

MAINE STATE LEGISLATURE

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E I G H T Y - N I N T H L E G I S L A T U R E

Legislative Document

No. 698

H. P. 1605

House of Representatives, February 14, 1939.

Referred to Committee on Judiciary and sent up for concurrence. 500 copies ordered printed.

HARVEY R. PEASE, Clerk.

Presented by Roland E. Everett of Norridgewock.

S T A T E O F M A I N E

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
THIRTY-NINE

AN ACT Relating to Transfer of Inmates of State Institutions.

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

P. L., 1933, c. 1, § 316, amended. Section 316 of chapter 1 of the public laws of 1933 is hereby amended to read as follows:

'Sec. 316. Transfer of inmate to other institution; original sentence to continue. Any person who is committed to a state charitable or correctional institution, and is under the control of the department, who becomes insane, or who is found to be insane by the examination authorized by the preceding section, shall be transferred to either of the state hospitals, and any person who is committed to a state correctional or charitable institution and is under the control of the department, who in the opinion of the superintendent thereof is in such condition that he or she is a fit subject for the Pownal state school, shall be transferred to the Pownal state school whenever, in the judgment of the commissioner, the welfare of the patients and inmates, or of either institution, or of the person will be promoted thereby. A copy of the certificate of original commitment certified by the head of the institution in which said person is confined and a certificate from a regular practicing physician in the state certifying that the person committed is feeble minded or insane, as the case might be, with an order of transfer signed by the commissioner shall authorize the superintendent

of the institution to receive and detain the said person, as above provided for.

Such patient shall be there detained in custody in the same manner as if he or she had been committed thereto originally. The transfers authorized in this and the preceding section shall have no effect on the original sentences which shall continue to run, and if the original sentence has not expired when the patient has been declared ready for discharge or release, the patient shall be returned to the institution to which he or she was originally committed. ~~If the original sentence expires while the patient is in the charge of the institution, the patient shall be discharged therefrom under the same conditions as if the patient had originally been committed thereto.~~ **If prior to the expiration of the original sentence it is the opinion of the superintendent of the institution which has charge of the patient that the patient should remain in charge of the institution after the expiration of such sentence, the patient may be recommitted to either of the state hospitals upon complaint of the superintendent of the institution which has charge of the patient under the provisions of sections 411 and 412 of this chapter; or to the Pownal state school under the provisions of section 451 of this chapter.**

The expense attending such transfers shall be paid from funds available for the use of the institution from which **or to which** such person is transferred.'