

MAINE STATE LEGISLATURE

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Seventy-first Legislature.

SENATE.

No. 210

STATE OF MAINE.

IN THE YEAR OF OUR LORD ONE THOUSAND NINE
HUNDRED AND THREE.

AN ACT to amend section five of chapter one hundred thirty-seven of the Revised Statutes as amended by section one of chapter two hundred ninety-five of the public laws of eighteen hundred ninety-three, relating to insane criminals.

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

Section 1. Section five of chapter one hundred thirty-seven
2 of the Revised Statutes as amended by section one of chapter
3 two hundred ninety-five of the public laws of 1893 is hereby
4 further amended so as to read as follows:

'Sect. 5. The governor shall appoint in each county in the
6 State a competent physician, who shall be a resident of the
7 county, to act as an examiner of insane convicts in the county
8 jail of the county. When a convict in the State prison or a
9 county jail becomes insane, the warden shall forthwith notify

10 the prison physician, or the jailer shall forthwith notify such
11 examiner in the county, of the fact, and the prison physician
12 or such examiner, as the case may be, shall, forthwith investi-
13 gate the case and make a personal examination of the con-
14 vict and if the prison physician or such examiner, as the case
15 may be, finds such convict insane he shall forthwith certify
16 such fact in writing to the governor and council, and the gov-
17 ernor and council shall cause the removal of such insane con-
18 vict to the insane department of the State prison or to either
19 insane hospital until he becomes of sound mind. The fee of
20 such examiner for each examination shall be
21 dollars. If such convict becomes of sound mind before the
22 expiration of the term of his sentence he shall be returned to
23 the prison or jail from which he was removed. If the term
24 of his sentence has expired he shall be discharged free.
25 Inmates of county jails and persons under indictment, becom-
26 ing insane before final conviction, may be committed to an
27 insane hospital by the judge of the supreme judicial, or
28 superior court in the county where such person is to be tried
29 or the case is pending, under such limitations as such judge
30 may direct. The superintendent of the insane hospital at
31 Augusta shall visit the insane department of the State prison
32 not less than once each month to advise with the prison
33 physician and warden as to the proper care, treatment and
34 disposition of the convicts in said department. And when-
35 ever, in the judgment of said superintendent, any convict
36 of the State prison who may be insane, can be better treated
37 at the insane hospital at Augusta, he may recommend the
38 transfer of said convict to said hospital, and report his con-
39 clusions to the governor and council, and thereupon they may
40 order such transfer, and said convict shall be returned to the
41 State prison whenever said superintendent shall consider it
42 advisable to do so; if such person recovers after the expir-

43 ation of his sentence he shall be discharged free. When-
44 ever any convict in said department at the expiration of his
45 term of sentence shall, in the opinion of said superintendent,
46 prison physician and warden, be so far insane that his dis-
47 charge will endanger the peace and safety of the community,
48 they shall make a certificate setting forth briefly the facts of
49 his sentence and its expiration and their opinion of his insanity,
50 which certificate shall be by the warden recorded, and there-
51 upon said certificate, which shall be his warrant therefor, said
52 warden shall transfer and commit said insane person to the
53 insane hospital at Augusta. All expenses of said superin-
54 tendent in connection with said department, as well as those
55 of the commitment, removal and support of said convicts
56 during the term of their sentences shall be paid by the State
57 by order of the governor and council from State prison
58 appropriations.'

Sect. 2. Section seven of said chapter as amended is hereby
2 further amended so as to read as follows:

'Sect. 7. If a person convicted of any crime, in the supreme
4 judicial court or either superior court, is found by the judge
5 of such court to be insane when motion for sentence is made,
6 the court may cause such person to be committed to the insane
7 department of the State prison under such limitations as the
8 court may direct; provided that the crime of which such
9 person is convicted is punishable by imprisonment in the
10 State prison; otherwise such commitment shall be to one of
11 the insane hospitals; if at the expiration of the period of
12 commitment to the insane department of the State prison
13 such person has not become of sound mind in the opinion
14 of the superintendent of the insane hospital at Augusta,
15 prison physician and warden, he shall be removed by them to
16 one of the insane hospitals. Persons committed by a judge
17 of the supreme judicial or a superior court before final con-

18 viction, or after conviction and before sentence whether
19 originally committed or subsequently removed thereto, and
20 insane convicts after the expiration of their sentences, shall
21 be supported while in the insane hospital in the manner pro-
22 vided by law in the case of persons committed by municipal
23 officers, and the provisions of sections nineteen to twenty-two
24 inclusive, of chapter one hundred forty-three of the Revised
25 Statutes shall apply to such cases.'

Sect. 3. This act shall take effect when approved.

STATE OF MAINE.

IN SENATE, March 13, 1903.

Reported by Mr. GOODWIN from Committee on Revision of Statutes,
and laid on table to be printed under joint rules.

KENDALL M. DUNBAR, *Secretary*.