

MAINE STATE LEGISLATURE

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October 31, 1938

Ferry D. Hayden, Commissioner

Mental Health & Corrections

George A. Nathan, Assistant

Attorney General

Voluntary Commitments

I have your request for an opinion on the following questions:

1. What criteria should be used for the selection of voluntary patients?

Answer: Section 115 of Chapter 27 provides that the superintendent of either of the State Hospitals may receive and commit as a boarder and patient any person who desires to admit to treatment and makes an application therefor, and whose mental condition is, in the opinion of the physician in charge, such to render him competent to make the application. The criteria to be used must be used by the superintendent; that is, if he is a person who is mentally ill, the superintendent may accept him. Criteria is not set by the law, but is determined by the doctor in charge.

2. Must the voluntary patient be able to pay his board?

Answer: No. The same test would be used as applied to any other patient. I believe the same test is presently being used. Section 115 of Chapter 27 provides: "The charges for support of such a voluntary patient shall be governed by the law or rules applicable to the support of an insane person in such institution." The present rules provide for the same test and would be applicable to all patients whether voluntary or otherwise.

3. What responsibility does the hospital have to the voluntary patient?

Answer: The same responsibility as to any other patient.

4. Can the discharged voluntary patient be re-admitted?

Answer: Yes, pursuant to the provisions of Chapter 27.

Ferry D. Hayden, Commissioner

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October 31, 1960

4-A. Is there any limit to the number of times a person can be admitted?

Answer: No, as long as it is done pursuant to Chapter 27.

5. Can the patient be the one to give permission for treatment?

Answer: If the patient is mentally competent he may give permission for a certain treatment. The doctor has the responsibility of determining whether or not he is competent to give permission.

Very truly yours,

George A. Wether
Assistant Attorney General

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