

# MAINE STATE LEGISLATURE

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# 119th MAINE LEGISLATURE

## FIRST REGULAR SESSION-1999

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Legislative Document

No. 1941

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S.P. 695

In Senate, March 18, 1999

### **An Act Regarding Involuntary Commitment for Substance Abuse.**

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Reference to the Committee on Judiciary suggested and ordered printed.

A handwritten signature in cursive script that reads "Joy J. O'Brien".

JOY J. O'BRIEN  
Secretary of the Senate

Presented by Senator DAGGETT of Kennebec.

Cosponsored by Senator BENOIT of Franklin, Representative: BRENNAN of Portland.

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

4 **Sec. 1. 5 MRSA §20042**, as amended by PL 1991, c. 601, §20, is  
repealed and the following enacted in its place:

6 **§20042. Standards**

8 The office shall contract for treatment services only with  
10 approved treatment facilities.

12 **Sec. 2. 5 MRSA §20042-A** is enacted to read:

14 **§20042-A. Definitions**

16 As used in this subchapter, unless the context otherwise  
indicates, the following terms have the following meanings.

18 **1. Chemically dependent person.** "Chemically dependent  
20 person" means a person who has developed a disease process  
characterized by the continued use of a specific psychoactive  
22 substance or alcohol that causes physical, psychological or  
social harm to that person.

24 **2. Incapacitated person.** "Incapacitated person" means a  
26 chemically dependent person who, as a result of the person's use  
of alcohol or other drugs, is substantially impaired in the  
28 person's ability to control or regulate that person's own  
behavior and whose specific overt acts pose an immediate risk of  
30 a present and substantial threat of physical harm to that person.

32 **Sec. 3. 5 MRSA §20043**, as amended by PL 1991, c. 601, §20, is  
further amended to read:

34 **§20043. Acceptance for treatment of alcoholics, chemically**  
36 **dependent persons, drug abusers, drug addicts,**  
**drug-dependent persons, incapacitated persons and**  
38 **intoxicated persons**

40 The office shall adopt rules for acceptance of persons into  
a treatment program, considering available treatment resources  
42 and facilities, for the purpose of early and effective treatment  
of alcoholics, chemically dependent persons, drug abusers, drug  
44 addicts and, drug-dependent persons, incapacitated persons and  
intoxicated persons.

46 In establishing rules, the office must be guided by the  
48 following standards.

2 1. **Voluntary basis.** People must be treated on a voluntary  
basis, unless an emergency treatment order pursuant to section  
4 20045-B has been obtained.

6 2. **Initial assignment.** A person must be initially assigned  
or transferred to outpatient or intermediate treatment, unless  
8 the person is found to require ~~residential~~ inpatient treatment.

10 3. **Denial of treatment.** A person may not be denied  
treatment solely because that person has withdrawn from treatment  
12 against medical advice on a prior occasion or has relapsed after  
earlier treatment.

14 4. **Individualized treatment plan.** An individualized  
treatment plan must be prepared and maintained on a current basis  
16 for each patient.

18 5. **Coordinated treatment.** Provision must be made for a  
continuum of coordinated treatment services, so that a person who  
20 leaves a facility or a form of treatment has available and may  
utilize other appropriate treatment.

22 6. **Denial of treatment services.** A person, firm or  
24 corporation licensed by the ~~Office of Substance Abuse~~ office as  
an approved alcohol or drug treatment facility under ~~Title-5,~~  
26 section 20005 to provide shelter or detoxification services, and  
that receives any funds administered by the office, may not deny  
28 treatment to any person because of that person's inability or  
failure to pay any assessed fees according to a sliding fee scale  
30 approved by the office.

32 7. **Community-based.** Treatment must be provided in the  
least restrictive setting possible and in the person's home  
34 community wherever possible.

36 8. **Diagnosing.** Diagnosing of a person's mental  
capabilities, psychological or personality composition, or other  
38 nonalcohol-related or drug-related conditions or mental states  
may not be conducted until detoxification is complete ~~and the~~  
40 ~~person is judged to be medically no longer under the influence of~~  
~~a chemical or substance of abuse.~~

42 9. **Involuntary patients.** The following provisions apply to  
44 the treatment of involuntary patients.

46 A. The administrator of a treatment facility approved by  
the office for the treatment of involuntary patients may  
48 receive for observation, diagnosis, care and treatment in  
the facility any person whose admission is applied for under  
50 any of the procedures in this subchapter. An admission may

2 be made under section 20045-A only if the certifying  
3 examination conducted pursuant to section 20045-B is  
4 completed no more than 3 days before the date of admission.

6 B. The treatment facility, a person contracting with the  
7 treatment facility and any of its employees when admitting,  
8 treating or discharging a patient under sections 20045-A,  
9 20045-B and 20045-D under a contract with the office are  
10 deemed to be a governmental entity or an employee of a  
11 governmental entity under Title 14, chapter 741.

12 C. Before contracting with and approving the admission of  
13 involuntary patients to an approved treatment facility, the  
14 office shall require the treatment facility to:

15 (1) Comply with all applicable licensing regulations;

16 (2) Demonstrate the ability of the treatment facility  
17 to comply with judicial decrees as those decrees relate  
18 to services already being provided by the treatment  
19 facility; and

20 (3) Coordinate and integrate care with other  
21 community-based services.

22 **Sec. 4. 5 MRSA §20044**, as amended by PL 1991, c. 601, §20, is  
23 further amended to read:

24 **§20044. Voluntary treatment of alcoholics, chemically**  
25 **dependent persons, drug abusers, drug addicts,**  
26 **drug-dependent persons, incapacitated persons and**  
27 **intoxicated persons**

28 **1. Voluntary treatment.** An alcoholic, chemically dependent  
29 person, drug abuser, drug addict or drug-dependent person,  
30 incapacitated person or intoxicated person may apply for  
31 voluntary treatment directly to an approved treatment facility.

32 **2. Determination.** A person who comes voluntarily or is  
33 brought to an approved treatment facility for residential  
34 inpatient care and treatment must be examined immediately by a  
35 licensed physician. That person may then be admitted or referred  
36 to another health facility based upon the physician's  
37 recommendation. Subject to rules adopted by the office, the  
38 administrator in charge of an approved treatment facility may  
39 determine who may be admitted for treatment. If a person is  
40 refused admission to an approved treatment facility, the  
41 administrator, subject to rules adopted by the office, shall  
42 refer the person to another approved treatment facility for  
43 treatment if possible and appropriate.

2           3. **Outpatient or intermediate treatment.** If a person  
4 receiving ~~residential inpatient~~ care leaves an approved treatment  
facility, that person must be encouraged to consent to  
appropriate outpatient or intermediate treatment.

6  
8           4. **Discharge.** If a person leaves an approved treatment  
facility, against the advice of the administrator in charge of  
10 the facility and that person does not have a home, the patient  
12 must be assisted in obtaining shelter. If a person leaves an  
approved treatment facility against the advice of the  
administrator in charge of the facility and the administrator in  
charge of the facility believes that the patient is a chemically  
dependent person who is incapacitated, the administrator shall  
arrange for the preparation of an emergency treatment order  
pursuant to section 20045-A at the time of discharge.

18           5. **Length of stay.** A person who by medical examination is  
found to be incapacitated by alcohol or other drugs may not be  
detained at a facility once that person is no longer considered  
to be incapacitated by alcohol or other drugs. A person found to  
be incapacitated by alcohol or psychoactive substances may not be  
held for more than 18 hours after admission as a patient, unless  
committed pursuant to section 20045-B.

26           6. **Further diagnosis and voluntary treatment.** If the  
administrator of the treatment facility determines that further  
diagnosis and treatment are for the patient's benefit, the  
patient must be encouraged to agree to further diagnosis and  
appropriate voluntary treatment.

32           7. **Official duty.** A law enforcement officer who acts in  
compliance with this section is acting in the course of that  
officer's official duties and may not be criminally or civilly  
liable for actions taken under this section.

36           **Sec. 5. 5 MRSA §§20045-A to 20045-E are enacted to read:**

38           **§20045-A. Involuntary treatment and services for chemically**  
40           **dependent persons who pose a likelihood of serious**  
42           **and imminent harm to themselves**

44           1. **Health care professionals or other persons.** If a  
licensed or certified health care professional or other person  
has reasonable grounds to believe, based upon personal  
observation, that a chemically dependent person is incapacitated,  
the health care professional or other person may bring that  
person to a licensed physician for an examination under section  
20045-B for the purpose of obtaining an emergency treatment

2 order. The health care professional or other person shall make a  
3 written application to the physician stating:

4 A. The health care professional or other person's belief  
5 that the person is a chemically dependent person who is  
6 incapacitated and poses a likelihood of serious and imminent  
7 harm to that chemically dependent person; and

8 B. The grounds for this belief.

10 2. Transportation by health care professional or other  
11 person. If an emergency treatment order is executed after an  
12 application is made under subsection 1, the health care  
13 professional or other person accompanying the chemically  
14 dependent person shall try to transport the chemically dependent  
15 person to an approved treatment facility for an admission  
16 assessment.

18 3. Law enforcement officer. If a law enforcement officer  
19 has reasonable grounds to believe, based upon personal  
20 observation, that a person may be incapacitated by alcohol or  
21 other drugs, the officer may take that person into protective  
22 custody and:

24 A. Take the person to an approved treatment facility;

26 B. Take the person to an emergency medical facility; or

28 C. Deliver the person for examination to an available  
30 licensed physician as provided in section 20045-B.

32 4. Emergency treatment order executed. If a physician  
33 determines after an examination pursuant to section 20045-B,  
34 subsection 2 that the person is incapacitated, the examiner shall  
35 execute an emergency treatment order in accordance with section  
36 20045-B. Upon execution of the emergency treatment order, the law  
37 enforcement officer shall take the person immediately to an  
38 approved treatment facility for an admission assessment.

40 5. Emergency treatment order not executed. If a physician  
41 determines after an examination pursuant to section 20045-B,  
42 subsection 2 that the person is not incapacitated, the law  
43 enforcement officer shall:

44 A. Release the person from protective custody and, with  
45 that person's permission, return or make arrangements for  
46 the return of the person to that person's place of  
47 residence, if the place of residence is within the  
48 territorial jurisdiction of the officer;

50

2 B. Release the person from protective custody and, with  
4 that person's permission, return or make arrangements for  
the return of the person to the place where the person was  
taken into protective custody; or

6 C. If the person is also under arrest for a violation of  
8 the law, retain the person in custody until the person is  
released in accordance with the law.

10 6. Endorsement. Once the person is transported to and  
12 accepted by an approved treatment facility, the administrator of  
that facility shall undertake to secure the endorsement of a  
14 judicial officer under section 20045-B, subsection 3 and may  
detain the person for a reasonable period of time, not to exceed  
16 18 hours pending that endorsement.

18 7. Transportation costs. The costs for transportation of a  
20 chemically dependent person under this section must be paid in  
the manner provided under section 20045-B, subsection 6.

22 **§20045-B. Emergency treatment order procedure**

24 A person may be involuntarily committed for inpatient  
26 treatment at an approved treatment facility according to the  
following procedures.

28 1. Involuntary commitment; application. If the  
30 administrator or the admitting physician of the approved  
treatment facility determines that involuntary commitment of the  
32 person is required under this section, the administrator of an  
approved treatment facility or the administrator's designee may  
make a written application for judicial endorsement, stating:

34 A. The administrator's or physician's belief that the person  
36 is a chemically dependent person who is incapacitated and  
poses a likelihood of serious and imminent harm to that  
38 chemically dependent person; and

40 B. The grounds for this belief.

42 2. Certifying examination. A dated certificate of  
44 examination, signed by a licensed physician, must accompany the  
written application for judicial review. The date on the  
46 certificate may not be more than 24 hours before the date of  
examination. The written application must state that:

48 A. The physician has examined the person; and



2           B. The physician is of the opinion that the person is a  
3           chemically dependent person who is incapacitated and poses a  
4           likelihood of serious and imminent harm to that person.

6           3. Judicial review. The application and accompanying  
7           certificate must be reviewed by a Justice of the Superior Court,  
8           Judge of the District Court or judge of probate in accordance  
9           with the following.

10           A. If the judge or justice finds the application and  
11           certificate of examination to be in compliance with the  
12           law, the judge or justice shall endorse the application and  
13           certificate of examination and commit the person to an  
14           approved treatment facility.

16           B. A person may not be held against that person's will in  
17           any approved treatment facility under this section, whether  
18           voluntarily admitted under section 20044 or sought to be  
19           involuntarily admitted under this section, unless the  
20           application and certificate of examination have been  
21           endorsed by a judge or justice, except that a person for  
22           whom a physician has performed an examination and executed a  
23           certificate under subsection 2 may be detained in an  
24           approved treatment facility for a reasonable period of time,  
25           not to exceed 18 hours, pending endorsement by a judge or  
26           justice.

28           4. Persons with mental illness. If the administrator or  
29           the admitting physician of the approved treatment facility  
30           determines that involuntary commitment of the person is not  
31           required under this section, but the administrator or the  
32           admitting physician believes that the person is mentally ill,  
33           and, because of that illness, poses a likelihood of serious harm,  
34           as defined in Title 34-B, section 3863, the administrator may  
35           file an application for the issuance of an order for  
36           hospitalization under Title 34-B, section 3864.

38           5. Involuntary commitment not necessary. If an application  
39           for judicial endorsement of involuntary commitment is not  
40           effected under this section and the administrator or admitting  
41           physician determines that the provisions of subsection 4 do not  
42           apply, the administrator of the approved treatment facility shall  
43           discharge the person immediately unless the person agrees to  
44           remain on a voluntary basis.

46           6. Custody and transportation. Custody and transportation  
47           of a chemically dependent person under this section are governed  
48           by the following.

2 A. Upon endorsement of the application and certificate of  
4 examination by the judge or justice, a health care  
6 professional, law enforcement officer or other person  
designated by the judge or justice may take the person into  
custody and transport that person to the approved treatment  
facility designated in the application.

8 B. If the person is unable to pay, the office is responsible  
10 for any expenses of transportation under this section,  
12 including return from the approved treatment facility if  
admission is declined.

14 7. Continuation of emergency treatment. If the  
16 administrator of the approved treatment facility recommends  
18 further treatment, the administrator shall determine the  
suitability of admission, care and treatment of the patient as a  
voluntarily admitted patient, as described in section 20044.

20 A. If the administrator or the admitting physician of the  
22 approved treatment facility determines that admission of the  
person as a voluntarily admitted patient is suitable, the  
administrator may admit the person on this basis.

24 B. If the administrator or the admitting physician of the  
26 approved treatment facility determines that the person needs  
28 continued treatment or if the person declines admission as a  
30 voluntarily admitted patient, the administrator may file an  
application for the issuance of an order of continued  
involuntary treatment under section 20045-D in accordance  
with the following.

32 (1) The application must be made to the District Court  
34 having territorial jurisdiction over the approved  
treatment facility.

36 (2) The application must be filed within 6 days from  
38 the admission of the person under this section,  
40 excluding the day of the admission and any Saturday,  
Sunday or legal holiday.

42 C. If the person is not admitted voluntarily or an  
44 application is not made for continued treatment under  
section 20045-D, the administrator of the approved treatment  
facility shall discharge the person.

46 8. Notice. Upon admission of the person under this section  
48 and after obtaining the person's permission, the administrator of  
the approved treatment facility shall mail notice of the fact of  
50 admission to the person's spouse, parent or guardian, if  
applicable, if any of those persons exists or can be located.

2           9. Postadmission examination. Every person admitted to an  
3 approved treatment facility must be examined immediately after  
4 admission in accordance with the following.

6           A. The administrator of the approved treatment facility  
7 shall arrange for examination of every person admitted under  
8 this section by a staff physician.

10           B. The physician performing the examination may not be the  
11 physician who performed the certifying examination under  
12 this section or under section 20045-D.

14           C. If the postadmission examination is not held within 48  
15 hours after the time of the admission or if a staff  
16 physician fails or refuses after the examination to certify  
17 that, in the physician's opinion, the person continues to be  
18 a chemically dependent person who is incapacitated, the  
19 person must be immediately discharged.

20           **§20045-C. Habeas corpus**

22           A person detained pursuant to this subchapter is entitled to  
23 the writ of habeas corpus, upon proper petition by the person or  
24 by another person to a justice generally empowered to issue the  
25 writ of habeas corpus in the county in which the person is  
26 detained.

28           **§20045-D. Continued involuntary treatment**

30           1. Application. If the administrator or the admitting  
31 physician of the approved treatment facility determines that a  
32 chemically dependent person committed under section 20045-B needs  
33 continued treatment, the administrator or admitting physician may  
34 make an application to the District Court for the continued  
35 involuntary treatment of the person at an approved treatment  
36 facility. The application to the court must be accompanied by:

38           A. The emergency treatment order issued under section  
39 20045-B;

41           B. The certificate of examination by a physician under  
42 section 20045-B, subsection 2;

43           C. The certificate of postadmission examination by a  
44 physician under section 20045-B, subsection 9 that:

46                   (1) The physician has examined the patient; and  
48

2                   (2) It is the physician's opinion that the patient is a  
3                   chemically dependent person who is incapacitated such  
4                   that there is an immediate risk of serious harm to that  
5                   person;

6                   D. A written statement signed by the administrator of the  
7                   approved treatment facility certifying that:

8                   (1) A copy of the application and the accompanying  
9                   documents have been given personally to the person and  
10                   if the person consents to the person's next of kin or  
11                   guardian;

12                   (2) The person and the person's next of kin or  
13                   guardian have been notified of the person's right to  
14                   retain an attorney or have an attorney appointed or the  
15                   person's right to select or name the person's attorney;

16                   (3) The person and the person's guardian, parent,  
17                   spouse or next of kin have been notified of the  
18                   person's right to select an independent examiner; and

19                   (4) The person and the person's guardian, parent,  
20                   spouse or next of kin have been given instructions on  
21                   how to contact the District Court; and

22                   E. A copy of the notice and instructions given to the  
23                   person or the person's next of kin or guardian.

24                   2. Commitment pending judicial determination.  
25                   Notwithstanding any other provisions of this subchapter, a  
26                   person, with respect to whom proceedings for judicial commitment  
27                   have been commenced, may not be voluntarily released or  
28                   discharged during the pendency of the proceedings, unless:

29                   A. The District Court orders release or discharge upon the  
30                   application of the person or the person's guardian, parent,  
31                   spouse or next of kin;

32                   B. The District Court orders release or discharge upon the  
33                   report of the administrator of the approved treatment  
34                   facility that the person may be discharged safely; or

35                   C. A court orders release or discharge upon a writ of  
36                   habeas corpus pursuant to section 20045-C.

37                   3. Notice of receipt of application. Notice of the receipt  
38                   of an application for continued involuntary treatment under this  
39                   section must be provided in accordance with the following.

40

2 A. Upon receipt by the District Court of the application  
3 and accompanying documents required in subsection 1, the  
4 court shall cause written notice of the application:

5 (1) To be given personally or by mail to the person  
6 within a reasonable time before the hearing, but not  
7 less than 3 days before the hearing; and

8 (2) To be mailed to the person's guardian, if known,  
9 and to the person's spouse, parent or next of kin,  
10 unless these persons do not exist or if none of them  
11 can be located.

12 B. A docket entry is sufficient evidence that notice has  
13 been provided as required in paragraph A.

14 **4. Examination.** An examination under this section is  
15 governed by the following.

16 A. Upon receipt by the District Court of the application  
17 and the accompanying documents required in subsection 1, the  
18 court shall immediately order the person to be examined as  
19 follows.

20 (1) The examination must be conducted by 2 examiners,  
21 each of whom must be a licensed physician.

22 (2) One of the examiners must be a physician chosen by  
23 the person or by the person's counsel, if the chosen  
24 physician is reasonably available.

25 (3) An examiner appointed by the court may not be the  
26 physician who conducted the certifying examination  
27 under section 20045-B, subsection 2 or 7.

28 B. The examination must be held at a hospital or at any  
29 other suitable place not likely to have a harmful effect on  
30 the health of the person.

31 C. If the report of the examiners is that the person is not  
32 a chemically dependent person who is incapacitated, the  
33 application must be ordered discharged.

34 D. If the report of the examiners is that the person is a  
35 chemically dependent person who is incapacitated, a hearing  
36 must be held pursuant to subsection 5 on the date or on the  
37 continued date that the court has set for the hearing.

38 **5. Hearings.** A hearing is governed by the following.

2           A. The District Court shall hold a hearing on the  
4           application not later than 15 days from the date of the  
6           application, except that on a motion by any party the  
8           hearing may be continued for a period not to exceed 10  
          additional days. If the hearing is not held within the time  
          specified, or within the specified continuance period, the  
          court shall dismiss the application and order the person  
          discharged. In computing the time periods set forth in this  
          paragraph, the District Court Civil Rules apply.

10           B. The hearing must be conducted in as informal a manner as  
12           possible to be consistent with orderly procedure and in a  
14           physical setting not likely to have harmful effect on the  
          health of the person.

16           C. The court must receive all relevant and material  
18           evidence that may be offered in accordance with accepted  
20           rules of evidence and accepted judicial dispositions. The  
22           person, the applicant and all other persons to whom notice  
24           is required to be sent must be afforded an opportunity to  
          appear at the hearing to testify and to present and  
          cross-examine witnesses. The court may in its discretion  
          receive the testimony of any other person and may subpoena  
          any witness.

26           D. The person must be afforded an opportunity to be  
28           represented by counsel and, if the person or the person's  
30           guardian, parent, spouse or next of kin does not provide  
          counsel, the court shall appoint counsel for the person.

32           E. In addition to proving that the person is a chemically  
34           dependent person who is incapacitated, the applicant shall  
          demonstrate:

36                   (1) By evidence of the patient's actions and behavior,  
                  that the person is incapacitated; and

38                   (2) That, after full consideration of less restrictive  
40                   treatment settings and modalities, inpatient treatment  
42                   is the best available means for the treatment of the  
                  person.

44           F. The applicant shall submit to the court, at the time of  
46           the hearing, testimony indicating the individual treatment  
48           plan to be followed by the approved treatment facility  
          staff, if the person is admitted under this section, and  
          shall bear any expense for witnesses for this purpose.

50           G. A stenographic or electronic record must be made of the  
          proceedings in all involuntary treatment hearings conducted

2 under this section. The record and all notes, exhibits and  
4 other evidence are confidential and must be retained as part  
of the District Court records for a period of 2 years from  
the date of the hearing.

6 H. The hearing is confidential and a report of the  
8 proceedings may not be released to the public or press,  
10 except by permission of the person or the person's counsel  
and with approval of the presiding District Court Judge,  
12 except that the court may order a public hearing on the  
request of the person or the person's counsel.

14 6. Court findings. The District Court's findings under  
this section must be made in accordance with the following.

16 A. The District Court shall state in the record, if the  
18 court finds upon completion of the hearing and consideration  
of the record, that:

20 (1) Clear and convincing evidence of the person's  
22 recent actions and behavior demonstrates that the  
person is a chemically dependent person who is  
24 incapacitated;

26 (2) That inpatient treatment is the best available  
means for treatment of the person; and

28 (3) That the court is satisfied with the individual  
30 treatment plan offered by the approved treatment  
facility.

32 B. If the District Court makes the findings described in  
34 paragraph A, subparagraphs (1) and (2), but is not satisfied  
with the individual treatment plan as offered, the court may  
36 continue the case for not longer than 10 days, pending  
reconsideration and resubmission of an individual treatment  
38 plan by the approved treatment facility.

40 7. Continued involuntary treatment. Upon making the  
findings described in subsection 6, the court may order continued  
42 involuntary inpatient treatment of the person in any approved  
treatment facility for a period not to exceed 60 days under the  
44 first order and not to exceed 60 days for each subsequent  
hearing. Consecutive commitments for involuntary treatment may  
46 not exceed one year in total. If the administrator of the  
approved treatment facility, approved detoxification facility or  
48 approved extended residential care facility, or the admitting  
physician of those facilities determines that continued  
50 involuntary treatment beyond the first 60 days is necessary for a  
person who has been ordered by the District Court to receive such

2 treatment, the administrator or admitting physician shall, not  
4 later than 15 days prior to the expiration of a period of  
6 commitment ordered by the court, make an application in  
8 accordance with this section to the District Court that has  
10 territorial jurisdiction over the treatment facility for another  
12 hearing to be held pursuant to the procedures of subsection 5 and  
14 the following.

16 A. The court may issue an order for an additional period of  
18 involuntary treatment upon completion of the hearing or the  
20 court may take the matter under advisement and issue an  
22 order within 24 hours of the hearing.

24 B. If the court does not issue an order for an additional  
26 period of involuntary treatment within 24 hours of  
28 completion of the hearing, the court shall dismiss the  
30 application and order the discharge of the person.

32 8. Appeals. A person ordered by the District Court to be  
34 committed to an approved treatment facility may appeal from that  
36 order to the Superior Court subject to the following.

38 A. The appeal may be on questions of law only.

40 B. A finding of fact of the District Court may not be set  
42 aside unless clearly erroneous.

44 C. The order of the District Court remains in effect  
46 pending the appeal.

48 D. The District Court Civil Rules and the Maine Rules of  
Civil Procedure apply to the conduct of the appeals.

9. Transportation. Unless otherwise directed by the court,  
the sheriff of the county in which the District Court has  
jurisdiction and in which the hearing takes place shall provide  
transportation for the person to any approved treatment facility  
to which the court has committed the person.

10. Expenses. With the exception of expenses incurred by  
the applicant pursuant to subsection 5, paragraph F, the office  
is responsible for any expenses incurred under this section,  
including fees of appointed counsel, witness and notice fees and  
expenses of transportation for the person.

**§20045-E. Unauthorized absence**

A person who is involuntarily committed pursuant to this  
subchapter and leaves an approved treatment facility prior to



2 discharge, unless released by order of the court, is guilty of  
3 escape under Title 17-A, section 755.

4

#### 5 **SUMMARY**

6

7 This bill puts in statute a process for the involuntary  
8 commitment of persons in need of treatment for substance abuse or  
9 substance addiction.