

# 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)

NEW DRAFT.

---

---

# SEVENTY-THIRD LEGISLATURE

---

---

HOUSE.

No. 301

---

---

## STATE OF MAINE

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

---

AN ACT in addition to chapter 144 of the Revised Statutes,  
relating to the Commitment of the Insane.

---

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

Section 1. The judge of probate in the several counties  
2 shall likewise have power to examine insane persons not  
3 included in section 15 of chapter 144 of the Revised Statutes,  
4 and upon complaint in writing of any blood relation, husband  
5 or wife, of said alleged insane person, or of any justice of  
6 the peace, accompanied by the certificate of some reputable  
7 physician stating that in his opinion such person is insane,  
8 may immediately appoint a time and place for hearing,  
9 within the town or city in which said person resides or is

10 found, the allegations contained in said complaint, and shall  
11 cause to be given in hand to the person so alleged to be  
12 insane at least twenty-four hours prior to the time appointed  
13 for said hearing, a true copy of said complaint attested by  
14 the register of probate of the county in which said hearing  
15 is to be held, together with a notice of the time and place of  
16 said hearing, and that he has a right and will be given oppor-  
17 tunity there and then to be heard in the matter, and a like  
18 copy of said complaint and of said notice of hearing shall be  
19 served upon the clerk of the town in which said person  
20 resides or is found. Nothing herein contained shall require  
21 a judge of probate to appoint a hearing for the purpose of  
22 this act in any town other than the shire town of the county  
23 or the town in which said person resides.

The judge of probate before whom the hearing is to be  
25 held, shall have power to summon such witnesses as shall  
26 be necessary for the full understanding of the case, and if  
27 it shall be decided that such person is insane, and that his  
28 comfort and safety, or that of others interested shall thereby  
29 be promoted, the said judge of probate shall forthwith send  
30 him to the Maine insane hospital, or the eastern Maine insane  
31 hospital, with a certificate stating the fact of his insanity and  
32 the town in which he resided or was found at the time of the  
33 examination, and directing the superintendent to receive and  
34 detain him until he is restored or discharged by law or by the  
35 superintendent or trustees. The register shall keep a record  
36 of the doings in each case and furnish a copy to any inter-  
37 ested person requesting and paying for it.

Sect. 2. Excepting sections 15 and 16, all other sections 2 of chapter 144, relating to the commitment, expense of sup- 3 porting and discharge of the insane, shall also apply to com- 4 mitments under this act. The register of probate shall be 5 entitled to reasonable fees for each paper, or copy thereof, 6 made by him under such proceedings for commitment, and 7 unless the relatives of the person alleged to be insane are 8 liable and of sufficient ability to pay the same together with 9 all witness fees in the case, and the expenses of such com- 10 mitment are not otherwise met, the amount of such fees shall 11 be made up by the register and approved by the judge of 12 probate before whom the hearing is held and certified to the 13 treasurer of the town in which the person resides or is found, 14 who shall pay the amount so certified.

Sect. 3. The municipal officers or the judge of probate 2 first taking jurisdiction of a complaint referred to in section 3 16 of chapter 144 of the Revised Statutes, and in section one 4 of this act, shall have exclusive jurisdiction in the matter 5 until such complaint is finally disposed of. In case of refusal 6 to commit by one of said tribunals after notice and hearing, 7 no complaint shall be made to the other tribunal with refer- 8 ence to the same person within thirty days after such deci- 9 sion is recorded; and only after application to each of said 10 tribunals and neglect or refusal for three days on the part of 11 each to act, shall proceedings under section 19 of said chapter 12 144 be taken.

Sect. 4. This act shall take effect when approved.

STATE OF MAINE.

---

HOUSE OF REPRESENTATIVES,

Augusta, February 25, 1907.

Reported by Mr. SMITH from Committee on Judiciary, and ordered  
printed under joint rules.

E. M. THOMPSON, *Clerk.*