

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. 1137

H. P. 2169

House of Representatives, April 5, 1939.

HARVEY R. PEASE, Clerk.

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 the Discharge of Persons Committed to the Insane
Hospitals.**

Emergency preamble. Whereas, there now exists in state hospitals for the insane in the state of Maine a large number of patients, which causes an overcrowded condition in so far as the present capacity and living quarters of these institutions now provide; and

Whereas, the superintendents of these institutions could release certain patients from these institutions when, in the opinion and judgment of the superintendent a release would be proper, having in mind the condition of the patient and public safety, except where patients are confined as result of criminal prosecution; and

Whereas, that by so releasing these patients it would then be possible for these institutions to care for many serious cases which should be admitted and cared for by these institutions; and

Whereas, at the present time the state hospitals for the insane are taxed to such a capacity that it is utterly impossible to properly admit and care for with suitable provisions and quarters any other insane persons; and

Whereas, in the judgment of the legislature these facts create an emergency within the meaning of section 16 of Article XXXI of the constitution

of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

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

Sec. 1. Discharge of patients from the insane hospitals. Whenever in the judgment of the superintendents of either of the hospitals for the insane any person, other than a person committed thereto as criminally insane, committed to and confined therein, requires only infirmary care, he shall certify that fact to the overseers of the poor of the city or town in which such person has his pauper settlement; and said overseers of the poor shall forthwith remove such person or cause such person to be removed from said hospital and taken to said city or town. If said overseers of the poor to whom such certification is made as aforesaid fail to remove such person from said hospital within one week after receipt of such certification, the city or town in which such person has his pauper settlement shall be liable to the state of Maine for the entire cost of maintaining such person in said hospital from the date of the certification as aforesaid until finally removed therefrom, the same to be recovered in an action of case. Overseers of the poor of such towns are hereby authorized to remove such persons from said hospitals and convey them to their town in the same manner as is provided for the removal of paupers to the towns of their settlement. Upon failure of the said overseers of the poor to remove any such person continued for more than one week after receipt of a certificate as aforesaid, such person if indigent and having no place to which he or she may go, may be transferred to any institution of the state now or hereafter established for the care of persons similarly situated and the town of his pauper settlement shall be liable as aforesaid for the care of such person in such other institution to which removed.

Sec. 2. Towns of settlement incurring expense under the provisions of this act shall have the same rights to, and remedies for reimbursement as those provided under chapter 33 of the revised statutes of 1930 and amendments thereto.

Sec. 3. Repealing clause. All acts or parts of acts inconsistent herewith are hereby repealed or amended to conform with the provisions hereof.

Emergency clause. In view of the emergency cited in the preamble, this act shall take effect when approved.