

# MAINE STATE LEGISLATURE

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October 10, 1963

Walter F. Usher, Commissioner

Mental Health and Corrections

Courtland D. Perry, Asst. Attorney Gen. I.

Same

Transfers requiring signature of Commissioner of Mental Health and Corrections or Director of Bureau of Mental Health

**PART I:**

Various statutes relating to the Department of Mental Health and Corrections make provision for transfers of patients, inmates or prisoners between the various penal, correctional, training and hospital facilities under the control of the Department of Mental Health and Corrections.

**QUESTION:**

Do all such transfers require the signature of the Commissioner of Mental Health and Corrections or the signature of the Director of the Bureau of Mental Health acting in his absence?

**ANSWER:**

Yes, but for two instances.

**DETAILS:**

The following transfers by statute require the signature of the Commissioner or the Director of the Bureau of Mental Health in his absence:

1. Transfer for care and treatment from penal, correctional, or juvenile institutions to state hospitals for the mentally ill or to the Finland Hospital and Training Center under the provisions of R.S. 1954, c. 27, § 13.
2. Transfers from the Maine State Prison to the Reformatory for Men of first offenders under the provisions of R.S. 1954, c. 27, § 26 (in such instances the Commissioner or the Director of the Bureau of Mental Health is acting as a member of the board of transfer)
3. Transfers under R.S. 1954, c. 27, § 73, from the Reformatory for Men to the Maine State Prison of inmates guilty of escape or assault on an officer
4. Transfers under R.S. 1954, c. 27, sec. 75 of inmates of the Reformatory for Men to the Maine State Prison determined to be incorrigible (the Commissioner or the Director of the Bureau of Mental Health in such instances is acting as a member of the board of transfer)
5. Placement and transfer under R.S. 1954, c. 149 § § 17-A and 17-C (Enact P.L. 1963, c. 311, § 3) of persons committed by a Superior Court to the custody of the Commissioner of Mental Health and Corrections to be placed in an appropriate institution for the mentally ill or mentally retarded for either observation or care and treatment

Walter F. Hunt

October 18, 1963

- 6. Transfers under L.S. 1954, s. 130-1, §12 of children in the juvenile training centers to the reformatory for men or women who are determined to be incorrigible.

The following transfers do not require the signature of the Commissioner, or the Director of the Bureau of Mental Health in his absence but may be effected by departmental bureaus or institutional heads authorized by the Commissioner, or may be effected by their delegates approved by the Commissioner:

- 1. Transfers for observation from penal, correctional or juvenile institutions to state hospitals for the mentally ill or to the Federal Hospital and Training Center under the provision of L.S. 1954, s. 17, §12.
- 2. Transfers under L.S. 1954, s. 17, §12 of state mental hospital patients to other mental hospitals within or without the State.

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 Charles E. Berry  
 Assistant Attorney General

WR/E

cc: Mr. Schmeckel, D.S.