

MAINE STATE LEGISLATURE

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EIGHTY-FOURTH LEGISLATURE

Senate Document

No. 173

S. P. 410

In Senate, Feb. 14, 1929.

Referred to Committee on Public Health 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 License and Regulate Private Hospitals and
Private Houses for the Treatment of Nervous and Mental
Patients.

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

Section 1. *License.* The governor and council may li-
2 cense any suitable person to establish and keep a private
3 hospital or private house for the reception and treatment
4 of nervous and mental patients, and may revoke such li-
5 cense at any time. Such hospital or private house shall be
6 subject to visitation by the governor and council or any
7 committee thereof or by the department of health of the
8 state of Maine.

Sect. 2. Whoever establishes or keeps such private hospital or private house without a license, or after revocation of said license, shall forfeit not more than five hundred dollars.

Sect. 3. *Commitment. Voluntary Inmates.* The superintendent or manager of any such licensed hospital or house for the treatment of mental patients may receive and detain therein as a boarder and patient any person who is desirous of submitting himself to treatment and who makes written application therefor, and is mentally competent to make the application; and any such person who desires so to submit himself for treatment may make such written application. No such person shall be detained more than five days after having given notice of his intention, in writing, to leave this institution.

Sect. 4. *Temporary Commitment.* If a person is found by two regular physicians registered in Maine to be in such mental condition that his commitment to such hospital or house for mental treatment is necessary for his proper care or observation, when the expense of his care and support are to be paid by himself, or relatives, or friends, or legal or natural guardians, he may be committed for treatment to said private hospital or house for a period not exceeding thirty days, provided such person be accompanied by a certificate signed by said physician, which certificate shall show that in the judgment of the two physicians after an examination by each of them, such person needs treatment

13 in such institution because of his mental condition. Such
14 certificate shall be filed at such institution at the time of
15 admission of the patient, together with a statement of facts
16 regarding the family and personal history of the patient.
17 Within thirty days after such commitment, if in the opinion
18 of the superintendent or manager or the attending physician
19 the said person has recovered or improved mentally to such
20 an extent that in the judgment of said physician further
21 treatment at such hospital or house is not necessary, the
22 said person shall be discharged.

Sect. 5. *Permanent Commitment.* If after a patient has
2 been committed to such hospital or house for treatment for
3 a period not exceeding thirty days by two registered physi-
4 cians, and it is the opinion of the superintendent or the
5 manager or attending physician, after fifteen days or more
6 of observation and treatment, that such patient will not
7 improve or recover to such an extent that it will be for
8 his welfare to leave such hospital or house at the end of the
9 thirty day period, it shall be the duty of the superintendent,
10 manager or attending physician to have the said patient
11 examined by two disinterested, registered physicians who
12 have practiced three years or more in Maine and who are
13 not employed by such hospital or house, and if in the
14 opinion of these physicians the said patient should require
15 further treatment at said hospital or house, the superinten-
16 dent, manager or attending physician shall make application
17 to the judge of a municipal court or probate court in the

18 county where said hospital or house is located, for a hear-
19 ing, before the expiration of the thirty day period. Said
20 judge shall then cause a notice of time of hearing to be
21 served upon such patient at least twenty-four hours prior
22 to the time of hearing, and the superintendent, manager or
23 attending physician shall give the patient an opportunity to
24 be present at the hearing if the patient so wishes, provided
25 that in the opinion of the superintendent, manager or at-
26 tending physician the patient's physical and mental condi-
27 tion is such that it would not be injurious to his health or
28 dangerous to others for the patient to attend the hearing,
29 and the said patient shall have a right to be represented at
30 said hearing by relatives, friends, legal or natural guardians
31 or attorneys at his own expense, if he so wishes.

Sect. 6. In all such cases for commitment of any person
2 to such licensed hospital or house for treatment for an
3 indefinite period, the opinion that the patient requires fur-
4 ther treatment at said hospital or house shall be given under
5 oath by at least two registered physicians who have prac-
6 ticed at least three years in Maine, and if in the opinion
7 of the judge additional medical testimony as to the mental
8 condition of the patient is required he may appoint a physi-
9 cian to examine and report thereon, the expense of said
10 examination and report to be paid by the patient. The said
11 judge may then commit such person to said hospital or
12 house for further treatment by an order of commitment
13 directed to the superintendent or manager accompanied by

14 a certificate of at least two registered physicians who have
15 practiced three or more years in Maine, which certificate
16 shall set forth that in their opinion such patient requires
17 further treatment. The order of commitment shall direct
18 the superintendent or manager to detain such patient for
19 further treatment in said hospital until such time as in the
20 opinion of the superintendent, manager or attending physi-
21 cian the patient has recovered or improved mentally to such
22 an extent that his detention in such hospital is no longer
23 necessary for his own welfare or the safety of the public,
24 or until suitable arrangements have been made for said
25 patient's proper care and supervision outside of said institu-
26 tion by his legal or natural guardians, or until on three
27 days' notice, said superintendent or manager shall notify
28 the legal or natural guardian to remove said patient from
29 said institution, or until such time as it shall become neces-
30 sary to remove said patient to the state hospital, or said
31 patient shall be discharged by order of law.

Sect. 7. Each of said licensed hospitals or houses shall
2 be visited at least once a year, and oftener if the governor
3 so directs, by a member of the state department of health
4 who shall carefully inspect every part of said hospital or
5 house visited with reference to its cleanliness and sanitary
6 conditions and who shall make a report to the governor and
7 council with such recommendations to improve conditions
8 as said department shall deem necessary.

Sect. 8. Upon the failure of any superintendent or man-

2 ager of such licensed hospital or house to comply with any
3 of the provisions of this act, the governor and council may
4 order a hearing to be held and notify in writing said super-
5 intendent or manager of such hearing, by seven days' notice,
6 to be held at the council chambers in the state house at
7 Augusta, and if it shall appear to the governor and council
8 that the provisions of this act have not been complied with
9 they may revoke the license of said hospital or house.