

# MAINE STATE LEGISLATURE

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**STATE OF MAINE**

**REPORT**

**OF THE**

**ATTORNEY GENERAL**

**for the calendar years**

**1947 - 1948**

March 31, 1947

To Harrison C. Greenleaf, Commissioner of Institutional Service

I have your memo of February 26th, inquiring if it is legal for a city clerk to sign an emergency commitment for a patient to a State Hospital under Section 106 of Chapter 23, R. S. 1944.

The statute is clear in this regard. It provides that pending the issuance of a certificate of commitment by the municipal officers, the superintendent of such hospital *may* receive into the hospital any person so alleged on complaint to be insane, provided such person be accompanied by a copy of the complaint and a physician's certificate, and provided further that within 15 days thereafter, unless said superintendent shall be furnished with a certificate of commitment signed by the municipal officers, the detention of such person shall cease. Accompanying this certificate of commitment shall be a statement of facts under oath in regard to the financial ability of such patient or his relatives to pay for his support. Your understanding is correct that only the municipal officers of a city or town can sign the certificate of permanent commitment; but the city clerk can send in copies of the complaint and the physician's certificate, and the superintendent may receive the patient into his hospital for 15 days, awaiting the permanent certificate to be submitted by the selectmen of a town, the city government, or other municipal officers.

Your second inquiry is as to patients committed to the State hospitals under Sections 105 and 106 of Chapter 23, R. S. 1944, in regard to certificates of ability to pay. I have just answered that question as to Section 106. A statement of fact under oath, satisfactory to your department, in regard to the financial ability of the patient, or his relatives legally liable for his support, must accompany the patient when he is admitted under Section 105.

I would advise the superintendents of the two insane hospitals to be sure that the certificate of ability to pay accompanies the permanent commitment certificate signed by the municipal officers of the city or town, committing the patient. It is not so important about the first 15 days; but it is best to insist that the town clerk send in certificates to the superintendents according to the law with regard to ability to pay. If the clerk should fail to furnish it, it would not justify the superintendent in refusing to admit an emergency case. It would not be out of order for the superintendent of the hospital to refuse to accept patients under Section 105 without a certificate of ability to pay, but it might be under Section 106, where an emergency exists.

RALPH W. FARRIS  
Attorney General

April 1, 1947

To Arthur N. Douglas, Esq., Register of Deeds, Kennebec County

. . . You advise that the State Tax Assessor on March 14th last filed several certificates signed by him under the provisions of Section 7 of Chapter 41 of the Laws of 1945. Your inquiry relates to your acceptance for recording of such certificates when the certificates do not contain an acknowledgment before some officer authorized by law to take acknowledgements.