

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

OF THE

FIFTY-THIRD LEGISLATURE

OF THE

STATE OF MAINE.

1874.

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PUBLIC LAWS

OF THE

STATE OF MAINE.

1874.

Chapter 256.

CHAP. 256.

An act to amend chapter one hundred and forty-three of revised statutes, relating to the insane hospital, for the better management of the said hospital, the protection of its inmates, and the regulation of commitments thereto.

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

SECT. 1. The government of the Maine insane hospital is vested in a committee of six trustees, appointed by the governor with advice of council, and commissioned to hold their offices during the pleasure of the governor and council, but not more than three years under any one appointment.

Government of insane hospital vested in six trustees.

SECT. 2. The said trustees shall appoint a superintendent, and a steward and treasurer, subject to the approval of and to hold office during the pleasure of the governor and council, and all other officers necessary for the efficient and economical management of the business of the institution ; all appointments shall be made according to the by-laws. The salaries of all such officers shall be fixed by the trustees, subject to the approval of the governor and council.

Superintendent, steward and treasurer, how appointed.

SECT. 3. The trustees at their next meeting after the expiration of each quarter, shall examine carefully the books and vouchers of the steward and treasurer, and audit his accounts, and submit the same immediately thereafter to the governor and council for their approval, before such accounts shall be settled ; and the governor and council are authorized and required, from time to time, to inquire into the condition and management of the financial affairs of the institution, and to make such changes as they shall deem judicious, in the mode and amount of expenditures and the general administration of its financial affairs.

Salaries, how fixed.

Accounts of steward and treasurer, how audited and settled.

Governor and council required to inquire into financial affairs of the institution.

SECT. 4. A committee of the council consisting of two with whom shall be associated one woman shall be appointed by the governor annually who shall visit the hospital at their discretion to ascertain if the inmates thereof are humanely treated and they shall make prompt report from time to time, of every instance of intentional abuse or ill treatment, to the trustees and superintendent of the hospital who shall take notice thereof, and cause the offender to be punished as required by section twenty-eight, chapter one hundred forty-three of the revised statutes.

Committee of visitors shall be appointed annually, duties of.

SECT. 5. If any wilful injury shall be inflicted by any officer, attendant or employee of the hospital, upon the person of any patient therein, and knowledge thereof shall come to the said committee of visitors, they shall report the fact immediately to the said trustees and superintendent, and if the superintendent fails forthwith to complain thereof as required by the statute aforesaid, one of the said visitors shall enter a complaint thereof

Wilful injury to patients, punishment for.

CHAP. 256. before the court having jurisdiction of such offense, and on conviction the offender shall be punished as provided* by law. And in all trials for such offenses, the statement of any patient cognizant thereof, shall be taken and considered for what it may be worth; and no one connected with the hospital shall be allowed to sit upon the jury which shall try the case.

In case of sudden death of a patient a coroner's inquest shall be held.

SECT. 6. In case of the sudden death of any patient in the hospital, under circumstances of reasonable suspicion as to the innocent cause thereof, a coroner's inquest shall be held as provided by law in other cases, and the committee of visitors shall cause a coroner to be immediately notified for that purpose.

Preliminary commitment, evidence required of insanity.

SECT. 7. In all cases of preliminary proceedings for the commitment of any person to the hospital, the evidence and certificate of at least two respectable physicians, based upon due inquiry and personal examination of the person to whom insanity is imputed, shall be required to establish the fact of insanity.

Patients may be discharged when unnecessarily detained.

SECT. 8. If the committee of visitors shall become satisfied that any inmate of the hospital has been unnecessarily and wrongfully committed, or is unnecessarily detained and held as a patient therein, they shall apply to any judge of the supreme judicial court, or judge of probate within the county where the restraint exists, for a writ of habeas corpus, who shall issue the same, and cause said inmate to be brought before him, and after notice to the party procuring his commitment and a hearing of all interested in the question at issue, if satisfied that such inmate is not a proper subject for custody and treatment in the hospital, shall discharge such inmate from the hospital, and restore him to his liberty. But this section shall not apply to the case of any person charged with, or convicted of crime and duly committed to the hospital by order of court.

This section not to apply to persons committed by order of court.

Names of visiting committee to be posted in the wards.

Inmates allowed to write committee.

SECT. 9. The names of the committee of visitors and their post office address shall be kept posted in every ward of the hospital, and every inmate shall be allowed to write when and whatever he may please to them or either of them, unless otherwise ordered by a majority of the committee, in writing, which order shall continue in force until countermanded by said committee in writing. And, for this purpose, every patient, if not otherwise ordered as aforesaid, shall be furnished by the superintendent, on request, with suitable materials for writing, enclosing and sealing letters. And the superintendent shall provide at the expense of the state, securely locked letter boxes, easily accessible to all the inmates, to be placed in the hospital, into which such letters can be dropped by the writer thereof. No officer, attendant, or employee of the hospital shall be allowed to have the means of reaching the contents of these boxes, but the letters in them shall be collected weekly

Patients to be furnished with writing materials.

Letter boxes to be provided.

—officers and attendants not to have access to.

by some member of the committee, or by such person as the committee may authorize for the purpose, who shall prepay such only as shall be addressed to some one of the committee, and deposit them in the post office without delay.

SECT. 10. It is hereby made the duty of the superintendent, or party having charge of any person confined on account of insanity, to deliver to said person any letter or writing to him or her directed, without opening or reading the same, provided this letter has been forwarded by the committee, or is directed to such individuals as the committee have authorized to send or to receive letters without the committee's inspection.

SECT. 11. The hospital shall be visited as often as once in every month by at least one member of the committee, and this visit shall be made at irregular, and not at stated periods; no previous notice, information, or intimation thereof shall be given or allowed to the superintendent, or any officer, attendant or employee of the hospital, but as far as possible, all their visits shall be made unexpectedly to the superintendent and all others having the care of the hospital and its inmates; and in no case shall the committee be accompanied by any officer or employee of the hospital, when making their visits through the wards, except upon the special request of some one of the committee.

SECT. 12. The committee of visitors shall make report to the governor and council on the first day of December, annually, and as much oftener as the welfare of the patients or the public good may require, setting forth their doings and any facts with regard to the hospital which they may deem important to be laid before the public. The compensation of said committee shall be two dollars each per day, for the time actually spent in visiting the hospital and actual travelling expenses; *provided*, the said committee do not receive compensation as councillors, for the same days in which said official visits are made to said hospital; and their accounts, including a reasonable sum for the letter carrier, provided for in section nine, shall be audited by the governor and council, who shall draw their warrant on the treasurer of the state for the amount found due.

SECT. 13. Any person neglecting to perform the duties imposed upon him by the provisions of this act shall be removable from office by the authority from whom he received his appointment, and if removed, shall be ineligible for office or place in the hospital in future.

SECT. 14. Sections one and three of chapter one hundred and forty-three of the revised statutes, and all other acts and parts of acts inconsistent with the provisions of this act are hereby repealed.

CHAP. 256.

Letters, how disposed of.

Letters from committee to be delivered to patients without opening.

Hospital, when and how visited by committee.

Committee of visitors shall report to governor and council in Dec. annually.

—compensation of.

Proviso.

—accounts, how audited.

Removal from office for non-performance of duties.

Inconsistent acts repealed.