

# MAINE STATE LEGISLATURE

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

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**Legislative Document**

**No. 539**

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S. P. 181

In Senate, February 5, 1947.

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

CHESTER T. WINSLOW, Secretary.

Presented by Senator Bishop of Sagadahoc.

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STATE OF MAINE

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IN THE YEAR OF OUR LORD NINETEEN HUNDRED  
FORTY-SEVEN

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**AN ACT Relating to the Commitment of Patients to Mental Hospitals.**

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

**Sec. 1. R. S., c. 23, § 95, amended.** Section 95 of chapter 23 of the revised statutes is hereby amended to read as follows:

'**Sec. 95. Hospitals for mental patients to be maintained.** The state shall maintain 2 hospitals for the ~~care~~ **mentally ill**, one at Bangor called the Bangor state hospital and the other at Augusta, called the Augusta state hospital.'

**Sec. 2. R. S., c. 23, § 97, amended.** Section 97 of chapter 23 of the revised statutes is hereby amended to read as follows:

'**Sec. 97. Rules and regulations to be kept posted.** The superintendent of each hospital shall keep posted, in conspicuous places about the hospital under his charge, printed cards containing the rules and regulations prescribed for the government of employees **or shall furnish employees with printed rules and regulations.**'

**Sec. 3. R. S., c. 23, § 100, repealed and replaced.** Section 100 of chapter 23 of the revised statutes is hereby repealed and the following enacted in place thereof:

**'Sec. 100. Patients may write to commissioner. All mail addressed by patients to the commissioner shall be forwarded forthwith unopened.'**

**Sec. 4. R. S., c. 23, § 102, amended.** Section 102 of chapter 23 of the revised statutes is hereby amended to read as follows:

**'Sec. 102. Transfer of patients; cost, how paid.** The department may transfer any patient from one hospital for the ~~insane~~ **mentally ill** to the other, or from one building for the criminal insane to any other building used for the care of the ~~insane~~ **mentally ill**, whenever in its judgment the welfare of the patients or of either institution will be promoted thereby. The expense attending such transfer shall be paid out of the funds of the hospital making the transfer and shall be a charge on the person liable for the board of such patient.'

**Sec. 5. R. S., c. 23, § 104, repealed and replaced.** Section 104 of chapter 23 of the revised statutes is hereby repealed and the following enacted in place thereof:

**'Sec. 104. Application for admission.** If a person is found by any guardian, blood-relative, husband or wife of such person, any justice of the peace or notary public, to be in such mental condition that he or she may require treatment in a state hospital for mental patients, such guardian, blood-relative, husband or wife of such person, any justice of the peace or any notary public may apply in writing to the superintendent of either the Augusta or Bangor state hospital for admission of said person, and the superintendent may receive and detain such person for observation and treatment in a state hospital for mental patients for an indefinite period, provided that such application is accompanied by a written certificate of 2 physicians that the said person is mentally ill and in their opinion requires mental hospital care and treatment.

The application for admission of a patient alleged to be mentally ill and the physicians' certificate and the financial statement shall be made on forms prescribed by the department of institutional service.'

**Sec. 6. R. S., c. 23, § 105, repealed and replaced.** Section 105 of chapter 23 of the revised statutes is hereby repealed and the following enacted in place thereof:

**'Sec. 105. Physicians' certificate; time limit.** In all cases where an application for admission of a mentally ill person to either the Augusta or Bangor state hospital is made by a person authorized by law, such application must be accompanied by a written certificate of 2 physicians who

have been licensed in this state and who are not related by blood or marriage to the person said to be mentally ill, showing that they have examined the person said to be mentally ill within a week of signing the certificate, and that in their opinion such person is so mentally ill that he requires care and treatment in either state hospital. The certificate must clearly state the facts on which the opinion of the mental illness is based.

The 2 physicians may examine the person alleged to be mentally ill either jointly or separately, but the final examination by each must be made within 7 days before, and inclusive of, the date of admission of the patient to the state hospital.

The person certified to be mentally ill must be brought to the hospital within 7 days of the date of the physicians' certificate, and no patient shall be admitted after that period without a reexamination by the physicians and a new physicians' certificate furnished.

Within 2 days after the admission of the patient to either state hospital, it shall be the duty of the superintendent of said hospital to notify in writing the nearest relative, friend, or guardian as appearing on the application for admission and any 2 other persons whom the patient may designate, of the fact of his commitment to the said hospital.'

**Sec. 7. R. S., c. 23, § 106, repealed.** Section 106 of chapter 23 of the revised statutes is hereby repealed.

**Sec. 8. R. S., c. 23, § 107, repealed and replaced.** Section 107 of chapter 23 of the revised statutes is hereby repealed and the following enacted in place thereof:

'Sec. 107. Duty of municipal officers; commitment of women. On the request of any guardian, blood-relative, husband or wife of such person, any justice of the peace or notary public, upon whose application such person has been committed under the provisions of section 104 to either state hospital, the municipal officers of the town where the mentally ill person resides or is found shall forthwith remove such person to either state hospital.

When a woman is committed to either of the state hospitals, the officers effecting her removal to the hospital shall, unless she is to be accompanied by a father, husband, brother or son, designate a woman to be an attendant or one of the attendants to accompany her thereto.'

**Sec. 9. R. S., c. 23, § 108, repealed and replaced.** Section 108 of chapter 23 of the revised statutes is hereby repealed and the following enacted in place thereof:

**‘Sec. 108. Expense of certification.** In all cases where a person is mentally ill and so certified by 2 physicians for admission to a mental hospital, the physicians’ fee shall be paid by the patient or his legally responsible relatives or guardian, if able to pay; if none of the above named are able to pay, then the town where the patient was residing or found when certified for admission to a mental hospital shall pay the physicians’ fee and other expenses of commitment.’

**Sec. 10.** R. S., c. 23, § 109, repealed and replaced. Section 109 of chapter 23 of the revised statutes is hereby repealed and the following enacted in place thereof :

**‘Sec. 109. Appeal.** Any patient or any interested friend or relative may, within 30 days after commitment, appeal therefrom to the probate court for the county of Kennebec, if such commitment was to the Augusta state hospital, or to the probate court for the county of Penobscot, if such commitment was to the Bangor state hospital. The patient shall be held in either state hospital to abide the final order of the probate court. The determination of the judge of probate upon appeal shall be final.’

**Sec. 11.** R. S., c. 23, § 110, repealed and replaced. Section 110 of chapter 23 of the revised statutes is hereby repealed and the following enacted in place thereof :

**‘Sec. 110. Discharge of patients.** The superintendent shall have authority to discharge the patient or grant his release on parole at any time he considers it advisable to do so, as is provided for under present laws. If the legal or natural guardian or any relative of a patient opposes such discharge, it shall not be made without written notice having been given to the person opposing such discharge or release.’

**Sec. 12.** R. S., c. 23, § 111, amended. Section 111 of chapter 23 of the revised statutes is hereby amended to read as follows :

**‘Sec. 111. Jurisdiction of judges of probate.** The judges of probate in the several counties shall likewise have jurisdiction to examine ~~insane~~ **mentally ill** persons except in those cases covered by section 104, and upon complaint in writing of any blood-relative, husband, or wife of said alleged ~~insane~~ **mentally ill** person, or of any justice of the peace, accompanied by the certificate of some reputable physician stating that in his opinion such person is ~~insane~~ **mentally ill**, may immediately appoint a time and place for hearing, within the town ~~or city~~ in which said person resides or is found; and shall cause to be given in hand to the person so alleged to be ~~insane~~ **mentally ill**, at least 24 hours prior to the time appointed for said

hearing, a copy of said complaint attested by the register of probate of the county in which said hearing is to be held, together with a notice of the time and place of said hearing, and that he has a right and will be given opportunity there and then to be heard in the matter, and a like copy of said complaint and of said notice of hearing shall be served upon the clerk of the town in which said person resides or is found. Nothing herein contained shall require a judge of probate to appoint a hearing for the purpose of this section in any town other than the shire town of the county, or the town in which said person resides.'

**Sec. 13. R. S., c. 23, § 112, amended.** Section 112 of chapter 23 of the revised statutes is hereby amended to read as follows:

'**Sec. 112. Proceedings at hearing.** The judge of probate before whom the hearing is held shall have authority to summon such witnesses as shall be necessary for the full understanding of the case; and if he shall decide that such person is ~~insane~~ **mentally ill**, and that his comfort and safety, or that of others interested will thereby be promoted, he shall forthwith send him to either the Augusta or the Bangor state hospital, or to an institution established and maintained within this state by the United States government for the care and treatment of persons who have been in the military or naval service of the United States and are suffering from mental disease, with a certificate stating the fact of his ~~insanity~~ **mental illness** and the town in which he resided or was found at the time of the examination, and directing the superintendent to receive and detain him until he is restored or discharged by law or by the superintendent or department. The register shall keep a record of the doings in each case and furnish a copy to any interested person requesting and paying for it. ~~Excepting sections 104 and 105, all other~~ All sections of this chapter, relating to the commitment, expense of supporting, and discharge of the ~~insane~~ **mentally ill**, shall also apply to commitments under the provisions of this section.'

**Sec. 14. R. S., c. 23, §§ 113, 114, repealed.** Sections 113 and 114 of chapter 23 of the revised statutes are hereby repealed.

**Sec. 15. R. S., c. 23, § 115, amended.** Section 115 of chapter 23 of the revised statutes is hereby amended to read as follows:

'**Sec. 115. Penalty for false testimony.** Any person who shall wilfully cause or attempt to cause, or who shall conspire with any other person to cause any person who is not ~~insane~~ **mentally ill** to be committed to any institution for the ~~insane~~ **mentally ill**, and any person who shall knowingly

certify falsely to the ~~insanity~~ **mental illness** of any person in any certificate, or testify falsely at any hearing to inquire into the condition of a person alleged to be ~~insane~~ **mentally ill**, and any person who shall knowingly report falsely to any court or to any person or persons charged with authority to inquire into the condition of the person alleged to be ~~insane~~ **mentally ill**, shall be punished by a fine of not less than \$100, nor more than \$1,000, or shall be punished by imprisonment in the state prison for not less than 1 year, nor more than 5 years, or shall be punished by both such fine and imprisonment.'

**Sec. 16. R. S., c. 23, § 116, amended.** Section 116 of chapter 23 of the revised statutes is hereby amended to read as follows :

**'Sec. 116. Voluntary patients may be received at state hospitals for the mentally ill; release on request.** The superintendent in charge of either of the state hospitals to which ~~an insane~~ **a mentally ill** person may be committed, 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 whose mental condition in the opinion of the superintendent or physician in charge is such as to render him competent to make the application. Such superintendent shall give immediate notice of the reception of such voluntary patient to the department. Such patient shall not be detained for more than 10 days after having given notice in writing of his intention or desire of leaving the institution, **provided, that if his condition is deemed by the superintendent to be such that further hospital care is necessary and that he is no longer mentally competent to be detained therein as a voluntary patient, or that he could not be discharged from such institution with safety to himself and to others, said superintendent shall forthwith cause application to be made for his commitment to a state hospital and, during the pendency of such application, may detain him under the written application hereinbefore referred to.** The charges for support of such a voluntary patient shall be governed by the laws or rules applicable to the support of ~~an insane~~ **a mentally ill** person in such institution.'

**Sec. 17. R. S., c. 23, § 117, amended.** Section 117 of chapter 23 of the revised statutes is hereby amended to read as follows :

**'Sec. 117. Transfer of mentally ill persons from out of the state institutions.** The commissioner of institutional service may, upon the request of a competent authority of a state other than Maine, or of the District of Columbia, grant authorization for the transfer of ~~an insane~~ **a mentally ill** patient directly to a Maine state hospital, provided: that said patient

has a settlement in a Maine municipality acknowledged by the municipal officers thereof; that said patient is currently confined in a recognized state institution for the care of the ~~insane~~ **mentally ill** as the result of proceedings considered legal by that state; that a duly certified copy of the original commitment proceedings and a copy of the patient's case history is supplied; that if, after investigation, the commissioner of institutional service shall deem such a transfer justifiable; that all expenses incident to such a transfer be borne by the agency requesting same. When the commissioner has authorized such a transfer, the superintendent of the state hospital designated by him shall receive the patient ~~as having been regularly committed to said hospital~~ **and within 30 days shall proceed with commitment** under the laws of this state.'

**Sec. 18. R. S., c. 23, § 118, repealed.** Section 118 of chapter 23 of the revised statutes is hereby repealed.

**Sec. 19. R. S., c. 23, § 119, amended.** Section 119 of chapter 23 of the revised statutes is hereby amended to read as follows :

'**Sec. 119. Proceedings when a person, committed to jail on a criminal charge, pleads insanity.** When a person is indicted for an offense, or is committed to jail on a charge thereof by a trial justice, or judge of a municipal court, any justice of the court before which he is to be tried, if a plea of insanity is made in court, or he is notified that it will be made, may, in vacation or term time, order such person into the care of the superintendent of either ~~insane state~~ hospital, to be detained and observed by him ~~until further order of court~~, that the truth or falsity of the plea may be ascertained. ~~The superintendent of the hospital to which such person is committed shall, within the first 3 days of the term next after such commitment, and within the first 3 days of each subsequent term so long as such person remains in his care~~ Such detention and observation shall be for a period of 30 days or longer if the superintendent requires it. On notification of the superintendent of the said hospital to the committing court that such person so detained is found to be not mentally ill, it shall be the duty of said court to order his removal forthwith from the said hospital to the custody of the court or jail. If such person is found to be mentally ill, he shall be detained until the term of court next after such commitment and the superintendent shall report to the judge of the court before which such person is to be tried, whether his longer detention is required for purposes of observation.'

**Sec. 20. R. S., c. 23, § 120, amended.** Section 120 of chapter 23 of the revised statutes is hereby amended to read as follows :



**'Sec. 120. Proceedings when grand jury omit to indict, or traverse jury acquit on account of the insanity of the accused; transfer from one hospital to the other.** When the grand jury omit to find an indictment against any person arrested to answer for an offense, by reason of his insanity, they shall certify that fact to the court; and when a traverse jury, for the same reason, acquit any person indicted, they shall state that fact to the court when they return their verdict; and the court, by a precept stating the fact of insanity, may commit him to the ~~department for the criminal insane at the Augusta state hospital or to either insane hospital.~~ The court, or any justice thereof in vacation, upon application may for cause shown, whenever it appears that the peace and safety of the community will be promoted, order any person who is now or may hereafter be committed as provided in this section removed and transferred from one state hospital ~~for the insane~~ to the other, and enforce such order by appropriate precept. The expense of such transfer shall be paid as provided in section 102. Any person so committed shall be discharged by the court having jurisdiction of the case only on satisfactory proof that his discharge will not endanger the peace and safety of the community; and when such person so discharged is on satisfactory proof again found ~~insane~~ **mentally ill** and dangerous, any justice of the superior court may, by a precept stating the fact of his insanity, recommit him to the ~~department for the criminal insane at the Augusta state hospital or to either insane hospital.~~

**Sec. 21. R. S., c. 23, § 121, amended.** Section 121 of chapter 23 of the revised statutes is hereby amended to read as follows:

**'Sec. 121. Discharge of person so committed to the hospital; recommitment.** Any person so committed to ~~an insane~~ a state hospital may be discharged by any justice of the superior court, in term time or vacation, on satisfactory proof that his discharge will not endanger the peace and safety of the community; or such justice may, on application, commit him to the custody of any friend who will give bond to the judge of probate for the county of Kennebec, if such commitment was to the Augusta state hospital, or to the judge of probate for the county of Penobscot, if such commitment was to the Bangor state hospital, with sufficient sureties, approved by said judge of probate, conditioned for the safe-keeping of such ~~insane~~ **mentally ill** person, and the payment of all damages which any person may sustain by his acts. When, on satisfactory proof, he is again found ~~insane~~ **mentally ill** and dangerous, any justice of the superior court may, by a precept stating the fact of his insanity, recommit him to the ~~insane~~ **state hospital** from which he was discharged.'

**Sec. 21-A. R. S., c. 23, § 122, repealed.** Section 122 of chapter 23 of the revised statutes is hereby repealed.

**Sec. 22. R. S., c. 23, § 123, amended.** The first 2 sentences of section 123 of chapter 23 of the revised statutes are hereby amended to read as follows:

'The governor shall appoint in each county in the state a competent physician, who shall be a resident of the county, to act as an examiner of insane convicts in the county jail of the county. When a convict in the state prison or the county jail becomes ~~insane~~ **mentally ill** or a convict whose sentence has expired is there detained, and in the opinion of the warden of the state prison or keeper of the jail is ~~insane~~ **mentally ill**, the warden shall forthwith notify the prison physician and the jailer shall forthwith notify such examiner in the county of the fact, and the prison physician or such examiner shall forthwith investigate the case and make a personal examination of the convict or party so detained; and if such physician finds such convict or person detained to be ~~insane~~ **mentally ill** he shall forthwith certify such fact in writing to the warden of the state prison or keeper of such jail.'

**Sec. 23. R. S., c. 23, § 124, amended.** Section 124 of chapter 23 of the revised statutes is hereby amended to read as follows:

'**Sec. 124. Hearing to be appointed by judge; proceedings thereat; appointment of guardian ad litem and counsel.** Such judge or justice mentioned in the preceding section shall thereupon appoint a time and place for a hearing by him of the allegations of such application, and shall cause a true copy of said application to be given in hand to the person so alleged to be ~~insane~~ **mentally ill** at least 24 hours prior to the time of said hearing, together with a notice of the time and place of said hearing, and that he has a right and will be given an opportunity then and there to be heard in the matter; he shall call before him all testimony necessary for a full understanding of the case, and shall personally examine and interview such person, whether he shall or shall not appear at such hearing, and shall require and receive evidence of at least 2 reputable physicians not in the employ of the state prison or either of the said jails, all such evidence being given under oath before such judge, with the certificate signed by such physicians and filed with the papers in the case, that in their opinion such person is or is not ~~insane~~ **mentally ill**. Such evidence and certificate shall be based upon due inquiry and personal examination of the person to whom insanity is imputed. At said hearing the judge shall appoint a guardian ad litem for the person so alleged to be ~~insane~~ **mentally ill** and may in his

discretion appoint counsel for such person. The compensation of such guardian and counsel shall be fixed by the judge and included in the expense of the proceedings to be paid by the state or county.'

**Sec. 24. R. S., c. 23, § 125, amended.** Section 125 of chapter 23 of the revised statutes is hereby amended to read as follows :

'**Sec. 125. Commitment, if person is adjudged mentally ill.** If upon the foregoing proceedings such judge shall determine that such convict or person detained as aforesaid is ~~insane~~ **mentally ill** and that his comfort and safety or that of others interested will thereby be promoted, he shall, in case of such convict or person so detained in the state prison, commit him to the ~~department for the criminal insane at the~~ Augusta state hospital and in the case of a convict or person so detained in either of the county jails he shall commit him to one of the ~~insane~~ **state** hospitals, with a certificate stating the fact of his insanity and directing that he shall be received and detained accordingly until he is restored or discharged by law. The certificate of said judge shall state the town in which the prisoner, or person detained, so committed resided at the time of his original commitment to prison or jail. A certified copy of the certificate signed by the prison physician shall accompany said order of commitment made hereunder, and said judge shall keep a record of his doings and furnish a copy to any interested person requiring and paying for it.'

**Sec. 25. R. S., c. 23, § 126, amended.** Section 126 of chapter 23 of the revised statutes is hereby amended to read as follows :

'**Sec. 126. Persons recovering before expiration of sentence.** If a person so committed as ~~insane~~ **mentally ill** is restored or discharged from such commitment before the expiration of the term of the sentence on which he was originally committed, he shall be returned to the prison or jail in which he was serving his original sentence, and shall be there detained until the time when his original sentence would have expired.'

**Sec. 26. R. S., c. 23, § 128, amended.** Section 128 of chapter 23 of the revised statutes is hereby amended to read as follows :

'**Sec. 128. Commitment of inmates of jails and persons under indictment.** Inmates of the county jails and persons under indictment becoming ~~insane~~ **mentally ill** before final conviction may be committed to either ~~insane~~ **state** hospital by any justice of the superior court in the county where such person is to be tried, or the case is pending, for observation, under such limitations as such judge may direct.'

**Sec. 27. R. S., c. 23, § 130, amended.** Section 130 of chapter 23 of the revised statutes is hereby amended to read as follows :

**Sec. 130. Commitment of persons mentally ill when motion for sentence is made; proceedings if mentally ill at expiration of term of commitment; support.** If a person convicted of any crime, in the superior court, is found by the judge of such court to be ~~insane~~ **mentally ill** when motion for sentence is made, the court may cause such person to be committed to the ~~department for the criminal insane at the~~ Augusta state hospital under such limitations as the court may direct; provided that the crime of which such person is convicted is punishable by imprisonment in the state prison; otherwise such commitment shall be to one of the ~~insane state~~ hospitals; if at the expiration of the period of commitment to the ~~department for the criminal insane at the~~ Augusta state hospital such person has not become of sound mind in the opinion of the superintendent of the Augusta state hospital, he shall be removed to one of the ~~insane state~~ hospitals. Persons committed by a justice of the superior court before final conviction, or after conviction and before sentence whether originally committed or subsequently removed thereto, and insane convicts after the expiration of their sentences, shall be supported while in the ~~insane state~~ hospital in the manner provided by law ~~in the case of persons committed by municipal officers~~ and the provisions of sections ~~138 to 140~~ 136 and 137 shall apply to such cases.'

**Sec. 28. R. S., c. 23, § 131, repealed.** Section 131 of chapter 23 of the revised statutes is hereby repealed.

**Sec. 29. R. S., c. 23, § 133, amended.** Section 133 of chapter 23 of the revised statutes is hereby amended to read as follows:

**Sec. 133. Proceedings; notice, hearing, adjudication, record.** Such judge mentioned in section 132 shall thereupon appoint a time and place for a hearing by him of the allegations of such application; shall cause to be given in hand to the person so alleged to be ~~insane~~ **mentally ill**, at least 24 hours prior to the time of said hearing, a true copy of said application together with a notice of the time and place of said hearing and that he has a right and will be given opportunity then and there to be heard in the matter; shall call before him all testimony necessary for a full understanding of the case; shall personally examine and interview such person whether he shall or shall not appear at such hearing; shall require and receive the evidence of at least 2 reputable physicians, not in the employ of either hospital to be given under oath before such judge, together with a certificate signed by such physicians and filed with such judge that in their opinion such person is ~~insane~~ **mentally ill**, such evidence and certificate to be based upon due inquiry and personal examination of the person to whom

~~insanity~~ **mental illness** is imputed; and if such judge thinks such person ~~insane~~ **mentally ill** and that his comfort and safety, or that of others interested, will thereby be promoted, he shall forthwith commit him to that ~~insane~~ **state** hospital the superintendent of which made said application, with a certificate stating the fact of his ~~insanity~~ **mental illness**, and the town in which he resided or was found at the time of the examination referred to in the original papers of commitment **annexed to the foregoing** application, and directing the superintendent to receive and detain him until he is restored or discharged by law, or by the superintendent or department. A certified copy of the physicians' certificate shall accompany said order of commitment made hereunder. Such judge shall keep a record of his doings and furnish a copy to any interested person requesting and paying for it.'

**Sec. 30. R. S., c. 23, § 135, amended.** Section 135 of chapter 23 of the revised statutes is hereby amended to read as follows:

'**Sec. 135. Inquiry into cases of alleged unreasonable detention.** A friend of any person adjudged ~~insane~~ **mentally ill** and committed to either state hospital, thinking such person is unreasonably detained, may apply in writing to any justice of the superior court, who shall inquire into the case and summon before him such witnesses as in his judgment may be necessary and upon such application vacate such commitment, and if such person was committed under a sentence following conviction for crime, and the sentence has not expired, remand him to the proper custody, and if the original sentence has expired, discharge such person. He shall tax legal costs and shall decide whether they shall be borne by the petitioner or by the state. If such application is unsuccessful, it shall not be renewed until the expiration of 1 year.'

**Sec. 31. R. S., c. 23, § 136, repealed and replaced.** Section 136 of chapter 23 of the revised statutes is hereby repealed and the following enacted in place thereof:

'**Sec. 136. Expenses of support.** All patients in either state hospital, or relatives liable by law for their support, shall pay to the state for support the amount determined by the department; provided that the department may, after proper investigation of the financial circumstances of the patient, or relatives liable by law for his or her support, if it finds that such patient or relatives are unable to pay the amount determined as above, in whole or in part, waive such payment or so much thereof as the circumstances appear to warrant.'

**Sec. 32. R. S., c. 23, § 137, amended.** Section 137 of chapter 23 of the revised statutes is hereby amended to read as follows:

'Sec. 137. Department may recover money improperly paid by state for support of the mentally ill. ~~The department may, in its discretion, investigate, or cause to be investigated, the allegations contained in any certificate provided for in the preceding section and if such investigation discloses the fact that~~ If on investigation by the department it is disclosed that any person was, or may be, lawfully liable for the support of the ~~insane~~ mentally ill person ~~mentioned in any such certificate~~ the department shall collect, by action in the name of the state, if necessary, all sums which have been paid by the state to the hospital for board of such ~~insane~~ mentally ill person from the person lawfully liable as aforesaid to pay for the support of such ~~insane~~ mentally ill person, and thereafter the state shall not be required to pay to said hospital the sum mentioned in said section so long as the liability of any person to support such ~~insane~~ mentally ill person may lawfully exist. All moneys collected under the provisions of this section shall be forthwith turned over to the treasurer of state, who shall receipt for the same; and the expenses of the collection of said moneys shall be charged against and paid out of any sums so collected and turned over.'

Sec. 33. R. S., c. 23, § 138, repealed. Section 138 of chapter 23 of the revised statutes is hereby repealed.

Sec. 34. R. S., c. 23, § 139, amended. Section 139 of chapter 23 of the revised statutes is hereby amended to read as follows:

'Sec. 139. Remedy of towns; bills chargeable to the state to be filed with department of finance. Any town thus made chargeable for the expenses of examination and commitment in the first instance, and paying for the examination of the ~~insane~~ mentally ill and his commitment to a hospital, may recover the amount paid, from the ~~insane~~ mentally ill, if able, or from persons legally liable for his support, or from the town where he has a legal settlement, as if incurred for the expense of a pauper, but if he has no legal settlement in the state, such expenses shall be refunded by the state.

All bills for expenses so incurred and chargeable to the state shall be filed with the department of finance within 3 months after the same are contracted, and no such bills shall be allowed, unless they are filed with the said department within 60 days after the 31st day of December of the year in which they are incurred. No ~~insane~~ mentally ill person shall suffer any of the disabilities of pauperism nor be deemed a pauper, by reason of such support; but the time during which the ~~insane~~ mentally ill person is so sup-

ported shall not be included in the period of residence necessary to change his settlement.'

**Sec. 35. R. S., c. 23, § 140, repealed.** Section 140 of chapter 23 of the revised statutes is hereby repealed.

**Sec. 36. R. S., c. 23, § 141, amended.** Section 141 of chapter 23 of the revised statutes is hereby amended to read as follows :

**'Sec. 141. Discharge of patients from the state hospitals; remedies for reimbursements.** Whenever in the judgment of the superintendent of either of the state 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 municipal officers of the city or town from which such person was committed; and said municipal officers shall forthwith remove such person or cause such person to be removed from said hospital and taken to said city or town. If said municipal officers to whom such certification is made as aforesaid fail to remove such person from said hospital within 1 week after receipt of such certification, the city or town from which such person was committed shall be liable to the state of Maine for the entire cost of maintaining such person in said hospital, at a rate determined by the commissioner of institutional service, from the date of the certification as aforesaid until finally removed therefrom, the same to be recovered in an action on the case. This section shall not apply to towns having less than 200 inhabitants. Towns of settlement incurring expense under the provisions of this section shall have the same rights to, and remedies for, reimbursement as those provided under the provisions of chapter 82.'

**Sec. 37. R. S., c. 23, § 142, amended.** Section 142 of chapter 23 of the revised statutes is hereby amended to read as follows :

**'Sec. 142. Superintendent may permit patient to temporarily leave institution.** The superintendent of either hospital may permit any inmate thereof to leave such institution, temporarily, in charge of his guardian, relatives, friends, or by himself for a period not exceeding 6 months, and may receive him when returned by any such guardian, relatives, friends, or upon his own application within such period, without any further order of commitment, and the liability of the state, or of any person by bond given for the care, support, and treatment of such ~~insane~~ **mentally ill** person as originally committed, shall remain in full force and unimpaired upon the return of such person as if he had remained continuously in such hospital. The superintendent of either hospital with the approval of the department may on receipt of formal application in writing before the date of expira-

tion of such leave of absence grant an extension of time for another 6 months.'

**Sec. 38. R. S., c. 23, § 143, amended.** Section 143 of chapter 23 of the revised statutes is hereby amended to read as follows:

**'Sec. 143. Discharge of patients.** ~~The department shall make a particular examination into the condition of each patient in the state hospitals, including patients committed while under sentence in the state prison or any of the county jails, at least once a year.~~ The department superintendent may discharge anyone so far restored that his comfort and safety, and that of the public, no longer require his confinement; except in such cases where the patient has been transferred to said hospital from some penal or correctional institution, and the original sentence under which he or she was committed to such institution has not expired; in which cases the patient shall be returned to that institution to serve the remainder of the sentence according to the provisions of the law; and ~~if~~ **the superintendent** may transfer to the care and custody of ~~his~~ **his** relatives ~~and or~~ **and** friends of the patient applying therefor, on conditions to be fixed by the superintendent ~~and department~~, any such patient not held under sentence whom it is satisfied will be properly cared for by the person making such application.

Any patient deemed by the superintendent not suitable for care in a mental hospital shall, upon the request of the superintendent, be removed forthwith from either state hospital by the person requesting his reception, and, if he is not so removed, such person shall be liable to the state for all reasonable expenses incurred on account of the patient.'