

MAINE STATE LEGISLATURE

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EIGHTY-FOURTH LEGISLATURE

Senate Document

No. 90

S. P. 214

In Senate, Feb. 5, 1929.

Referred to Committee on Judiciary and 500 copies ordered printed. Sent down for concurrence.

ROYDEN V. BROWN, Secretary.

Presented by Senator Mitchell of Aroostook.

STATE OF MAINE

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

AN ACT to Regulate the Admission of Mental Patients to the
State Hospitals, and Commitment of the Same.

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

Section 1. The superintendent of either of the state hospitals for mental patients shall receive into his hospital for treatment for a period not exceeding thirty days any person residing or found in Maine, provided such person be accompanied by a certificate signed by two regular physicians registered in Maine, which certificate shall show that in the judgment of the two physicians after an examination by each of them, such person needs care and treatment in a state hospital because of his mental condition.

Sect. 2. Said certificate of mental disorder shall be filed
2 at the institution at the time of admission of the patient,
3 together with a statement of facts, as far as they may be
4 obtained, regarding the family and personal history of the
5 patient, the history of his or her mental disorder, together
6 with such information regarding the patient's financial con-
7 dition as the board of hospital trustees may require.

Sect. 3. The municipal officers of towns or cities shall
2 upon a request in writing from any blood relative, husband
3 or wife of any person residing or found within their mu-
4 nicipality said to be in need of state hospital treatment be-
5 cause of his mental condition, or upon request in writing
6 from any justice of the peace, they shall immediately call
7 two regular and registered physicians in this state to ex-
8 amine the person alleged to be in need of state hospital
9 treatment because of his mental condition, and if in the
10 opinion of the two physicians the said person requires state
11 hospital treatment because of his mental condition the physi-
12 cians shall make out a certificate of mental disorder, and
13 it shall then be the duty of the municipal officers to forth-
14 with send such person to the state hospital within the state
15 hospital district where such town or city is located, and it
16 shall be the duty of the superintendent of either state hos-
17 pital to receive and admit such patient into his hospital for
18 treatment for a period not exceeding thirty days, provided
19 such person be accompanied by a certificate of mental dis-
20 order signed by two physicians, together with a statement

21 of facts as far as they may be obtained, regarding the fam-
22 ily and personal history of the patient, the history of his
23 or her mental disorder, together with such information re-
24 garding the patient's financial condition as the board of
25 hospital trustees may require.

Sect. 4. All reasonable expenses incurred for the exam-
2 ination of the patient and for his or her transportation to
3 the hospital shall be paid by the town or city in which the
4 patient is residing or found at the time when sent to the
5 state hospital, unless the patient has means sufficient to pay,
6 or relatives liable by law of sufficient ability to pay the same.

Sect. 5. Any patient admitted under sections one and three
2 who, in the opinion of the superintendent, is not suitable for
3 state hospital care and treatment, or who shall have recov-
4 ered or improved mentally to such an extent that in the
5 judgment of the superintendent further state hospital treat-
6 ment is not necessary and that it is for the patient's best
7 interest to be discharged or paroled, shall be removed forth-
8 with from the hospital by the municipal officers of the town
9 or city where the patient was residing or found when sent
10 to the state hospital, when notified in writing by the super-
11 intendent that such patient's detention for treatment is no
12 longer necessary.

Sect. 6. If, after a patient has been committed to a state
2 hospital for treatment for a period of not exceeding thirty
3 days by two regular and registered physicians, and it is the
4 opinion of the superintendent after fifteen or more days

5 of observation and treatment that such patient will not im-
6 prove or recover to such an extent that it will be for his
7 or her best welfare to leave the hospital at the end of the
8 thirty days period, it shall be the duty of the superintendent
9 to have the said patient examined by two regular registered
10 physicians who have practiced three years or more in Maine
11 and who are not employed by either state hospital, and if
12 in the opinion of those physicians the said patient should
13 require further state hospital treatment, the superintendent
14 shall make application to the judge of the municipal court
15 in the city where the state hospital is located for a hearing
16 before the expiration of the thirty days period, the judge
17 of the municipal court shall then cause a notice of the time
18 of a hearing to be served upon such patient at least twenty-
19 four hours prior to the hearing, and the superintendent shall
20 give the patient an opportunity to be present at the hearing
21 if the patient so wishes, provided that in the opinion of
22 the superintendent the said patient's physical and mental
23 condition is such that it would not be injurious to his health
24 or dangerous for others for the patient to attend the hear-
25 ing, and the said patient shall also have the right and op-
26 portunity to be represented at the hearing by relatives,
27 friends and attorneys at his own expense, if he so wishes.

Sect. 7. In all such cases for commitment of any person
2 to a state hospital for treatment for an indefinite period,
3 the opinion that the patient requires further state hospital
4 treatment shall be given under oath by at least two regular

5 and registered physicians who have practiced three or more
6 years in Maine, and the judge of the municipal court may
7 then commit such person to the state hospital within his
8 jurisdiction for further treatment by an order of commit-
9 ment directed to the superintendent, accompanied by a cer-
10 tificate of two regular and registered physicians who have
11 practiced three or more years in Maine, which certificate
12 should set forth that in their opinion such patient requires
13 further state hospital treatment.

Sect. 8. The order of commitment should direct the super-
2 intendent to detain such patient for further treatment in
3 said state hospital until such time as in the opinion of the
4 superintendent of said hospital the patient has recovered or
5 improved mentally to such an extent that further state hos-
6 pital treatment is not necessary, or suitable arrangements
7 in the opinion of the superintendent have been made for the
8 patient's care outside of the hospital, or until he is dis-
9 charged by the trustees, or by law.

Sect. 9. In all such cases of commitments of persons to
2 a state hospital for treatment for an indefinite period the
3 physicians' fee shall be five dollars each for the examina-
4 tion of the patient and attending the hearing before the
5 municipal judge, which sum shall be paid by the town or
6 city where the patient was residing or found when sent to
7 the hospital, unless the patient has means sufficient to pay,
8 or relatives liable by law of sufficient ability to pay the same.
9 The charges for support of patient admitted to the state

10 hospitals under this act shall be governed by the laws or
11 rules applicable to the support of patients in state hospitals.

Sect. 10. Section seventeen, chapter one hundred forty-
2 five, revised statutes, as amended by chapter one hundred
3 twenty, public laws of nineteen hundred and seventeen; sec-
4 tion eighteen, chapter one hundred forty-five, revised stat-
5 utes; and section three, chapter two hundred thirty-two,
6 public laws of nineteen hundred and nineteen, are hereby
7 repealed.