

# MAINE STATE LEGISLATURE

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

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**Legislative Document**

**No. 1063**

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S. P. 367

In Senate, March 1, 1955.

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

CHESTER T. WINSLOW, Secretary.

Presented by Senator Chapman of Cumberland.

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**STATE OF MAINE**

IN THE YEAR OF OUR LORD NINETEEN HUNDRED  
FIFTY-FIVE

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**AN ACT Relating to Compulsory Commitment of Persons Infected with  
Tuberculosis.**

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

**Sec. 1. R. S., c. 25, § 105, amended.** The last sentence of the 1st paragraph of section 105 of chapter 25 of the revised statutes is hereby repealed, as follows: '~~Upon receipt of said report the court may issue such order as the circumstances of the case warrant.~~'

**Sec. 2. R. S., c. 25, § 105, amended.** Section 105 of chapter 25 of the revised statutes is hereby amended by repealing the last 2 paragraphs thereof and inserting in place thereof, the following:

'If the Board finds and reports that the alleged tuberculous infected person does not have active infectious tuberculosis and is not dangerous to the public health the court shall enter an order dismissing the petition. If the Board finds and reports that the alleged tuberculous infected person has active infectious tuberculosis and is dangerous to the public health, the justice shall hold a hearing at the time fixed. If the justice determines that such person has active infectious tuberculosis and is dangerous to the public health he shall commit such person to a sanatorium for such period of time as shall in the opinion of the superintendent of the sanatorium be necessary to remove the danger of infection to the public health and improve the health of the person, so that he will not have active infectious tuberculosis. The justice, in his order committing a person to a sanatorium, may direct the sheriff to take such person into his custody and forthwith deliver him to the sanatorium.'

**Sec. 3. R. S., c. 25, § 105-A, additional.** Chapter 25 of the revised statutes is hereby amended by adding thereto a new section to be numbered 105-A, to read as follows:

**'Sec. 105-A. Return of person to sanatorium.** Any person committed under section 105 who leaves the sanatorium to which he has been committed without having been discharged by the superintendent shall be recommitted to the sanatorium by a Justice of the Superior Court in the county from which the person was originally committed upon an affidavit being filed before such justice by the superintendent of the sanatorium from which the person left, said affidavit shall state that such person has left the sanatorium and has not been discharged by the superintendent of said sanatorium. The order of recommitment shall direct the sheriff to forthwith deliver such person to the superintendent of the sanatorium named in the recommitment order.'

**Sec. 4. R. S., c. 25, § 105-B, additional.** Chapter 25 of the revised statutes is hereby amended by adding thereto a new section to be numbered 105-B, to read as follows:

**'Sec. 105-B. Appeal.** Any person who shall feel aggrieved by the order of commitment shall have the right to appeal such order to the Supreme Judicial Court; however, the filing of notice of appeal shall not operate to supersede the effect of the order from which the appeal is taken. Every order shall be executed forthwith unless the justice entering the order or the Supreme Judicial Court, in its discretion, enters a supersedeas order and fixes the terms and conditions thereof. In all respects, except the entry of a supersedeas order, the existing statutes and rules pertaining to appeals of civil causes shall apply to such appeals.'