

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

ONE HUNDRED AND FIFTH LEGISLATURE

Legislative Document

No. 109

H. P. 68

House of Representatives, January 7, 1971

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

BERTHA W. JOHNSON, Clerk

Presented by Mr. Hewes of Cape Elizabeth.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-ONE

AN ACT Relating to Mental Illness and Mental Retardation of Persons in
State Penal, Correctional and Juvenile Institutions.

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

Sec. 1. R. S., T. 34, § 135, repealed and replaced. Section 135 of Title 34 of the Revised Statutes is repealed and the following enacted in place thereof:

§ 135. Physical and mental examination of inmates

The department may require a physical and mental examination of persons committed to any state penal or correctional institution or training center for juvenile offenders. It shall designate competent examiners employed by the department or who may be employed by the department to conduct such examinations.

Sec. 2. R. S., T. 34, § 136, repealed. Section 136 of Title 34 of the Revised Statutes is repealed.

Sec. 3. R. S., T. 34, § 136-A, additional. Title 34 of the Revised Statutes is amended by adding a new section 136-A, to read as follows:

§ 136-A. Hospitalization for mental illness and mental retardation of persons in state penal, correctional and juvenile institutions

1. Mentally ill persons over the age of 16 years. When the Warden of the Maine State Prison, Superintendent of the Men's Correctional Center, Women's Correctional Center, Boys Training Center or Stevens School believes that any person 16 years of age or older in any such institution 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 subsection, chapter 191, subchapters 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 section 2333.

A copy of the document by which any such person is held in the State Prison, correctional center or juvenile institution shall accompany the application for admission.

If the sentence being served at the time of admission has not expired or commitment 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 appropriate officers of the State Prison, correctional center or juvenile institution.

If, at the time of expiration of the original sentence or termination of the commitment it is the opinion of the head of the hospital that such patient should remain hospitalized after expiration of sentence, or termination of commitment, such patient may be readmitted to said hospital as a voluntary patient under section 2290 or section 2291, or upon application of the head of the hospital under section 2332 or section 2334.

2. Mentally ill persons under the age of 16 years; mentally retarded persons. When the Warden of the Maine State Prison, Superintendent of the Men's Correctional Center, Women's Correctional Center, Boys Training Center or Stevens School believes that any person under the age of 16 years confined in any such institution is mentally ill requiring hospitalization, he shall apply, in writing, for the admission of any such person to Pineland Hospital and Training Center. Admission shall be effected in accordance with section 2152.

When the Warden of the Maine State Prison, Superintendent of the Men's Correctional Center, Women's Correctional Center, Boys Training Center or Stevens School believes that any person confined in any such institution is mentally retarded and in need of services available at the Pineland Hospital and Training Center and is a proper subject for admission thereto, he shall apply, in writing, for the admission of any such person to the Pineland Hospital and Training Center. Admission shall be effected in accordance with section 2152.

A copy of the document by which any such person is held in the State Prison, correctional center or juvenile institution shall accompany the application for admission.

If the sentence being served at the time of admission has not expired or commitment has not been terminated in accordance with law at the time any such person is ready for discharge from the Pineland Hospital and Training Center,

he shall be returned by the appropriate officers of the State Prison, correctional center or juvenile institution.

If, at the time of expiration of the original sentence or termination of the commitment it is the opinion of the Superintendent of the Pineland Hospital and Training Center that such patient should remain in residence at the Pineland Hospital and Training Center after expiration of sentence, or termination of commitment, such patient may be readmitted to the Pineland Hospital and Training Center in accordance with section 2152.

Admission to a hospital under this section shall have no effect upon a sentence then being served or commitment then in effect. Such sentence shall continue to run and any such commitment shall remain in force, unless terminated in accordance with law.

STATEMENT OF FACT

Under existing law the transfer of a person confined in a penal, correctional or juvenile institution to a state mental hospital or to the Pineland Hospital and Training Center is effected in accordance with a procedure differing from that utilized in the case of a person admitted to any such institution from the community. Such transfers necessitate action on the part of the Commissioner of Mental Health and Corrections causing delay in some instances in the receipt of necessary treatment.

In the last session of the Legislature an Act similar to this proposed legislation was passed by the Legislature relative to the admission of persons confined in county jails, such direct admission of mentally ill persons confined in county jails to state mental hospitals has proved expeditious and effective. Further, a person admitted to a state mental hospital pursuant to this proposed legislation, if enacted, will be assured the right to a hearing in the event that he desires to contest his admission to a state mental hospital, the same procedure being applicable to him as is applicable to persons admitted from the community, or to persons confined in county jails and admitted to a state mental hospital.

By enactment of this legislation all civil admissions to state mental hospitals will be procedurally uniform, facilitating the more effective use of the state mental hospitals.