

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

FIFTY-THIRD LEGISLATURE.

SENATE.

No. 7.

AMENDMENT "A"

To bill An Act to provide further protection to inmates of the insane hospital, and to guard against error in making commitments thereto.

Amend by substituting the following :

STATE OF MAINE.

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

AN ACT to place the inmates of insane asylums under the protection of the laws.

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

SECTION 1. There shall be a standing board of inspectors, consisting of two gentlemen and one lady, appointed by the governor, with the advice of the council, whose duty it shall be to secure to the inmates of insane asylums the protection of the laws, when needed in defence of their reasonable rights. This

7 board shall visit all the public and private hospitals
8 and asylums for the insane of the state of Maine at
9 their discretion, with power to send for persons and
10 papers, and to examine witnesses under oath, to
11 ascertain whether any of the inmates are improperly
12 detained in the institution, or unjustly placed there,
13 and whether the inmates are humanely and kindly
14 treated, with full power to correct any abuses found to
15 exist; and any wanton or unnecessary injury inflicted
16 upon the insane shall be treated as an offense, misde-
17 meanor or crime, as the like offense would be regarded
18 when inflicted upon any other citizen outside of these
19 institutions; said board shall not interfere with the
20 legally defined duties of the board of trustees, super-
21 intendent, officers, attendants or employees except in
22 those cases where all these established agencies have
23 failed to remedy existing evils. In such cases they
24 shall have power to discharge any superintendent
25 officer, attendant or employee, after he has been proved
26 to have been guilty of misdemeanor, meriting such
27 discharge; and in all these trials for misdemeanor,
28 offense or crime, the testimony of patients shall be
29 taken and considered for what it is worth, and no one
30 connected with the institution shall be allowed to sit
31 upon any jury before whom these cases are tried; said

32 board shall make an annual report to the governor of
33 the state.

SECT. 2. The names of this board of inspectors
2 and their post-office address shall be kept posted in
3 every ward in the asylums and hospitals for the insane,
4 both public and private, of this state. And every
5 inmate in these institutions shall be allowed to write
6 when and whatever he or she pleases to this board, and
7 to any other person he or she may choose, provided
8 this letter is sent to the board for inspection before for-
9 warded to the individual addressed, unless the writer
10 of such letter is specially authorized by the board to
11 send direct to the person addressed. And any mem-
12 ber of this board who shall neglect to heed the calls of
13 the patient to him for protection, when proved to have
14 been needed, shall be deemed unfit for his office, and
15 shall be discharged by the governor.

SECT. 3. Each and every person confined in any in-
2 sane asylum or hospital, public or private, within the
3 state of Maine, shall be furnished by the superintend-
4 ent, or party having charge of such person, at least
5 once in each week, while so confined, with suitable
6 material for writing, inclosing, sealing, stamping and
7 mailing letters, provided they request the same, unless
8 otherwise ordered by this board, which order shall be

9 in writing, and shall continue in force until counter-
10 manded by said board.

SECT. 4. The state shall provide securely locked letter
2 boxes, easily accessible to all the inmates, to be placed
3 in every asylum or hospital for the insane, either pub-
4 lic or private, in the state of Maine, into which this
5 weekly letter of the patient can be dropped by the
6 writer thereof. And no officer of these institutions
7 shall have any means of reaching the contents of these
8 boxes, but the letters in them shall be collected week-
9 ly, by an agent of the post-office or of this board for
10 transmittal by mail.

SECT. 5. It is hereby made the duty of the superin-
2 tendent, or party having charge of any person confined
3 on account of insanity, to deliver to said person any
4 letter or writing to him or her directed, without open-
5 ing or reading the same, provided this letter has been
6 forwarded by the board, or is directed to such indi-
7 viduals as the board have authorized to send or to
8 receive letters without the board's inspection.

SECT. 6. Every asylum or hospital for the insane,
2 either public or private, shall be visited as often as
3 once in four weeks, by at least one member of this
4 board; and this visit shall be made at irregular and
5 not at stated periods of time. And of such visits, no
6 previous notice, or information, or intimation, shall be

7 given or allowed to the superintendent, or any em-
8 ployee or official in any such institution ; but, as far as
9 possible, all such visits shall be made unexpectedly to
10 every superintendent, officer or employee. And in no
11 case shall this board be accompanied by any superin-
12 tendent, officer or employee, at the institution, in their
13 visits through the wards, unless at the special request
14 of some one of the board.

SECT. 7. In event of the sudden and mysterious death
2 of any person so confined, a coroner's inquest shall be
3 held as provided for by law in other cases.

SECT. 8. Any person neglecting to comply with or will-
2 fully and knowingly violating any of the provisions of
3 this act, shall, upon conviction thereof, be punished by
4 imprisonment for a term not exceeding three years, or
5 by a fine not exceeding one thousand dollars, or by
6 both fine and imprisonment, at the discretion of the
7 court ; and by ineligibility for his office in future.
8 And upon trial had for such offense, the testimony of
9 any person, whether insane or otherwise, shall be
10 taken and considered for what it is worth.

SECT. 9. There shall be allowed as salary of such
2 board the sum of two dollars each per day for the
3 time actually consumed in visiting such institutions
4 and their actual traveling expenses. And the dis-
5 bursing officer of such institutions shall pay the per

6 diem and mileage allowed such board under the pro-
7 visions of this act. And each member of such board
8 shall certify, under oath, the number of days he or
9 she has served.

STATE OF MAINE.

IN SENATE, January 28, 1874.

Pending the adoption of amendment "A" proposed by Mr. FOSTER of Oxford, on his motion laid on the table, and amendment ordered to be printed.

SAMUEL W. LANE, *Secretary.*