

MAINE STATE LEGISLATURE

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ONE HUNDRED AND FOURTH LEGISLATURE

Legislative Document

No. 1574

H. P. 1239

House of Representatives June 5, 1969

Reported by Mr. Heselton from Committee on Judiciary. Printed under
Joint Rules No. 18.

BERTHA W. JOHNSON, Clerk

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SIXTY-NINE

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

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

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 R. S., T. 15, § 2211-A, repealed and replaced.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2211-A of Title 15 of the Revised Statutes, as enacted by section 1 of chapter 58 of the public laws of 1965, is repealed and the following enacted in place thereof:

§ 2211-A. Persons confined in county jail — hospitalization for mental illness

When the sheriff or keeper of a county jail believes that any person confined in the county jail is mentally ill requiring hospitalization he shall apply, in writing, for the admission of any such person to either state hospital for the mentally ill, giving his reasons therefor. The application shall be accompanied by the certification of a licensed physician that he has examined such person and in his opinion such person is mentally ill and is in need of immediate care and treatment in a mental hospital.

Any such person with respect to whom such application and certification are made may be admitted to either state hospital for the mentally ill. Except as otherwise specifically provided in this section. Title 34, chapter 191, sub-chapters I and III, except sections 2373 and 2375, shall be applicable to any such person as if the admission of such person were applied for under Title 34, section 2333.

Admission to a hospital under this section shall have no effect upon a sentence then being served; upon an existing commitment on civil process; or upon detention pending any stage of a criminal proceeding in which any such person is the defendant, and the court having jurisdiction shall retain it. Such

sentence shall continue to run and any such commitment or detention shall remain in force, unless terminated in accordance with law.

A copy of the document by which any such person is held in the county jail, attested by the sheriff or jail keeper shall accompany the application for admission. Following admission to a state hospital for the mentally ill under this section, a copy of the application and certification similarly attested shall be filed with the court having jurisdiction over any case, civil or criminal, in which any such person is the defendant. The clerk of the court when a criminal proceeding is pending against any such person shall forward a copy of the application and certification to the attorney for the defendant and the attorney for the State.

If the sentence being served at the time of admission has not expired or commitment on civil process, or detention has not been terminated in accordance with law at the time any such person is ready for discharge from hospitalization, he 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 it is the opinion of the head 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 head of the hospital 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.

Admission to a hospital under this section shall not be used to effect the examination or observation of any person for the purpose of a criminal proceeding pending in either the District Court or the Superior Court. The Superior Court prior to trial of any defendant admitted for hospitalization under this section may, at any time upon motion of the defendant's attorney, attorney for the State or upon the court's own motion, hold a hearing with respect to the competence of any such person to stand trial as provided in section 101, and appropriate disposition may be made thereunder. The court's order following hearing in such case may terminate the admission effected under this section.

Sec. 2. R. S., T. 15, § 2215, repealed. Section 2215 of Title 15 of the Revised Statutes is repealed.

Sec. 3. R. S., T. 15, § 2217, repealed. Section 2217 of Title 15 of the Revised Statutes is repealed.

Sec. 4. 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.

P 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. 5. 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 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.