

MAINE STATE LEGISLATURE

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FIFTY-THIRD LEGISLATURE.

HOUSE.

No. 61.

STATE OF MAINE.

IN THE YEAR OF OUR LORD ONE THOUSAND EIGHT HUNDRED AND SEVENTY-FOUR.

AN ACT for the better management of the Maine insane hospital, protection of its inmates, and regulation of commitments thereto.

Be it enacted by the Senate and House of Representatives in Legislature assembled, as follows :

SECTION 1. The government of Maine insane hospital is vested in a board of six trustees, appointed by the governor with advice of council, and commissioned to hold their offices during the pleasure of the governor and council, but not more than three years under any one appointment.

SECT. 2. Same as section two in revised statutes, chapter one hundred and forty-three.

SECT. 3. They shall appoint a superintendent, and a steward and treasurer, subject to the approval of the

3 governor and council, to hold office during the pleasure
4 of the governor and council, and all other officers
5 necessary for the efficient and economical management
6 of the business of the institution ; all appointments
7 shall be made according to the by-laws. The salaries
8 of all such officers shall be fixed by the trustees, sub-
9 ject to the approval of the governor and council.

SECT. 4. Same as section four, chapter one hundred
2 and forty-three, revised statutes.

SECT. 5. The trustees at their next meeting after
2 the expiration of each quarter, shall examine care-
3 fully the books and vouchers of the steward and
4 treasurer, and audit his accounts, and submit the same
5 immediately thereafter to the governor and council for
6 their approval, before such accounts shall be settled ;
7 and the governor and council are authorized and re-
8 quired, from time to time, to inquire into the condi-
9 tion and management of the affairs of the institution,
10 and to make such changes as they shall deem judi-
11 cious, in the mode and amount of expenditures and
12 the general administration of its affairs.

SECT. 6. A committee of the council, consisting of
2 three, with whom shall be associated one or more
3 ladies, if deemed expedient, shall be appointed by
4 the governor annually, who shall visit the hospital at
5 their discretion, to ascertain if the inmates thereof are

6 humanely treated ; and they shall make prompt report
7 from time to time, of every instance of intentional
8 abuse or illtreatment, to the trustees and superintend-
9 ent of the hospital, who shall take notice thereof and
10 cause the offender to be punished as required by sec-
11 tion twenty-eight, chapter one hundred forty-three,
12 of the revised statutes.

SECT. 7. If any wilful injury shall be inflicted by
2 any officer, attendant, or employee of the hospital
3 upon the person of any patient therein, and knowledge
4 thereof shall come to the said board of visitors, they
5 shall report the fact immediately to the said trustees
6 and superintendent, and if the superintendent fails
7 forthwith to complain thereof as required by the statute
8 aforesaid, one of the said visitors shall enter a com-
9 plaint thereof before the court having jurisdiction of
10 such offense, and on conviction the offender shall be
11 punished as provided by law. And in all trials for
12 such offenses the statement of any patient cognizant
13 thereof shall be taken and considered for what it may
14 be worth ; and no one connected with the hospital shall
15 be allowed to sit upon the jury which shall try the
16 case.

SECT. 8. In case of the sudden death of any patient
2 in the hospital under circumstances of reasonable sus-
3 picion as to the innocent cause thereof, a coroner's

4 inquest shall be held, as provided by law in other
5 cases, and the board of visitors shall cause a coroner
6 to be immediately notified for that purpose.

SECT. 9. In all cases of preliminary proceedings for
2 the commitment of any person to the hospital, the
3 evidence and certificate of at least two respectable
4 physicians, based upon due inquiry and personal exam-
5 ination of the person to whom insanity is imputed,
6 shall be required to establish the fact of insanity.

SECT. 10. If the committee shall become satisfied
2 that any inmate of the hospital has been unnecessarily
3 and wrongfully committed, or is unnecessarily detain-
4 ed and held as a patient therein, they shall apply to
5 any judge of the supreme judicial court, or judge of
6 probate, within the county where the restraint exists,
7 for a writ of habeas corpus, who shall issue the same
8 and cause said inmate to be brought before him, and
9 after notice to the party procuring his commitment,
10 and a hearing of all interested in the question at issue,
11 if satisfied that such inmate is not a proper subject for
12 custody and treatment in the hospital, shall discharge
13 such inmate from the hospital, and restore him to his
14 liberty. But this section shall not apply to the case of
15 any person charged with or convicted of crime and
16 duly committed to the hospital by order of court.

SECT. 11. The names of the committee and their

2 post office address shall be kept posted in every ward
3 of the hospital, and every inmate shall be allowed to
4 write when and whatever he may please to them or
5 either of them, unless otherwise ordered by a majority
6 of the committee in writing, which order shall con-
7 tinue in force until countermanded by said board in
8 writing. And for this purpose every patient, if not
9 otherwise ordered as aforesaid, shall be furnished by
10 the superintendent, on request, with suitable materials
11 for writing, enclosing, and sealing letters. And the
12 superintendent shall provide, at the expense of the
13 state, securely locked letter boxes, easily accessible to
14 all the inmates, to be placed in the hospital, into
15 which such letters can be dropped by the writer there-
16 of. No officer, attendant, or employee of the hospital
17 shall be allowed to have the means of reaching the
18 contents of these boxes, but the letters in them shall
19 be collected weekly by some member of the board or
20 by such person as the board may authorize for the
21 purpose, who shall prepay such only as shall be ad-
22 dressed to some one of the board, and deposit them in
23 the post office without delay.

SECT. 12. It is hereby made the duty of the super-
2 intendent, or party having charge of any person con-
3 fined on account of insanity, to deliver to said person
4 any letter or writing to him or her directed, without

5 opening or reading the same, provided this letter has
6 been forwarded by the committee, or is directed to
7 such individuals as the board have authorized to send
8 or to receive letters without the board's inspection.

SECT. 13. The hospital shall be visited as often as
2 once in every month by at least one member of the
3 committee, and this visit shall be made at irregular and
4 not at stated periods; no previous notice, information
5 or intimation thereof shall be given or allowed to the
6 superintendent, or any officer, attendant or employee
7 of the hospital, but, as far as possible, all their visits
8 shall be made unexpectedly to the superintendent and
9 all others having the care of the hospital and its in-
10 mates; and in no case shall the committee be accom-
11 panied by any officer or employee of the hospital,
12 when making their visits through the wards, except
13 upon the special request of some one of the board.

SECT. 14. The committee shall make report to the
2 governor and council on the first day of December,
3 annually, and as much oftener as the welfare of the
4 patients or the public good may require, setting forth
5 their doings and any facts with regard to the hospital
6 which they may deem important to be laid before the
7 public. The compensation of the committee shall be
8 the same as for other services upon the council, and
9 only for extra actual time employed and expense in-

10 curred by such duties, and their accounts, including
11 pay for services of the lady members of the com-
12 mittee, if any, and the person employed for transpor-
13 tation of mails, shall be audited by the governor and
14 council, who shall draw their warrants upon the state
15 treasurer for the amount found due.

SECT. 15. Any person neglecting to perform the
2 duties imposed upon him by the provisions of this act
3 shall be removable from office by the authority from
4 whom he received his appointment, and if removed,
5 shall be ineligible for office or place in the hospital in
6 future.

SECT. 16. All acts and parts of acts inconsistent
2 with this act are hereby repealed.

SECT. 17. This act shall take effect when approved.

STATE OF MAINE.

IN HOUSE OF REPRESENTATIVES, }
February 17, 1874. }

Laid on the table by Mr. SWASEY, and on his motion ordered
to be printed, and referred to the Committee on Insane Hospital.

S. J. CHADBOURNE, *Clerk.*