

MAINE STATE LEGISLATURE

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ONE HUNDRED AND FIRST LEGISLATURE

Legislative Document

No. 238

S. P. 101

In Senate, January 16, 1963

Referred to Committee on Health and Institutional Services. Sent down for concurrence and ordered printed.

CHESTER T. WINSLOW, Secretary.

Presented by Senator Campbell of Kennebec.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SIXTY-THREE

AN ACT Relating to Expenses of Examination and Commitment of the
Mentally Ill.

Be it enacted by the People of the State of Maine, as follows:

R. S., c. 27, § 135-A, repealed and replaced. Section 135-A of chapter 27 of the Revised Statutes, as enacted by section 2 of chapter 407 of the public laws of 1961, is repealed and the following enacted in place thereof:

‘Sec. 135-A. Expenses of examination and commitment.

I. Department chargeable in first instance. The probate court conducting proceedings for the involuntary judicial hospitalization of an individual under sections 175, 185 and 186 shall order that the Department of Mental Health and Corrections be charged in the first instance for any expenses of examination, fees incident to giving notice, fees of attorneys when court appointed, and other proper fees and charges when hospitalization is not ordered and, when hospitalization is ordered, for any expenses of examination and commitment, including fees of attorneys, when court appointed, and fees or charges for notice when served in hand or by certified mail. The department, after being made chargeable in the first instance for such expenses, shall recover amounts paid under this section from the proposed patient if able to pay, or from persons legally liable for his support under section 135-C, subsection II if able to pay or from the town of legal settlement of the proposed patient as if incurred for the expenses of a pauper. No proposed patient under sections 175, 185 and 186 shall suffer any of the disabilities of pauperism or be deemed a pauper by reason of his inability to pay any of such expenses of examination or commitment.

II. Determination of settlement. If the Department of Mental Health and Corrections shall determine that neither the proposed patient nor any person liable for support under section 135-C, subsection II is able to pay expenses of examination and commitment it shall certify that fact to the Department of Health and Welfare, which department shall determine whether the proposed patient has a legal settlement within the State. If it is determined that the proposed patient has a legal settlement within the State, the Department of Mental Health and Corrections shall seek reimbursement from the municipality of legal settlement. If it is determined that there is no legal settlement within the State, the Department of Health and Welfare shall reimburse the Department of Mental Health and Corrections for expenditures made under subsection I.

III. Fees for transportation. Fees for the transportation of patients, admitted to a hospital under section 173 or 174, after indorsement by the District Court or a complaint justice, shall be charged in the first instance to the Department of Mental Health and Corrections and reimbursement shall be sought for such expenditures as in cases of expenses incurred in probate court commitment proceedings.'