

# MAINE STATE LEGISLATURE

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July 11, 1962

Superintendents

Augusta State Hospital and Bangor  
State Hospital  
Mental Health and Corrections

Courtland B. Perry, Asst. Atty. General

Authority for the return of escaped involuntary patients.

QUESTION PRESENTED: What procedure is available in order to return an escaped non-judicially committed involuntary patient to either of the State Hospitals?

With reference to escapes committed to any State institution, Section 10 of Chapter 27 of the Revised Statutes of Maine, 1954 provides as follows:

"It shall be the duty of any sheriff, deputy sheriff, constable, police officer or other person finding any fugitive from any of said institutions at large to apprehend them without a warrant and return said fugitive to the institution from which the escape was made or to any officer or agent of the department. Such officer shall be paid a reasonable compensation by the State for his services."

It is the opinion of this office based on the language of the above section that the return of any involuntary patient who escapes from either of the State hospitals may be effectuated in accordance with the terms of such section. In a consideration of the available methods for returning escaped involuntary patients no distinction need be made between judicial, standard non-judicial, and emergency non-judicial commitments.

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Courtland B. Perry  
Assistant Attorney General

GBP/r