

MAINE STATE LEGISLATURE

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124th MAINE LEGISLATURE

FIRST REGULAR SESSION-2009

Legislative Document

No. 609

S.P. 224

In Senate, February 17, 2009

**An Act To Amend the Laws Governing Involuntary Hospitalization
Procedures When Both Commitment and Involuntary Treatment
Are Sought**

Reference to the Committee on Health and Human Services 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 MILLS of Somerset.

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

2 **Sec. 1. 34-B MRSA §3864, sub-§5, ¶A,** as amended by PL 2005, c. 519, Pt.
3 BBBB, §9 and affected by §20, is further amended to read:

4 A. The District Court shall hold a hearing on the application not later than 14 days
5 from the date of the application. The District Court may separate the hearing on
6 commitment from the hearing on involuntary treatment.

7 (1) On a motion by any party, the hearing on commitment may be continued for
8 cause for a period not to exceed 10 additional days.

9 (1-A) On a motion by any party or by the court on its own motion, the hearing on
10 involuntary treatment may be continued for cause for a period not to exceed 21
11 days from the date of entry of the order on the application for commitment.

12 (2) If the hearing on commitment is not held within the time specified, or within
13 the specified continuance period, the court shall dismiss the application and order
14 the person discharged forthwith.

15 (2-A) If the hearing on involuntary treatment is not held within the time
16 specified, or within the specified continuance period, the court shall dismiss the
17 application for involuntary treatment.

18 (3) In computing the time periods set forth in this paragraph, the Maine Rules of
19 Civil Procedure apply.

20 **SUMMARY**

21 This bill amends the laws regarding involuntary hospitalization to permit a court to
22 separate hearings on commitment from hearings on involuntary treatment. It also enlarges
23 the time within which the hearing on involuntary treatment may be heard.