

MAINE STATE LEGISLATURE

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ONE HUNDRED AND EIGHTH LEGISLATURE

Legislative Document

No. 830

S. P. 272

In Senate, March 10, 1977

On motion of Senator Speers of Kennebec, referred to the Committee on Judiciary. Sent down for concurrence and ordered printed.

MAY M. ROSS, Secretary

Presented by Senator Trotzky of Penobscot.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-SEVEN

**AN ACT to Insure Psychiatric Review of Voluntary and Involuntary
Hospitalization of the Mentally Ill.**

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

Sec. 1. 34 MRSA § 2251, sub-§ 9 is enacted to read:

9. Psychiatrist. "Psychiatrist" means a licensed physician qualified as a psychiatrist.

Sec. 2. 34 MRSA § 2334, 4th ¶, as amended by PL 1975, c. 559, § 11, is repealed and the following enacted in its place:

Upon receipt of the application, the court shall forthwith cause the patient to be examined by 2 psychiatrists, one of whom, if reasonably available, shall be chosen by the patient or by his counsel; neither examiner appointed by the court shall be the certifying examiner under section 2333 or under section 2372.

Sec. 3. 34 MRSA § 2372, 2nd ¶, as last amended by PL 1975, c. 559, § 15, is further amended to read:

The head of the hospital shall arrange for examination by a staff ~~physician or clinical psychologist~~ psychiatrist of every patient hospitalized pursuant to section 2333. The examiner shall not be the certifying examiner under section 2333 or under section 2334. If such an examination is not held within 24 hours after the time of admission, or if a staff ~~physician or clinical psychologist~~ psychiatrist fails or refuses after such examination to certify that in his opinion the patient is a mentally ill individual and due to his mental illness poses a likelihood of serious harm as defined in section 2251, subsection 7, paragraph A, B or C, the patient shall be immediately discharged.

STATEMENT OF FACT

The purpose of this bill is to insure that the responsibility for diagnosing and certifying mental illness in situations of voluntary or involuntary hospitalization shall rest with qualified psychiatrists after the initial admission to the hospital. This legislation would insure that the same standard of medical review is required for both civil and criminal commitments.