

# MAINE STATE LEGISLATURE

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NINETY-FOURTH LEGISLATURE

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Legislative Document

No. 151

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H. P. 476

House of Representatives, January 26, 1949.

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

HARVEY R. PEASE, Clerk.

Presented by Mr. Bubar of Blaine.

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STATE OF MAINE

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IN THE YEAR OF OUR LORD NINETEEN HUNDRED  
FORTY-NINE

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AN ACT Providing for the Study, Treatment and Care of Alcoholics.

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

R. S., c. 57-A, additional. The revised statutes are hereby amended by adding thereto a new chapter to be numbered 57-A, to read as follows:

‘CHAPTER 57-A.

Study, Treatment and Care of Alcoholics.

Sec. 1. Board of trustees. There is hereby created a board of trustees of the state fund for alcoholics, hereinafter in this chapter called the board.

Sec. 2. Appointment; compensation. On or before July 1, 1949, the governor shall appoint 5 members of the board, designating one for each of the terms of 1, 2, 3, 4 and 5 years from said July 1st. Annually thereafter, the governor shall appoint 1 member of the board to succeed the member whose term then expires. Any vacancy occurring in the membership of the board shall be filled by the governor for the unexpired portion of the vacated term. At least 1 member of the board shall be a person licensed to practice medicine in this state. Three members of the board shall constitute a quorum for the transaction of business and the board shall meet once a

month, or more frequently, at the call of the presiding officer of the board. The members of the board shall receive compensation to be determined by the governor and council and shall be reimbursed for their actual and necessary expenses in connection with the work of the board.

Sec. 3. Officers of board. The members of the board shall annually elect from their number a chairman and a vice-chairman. The members of the board may elect one of their number as secretary, or they may designate the executive director of the board, appointed as hereinafter provided, as such secretary.

Sec. 4. Duties. The board shall study the problem of alcoholism, including methods and facilities available for the care, custody, detention, treatment, employment and rehabilitation of persons addicted to the intemperate use of spirituous or intoxicating liquors. The board shall promote meetings for the discussion of problems confronting clinics and agencies engaged in the treatment and rehabilitation of alcoholics and shall disseminate information on the subject of alcoholism for the assistance and guidance of residents and courts of the state. The board shall make such reasonable regulations respecting the care, treatment and discipline of patients and persons committed to its care and the management of its affairs as it deems necessary.

Sec. 5. Buildings; cost. The board, upon the recommendation of the governor and with the approval of the council, is authorized to purchase, rent or lease land, buildings and equipment now available and deemed necessary and suitable for carrying into effect the provisions of this chapter. If no such land and buildings are available, the board, upon the recommendation of the governor and the approval of the council, is authorized to purchase in the name of the state a suitable site or sites for, and enter into contracts for the construction and equipment of, such building or buildings as may be necessary and adequate for the care, custody and treatment of persons who voluntarily seek the assistance of said board and persons committed to the custody of said board by court order as hereinafter provided. For the purpose of acquiring existing land, buildings and equipment, or for the purchase of land and the construction and equipment of facilities for the treatment of patients under its supervision or control, the board, upon recommendation of the governor and with the approval of the council, is authorized to take from the funds collected by the liquor commission a sum not to exceed \$150,000 to meet the cost thereof. The board shall have the management and control of such land, buildings, equipment and facilities so acquired, and all its financial affairs shall be conducted subject to the state fiscal procedure prescribed by law.

Sec. 6. Funds. Ten per cent of all the moneys received by the liquor commission under any provision of chapter 57, and turned over to the treasurer of state, shall be, by said treasurer, deposited in a separate fund to be known as the alcoholic fund. The treasurer of state shall honor the requisition of funds by the board when recommended by the governor and approved by the council for any of the activities authorized by this chapter.

Sec. 7. Gifts. The board may accept or refuse on behalf of and in the name of the state any gift of any valuable thing, however the gift be created, for any purpose connected with the work of the board. Any such property, so given shall be received and held by the treasurer of the state and shall become part of the alcoholic fund, but the board, upon recommendation of the governor and with the approval of the council, shall have the power to direct the disposition of any property so donated to it, for any purpose consistent with the terms and conditions under which such gift was created.

Sec. 8. Executive director; superintendents; duties. The board may appoint from outside its number, and may remove for cause, an executive director whose duties shall be to supervise the business and financial affairs of the board, and to cooperate with courts, hospitals and clinics, social agencies, educational and research organizations, public health and police authorities and members of the general public in carrying into effect the provisions of this chapter. The board shall appoint, and shall have power to remove for cause, a superintendent, who shall not be a member of the board and who shall be a person admitted to the practice of medicine in this state, to serve as the medical director of all phases of the board's activities. Any executive director and any superintendent so appointed shall not be within the classified service of the state, and their respective compensations shall be determined by the board with the approval of the governor and council. The board may employ such other assistants as may be necessary to carry into effect the provisions of this chapter, subject to the provisions of the personnel law.

Sec. 9. Patients segregated. Any buildings maintained by said board shall be so constructed that the patients therein shall be segregated according to sex and such other classifications as may be prescribed by said board. The building or buildings maintained by said board for the treatment of persons addicted to the intemperate use of spirituous or intoxicating liquors shall be deemed an alcoholic institution within the meaning of that expression as used in any statute of this state.

Sec. 10. Jurisdiction of courts; commitment. The superior court, any municipal court or any justice of the peace having criminal jurisdiction; and any probate court may commit to the custody and control of said board for a period of not less than 3 months, nor more than 1 year, any habitual drunkard, any dipsomaniac, or any person who has been 3 times convicted of intoxication in any such court, or who is a person who has lost the power of self control from the intemperate use of spirituous or intoxicating liquors.

Sec. 11. Probation. Any person committed to any alcoholic institution in this state, may, after 3 months of treatment therein, notwithstanding the terms of any order of commitment, be permitted by its managers to go at large on probation and without custody or restraint, for such time and under such conditions as they shall judge best. Persons placed in an alcoholic institution, under any provision of this chapter, may be discharged by its manager, pursuant to its regulations.

Sec. 12. Application by individuals. The managers, trustees or directors of any alcoholic institution, established by the laws of this state, may receive any habitual drunkard, and dipsomaniac, or any person who has lost the power of self control through the intemperate use of spirituous or intoxicating liquors, who shall apply to be received into such institution, retain him not less than 3 months and treat and restrain him in the same manner as if committed by the court of probate.

Sec. 13. Request for assistance. The board shall accept for examination, diagnosis, guidance or treatment at any facility or clinic under its control any person who requests such assistance, and under such regulations as may be prescribed by the board.

Sec. 14. Report. On or before December 1st in each even-numbered year, the board shall render a report to the governor and the legislature of its activities, including recommendations for improvements therein, by legislation or otherwise.'