

MAINE STATE LEGISLATURE

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(Governor's Bill)
SECOND REGULAR SESSION

ONE HUNDRED AND NINTH LEGISLATURE

Legislative Document

No. 1792

H. P. 1683

House of Representatives, January 10, 1980

Referred to the Committee on Health and Institutional Services. Sent up for concurrence and ordered printed.

EDWIN H. PERT, Clerk of the House

Presented by Mrs. Kany of Waterville.

Cosponsors: Mr. Norris of Brewer, Mrs. Prescott of Hampden and Mr. Hickey of Augusta.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED AND EIGHTY

AN ACT Providing for Return of Patients to Mental Health Institutions.

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

Sec. 1. 15 MRSA § 104-A is enacted to read:

§ 104-A. Failure of patient to return

If any patient committed to the Department of Mental Health and Corrections for care and treatment under section 103 or 105 fails to return to the hospital from a community visit authorized under section 104 when requested to do so, by the superintendent or his designee of the institution in which he was placed, law enforcement personnel of the State or of any of its subdivisions may, upon request of the superintendent or his designee, assist in the return of the patient to the mental hospital.

Sec. 2. 34 MRSA § 2378 is enacted to read:

§ 2378. Failure of patient to return

If any patient committed under section 2334 leaves the grounds of the mental hospital without authorization of the chief executive officer, or his designee, or refuses to return to the hospital from a community pass when requested to do so,

law enforcement personnel of the State or of any of its subdivisions may, upon request of the chief executive officer of the mental hospital or of his designee, assist in the return of the patient to the mental hospital.

STATEMENT OF FACT

The purpose of this legislature is to codify the customary practice of law enforcement agencies to return patients to mental health institutions who have either been committed, but leave, or who violate conditions of off-grounds passes. Since neither situation necessarily involves a criminal offense, the usual procedure has been questioned and this bill will assure proper authorization.