

MAINE STATE LEGISLATURE

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NEW DRAFT OF H. P. 850—L. D. 1203

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Legislative Document

No. 1490

H. P. 1048

House of Representatives, April 11, 1957.

Reported by Mrs. Knapp from Committee on Public Health. Printed under joint rules No. 10.

HARVEY R. PEASE, Clerk

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
FIFTY-SEVEN

AN ACT Relating to Age of Admission to State Hospitals.

Emergency preamble. Whereas, the youngest age at which persons may be admitted to a State Hospital is 12 years; and

Whereas, there are in the State persons under this age who are mentally ill and in great need of treatment in a State Hospital; and

Whereas, such persons cannot now be accepted for treatment in a State Hospital; and

Whereas, such persons are dangerous to the public safety; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning 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:

R. S., c. 27, § 102-A, additional. Chapter 27 of the Revised Statutes is hereby amended by adding thereto a new section, to be numbered 102-A, to read as follows:

‘Sec. 102-A. Admittance of children between 8 and 16 years of age. The Superintendent of the Augusta State Hospital or Bangor State Hospital may, at his discretion, admit to the Hospital any child between the ages of 8 years and 16 years who is deemed by him to be suffering from psychosis, neurosis, psychoneurosis, behavior disorder or other mental disability, upon written application made therefor by the parent, guardian, or natural guardian, or person hav-

ing custody of such child. Such application, attested and sworn to by the clerk of the municipality where the child is found, shall be accompanied by a certificate of a reputable physician that such person is suffering from mental disability and, in the opinion of the physician, is a fit subject for said Hospital. The physician who makes such certificate shall have examined such child, whose admission is sought, within 5 days of the signing and making oath to this certificate. Admission to the Hospital must be completed within 15 days of the signing of the certificate or said certificate is invalidated. No child who is feeble-minded and without psychosis shall be eligible for admission to a State Hospital under the provisions of this section. If a child is received for care under this section and is deemed by the Superintendent not to be a proper person for further care in the institution, he shall be discharged forthwith, and the person who signed the original application shall immediately remove such child 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 until such discharge is effected.

No person received under this section shall be detained beyond his 16th birthday, unless he shall have been legally committed to such institution, and no such person shall be detained more than 10 days after the applicant for his admission has filed with the said Superintendent written notice of his intention or desire to have the patient released from the institution. If the condition of such patient at the time his release is sought is deemed by the Superintendent to be such that further hospital care is necessary, because the patient is mentally ill and could not be discharged from the institution with safety to himself and others, said Superintendent, after receipt of a request for discharge, shall forthwith cause application to be made for the patient's commitment as mentally ill under the provisions of sections 104, 105, 106 and 110, and during the pendency of such application may detain him under the written application for commitment hereinbefore referred to.

The Superintendent of the Augusta State Hospital or Bangor Hospital may also, at his discretion, receive and detain for observation, study and treatment, for a period not to exceed 60 days, nor beyond the 16th birthday, any such person between the ages of 8 and 16, from any part of the State, upon written application and as provided for in the first paragraph of this section.

No child under the age of 12 years shall be admitted to the Augusta State Hospital or Bangor State Hospital under the provisions of any statutes other than this section.

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