

# MAINE STATE LEGISLATURE

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*Maine*  
REVISED STATUTES  
1964

*Prepared Under the Supervision  
of the  
Committee on Revision of Statutes*

Being the Tenth Revision of the  
Revised Statutes of the State  
of Maine, 1964

Volume 3  
Titles 14 to 20



**Boston, Mass.**  
Boston Law Book Co.

**Orford, N. H.**  
Equity Publishing Corporation

**St. Paul, Minn.**  
West Publishing Co.

Text of Revised Statutes  
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State of Maine

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## CHAPTER 309

## COMMITMENT OF MENTALLY ILL PRISONERS

Sec.

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**§ 2211. Convict or person detained alleged to be mentally ill; prehearing procedure**

When, in the opinion of the sheriff or the keeper of a county jail any convict in such jail or any convict whose sentence has expired and is there detained has become mentally ill, he shall apply in writing giving his reasons therefor, to the District Court having territorial jurisdiction, for a judicial determination of the mental condition and need for care and treatment in a mental hospital of the convict or person detained, and shall accompany such application, with the certification of a licensed physician that he has examined the convict or person detained, and that in his opinion such person is mentally ill and is in need of care or treatment in a mental hospital.

Upon receipt of such application and certificate, the court shall appoint 2 licensed physicians to examine the proposed patient and report to the court their findings as to the mental condition of such person, and his need for care or treatment in a mental hospital.

If the report of the licensed physicians is to the effect that the individual examined is not mentally ill the court shall, without taking further action, terminate the proceedings and dismiss the application, otherwise it shall forthwith fix a date and time for a hearing and shall, not less than 24 hours from the date set for hearing, give notice thereof to the proposed patient, inform-

ing him that he has a right and will be given an opportunity to appear and be heard in the matter and shall give notice of hearing in hand or by certified mail to the legal guardian, spouse, parent or adult next of kin of the proposed patient, if any such person exists and his whereabouts is known.

1963, c. 266, § 2.

**§ 2212. Procedure at hearing**

If counsel to represent the proposed patient is not provided by him or by any person on his behalf the court shall appoint counsel to represent the proposed patient at the hearing. The hearing shall be private, unless otherwise requested by the proposed patient, and shall be conducted in a setting not likely to be harmful to the mental health of the proposed patient and shall be conducted in as informal a manner as shall be consistent with orderly procedure. The court shall hear the testimony of the 2 appointed licensed physicians and shall receive all other relevant and material evidence that may be offered.

If, upon completion of the hearing and consideration of the record, the court finds that the proposed patient is mentally ill and because of his mental illness is in need of care or treatment in a mental hospital, it shall order that he be committed to and received into either hospital for the mentally ill for custody, care and treatment, otherwise it shall dismiss the proceedings.

In every instance of commitment of a convict under this section, the court shall certify to the head of the admitting hospital on the commitment order the expiration date of the convict's sentence, and in every instance of commitment of a person detained, the court shall certify to the head of the admitting hospital on the commitment order, the existence, if known, of any criminal action which may be pending against him.

1963, c. 266, § 2.

**§ 2213. Recovery before expiration of sentence**

If a person so committed as mentally ill is discharged from such commitment before the expiration of the term of the sentence on which he was originally committed, he shall be returned to the jail in which he was serving his original sentence, and shall be there detained until the time when his original sentence would have expired.

In the event that a convict so committed is hospitalized beyond the expiration date of his original sentence, his release and

discharge shall be controlled by provisions of Title 34 applicable to persons committed by the probate court. In the event that a person detained is so committed, and has not been certified to have any criminal action pending against him, his release and discharge shall be controlled by provisions of Title 34 applicable to persons committed by the probate court.

R.S.1954, c. 27, § 125; 1961, c. 304, § 21; 1963, c. 266, § 3.

**§ 2214. Costs and expenses; attorney's and physician's compensation**

All the costs and reasonable expenses incident to any such hearing, including the compensation of any court appointed attorney and licensed physician rendering services under section 2211 or 2212 shall be paid, on approval by the court, by the county wherein the convict or person detained was convicted.

R.S.1954, c. 27, § 126; 1961, c. 266; c. 304, § 22; c. 417, § 78; 1963, c. 266, § 4.

**§ 2215. Commitment of inmates of jails and persons under indictment**

Inmates of the county jails and persons under indictment becoming insane before final conviction may be committed to either hospital for the mentally ill by any Justice of the Superior Court in the county where such person is to be tried or the case is pending, for observation, under such limitations as such justice may direct.

R.S.1954, c. 27, § 127; 1959, c. 242, § 8.

**§ 2216. District Court Judge may hold court in towns where prisons or jails are located**

The Judge of the District Court to which application is made by any jailer may hold his court for the purposes provided in the town where such jail is located.

R.S.1954, c. 27, § 128; 1961, c. 304, § 23; 1963, c. 402, § 51.

**§ 2217. Commitment when motion for sentence is made; proceedings if insane at expiration of term; support**

If a person convicted of any crime in the Superior Court is found by the justice of such court to be insane when motion for

sentence is made, the court may cause such person to be committed to the department for the criminal insane at the Augusta State Hospital under such limitations as the court may direct, provided the crime of which such person is convicted is punishable by imprisonment in the State Prison. Otherwise such commitment shall be to one of the hospitals for the mentally ill. If at the expiration of the period of commitment to the department for the criminal insane at the Augusta State Hospital such person has not become of sound mind in the opinion of the Superintendent of the Augusta State Hospital, he shall be removed to one of the hospitals for the mentally ill. Persons committed by a Justice of the Superior Court before final conviction, or after conviction and before sentence, whether originally committed or subsequently removed thereto, and insane convicts after the expiration of their sentences, shall be supported while in the hospital for the mentally ill in the manner provided by law.

R.S.1954, c. 27, § 129; 1959, c. 242, § 8; 1961, c. 303, § 9.

**§ 2218. Commitment of women regulated**

When a woman is committed to either of the hospitals for the mentally ill, 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.

R.S.1954, c. 27, § 130; 1959, c. 242, § 8.