

# MAINE STATE LEGISLATURE

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STATE OF MAINE  
HOUSE OF REPRESENTATIVES  
97th LEGISLATURE

SENATE AMENDMENT "A" to S. P. 551, L.D. 1489, Bill, "An Act  
Relating to Hospitalization of the Mentally Ill.

Amend said Bill by striking out all of the amending clause  
of section 1 and inserting in place thereof the following:

'Sec. 1. R.S., c. 27, Sections 103-A - 103-H, additional.  
Chapter 27 of the revised statutes is hereby amended by adding  
thereto 8 new sections to be numbered 103-A to 103-H, to read as  
follows:'

Further amend said Bill by renumbering those parts designa-  
ted "Sec. 103-E" and "Sec. 103-F" to be 'Sec. 103-G' and 'Sec.  
103-H'

Further amend said Bill by inserting after Sec. 103-D thereof,  
the following underlined sections:

"Sec. 103-E. Right to release: application for judicial  
determination. Any patient hospitalized under the provisions of  
section 103-A who requests to be released or whose release is re-  
quested by his legal guardian, spouse, adult next of kin or friend,  
in writing addressed to the superintendent of the hospital in which  
the patient is detained, shall be released within 48 hours after  
receipt of the request, except that upon application to the judge  
of probate in the county where the hospital is located, supported  
by a certification by the superintendent of the hospital that in  
his opinion such release would be unsafe for the patient or for  
others, release may be postponed for such period not to exceed 5  
days as the judge of probate may determine to be necessary for the  
commencement of proceedings for a judicial determination pursuant  
to sections 103-B to 103-D.

The superintendent of the hospital shall provide reasonable  
means and arrangements for informing involuntary patients of their  
right to release as provided in this section and for assisting them  
in making and presenting requests for release. The provisions of  
this section shall not be available to a patient who has been duly  
committed by a court or the municipal officers of a town or city.

(Over)

*(Filing No. 582)*

Sec. 103-F. Detention pending judicial determination. Notwithstanding any other provision of sections 103-A to 103-H, inclusive, no patient with respect to whom proceedings for judicial hospitalization have been commenced shall be released or discharged from a mental hospital during the pendency of such proceedings unless ordered by the judge of probate in the county where the hospital is located upon the application of the patient, or his legal guardian, parent, spouse, adult next of kin or friend, or upon the report of the head of the hospital that the patient may be discharged with safety.'

Further amend said Bill by adding at the end thereof a new section 3, as follows:

"Sec. 3. R.S., c. 27, Sec. 134, repealed and replaced. Section 134 of chapter 27 of the revised statutes is hereby repealed and the following enacted in place thereof:

'Sec. 134. Inquiry into cases of alleged unreasonable detention. Any person adjudged insane and committed to either state hospital, or his legal guardian, spouse, adult next of kin or friend, thinking that the patient is unreasonably detained, may apply in writing to any Justice of the Superior Court, in term time or vacation, who shall inquire into the case and summon before him such witnesses as in his judgment may be necessary, and upon such application may 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 costs and shall decide whether they shall be borne by the petitioner or by the State.'"

Presented by Senator Reid of Kennebec.

Read and adopted in the Senate May 18, 1955.

Reproduced and distributed under the direction of the Clerk of the House.

(Filing No. 582)

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