

MAINE STATE LEGISLATURE

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NEW DRAFT

EIGHTY-FIRST LEGISLATURE

HOUSE

NO. 476

House of Representatives, March 26, 1923.

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

CLYDE R. CHAPMAN, Clerk.

STATE OF MAINE

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

AN ACT Additional to and Amendatory of Chapter One Hundred and Thirty-nine of the Revised Statutes, as Amended by Chapter Eighty-eight, Public Laws of 1917, Relating to Transfer of Insane or Feeble Minded Inmates.

Be it enacted by the People of the State of Maine, as follows:

Section 1. Section fifteen of chapter eighty-eight of the
2 public laws of nineteen hundred seventeen, is hereby amend-
3 ed by inserting after the word "woman" in the second line
4 the words 'a man committed to the reformatory for men;
5 a girl committed to the state school for girls or a boy com-
6 mitted to the state school for boys'; by inserting after the
7 word "she" in the third line the words 'or he'; by striking

8 out the word "reformatory" in two places in the fifth line
9 and inserting in place thereof the word 'institutional'; by
10 striking out the word "woman" in two places in the seventh
11 line and inserting in place thereof the word 'person'; by
12 striking out the words "Western Somerset" in the tenth
13 line; by inserting after the word "court" in the tenth line
14 the words 'having jurisdiction of offenses in the town where
15 such institution is located'; by striking out the words "in
16 the county of Somerset" in the tenth and eleventh lines; by
17 striking out the word "woman" in the twelfth line and in-
18 serting in place thereof the word 'person' and by inserting
19 after the word "her" in the thirteenth line the words 'or
20 his,' so that said section as amended shall read as follows:

'Sect. 15. Whenever a woman committed to the reforma-
2 tory for women, a man committed to the reformatory for
3 men, a girl committed to the state school for girls or a boy
4 committed to the state school for boys has become insane,
5 or in the opinion of the superintendent thereof is in such
6 a condition that she or he is a fit subject for the Maine
7 school for feeble minded, the superintendent shall notify
8 the institutional physician of the fact, and the institution
9 physician shall forthwith investigate the case and make a
10 personal examination of such person; and if such physician
11 finds such person to be insane or a fit subject for the Maine
12 school for feeble minded he shall forthwith certify such
13 fact in writing to the superintendent. Said superintendent
14 shall apply in writing to the judge of the municipal court

15 having jurisdiction of offenses in the town where such in-
16 stitution is located, stating the facts connected therewith
17 and praying that the condition of such person may be in-
18 quired into and such decree made as to her or his commit-
19 ment as justice may require.'

Sect. 2. Section sixteen of said chapter is hereby amended
2 by inserting after the word "she" in the seventh line the
3 words 'or he'; by inserting after the word "matter" in the
4 eighth line the words 'if such person is a minor, notice shall
5 also be given to his or her parents or guardian, if known,
6 as the court may order; by inserting after the word "she" in
7 the tenth line the words 'or he,' and by striking out the
8 words "the reformatory for women" in the twelfth line
9 and inserting in place thereof the words 'either of said
10 institutions,' so that said section as amended shall read as
11 follows:

'Sect. 16. Such judge shall thereupon appoint a time and
2 place for a hearing by him of the allegations of such appli-
3 cation and shall cause a true copy of such application to
4 be given in hand to the person so alleged to be insane or a
5 fit subject for the Maine school for feeble minded, at
6 least twenty-four hours prior to the time of said hearing,
7 together with a notice of the time and place of said hearing,
8 and that she or he has a right and will be given an oppor-
9 tunity then and there to be heard in the matter; if such
10 person is a minor, notice shall also be given to his or her
11 parents or guardian, if known, as the court may order; he

12 shall call before him all testimony necessary for the full
13 understanding of the case, and shall personally examine
14 and interview such person, whether she or he shall or shall
15 not appear at such hearing, and shall require and receive
16 evidence of at least two reputable physicians not in the
17 employ of either of said institutions, all such evidence being
18 given under oath before such judge, with the certificate
19 signed by such physicians and filed with the papers in the
20 case, that in their opinion such person is or is not insane
21 or is or is not a fit subject for Maine school for feeble
22 minded. Such evidence and certificate shall be based upon
23 due inquiry and personal examination of the person to
24 whom insanity is imputed or who is alleged to be a fit
25 subject for Maine school for feeble minded. At said hear-
26 ing the judge shall appoint a guardian ad litem for the
27 person so alleged to be insane or a fit subject for Maine
28 school for feeble minded, and may in his discretion appoint
29 counsel for such person. The compensation for such
30 guardian and counsel shall be fixed by the judge and in-
31 cluded in the expense of the proceedings to be paid by the
32 state.'

Sect. 3. Section seventeen of said chapter is hereby
2 amended by striking out the words "woman committed to
3 the reformatory for women" in the second and third lines
4 and inserting in place thereof the words 'person so com-
5 mitted'; by inserting after the word "she" in the third line
6 the words 'or he'; by inserting after the word "her" in the

7 fourth line the words 'or his'; by inserting after the word
8 "her" in the fifth line the words 'or his'; by inserting after
9 the word "her" in the sixth line the words 'or him'; by
10 inserting after the word "her" in the seventh line the words
11 'or his'; by inserting after the word "she" in both the
12 seventh and eighth lines the words 'or he'; by striking out
13 the word "woman" in the ninth line and inserting in place
14 thereof the word 'person'; by inserting after the word "her"
15 in the tenth line the words 'or him'; by inserting after the
16 word "she" in both the eleventh and twelfth lines the words
17 'or he'; by striking out the words "said reformatory" in the
18 fifteenth line and inserting in place thereof the words 'such
19 institution'; by striking out the words "woman committed
20 to the reformatory for women" in the twenty-first and
21 twenty-second lines and inserting in place thereof the word
22 'person'; and by striking out the words "her" and "to the
23 reformatory for women" in the twenty-third line, and by
24 striking out the word "reformatory" in the twenty-fourth
25 line and inserting in place thereof the word 'institutional,'
26 so that said section as amended shall read as follows:

'Sect. 17. If upon the foregoing proceedings such judge
2 shall determine that such person so committed is insane or
3 that she or he is a fit subject for the Maine school for feeble
4 minded and that her or his comfort and safety, or that of
5 others interested, or her or his welfare will thereby be
6 promoted, he shall, in case such person is insane, commit
7 her or him to one of the insane hospitals, with a certificate

8 stating the fact of her or his insanity and directing that
9 she or he shall be received and detained accordingly until
10 she or he is restored or discharged by law; or in case such
11 person is a fit subject for the Maine school for feeble
12 minded he shall commit her or him to said school by order
13 of commitment directed to the hospital trustees, directing
14 that she or he shall be received and detained accordingly
15 until she or he is restored or discharged by law, providing
16 that no order of commitment to the Maine school for feeble
17 minded be made until application for admission of such
18 person has first been made to the hospital trustees by the
19 superintendent of such institution, which application shall
20 be placed on file at the Maine school for feeble minded and
21 evidence thereof presented to the judge accompanied by a
22 certificate of the superintendent of said Maine school for
23 feeble minded, stating in substance that such person will
24 be received under provision of section fifty-one of chapter
25 one hundred forty-five of the revised statutes. The certifi-
26 cate of said judge shall state the town in which the person
27 so committed, resided at the time of original commitment.
28 A certified copy of the certificate, signed by the institutional
29 physician shall accompany such order of commitment made
30 hereunder, and said judge shall keep a record of his doings
31 and furnish a copy to any interested person requiring and
32 paying for it.

Sect. 4. Section eighteen of said chapter is hereby amend-
2 ed by inserting after the word "woman" in the fourth line

3 the words 'any man committed from the reformatory for
4 men, any girl committed from the state school for girls and
5 any boy committed from the state school for boys,' so that
6 said section as amended shall read as follows:

'Sect. 18. The provisions of sections eight, nine and eleven
2 of chapter one hundred thirty-nine of the revised statutes
3 are hereby extended to and made applicable to the case of
4 any women committed from the reformatory for women,
5 any man committed from the reformatory for men, any
6 girl committed from the state school for girls and any boy
7 committed from the state school for boys, in the foregoing
8 manner, except that said fees and costs shall be audited and
9 allowed by the state auditor and shall be paid by the state.'