

MAINE STATE LEGISLATURE

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October 17, 1961

Francis B. Sleeper, M.D., Superintendent

Augusta State Hospital

Courtland B. Perry, II, Ass't. Atty. Gen'l.

Mental Health and Corrections

Petition for re-examination of order of hospitalization.

As to your question relative to involuntary patients committed to your hospital before September 16, 1961, I have reached the following decision.

Such patients desiring release since they were heard by a quasi-judicial board of municipal officers do not fall within Section 185 of Chapter 303, Public Laws of 1961. These patients, however, may seek a hearing under Section 186 of Chapter 303, Public Laws of 1961 which gives a right to patients judicially committed to a state hospital to petition a Probate Court in the county where the patient resides or is detained for a re-examination of the order of hospitalization.

A literal interpretation of the language of Section 186 would indicate that the Probate Court will consider only the mental condition of the patient at the time of commitment. Such interpretation would certainly not help a patient who has been in a state hospital for say, five years. This section should probably be amended, but until that time a courts interpretation will govern.

GDP/ams

cc: Attorney General's Department.