

# MAINE STATE LEGISLATURE

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# ONE HUNDRED AND FOURTH LEGISLATURE

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Legislative Document

No. 781

H. P. 600

House of Representatives, February 12, 1969

Referred to Committee on Judiciary. Sent up for concurrence and 1,000 ordered printed.

BERTHA W. JOHNSON, Clerk

Presented by Mr. Heselton of Gardiner.

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## STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED  
SIXTY-NINE

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### AN ACT Relating to Hospitalization for Mental Illness of Inmates of County Jails and During the Pendency of Criminal Proceedings.

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

Sec. 1. R. S., T. 15, §§ 2211-A, 2215, repealed and replaced. Section 2211-A of Title 15 of the Revised Statutes, as enacted by section 1 of chapter 58 of the public laws of 1965, and § 2215 of Title 15 of the Revised Statutes, are repealed and the following enacted in place thereof:

§ 2211-A. Admission to state mental hospital from county jail —  
convicts, persons committed on civil process, persons  
awaiting probable cause hearing

When, in the opinion of the sheriff or the keeper of a county jail, any convict, person committed on civil process, or person detained and awaiting probable cause hearing confined in his custody has become mentally ill, he shall apply in writing for the admission of any such person to either state hospital for the mentally ill, giving his reasons therefor, and said application shall be accompanied by the certificate of a licensed physician that he has examined said person, and in his opinion said person is mentally ill and is in need of immediate care and treatment in a mental hospital. Any person admitted to a mental hospital under this section shall be examined by a staff physician of said hospital within 3 days following admission, and if said staff physician shall fail or refuse within said 3-day period to certify that said person is mentally ill and in need of care and treatment in a mental hospital, said person shall be immediately discharged and returned by the sheriff of the county from which said person was admitted, or any of his deputies, to the jail from which said person was admitted.

A copy of the judgment and order of commitment or other document by which the sheriff or jail keeper has legal custody of any person admitted to a state hospital for the mentally ill under this section, attested by the sheriff or jail keeper, shall accompany the application for admission and certificate of the licensed physician. The superintendent of either state hospital for the mentally ill or his designee may decline to admit any person with respect to whom application is made under this section. Title 34, section 2376 shall be applicable to every person admitted to a state hospital for the mentally ill under this section.

Admission to a hospital under this section shall have no effect on the original sentence, commitment or detention. Such sentence shall continue to run and such commitment or detention shall remain in full force and effect, subject to hospitalization under this section, unless terminated in accordance with law. If the original sentence has not expired or commitment on civil process or detention to await the probable cause hearing has not been terminated in accordance with law the patient shall be returned by the sheriff of the county from which admitted, or any of his deputies, to the county jail from which admitted.

If, at the time of expiration of the original sentence or termination of the commitment on civil process, or detention to await the probable cause hearing, it is the opinion of the superintendent of the hospital that such patient should remain hospitalized after expiration of sentence, or termination of commitment, or detention, such patient may be readmitted to said hospital as a voluntary patient under Title 34, section 2290 or section 2291, or upon application of the superintendent under Title 34, section 2332 or section 2334.

All expenses incident to transportation of any person between the hospital and county jail under this section shall be paid from the treasury of the county wherein county jail incarceration originated.

The admission procedure prescribed in this section shall be exclusively applicable to persons serving sentences in county jails, persons confined therein on civil process and persons detained in county jails awaiting probable cause hearing.

§ 2215. Commitment of inmates of county jails during pendency of criminal proceedings

Inmates of the county jails against whom probable cause has been found, awaiting action of the grand jury or following indictment and before or during the pendency of trial, or pending appeal, becoming mentally ill before final conviction, and persons convicted of crime in the Superior Court, found by the court to be mentally ill when motion for sentence is made, may be committed to either state hospital for the mentally ill by any Justice of the Superior Court in the county where such person is to be tried or the case is pending, for observation or care and treatment under such limitations as such justice may direct.

The superintendent of the hospital to which any such person is committed under this section shall report annually to the court as to the current mental

condition of the person and shall at any time when, in his opinion, any such person is ready for release, report such opinion to the court.

Responsibility for the transportation of any person to or from a state hospital for the mentally ill pursuant to orders issued under this section, or with respect to any judicial proceeding, shall be that of the sheriff of the county from which any such person was originally committed.

The commitment procedure provided for in this section shall apply exclusively to persons falling within the categories specified in the first paragraph of this section.

**Sec. 2. R. S., T. 15, § 2217, repealed.** Section 2217 of Title 15 of the Revised Statutes is repealed.

**Sec. 3. R. S., T. 15, § 2217-A, additional.** Title 15 of the Revised Statutes is amended by adding a new section 2217-A, to read as follows:

**§ 2217-A. Support in a state mental hospital of persons admitted from county jails or committed by the Superior Court before final conviction or imposition of sentence**

Persons committed by a Justice of the Superior Court under section 2215, and persons admitted under section 2211-A, except convicts in execution of sentence, shall be supported in a state hospital for the mentally ill as provided in Title 34, chapter 195.

**Sec. 4. R. S., T. 15, § 2218, repealed and replaced.** Section 2218 of Title 15 of the Revised Statutes is repealed and the following enacted in place thereof:

**§ 2218. Transportation of women**

When a woman is to be transported to or from a state hospital for the mentally ill under this chapter, the officer making application for her admission or the committing court shall, unless she is to be accompanied by her husband or any adult relative, designate a woman to be an attendant or one of the attendants to accompany her.