

MAINE STATE LEGISLATURE

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NEW DRAFT

EIGHTY-FOURTH LEGISLATURE

Senate Document

No. 331

S. P. 669

In Senate, March 8, 1929.

Reported by Senator Harriman of Kennebec from Committee on Public Health and laid on table to be printed under joint rules.

ROYDEN V. BROWN, Secretary.

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 Patients Mentally
Deranged.

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 patients who are mentally deranged, and may revoke
5 such license at any time. Such hospital or private house
6 shall be subject to visitation by the governor and council

7 or any committee thereof or by the department of health
8 of the State of Maine.

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

Sect. 3. *Commitment. Voluntary inmates.* The superin-
2 tendent or manager of such licensed hospital or house for
3 the treatment of mental patients may receive and detain
4 therein as a boarder and patient any person who is desirous
5 of submitting himself to treatment and who makes written
6 application therefor, and is mentally competent to make
7 the application; and any such person who desires so to sub-
8 mit himself for treatment may make such written applica-
9 tion. No such person shall be detained more than five days
10 after having given notice of his intention, in writing, to
11 leave this institution.

Sect. 4. *Temporary commitment.* If a person is found
2 by two regular physicians registered in Maine to be in such
3 mental condition that his commitment to such hospital or
4 house for mental treatment is necessary for his proper care
5 or observation, when the expense of his care and support
6 are to be paid by himself, or relatives, or friends, or legal
7 or natural guardians, he may be committed for treatment
8 to said private hospital or house for a period not exceeding
9 thirty days, provided such person be accompanied by a cer-
10 tificate signed by said physicians, which certificate shall

11 show that in the judgment of the two physicians after an
12 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 said
22 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 phy-
4 sicians, 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 his
8 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 ex-
11 amined by two disinterested, registered physicians who have
12 practiced three years or more in Maine and who are not
13 employed by such hospital or house, and if in the opinion
14 of these physicians the said patient should require further
15 treatment at said hospital or house, the superintendent, man-

16 ager or attending physician shall make application to the
17 judge of a municipal court or probate court in the county
18 where said hospital or house is located, for a hearing, before
19 the expiration of the thirty day period. Said judge shall
20 then cause a notice of time of hearing to be served upon
21 such patient at least twenty-four hours prior to the time of
22 hearing, and the superintendent, manager or attending phy-
23 sician shall give the patient an opportunity to be present at
24 the hearing if the patient so wishes, provided that in the
25 opinion of the superintendent, manager or attending phy-
26 sician the patient's physical and mental condition is such
27 that it would not be injurious to his health or dangerous
28 to others for the patient to attend the hearing, and the said
29 patient shall have the right to be represented at said hearing
30 by relatives, friends, legal or natural guardians or attorneys
31 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 in-
3 definite period, the opinion that the patient requires further
4 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 a recognized alienist the patient has recovered
21 or improved mentally to such an extent that his detention
22 in such hospital is no longer necessary for his own welfare
23 or the safety of the public, or until suitable arrangements
24 have been made for said patient's proper care and super-
25 vision outside of said institution by his legal or natural
26 guardians, or until on three days' notice, said superintendent
27 or manager shall notify the legal or natural guardian to
28 remove said patient from said institution, or until such time
29 as it shall become necessary to commit said patient to a
30 state hospital, or said patient shall be discharged by order of
31 law.

Sect. 7. Each of said licensed hospitals or houses shall be
2 visited at least once a year, and oftener if the governor so
3 directs, by a member of the state department of health, who
4 shall carefully inspect every part of said hospital or house
5 visited with reference to its cleanliness and sanitary condi-
6 tions and who shall make a report to the governor and coun-

7 cil with such recommendations to improve conditions as
8 said department may 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.