

# MAINE STATE LEGISLATURE

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ONE HUNDRED AND SEVENTH LEGISLATURE

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Legislative Document

No. 895

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H. P. 719

House of Representatives, March 5, 1975

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

EDWIN H. PERT, Clerk

Presented by Mr. Kelleher of Bangor.

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STATE OF MAINE

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IN THE YEAR OF OUR LORD NINETEEN HUNDRED  
SEVENTY-FIVE

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AN ACT Relating to the Release of Mentally Disordered Persons.

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

Sec. 1. 15 MRSA § 104, 2nd ¶, last sentence, as enacted by PL 1973, c. 243, is repealed as follows:

~~The nature and scope of the treatment program of persons hospitalized under section 103 preceding release, including the grant of trial visits not exceeding 14 days at any one time, shall be determined by the professional hospital staff designated for such purpose by the superintendent~~

Sec. 2. 15 MRSA § 104, sub-§ 3 is enacted to read:

3. Modified release treatment. Any individual hospitalized pursuant to section 103 may petition the Superior Court for the county in which such person is hospitalized for a release treatment program allowing the individual to be off institutional grounds for a period of time, not to exceed 14 days at any one time.

Said petition shall contain a report from either a duly licensed psychiatrist or psychologist, and said report shall define the patient's present condition; the planned treatment program involving absence from the institution; the duration of the absence from the institution; the amount of supervision during the absence; the expectation of results from the program change and the estimated duration of the treatment program before further change. This petition shall be forwarded to the court no later than 60 days prior to the beginning of the modified treatment program.

If the court considers that the individual being off the grounds as described in the treatment plan is inappropriate, it shall notify the hospital that the plan

is not approved and shall schedule a hearing on the matter. The clerk of courts upon receipt of the proposed treatment program shall give notice thereof by mailing a copy to the District Attorney and Attorney General, who may file objections and request hearing on the matter. If the court does not respond within 60 days to the proposed treatment plan and no objections and request for hearing are filed by the District Attorney or Attorney General, it may then be put into effect by the administrator of the hospital on the assumption that the court approved the treatment plan.

#### STATEMENT OF FACT

This bill provides for the intervention and approval of the court and the Attorney General and District Attorney before any off institutional grounds treatment can be provided.