

MAINE STATE LEGISLATURE

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FIFTY-THIRD LEGISLATURE.

SENATE.

No. 3.

STATE OF MAINE.

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

AN ACT to provide further protection to inmates of the insane hospital, and to guard against error in making commitments thereto.

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

SECT. 1. 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 hos- 7 pital, 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 re-
13 quired by section twenty-eight, chapter one hundred
14 forty three, of the revised statutes.

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

SECT. 6. The names of the board of visitors and
2 their post office address shall be kept posted in every
3 ward of the hospital; and every inmate shall be

4 allowed to write when and whatever he may please to
5 the board, unless otherwise ordered by a majority of
6 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 superin-
10 tendent, on request, with suitable materials for writing,
11 enclosing, and sealing letters. And the superintendent
12 shall provide, at the expense of the state, securely locked
13 letter boxes, easily accessible to all the inmates, to be
14 placed in the hospital, into which such letters can be
15 dropped by the writer thereof. No officer, attendant, or
16 employee of the hospital shall be allowed to have the
17 means of reaching the contents of these boxes, but
18 the letters in them shall be collected weekly by some
19 member of the board or by such person as the board
20 may authorize for the purpose, who shall prepay such
21 only as shall be addressed to some one of the board,
22 and deposit them in the post office without delay.

SECT. 7. 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
8 to receive letters without the board's inspection.

SECT. 8. 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 mak-
12 their visits through the wards, except upon the special
13 request of some one of the board.

SECT. 9. 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 six, shall be aud-

12 ited by the governor and council, who shall draw their
13 warrant on the treasurer of the state for the amount
14 found due.

SECT. 10. 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. 11. All acts and parts of acts inconsistent
2 with this act are hereby repealed.

SECT. 12. This act shall take effect when approved.

STATE OF MAINE.

IN SENATE, January 23, 1874.

Reported from Committee on Insane Hospital by Mr. PALMER
of Penobscot, and laid over to be printed under the Joint Rule.

SAMUEL W. LANE, *Secretary.*