

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

PASSED BY THE

TWENTY-THIRD LEGISLATURE

OF THE

S T A T E O F M A I N E ,

A. D. 1843.

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Published by the Secretary of State, agreeably to Resolves of June 28, 1820, February 26, 1840, and March 16, 1842.  
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1843.

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PUBLIC LAWS

OF THE

STATE OF MAINE,

1843.

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said agent, from the indian township belonging to said tribe ; shall, before entering upon the duties of his appointment, be sworn to the true and faithful performance of his trust, and file a certificate thereof with said agent.

[*Approved March 22, 1843.*]

CHAP. 19.

### Chapter 19.

AN ACT modifying the government of the Insane Hospital and for other purposes.

*Be it enacted by the Senate and House of Representatives in Legislature assembled, as follows :*

SECT 1. The government of the Maine Insane Hospital at Augusta, shall be vested in a board of six trustees, to be appointed by the governor with the advice and consent of the council, for the term of three years ; and the board of trustees which shall be first appointed, shall be divided into three classes ; the term of office of the two trustees first named shall expire at the end of one year ; the two second named at the end of two years ; the other two at the end of three years ; so that one-third of the board may be appointed yearly ; and all vacancies are to be filled by the governor and council as aforesaid ; but no trustee whose term of office shall thus expire, shall be eligible to the said office for the term of one year.

Government of hospital.

How appointed.

Term of office.

Vacancies, how filled.

No trustee to be reappointed until after the expiration of one year.

SECT. 2. The said trustees shall have in charge the general care and management of the institution, and see that its affairs are conducted according to the requirements of the legislature and the by-laws and regulations, which the trustees shall establish, for the internal government and economy of the institution ; they shall have power to enact by-laws for its regulation and management ; and shall hold in trust, for the state, any grant, devise of land, or any donation or bequest of money, or other property, made, or to be made ; to be applied to the maintenance, comfort, and improvement of insane persons, and the general use of said institution. They shall also, be authorized in the name of the treasurer, to bring actions for the recovery of all debts due to the institution, and to answer to all suits that may be brought against them.

Duties of trustees.

SECT. 3. The trustees shall appoint a superintendent, and they shall also, in conjunction with the superintendent, appoint a steward, and such other officers as in their opinion, may be necessary for conducting efficiently and economically, the business of the institution ; and all appointments made by them, shall be made in

Officers of hospital, how appointed.

**CHAP. 19.**

Their salaries.

such manner, with such restrictions, and for such terms of time as the by-laws may prescribe; and the salaries of all the officers so appointed, shall be determined by the trustees, subject to the approval of the governor and council.

Duties of superintendent.

**SECT. 4.** The superintendent, who shall be a physician and reside constantly at the hospital, shall have the general superintendence of the hospital and grounds; the charge of the patients, and the direction and control of all persons therein, subject to the regulations of the board of trustees. He shall also, annually report to the governor and council the condition and prospects of the institution under his care; accompanied with such remarks and suggestions in regard to its management and the general subject of insanity, as in his judgment shall be calculated to promote the cause of science and the interest of humanity.

Duties of steward.

**SECT. 5.** The steward, who shall also be treasurer, shall have the immediate custody of all the funds and property of the institution, and shall give bonds to the trustees, in such amount and with such sureties, as they shall deem sufficient, for their safe keeping and proper disbursement. He shall under the advice and direction of the superintendent, as well as of the trustees, make all necessary purchases of supplies and provisions, hire attendants and other laborers; see to the proper cultivation of the farm and grounds, and have a careful oversight of the patients whenever employed thereon. He shall also attend to and perform such other duties as the trustees shall direct, and shall annually make a detailed report to them of his receipts and expenditures, and of the financial affairs of the institution.

Visitations by the trustees.

**SECT. 6.** There shall be thorough visitations of the hospital, monthly, by two of the trustees; quarterly, by three, and annually by the whole board, or a majority thereof, as well as at such other times as they may deem necessary, or the superintendent shall request: and at each visit a written account of the state of the institution shall be drawn up and recorded, which shall be presented at the annual meeting of the trustees, to be held in the month of December; and at said annual meeting, a full and detailed report shall be made to be laid before the governor and council, together with those of the superintendent and steward, during the first week, if not earlier, of the then next session of [the] legislature, for the use of the government; exhibiting a particular statement of the condition of the hospital, of its concerns and its wants; and all these reports shall be made up to the thirtieth day of November, inclusive.

Record of each visit.

Annual reports.

Date of reports.

Books of steward and treasurer examined quarterly.

The trustees shall also at the expiration of every quarter, examine carefully the books and vouchers of the steward and treasurer, and audit and settle his accounts; and for all visits made, and time

CHAP. 19.

devoted to the hospital, the trustees shall receive two dollars per day for the time spent, and for their travel, the same mileage that is allowed to members of the legislature; their accounts to be audited by the governor and council; and the governor is hereby authorized to draw his warrant on the state treasurer for the amount found due, to the trustees and other officers of the institution; the attendants on the patients and laborers on the premises, not included.

Pay of trustees.

Their accounts, how audited and settled.

SECT. 7. On the application of any relative of any insane person, or other respectable person in behalf of such insane person, or of any guardian of any insane minor, to the mayor and aldermen of any city, or to the selectmen of any town, for an order for sending such insane, to the insane hospital, at the expense, in whole or in part, of such city or town; it shall be the duty of the mayor and aldermen of such city, and of the selectmen of such town, as soon as may be, to determine what part, if any, of the expense of committing and supporting such insane person at the hospital, shall be borne by such city or town, and what part, if any, by the patient, or by such relative or relatives as are, by law, liable for his or her support; and on reasonable security being given or offered for the payment of such part of the aforesaid expense as they shall have determined to be reasonable and just, the said mayor and aldermen, and the said selectmen, as the case may be, shall cause such insane person to be forthwith sent to the hospital; and the decision thus made, shall immediately be communicated in writing to the applicant, signed by the mayor and aldermen or selectmen. And in case any insane person, or his wife, or his or her guardian, or any relative of such insane, by law liable for any part or all of the expense aforesaid, shall be aggrieved at the decision and determination of such mayor and aldermen, or of such selectmen, and shall signify the same in writing to said mayor and aldermen or said selectmen, or either of them within twenty-four hours from the time of receiving official notice of their decision, claiming an appeal therefrom, naming at the same time a justice of the peace and of the quorum, selected on his or her part and resident in a neighboring city or town, and designating a place for the further hearing on the subject, which shall be in the town or city where application is made, or in one adjacent thereto; and also specifying the time for said hearing and trial, which shall be not more than two days, unless Sunday intervenes, and then not more than three days after the time of claiming said appeal; then, on the receipt of said notice of appeal, it shall be the duty of the mayor and aldermen, or of the selectmen, to select one other justice of the

Duty of mayor and aldermen and selectmen on application to them for the admission of insane persons, to the hospital.

Their decision, by them signed, to be communicated to applicant.

Remedy, when the person interested in such decision, shall be aggrieved.

CHAP. 19.

peace and of the quorum, also resident in a neighboring city or town, who shall meet the justice selected and appointed as above provided for, at the time and place designated by the party claiming an appeal; and these two magistrates thus selected and convened shall constitute a tribunal for the purposes hereinafter specified; and if either of the said justices shall neglect to appear, or refuse to sit on said trial, the party selecting him shall have power to designate and procure forthwith another justice of the peace and of the quorum, not resident in the city or town where application was made, to sit and officiate in his stead; and if at the expiration of three hours from the time specified for the meeting, either party shall have failed to select and procure a justice as aforesaid to sit and assist in the trial, then all the powers and duties of the two justices shall devolve upon and be performed by that one who shall be present, and said justice or justices shall receive for their services two dollars for each day they may be employed, and ten cents a mile for their travel.

Duties of justices of the peace thus appealed to.

SECT. 8. The said justices shall inquire and decide, as well into the fact of the insanity of the patient, and into the expediency of sending him or her to the hospital, as into the ability of such insane person, or of the relative or relatives liable by law for his or her maintenance, to support such insane, in whole or in part at the hospital; and to determine what part of the expense, if any, shall be borne by the said insane, or his or her relative, and what part by the city or town. And the said justices shall have power to call for such testimony on any and all the points submitted to them as they may deem necessary to a right decision. And after an examination into all matters submitted to them, if the said justices shall be of opinion, either that the patient is not insane, or would not be benefitted by a residence in the insane hospital, they shall so decide—otherwise they shall give under their hands, a certificate of the patient's insanity, accompanied by an order for his or her commitment to the insane hospital, for the space of six months, unless sooner discharged by order of the trustees, or superintendent. And the said justices shall certify what part of the expense of said patient's support at the hospital, shall be borne by the patient, or by his or her relative or relatives, and what part by the city or town; and likewise in what manner and by whom the cost of this examination and trial shall be borne and paid. And should the justices order the commitment of such insane person to the hospital, it shall be the duty of the mayor and aldermen of the city, and of the selectmen of the town, where such insane person resides, or such other person as the court shall order, to cause the order of said court to

Justices to certify by whom the expense shall be paid.

If commitment be ordered, duty of cities and towns.

be carried forthwith into effect. And the said justices shall make and keep a record of their judgment, and furnish a copy thereof to either party who shall apply and pay for the same.

## CHAP. 19.

Justices to keep a record and furnish copies.

SECT. 9. Every case of insanity hereafter occurring shall, on the application of any relative, or other respectable person, made in writing to the proper tribunal, be sent, within thirty days, to the state insane hospital. And the mayor and aldermen of cities, and the selectmen of towns, are severally enjoined to see that this provision be carried into effect, in the most humane and speedy manner, in the mode pointed out in this act; and no person committed to the insane hospital pursuant to any of the provisions of this act, shall thereafter be deemed a pauper, or suffer any of the constitutional or legal disabilities incident to pauperism by virtue of being thus sent.

All insane persons to be sent to hospital within thirty days.

Officers of cities and towns to cause the same to be effected.

Insanity no cause of pauperism.

SECT. 10. Whenever any insane adult male or unmarried female, shall be committed or sent to the insane hospital, under any of the provisions of this act, having property or effects, the judges of probate in their respective counties, are hereby authorized and required, on receiving the certificate of the mayor and aldermen of the city, or of the selectmen of the town where such insane person has his or her residence, that it will be for the interest of such insane person to have a guardian and trustee appointed, to hold in trust the property of such insane person, and to prevent waste thereof, to appoint, forthwith, some suitable person, in the county where that insane person has his or her residence, to be guardian and trustee of such insane; and he shall give bond to the judge of probate, as in the case of guardians; and shall be reasonably compensated for his services, to be audited and allowed by the judge of probate, and paid out of the estate of the insane. *Provided, however,* that such guardian and trustee shall not be required to return an inventory to the judge of probate of the effects of his said ward, or exercise any other of the powers and duties of guardian for the term of one year from the date of his appointment, except as far as may be necessary for the support of said insane, or of his or her family, and to prevent waste and loss of his or her property.

Judges of probate to appoint guardians in certain cases.

Guardian to give bond. His compensation.

Proviso.

SECT. 11. All the expenses incurred in the commitment and support of any insane person at the hospital, under the provisions of the seventh and eighth sections of this act, shall in the first instance be borne and paid by their respective cities or towns, but such city or town shall through the proper officer, have the right to recover so much of said expense of the said insane person, or of his or her relative, liable by law to pay the same, as may by either of the modes pointed out in this act, have been adjudged to be just and

Expenses of insane persons, how paid.



**CHAP. 20.**

Proviso, in re-  
gard to cities and  
towns.

equitable; and the cities and towns aforesaid are hereby authorized and empowered to demand, sue for, and recover the same, in any court of competent jurisdiction, with costs. And it is herein provided that all the expenditures required of cities and towns by the provisions of his act, are to be borne in the first instance by the city or town where the insane person resides at the time of the application and commitment; but all such expenses shall be reimbursed and paid by the city or town, where such patient has his or her legal settlement, in the same manner as the expenses for the support of paupers are recoverable by the laws of this state.

SECT. 12. All acts and parts of acts inconsistent with the provisions of this act are hereby repealed.

[Approved March 22, 1843.]

**Chapter 20.**

AN ACT explanatory of the seventeenth rule of chapter first of the revised statutes.

*Be it enacted by the Senate and House of Representatives in Legislature assembled, as follows:*

17th rule, chap. 1,  
R. S. defined.

The seventeenth rule of chapter first, of the revised statutes, shall not be so construed as to change, alter, or enlarge the powers, duties and liabilities of organized plantations, as set forth and defined in other chapters of said revised statutes.

[Approved March 22, 1843.]

**Chapter 21.**

AN ACT respecting agencies of foreign insurance companies within this state.

*Be it enacted by the Senate and House of Representatives in Legislature assembled, as follows:*

Agent to deposit  
with state treas-  
urer copy of char-  
ter and his pow-  
er of attorney.

SECT. 1. Every person who shall undertake to make insurance in this state, as the agent for, or in behalf of any corporation, established in any other state, or country, shall deposit with the treasurer of this state a copy of the charter of such foreign corporation, and a copy of the power of attorney given to him by the corporation.

Agent before  
granting policies  
to deposit with  
treasurer of state

SECT. 2. Every such agent shall, also, before making any contract of insurance as aforesaid, deposit with the treasurer of this