of trustees; and report to the trustees at the annual meeting the condition and prospects of the institution under his charge, 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.

Sec. 9. Apportionment of patients. R. S. c. 145, § 9. The superintendents shall apportion the number of patients who can be accommodated in the hospitals among the towns, according to their population by the last census; and when applications for admission exceed or are liable to exceed that number of patients, they shall give preference to those from towns that have not their full proportion of patients in the hospital, and may reject others.

Sec. 10. Rules to be kept posted. R. S. c. 145, § 10. The superintendent of each hospital shall keep posted, in conspicuous places about the hospital under his charge, printed cards containing the rules prescribed for the government of the attendants in charge of the patients.

Sec. 11. Ill treatment of patients by attendants; penalty. R. S. c. 145, § 11. When it appears that any such attendant treats a patient with injustice or inhumanity, he shall immediately be discharged. When the superintendent is satisfied that any attendant abuses or ill treats an inmate of the hospital, he shall discharge him at once, and make complaint of such abuse or ill treatment before the proper court; and such attendant, on conviction, shall be punished

by a fine of not less than one hundred dollars nor more than five hundred dollars, or by imprisonment for not more than ninety days.

Sec. 12. Appointment of treasurer; his bond. R. S. c. 145, § 12. The trustees may, subject to the approval of the governor and council, appoint a treasurer for either of the insane hospitals, other than the steward of either hospital, and may fix the salary of said treasurer. The treasurer shall give bond to the state in an amount and with sureties or with a surety company authorized to do business in the state, as surety, satisfactory to the governor and council, conditioned for the safe-keeping and proper disbursement of the funds of the institution at which he is located; 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.

Sec. 13. Duties of the steward and treasurer. R. S. c. 145, § 13. Whenever a treasurer is not appointed under the preceding section, the steward of each hospital shall be treasurer; give bond to the state, in an amount and with sureties, or with a surety company authorized to do business in the state, as surety, satisfactory to the governor and council, conditioned for the safe-keeping and proper disbursement of the funds of the institution at which he is located; 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.

Sec. 14. Accounts of the steward and treasurer audited and settled; governor and council to inquire into the financial affairs of the hospitals. R. S. c. 145, § 14. The state auditor shall monthly examine the books and vouchers of the steward and treasurer of each hospital, audit his accounts and submit the same immediately thereafter to the governor and council for their approval, before such accounts shall be settled; and the governor and council shall, from time to time, inquire into the condition and management of the financial affairs of the institutions, and make such changes as they deem judicious, in the mode and amount of expenditures and the general administration of their financial affairs.

Sec. 15. Salaries fixed by trustees. R. S. c. 145, § 15. The compensation of all officers and employees of both hospitals, whose salaries are not established by law, shall be fixed by the trustees, subject to the approval of the governor and council.

Commitment of the Insane.

Sec. 16. Duties of parents and guardians of insane minors. R. S. c. 145, § 16. Parents and guardians of insane minors, if of sufficient ability to support them there, shall, within thirty days after an attack of insanity, without legal examination, send them to one of said hospitals and give to the treasurer thereof the bond required; or they may send them to some other hospital for the insane, within said period.

107 Me. 340.

Sec. 17. Municipal officers may commit to the hospitals. R. S. c. 145, § 17. 1917, c. 120. 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 blood

relative, husband, or wife of said alleged insane person, or of any justice of the peace, they shall immediately inquire into the condition of any person in said town alleged to be insane; shall appoint a time and place for a hearing by them of the allegations of said complaint, and shall cause to be given in hand to the person so alleged to be insane, at least twenty-four hours prior to the time of said hearing, a true copy of said complaint, together with a notice of the time and place of said hearing and that he has the right and will be given opportunity then and there to be heard in the matter; shall call before them all testimony necessary for a full understanding of the case; and if they think such person insane and that his comfort and safety or that of others interested, will thereby be promoted, they shall forthwith send him to one of the insane hospitals 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 until he is restored or discharged by law, or by the superintendent or trustees. Pending the issue of such certificate by the municipal officers such superintendent may receive into his hospital any person so alleged on complaint to be insane, provided such person be accompanied by a copy of the complaint and physician's certificate, which certificate shall set forth that in the judgment of the physician the condition of said person is such that immediate restraint or detention is necessary for his comfort and safety, and provided further that unless within ten days thereafter said superintendent shall be furnished with the certificate hereinbefore provided for, the detention of such person shall cease. Said municipal officers shall keep a record of their doings, and furnish a copy to any interested person requesting and paying for it.

35 Me. 404; 40 Me. 264; 48 Me. 356; 63 Me. 500, 566; 65 Me. 521; *70 Me. 442; 78 Me. 378; 90 Me. 218; *96 Me. 371; 101 Me. 260; 107 Me. 340.

Sec. 18. Evidence of two physicians required. R. S. c. 145, § 18. In all cases of preliminary proceedings for the commitment of any person to the hospital, to establish the fact of the insanity of the person to whom insanity is imputed, the evidence of at least two reputable physicians given by them under oath before the board of examiners shall be required, together with a certificate signed by such physicians and filed with said board, that in their opinion such person is insane, such evidence and certificate to be based upon due inquiry and personal examination of the person to whom insanity is imputed; and a certified copy of the physicians' certificate shall accompany the papers of commitment of the insane person to the hospital.

*72 Me. 216; 75 Me. 166; 90 Me. 219; *96 Me. 371; 101 Me. 260; 107 Me. 340.

Sec. 19. Commitment of women regulated. R. S. c. 145, § 19. When a woman is committed to either of the insane hospitals, the officers committing her shall, unless she is to be accompanied by a father, husband, brother, or son, designate a woman to be an attendant or one of the attendants to accompany her thereto.

Sec. 20. Support of persons committed charged to state. R. S. c. 145, § 20. The officers ordering the commitment of a person unable to pay for his support, or becoming unable to pay for his support after commitment, or their successors, or any officer with like power to commit, shall in writing certify that fact to the trustees and that he has no relatives liable and of sufficient ability to pay for his support, and such certificate 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 and commitment, and to charge the state for the expenses of his support in the hospital, and the

treasurer of the hospital shall charge to the state the reasonable expense of his support which shall be paid from the state treasury upon itemized bills therefor audited by the state auditor and approved by the governor and council.

Sec. 21. Trustees may recover money improperly paid by state for support of insane. R. S. c. 145, § 21. The trustees may, in their discretion, investigate, or cause to be investigated, the allegations contained in any certificate provided for in the preceding section and if such investigation discloses the fact that any person was, or may be, lawfully liable for the support of the insane person mentioned in any such certificate, the trustees shall collect, by action in the name of the state, if necessary, all sums which have been paid by the state to the hospital for board of such insane person from the person lawfully liable as aforesaid to pay for the support of such insane person, and thereafter the state shall not be required to pay to said hospital the sum mentioned in said section so long as the liability of any person to support such insane person may lawfully exist. All moneys collected under the provisions of this section shall be forthwith turned over to the treasurer of state, who shall receipt for the same; and the expenses of the collection of said moneys shall be charged against and paid out of any sums so collected and turned over; all bills for such expenses shall be audited by the state auditor and paid out of the state treasury upon the certificate of the state auditor.

Sec. 22. Jurisdiction of justices of peace to commit. R. S. c. 145, § 22. If the municipal officers neglect or refuse, for three days after complaint is made to them to examine and decide any case of insanity in their town, complaint may be made by any blood-relative, husband, or wife of said alleged insane person, or by any justice of the peace, to two justices of the peace; and the two justices to whom such application is made shall immediately inquire into the condition of such alleged insane person and shall proceed in the manner provided in section seventeen.

See § 27; 35 Me. 502; 63 Me. 567.

Sec. 23. Justices to keep record; fees. R. S. c. 145, § 23. Such justices shall keep a record of their doings and furnish a copy thereof to any person interested requesting and paying for it; they shall be entitled to 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 person in the hospital.

Sec. 24. Execution of order for commitment. R. S. c. 145, § 24. When such justices order a commitment to a 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.

Sec. 25. Jurisdiction of judges of probate. R. S. c. 145, § 25. The judges of probate in the several counties shall likewise have jurisdiction to examine insane persons not included in section sixteen, and upon complaint in writing of any blood-relative, husband, or wife, of said alleged insane person, or of any justice of the peace, accompanied by the certificate of some reputable physician stating that in his opinion such person is insane, may immediately appoint a time and place for hearing, within the town or city in which said person resides or is found; and shall cause to be given in hand to the person so alleged to be insane, at least twenty-four hours prior to the time appointed for said hearing, a copy of said complaint attested by the register of probate of the county in which said hearing is to be held, together with a notice of the time and place of said hearing, and that he has a right and will be given oppor-

tunity there and then to be heard in the matter, and a like copy of said complaint and of said notice of hearing shall be served upon the clerk of the town in which said person resides or is found. Nothing herein contained shall require a judge of probate to appoint a hearing for the purpose of this section in any town other than the shire town of the county, or the town in which said person resides.

Sec. 26. Proceedings at hearing. R. S. c. 145, § 26. The judge of probate before whom the hearing is held shall have authority to summon such witnesses as shall be necessary for the full understanding of the case; and if he shall decide that such person is insane, and that his comfort and safety, or that of others interested will thereby be promoted, he shall forthwith send him to one of the insane hospitals, with a certificate stating the fact of his insanity and the town in which he resided or was found at the time of the examination, and directing the superintendent to receive and detain him until he is restored or discharged by law or by the superintendent or trustees. The register shall keep a record of the doings in each case and furnish a copy to any interested person requesting and paying for it. Excepting sections sixteen and seventeen, all other sections of this chapter, relating to the commitment, expense of supporting and discharge of the insane, shall also apply to commitments under this section.

Sec. 27. Jurisdiction first taken. R. S. c. 145, § 27. The municipal officers or the judge of probate first taking jurisdiction of a complaint referred to in sections seventeen and twenty-five hereof, shall have exclusive jurisdiction in the matter until such complaint is finally disposed of. In case of refusal to commit by one of said tribunals after notice and hearing, no complaint shall be made to the other tribunal with reference to the same person within thirty days after such decision is recorded; and only after application to each of said tribunals and neglect or refusal for three days on the part of each to act, shall proceedings under section twenty-two of this chapter be taken.

Expenses of Commitment and Support.

Sec. 28. Liability of town where insane person resided, or was found. R. S. c. 145, § 28. The certificate of commitment to the hospital after a legal examination, is 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 and commitment to the hospital; and when his friends or others file a bond with the treasurer of the hospital in which he is confined the state 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.

46 Me. 560; 48 Me. 356; *70 Me. 443; *72 Me. 216; 90 Me. 219.

Sec. 29. Remedy of towns; bills chargeable to the state to be filed with governor and council. R. S. c. 145, § 29. Any town thus made chargeable for the expenses of examination and commitment in the first instance, and paying for the examination of the insane and his commitment to a hospital, may recover the amount paid, from the insane, if able, or from persons legally liable for his support, or from the town where he has a legal settlement, as if incurred for the expense of a pauper, but if he has no legal settlement in the state, such expenses shall be refunded by the state, and the state auditor shall audit all such claims and the governor and council shall draw their warrant

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on the treasurer therefor. All bills for expenses so incurred and chargeable to the state, shall be filed with the governor and council within three months after the same are contracted, and no such bills shall be allowed unless they are filed with the governor and council within sixty days after the thirty-first day of December of the year in which they are incurred. No insane person shall suffer any of the disabilities of pauperism nor be 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.

See c. 33, § 15; 53 Me. 129, 445; 63 Me. 501; 69 Me. 69; *70 Me. 443; 71 Me. 537; 72 Me. *216, 493; 90 Me. 219; *96 Me. 371; 101 Me. 263; *103 Me. 501.

Sec. 30. Recovery by state. R. S. c. 145, § 30. The state may recover from the insane, if able, or from persons legally liable for his support, the reasonable expenses of his support in either insane hospital.

Discharge of Patients.

Sec. 31. Removal of patient. R. S. c. 145, § 31. When the overseers of the poor of a town, liable for the expenses of examination of a patient and his commitment to either 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.

Sec. 32. Patients discharged under § 4, how to be removed; liability of town for costs of removal. R. S. c. 145, § 32. When a patient is discharged from either hospital by the trustees, under 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 own name, against such city or town, for the recovery of all expenses necessarily incurred in the removal of such patient.

Sec. 33. Application of § 32, limited. R. S. c. 145, § 33. The preceding section does 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 in the state, and 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.

Sec. 34. Superintendent may permit inmate to temporarily leave institution. R. S. c. 145, § 34. 1917, c. 90. The superintendent of either hospital may permit any inmate thereof to leave such institution, temporarily, in charge of his guardian, relatives, friends, or by himself for a period not exceeding six months, and may receive him when returned by any such guardian, relatives, friends, or upon his own application within such period, without any further order of commitment, and the liability of the state, or of any person by bond given for the care, support and treatment of such insane person as originally committed, shall remain in full force and unimpaired upon the return of such person as if he had remained continuously in such hospital. The superintendent of either hospital with the approval of the board of trustees may on receipt of formal application in writing before the date of expiration of such leave of absence grant an extension of time for another six months.

Visitation by a Committee of the Council.

Sec. 35. Committee of visitors; their powers and duties. R. S. c. 145, § 35. 1929, c. 145. A committee of the council consisting of two, with whom shall be associated one woman, shall be appointed by the governor annually, who shall visit both hospitals and the Pownal state school at their discretion, to ascertain if the inmates thereof are humanely treated, and they shall promptly report every instance of abuse or ill treatment to the trustees and superintendent of the hospital, who shall take notice thereof, and cause the offender to be punished as required by section eleven.

Sec. 36. Wilful injury to patients, by officers of the hospital; complaints. R. S. c. 145, § 36. If wilful injury is inflicted by an officer, attendant, or employee of either hospital upon the person of any patient and knowledge thereof comes to said committee of visitors, they shall report the fact immediately to said trustees and to the superintendent of the hospital where such injury was committed, and if the superintendent fails forthwith to complain thereof as required by section eleven, one of said visitors shall enter a complaint before the proper court. In trials for such offenses, the statement of any patient cognizant thereof, shall be taken and considered for what it is worth; and no one connected with the hospital shall sit upon the jury trying the case.

Sec. 37. Inquest held on sudden death. R. S. c. 145, § 37. In case of the sudden death of a patient in either hospital under circumstances of reasonable suspicion, an examination and inquest shall be held as in other cases, and the superintendent or committee of visitors shall cause a medical examiner to be immediately notified for that purpose.

Sec. 38. Patients may be discharged, when unnecessarily detained; this section does not apply to commitments by order of court. R. S. c. 145, § 38. If the committee of visitors becomes satisfied that an inmate of either hospital has been unnecessarily and wrongfully committed, or is unnecessarily detained and held as a patient therein, they shall apply to some justice of the supreme judicial court, or of the superior court, or the judge of probate within the county where the restraint exists for a writ of habeas corpus, who shall issue the same, and cause such inmate to be brought before him, and after notice to the party procuring his commitment and a hearing of all interested in the question at issue, if satisfied that such inmate is not a proper subject for custody and treatment in the hospital, he shall discharge him from the hospital and restore him to liberty. But this section does not apply to the case of any person charged with, or convicted of crime, and committed to the hospital by order of court.

Sec. 39. Names of visiting committee to be posted in the wards; inmates allowed to write to committee. R. S. c. 145, § 39. The names of the committee of visitors and the post-office address of each shall be kept posted in every ward of each hospital, and every inmate shall be allowed to write when and whatever he pleases to them or either of them, unless otherwise ordered by a majority of the committee in writing, which order shall continue in force until countermanded in writing by said committee. For this purpose, every patient, if not otherwise ordered as aforesaid, shall be furnished by the superintendent, on request, with suitable materials for writing, enclosing and sealing letters. The superintendent shall provide at the expense of the state, securely locked letter-boxes, easily accessible to all inmates, to be placed in each hospital, into which such letters can be dropped by the writer. No officer, attendant, or employee of either hospital shall have the means of reaching the contents of these

boxes, but the letters in them shall be collected weekly by some member of the committee, or by such person as the committee authorize for the purpose, who shall prepay such only as are addressed to some one of the committee, and deposit them in the post-office without delay.

Sec. 40. Letters to be delivered to patients, unopened. R. S. c. 145, § 40. The superintendent, or party having charge of any patient, shall deliver to him any letter or writing to him directed, without opening or reading the same, provided, that such letter has been forwarded by the committee, or is directed to such persons as the committee have authorized to send or receive letters without the committee's inspection.

Sec. 41. Visits of committee regulated. R. S. c. 145, § 41. Each hospital shall be visited as often as once in every month by at least one member of the committee, and this visit shall be made at irregular, and not at stated periods; no previous notice, information, or intimation thereof shall be given or allowed to the superintendent, or any officer, attendant, or employee of the hospital, but so far as possible all visits shall be made unexpectedly to the superintendent and all others having the care of the hospital and its inmates; and in no case shall the committee, when making their visits through the wards, be accompanied by any officer or employee of the hospital, except upon the special request of some one of the committee.

Sec. 42. Committee of visitors to report annually. R. S. c. 145, § 42. The committee of visitors shall make report to the governor and council on the first day of December annually, and as much oftener as the welfare of the patients or the public good requires, setting forth their doings and any facts with regard to the hospitals which they deem important. The accounts of the members of said committee, including a reasonable sum for the letter-carrier provided for in section thirty-nine, shall be audited by the state auditor, and the governor and council shall draw their warrant on the treasurer of state for the amount found due.

Sec. 43. Removal for neglect of duties. R. S. c. 145, § 43. Any person neglecting to perform the duties imposed upon him by this chapter is removable from office by the authority from whom he received his appointment, and if removed, is forever ineligible to office or place in the hospital.

Recommitment of Patients.

Sec. 44. Application by superintendent for recommitment. R. S. c. 145, § 44. Whenever the superintendent of either hospital is in doubt as to the legality of the commitment of any person, now or hereafter committed to the hospital of which he is superintendent, he may apply in writing to the judge of the municipal or police court of the city where such person is then detained under such commitment, stating therein the material facts connected therewith and annexing thereto copies of all papers under which such person is so detained, with a prayer that the condition of such person may be inquired into and such decree made as to his commitment as justice may require.

*101 Me. 259.

Sec. 45. Proceedings; notice, hearing, adjudication, record. R. S. c. 145, § 45. Such judge shall thereupon appoint a time and place for a hearing by him of the allegations of such application; shall cause to be given in hand to the person so alleged to be insane, at least twenty-four hours prior to the time of said hearing, a true copy of said application together with a notice of the time and place of said hearing and that he has a right and will be given oppor-

tunity then and there to be heard in the matter; shall call before him all testimony necessary for a full understanding of the case; shall personally examine and interview such person whether he shall or shall not appear at such hearing; shall require and receive the evidence of at least two reputable physicians, not in the employ of either hospital to be given under oath before such judge, together with a certificate signed by such physicians and filed with such judge that in their opinion such person is insane, such evidence and certificate to be based upon due inquiry and personal examination of the person to whom insanity is imputed; and if such judge thinks such person insane and that his comfort and safety, or that of others interested, will thereby be promoted, he shall forthwith commit him to that insane hospital the superintendent of which made said application, with a certificate stating the fact of his insanity, and the town in which he resided or was found at the time of the examination referred to in the original papers of commitment annexed to the foregoing application, and directing the superintendent to receive and detain him until he is restored or discharged by law, or by the superintendent or trustees. A certified copy of the physicians' certificate shall accompany said order of commitment made hereunder. Such judge shall keep a record of his doings and furnish a copy to any interested person requesting and paying for it.

*101 Me. 239.

Sec. 46. Expenses paid by state. R. S. c. 145, § 46. All the fees, costs, and expenses incident to any such hearing shall be taxed by such judge, audited by the state auditor and allowed by the governor and council who shall include therein a reasonable compensation for such judge. Payment thereof shall be made from any moneys in the treasury not otherwise appropriated.

Pownal State School.

Sec. 47. Management of school; ages of inmates; rules and regulations. R. S. c. 145, § 47. 1921, c. 60. 1925, c. 33. The hospital trustees shall have the general management and supervision of the Pownal state school, established at Pownal, in the county of Cumberland, for the care and education of idiotic and feeble-minded males, between the ages of six years and forty years, and females, between the ages of six years and forty-five years, except that idiotic and feeble-minded state paupers of either sex or patients transferred from either state hospital for the insane under the provisions of section six of this chapter may be admitted after the above stated ages. The trustees may make all necessary rules and regulations as to admission to said institution and for the government and control of said institution and its inmates, and do everything necessary to properly care for and educate the feeble-minded of the state. One or more of said trustees shall visit said school as often as once each month, and the board of trustees shall annually on or before the first day of October of each year furnish a report to the governor and council, containing a history of the school for the year and a complete statement of all accounts, and of all funds, general and special, appropriated or belonging to said school, with a detailed statement of disbursements.

See c. 157, § 1.

Sec. 48. Payment for support of inmates. R. S. c. 145, § 48. All indigent and destitute persons in this state, who are proper subjects for said school, and have no parents, kinsmen, or guardian able to provide for them, may be admitted as state charges and all other persons in this state, who are proper subjects for said school, when parents, kinsmen, or guardian bound by the law

to support such persons are able to pay, shall pay such sum for care, education, and maintenance of such persons as the trustees shall determine, and such persons from other states having no such institution or similar school may be received into such school when there is room for them without excluding state charges, at a cost to such person or those who are legally responsible for their maintenance, of not less than three dollars and twenty-five cents per week.

Sec. 49. Judge of probate may commit. R. S. c. 145, § 49. Whenever it is made to appear, upon application to the judge of probate for any county and after due notice and hearing, that any person resident in said county, or any inmate of the state school for girls, the state school for boys, the Bath military and naval orphan asylum, or any person supported by any town, is a fit subject for the Pownal state school, such judge may commit such person to said school by an order of commitment directed to the hospital trustees accompanied by a certificate of two physicians who are graduates of some legally organized medical college and have practiced three years in this state, that such a person is a proper subject for said institution; provided no such order of commitment shall issue until an application for admission of such person has first been made to the hospital trustees, which shall be placed on file at the institution and evidence thereof presented to the judge of probate, accompanied by a certificate of the superintendent, stating, in substance, that such person will be received under the provisions of section fifty-one of this chapter, when properly committed. Whenever, upon such application, there is occasion for the judge of probate to attend a hearing on days other than days fixed as the regular day for holding the probate court, said judge of probate shall be allowed five dollars per day for his services and expenses, which shall be paid by the county treasurer upon the certificate of the county commissioners.

Sec. 50. Order of committal subject to appeal; discharge of inmates. R. S. c. 145, § 50. Any order of committal under the preceding section shall be subject to appeal in the same manner, by the same persons and to the same extent, that decrees of the judge of probate appointing guardians over persons alleged to be insane or incompetent or spendthrift, and no committal under said section shall bar habeas corpus proceedings, but the court upon habeas corpus proceedings may confirm the order of commitment whenever justice requires. Any inmate of the school may be discharged by a majority of the trustees or by a justice of the superior court, whenever a further detention in such school in their opinion is unnecessary; but any person so discharged who was under sentence of imprisonment at the time of his commitment, the period of which shall not have expired, shall be committed or remanded to prison for such unexpired time.

Sec. 51. Order of admittance. R. S. c. 145, § 51. Feeble-minded persons shall be admitted to the institution in the following order: first, feeble-minded persons who are now in public institutions supported entirely at public expense; second, feeble-minded persons in public institutions not supported as aforesaid; third, feeble-minded persons who are not in any institution of the state, who have no parents, kinsmen, or guardian able to provide for them, or who are committed by a judge of probate; fourth, those residing within the state whose parents, kinsmen, or guardian bound by law to support such persons are able to pay; fifth, persons of other states whose parents, kinsmen, or guardian are willing to pay.

Sec. 52. Penalty for aiding escape of inmates; fugitives may be returned. R. S. c. 145, § 52. Whoever aids or abets any one committed to the Pownal state school in escaping therefrom, or who knowingly harbors or conceals any

one who has escaped from said school, shall be punished by a fine of not less than fifty dollars, nor more than one hundred dollars, or by imprisonment for not more than sixty days. Any fugitive from said school may, on order of the superintendent or hospital trustees, be arrested and returned to said school, or to any officer or agent thereof, by any sheriff, constable, or police officer or other person; and may also be arrested and returned by any officer or agent of said school.

Commitment, Observation, and Care of Insane Persons.

Sec. 53. Commitment of persons of unsound mind for observation. 1919, c. 232, § 1. If a person is found by two physicians qualified as examiners in insanity, to be in such mental condition that his commitment to an institution for the insane is necessary for his proper care or observation, he may be committed by any judge or any other officer authorized to commit insane persons to either of the state hospitals for the insane, under such limitations as the judge may direct, pending a determination of his insanity.

Sec. 54. Voluntary patients may be received at state hospitals for insane; release on request. 1919, c. 232, § 2. The superintendent in charge of either of the state hospitals to which an insane person may be committed, may receive and detain therein, as a boarder and patient, any person who is desirous of submitting himself to treatment and who makes written application therefor, and whose mental condition in the opinion of the superintendent or physician in charge is such as to render him competent to make the application. Such superintendent shall give immediate notice of the reception of such voluntary patient to the trustees. Such patient shall not be detained for more than ten days after having given notice in writing of his intention or desire of leaving the institution. The charges for support of such a voluntary patient shall be governed by the laws or rules applicable to the support of an insane person in such institution.

Sec. 55. Proceedings as to commitment of patients for temporary observation; removal of patients when treatment unnecessary and formal commitment when necessary; expenses, how met. 1919, c. 232, § 3. The superintendent of either of the state hospitals, to which an insane person may be legally committed, may, when requested by a physician, a member of the board of health, a health officer, a police officer of a city or town, receive and care for as a patient in such institution for a period not exceeding fifteen days, any person who needs care and treatment because of his mental condition. Such request for admission of a patient shall be in writing and filed at the institution at the time of the reception of the patient, together with a statement in a form prescribed or approved by the trustees, together with a statement giving such information as said trustees may deem appropriate. Such a patient who is deemed by the superintendent not suitable for such care, shall upon the request of the superintendent be removed forthwith from the institution by the person requesting his reception, and if he is not so removed, such person shall be liable for all reasonable expenses incurred under the provisions of this section, on account of the patient, which may be recovered by the institution in an action of contract. Such superintendent shall cause every patient to be duly committed according to law, provided he shall not sign a request to remain as a voluntary patient or to be removed therefrom before the expiration of such period of fifteen days. All reasonable expenses incurred for the examination of the patient, for his transportation to the institution and for his sup-

port therein, shall be allowed, certified, and paid according to the laws providing for similar expenses in the commitment and support of the insane.

Sec. 56. Appointment of specialists for care of temporary patients; department of community service, organization and duties of; superintendents of hospitals for insane, etc., to cooperate with other state institutions; dissemination of knowledge as to mental diseases; expenses of department. 1919, c. 232, § 4. Every state institution, to which an insane, feeble-minded or epileptic person may be committed, shall appoint a physician experienced in the care and treatment of such persons, also the necessary assistants to such physician and shall organize and administer under his direction a department for community service in the district served by the institution. The duties of said department shall be:

First: The supervision of patients who have left the institution with a view to their safe care at home, suitable employment, and self support under good working and living conditions, and prevention of their relapse and return to public dependency.

Second: Provision for informing and advising any indigent person, his relatives, or friends and the representatives of any charitable agency as to the mental condition of any indigent person, as to the prevention and treatment of such condition, as to the available institutions or other means of caring for the person so afflicted, and as to any other matter relative to the welfare of such person.

Third: Whenever it is deemed advisable the superintendent of the institution may cooperate with other state departments such as health, education, charities, penal, probation, etc., to examine upon request and recommend suitable treatment and supervision for

(a) Persons thought to be afflicted with mental or nervous disorder.

(b) School children who are nervous, psychopathic, retarded, defective, or incorrigible.

(c) Children referred to the department of juvenile courts.

Fourth: The acquisition and dissemination of knowledge of mental disease, feeble-mindedness, epilepsy, and allied conditions, with a view to promoting a better understanding and the most enlightened public sentiment and policy in such matters. In this work the department may cooperate with local authorities, schools, and social agencies.

The necessary expenses of said department shall be paid from the general maintenance of the institution, subject to the approval of the trustees.

Sterilization in Certain Cases.

Sec. 57. Sterilization may be performed to prevent reproduction of feeble-mindedness or in treatment of mental disease; consent necessary; procedure prior to operation. 1925, c. 208, §§ 1, 2. 1929, c. 6. The operations of vasectomy and fallocotomy may be performed under the conditions and within the restrictions herein described, and under such provisions shall be lawful.

When either of the recognized sterilizing operations herein referred to may be indicated for the prevention of the reproduction of further feeble-mindedness, or for the therapeutic treatment of certain forms of mental disease, physicians having the custody of such cases may recommend to the nearest relative, guardian, and affected individual the advisability and necessity of such operation; and when the written consent of the patient, when mentally competent to give such consent, or the written consent of the guardian when the

patient is mentally incompetent to give such consent, is given, the physician having the custody aforesaid of said case shall call a counsel of two registered medical practitioners—one a physician and one a surgeon—of not less than five years' practice and not related to the patient, whose duty it shall be in conjunction with the physician in charge of the case, to examine the individual recommended for operation. Whether the person to be operated upon is mentally capable of giving his consent shall be decided by the consultants and stated in writing, with their reasons therefor, and such written statement shall be kept on file at the Pownal state school and in case they find that the patient is mentally incapable of giving his consent, the consent of the guardian must be secured. If in the judgment of the consulting physicians the operation will prevent the further propagation of mental deficiency, or if in the judgment of the medical consultants the physical or mental condition of any such person will be substantially benefited thereby, then the consultants shall select a competent surgeon to perform the operation of fallocotomy or vasectomy, as the case may be, upon such person.

Regulation of Private Hospitals for the Mentally Deranged.

Sec. 58. Private hospitals to be licensed; to be subject to visitation. 1929, c. 137, § 1. The governor and council may license any suitable person to establish and keep a private hospital, or private house for the reception and treatment of patients who are mentally deranged, and may revoke such license at any time. Such hospital or private house shall be subject to visitation by the governor and council or any committee thereof or by the department of health.

Sec. 59. Penalty for violation of § 58. 1929, c. 137, § 2. Whoever establishes or keeps such private hospital or private house without a license, or after revocation of said license, shall forfeit not more than five hundred dollars.

Sec. 60. Voluntary patients may be received on written application; release on request. 1929, c. 137, § 3. The superintendent or manager of such licensed hospital or house for the treatment of mental patients may receive and detain therein as a boarder and patient any person who is desirous of submitting himself to treatment and who makes written application therefor, and is mentally competent to make the application; and any such person who desires so to submit himself for treatment may make such written application. No such person shall be detained more than five days after having given notice of his intention, in writing, to leave this institution.

Sec. 61. Commitment to private hospitals. 1929, c. 137, § 4. If a person is found by two regular physicians registered in Maine to be in such mental condition that his commitment to such hospital or house for mental treatment is necessary for his proper care or observation, when the expense of his care and support are to be paid by himself, or relatives, or friends, or legal or natural guardians, he may be committed for treatment to said private hospital or house for a period not exceeding thirty days, provided such person be accompanied by a certificate signed by said physicians, which certificate shall show that in the judgment of the two physicians after an examination by each of them, such person needs treatment in such institution because of his mental condition. Such certificate shall be filed at such institution at the time of admission of the patient, together with a statement of facts regarding the family and personal history of the patient. Within thirty days after such commitment, if, in the opinion of the superintendent or manager or the attending

physician, the said person has recovered or improved mentally to such an extent that in the judgment of said physician further treatment at such hospital or house is not necessary, the said person shall be discharged.

Sec. 62. If patient is to be kept more than thirty days, examination to be made and hearing held. 1929, c, 137, § 5. If after a patient has been committed to such hospital or house for treatment for a period not exceeding thirty days by two registered physicians, and it is the opinion of the superintendent or the manager or attending physician, after fifteen days or more of observation and treatment, that such patient will not improve or recover to such an extent that it will be for his welfare to leave such hospital or house at the end of the thirty day period, it shall be the duty of the superintendent, manager or attending physician to have the said patient examined by two disinterested, registered physicians who have practiced three years or more in Maine and who are not employed by such hospital or house, and if in the opinion of these physicians the said patient should require further treatment at said hospital or house, the superintendent, manager or attending physician shall make application to the judge of a municipal court or probate court in the county where said hospital or house is located, for a hearing, before the expiration of the thirty day period. Said judge shall then cause a notice of time of hearing to be served upon such patient at least twenty-four hours prior to the time of hearing, and the superintendent, manager or attending physician shall give the patient an opportunity to be present at the hearing if the patient so wishes, provided that in the opinion of the superintendent, manager or attending physician the patient's physical and mental condition is such that it would not be injurious to his health or dangerous to others for the patient to attend the hearing, and the said patient shall have the right to be represented at said hearing by relatives, friends, legal or natural guardians or attorneys at his own expense, if he so wishes.

Sec. 63. Patient may be committed for indefinite treatment on oath of two physicians and order of judge. 1929, c, 137, § 6. In all such cases for commitment of any person to such licensed hospital or house for treatment for an indefinite period, the opinion that the patient requires further treatment at said hospital or house shall be given under oath by at least two registered physicians who have practiced at least three years in Maine, and if in the opinion of the judge additional medical testimony as to the mental condition of the patient is required, he may appoint a physician to examine and report thereon, the expense of said examination and report to be paid by the patient. The said judge may then commit such person to said hospital or house for further treatment by an order of commitment directed to the superintendent or manager accompanied by a certificate of at least two registered physicians who have practiced three or more years in Maine, which certificate shall set forth that in their opinion such patient requires further treatment. The order of commitment shall direct the superintendent or manager to detain such patient for further treatment in said hospital until such time as in the opinion of a recognized alienist the patient has recovered or improved mentally to such an extent that his detention in such hospital is no longer necessary for his own welfare or the safety of the public; or until suitable arrangements have been made for said patient's proper care and supervision outside of said institution by his legal or natural guardians; or until on three days' notice, said superintendent or manager shall notify the legal or natural guardian to remove said patient from said institution; or until such time as it shall become necessary to commit said patient to a state hospital, or said patient shall be discharged by order of law.

Sec. 64. Private hospital to be visited. 1929, c. 137, § 7. Each of said licensed hospitals or houses shall be visited at least once a year, and oftener if the governor so directs, by a member of the state department of health who shall carefully inspect every part of said hospital or house visited with reference to its cleanliness and sanitary conditions and who shall make a report to the governor and council with such recommendations to improve conditions as said department may deem necessary.

Sec. 65. License may be revoked after hearing. 1929, c. 137, § 8. Upon the failure of any superintendent or manager of such licensed hospital or house to comply with any of the provisions of sections fifty-eight to sixty-four inclusive, the governor and council may order a hearing to be held and notify in writing said superintendent or manager of such hearing, by seven days' notice, to be held at the council chambers in the state house at Augusta, and if it shall appear to the governor and council that the provisions of said sections have not been complied with, they may revoke the license of said hospital or house.

CHAPTER 156.

State Sanatoriums for Treatment of Tuberculosis.

Sec. 1. Establishment and maintenance of one or more sanatoriums. R. S. c. 146, § 1. The state shall maintain by building, lease, or by purchase one or more sanatoriums in such districts of the state as shall seem best to serve the needs of the people for the care and treatment of persons affected with tuberculosis. Where lease or purchase is made the state shall have the right to enlarge or otherwise adapt the property to meet the needs of the situation; and such additions or improvements shall be considered permanent. At the expiration of the original lease of any property for use as a tuberculosis sanatorium the state shall have the right of renewal or of purchase.

119 Me. 56.

Sec. 2. Appointment of trustees; their tenure. R. S. c. 146, § 2. The government of the several sanatoriums shall be vested in a board of five trustees, inhabitants of the state, who shall be known as "Board of Trustees for Tuberculosis Sanatoriums." Upon the expiration from time to time of the terms of the trustees originally appointed, and annually thereafter, the governor with the advice and consent of the council, shall appoint a member of said board to hold office for the term of five years; not more than three members of any one political party shall serve on the board of trustees at the same time. Any vacancy occurring during a term shall be filled by the appointment of a person to hold office for the remainder of the term of the person whose place he fills. The governor with the advice and consent of the council, may remove any trustee for cause.

Sec. 3. Duties of the trustees; appointment of superintendent and staff. R. S. c. 146, § 3. The board shall have the general management and supervision of the state tuberculosis sanatoriums, and one or more of the trustees shall visit each institution under supervision at least once each month. The board shall as soon as practicable erect necessary buildings or alter any buildings on property acquired, for sanatorium use in the proper care and treatment of persons sick with tuberculosis. They may appoint the superintendents, physicians, assistants, and other employees, for the proper administration of the