

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)

STATE OF MAINE
HOUSE OF REPRESENTATIVES
108TH LEGISLATURE
SECOND REGULAR SESSION

(Filing No. H-1054)

COMMITTEE AMENDMENT" A" to H.P. 1997, L.D. 2078, Bill, "AN ACT to Clarify Procedures for Emergency Admission to Hospitals for Mentally Ill."

Amend the bill by striking out everything after the enacting clause and inserting in its place the following:

'Sec. 1. 34 MRSA §2332-A, 2nd ¶, last sentence, as enacted by PL 1975, c. 559, §6, is amended to read:

In the event that the examiner shall execute the certificate provided for under section 2333, the officer having protective custody of the person examined shall have authority to detain him for ~~as long as is necessary to obtain the~~ a reasonable period of time not to exceed 18 hours pending endorsement by a judicial officer provided for under section 2333; provided that the officer shall undertake to secure such endorsement forthwith upon execution of the certificate by the examiner.

Sec. 2. 34 MRSA §2333, sub-§1, ¶C, last ¶, as repealed and replaced by PL 1977, c. 429, §3, is repealed and the following enacted in its place:

No person shall be held against his will in the hospital pursuant to this section, whether he was informally admitted under section 2290 or is sought to be involuntarily admitted under this section, unless the application and certificate have been endorsed by a judge or justice, except that a person for whom an examiner has

executed the certificate provided for under this section may be detained in a hospital for a reasonable period of time not to exceed 18 hours pending endorsement by a judge or justice; provided that, where the person was informally admitted under section 2290, the head of the hospital shall undertake to secure the endorsement forthwith upon execution of the certificate by the examiner, and that, where the person is sought to be involuntarily admitted under this section, the person or persons transporting him to the hospital shall undertake to secure the endorsement forthwith upon execution of the certificate by the examiner.'

Statement of Fact

The purpose of this amendment is three-fold: To limit the period of time a person may be held against his will in a hospital pending the endorsement of the commitment application and certificate by a judge or justice; to make clear that the bill applies to persons who are informally admitted and subsequently must be detained against their will by the hospital, as well as to persons who are sought to be involuntarily admitted; and to amend section 2332-A, dealing with emergency restraint and transportation of a person by a police officer, to conform to the change being made in section 2333.

Reported by the Majority of the Committee on Health and Institutional Services.

Reproduced and distributed under the direction of the Clerk of the House.
2/17/78

(Filing No. H-1054)