

MAINE STATE LEGISLATURE

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FIFTY-THIRD LEGISLATURE.

HOUSE.

No. 83.

["NEW DRAFT."]

STATE OF MAINE.

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

AN ACT to amend chapter one hundred forty-three of revised statutes relating to the insane hospital, for the better management of the said hospital, the protection of its inmates, and the regulation of commitments thereto.

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

SECTION 1. The government of the 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. The said trustees shall appoint a superintendent, and a steward and treasurer, and all other

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

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

SECT. 4. A board of visitors, consisting of three,
2 one of whom shall be a woman, shall be appointed by
3 the governor with the advice of the council, and
4 commissioned to hold their office during the pleasure
5 of the governor and council, but not more than three
6 years under one appointment, who shall visit the
7 hospital, at their discretion, to ascertain if the inmates
8 thereof are humanely treated ; and they shall make

9 prompt report, from time to time, of every instance of
10 intentional abuse or ill treatment, to the trustees and
11 superintendent of the hospital, who shall take notice
12 thereof, and cause the offender to be punished as
13 required by section twenty-eight, chapter one hundred
14 forty-three of the revised statutes.

SECT. 5. 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
15 shall be allowed to sit upon the jury which shall try
16 the case.

SECT. 6. In case of the sudden death of any patient
2 in the hospital under circumstances of reasonable
3 suspicion 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. 7. 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 ex-
5 amination of the person to whom insanity is imputed,
6 shall be required to establish the fact of insanity.

SECT. 8. If the board of visitors shall become satisfied
2 that any inmate of the hospital has been unnecessarily
3 and wrongfully committed, or is unnecessarily detained
4 and held as a patient therein, they shall apply to any
5 judge of the supreme judicial court, or judge of pro-
6 bate, within the county where the restraint exists, for
7 a writ of habeas corpus, who shall issue the same and
8 cause said inmate to be brought before him, and after
9 notice to the party procuring his commitment, and a
10 hearing of all interested in the question at issue, if
11 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. 9. The names of the board of visitors 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 board in writing, which order shall continue in
7 force until countermanded by said board in writing.
8 And for this purpose every patient, if not otherwise
9 ordered as aforesaid, shall be furnished by the super-
10 intendent, on request, with suitable materials for
11 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. 10. 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 board, or is directed to such
7 individuals as the board have authorized to send or to
8 receive letters without the board's inspection.

SECT. 11. The hospital shall be visited as often as
2 once in every month by at least one member of the
3 board, 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 board be accompanied
11 by any officer or employee of the hospital, when
12 making their visits through the wards, except upon
13 the special request of some one of the board.

SECT. 12. The board of visitors shall make report to
2 the 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 said board shall be two
8 dollars each per day for the time actually spent in
9 visiting the hospital, and actual traveling expenses ;
10 and their accounts, including a reasonable sum for the

11 letter carrier provided for in section nine, shall be
12 audited by the governor and council, who shall draw
13 their warrant on the treasurer of the state for the
14 amount found due.

SECT. 13. 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. 14. Sections one and three of chapter one
2 hundred and forty-three of the revised statutes, and
3 all other acts and parts of acts inconsistent with the
4 provisions of this act, are hereby repealed.

STATE OF MAINE.

IN HOUSE OF REPRESENTATIVES, }
February 21, 1874. }

Reported from the Committee on Insane Hospital, by Mr. WIL-
LIAMS, and ordered printed under the Joint Rule.

S. J. CHADBOURNE, *Clerk.*