

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES
OF THE
SEVENTY-SECOND LEGISLATURE

OF THE
STATE OF MAINE

1905.

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PUBLIC LAWS

OF THE

STATE OF MAINE.

1905.

Chapter 104.

An Act in relation to insane Persons in the state prison and in the county jails, and additional to Chapter one hundred thirty-eight of the Revised Statutes.

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

Section 5,
chapter 130, R.
S., repealed.

Section 1. Section five of chapter one hundred thirty-eight of the revised statutes relating to insane convicts, is hereby repealed.

Governor
shall appoint
an examiner
of insane
convicts, in
each county.

—proceedings
when a
prisoner
becomes
insane.

Section 2. The governor shall appoint in each county in the state a competent physician, who shall be a resident of the county, to act as an examiner of insane convicts in the county jail of the county. When a convict in the state prison or the county jail becomes insane or a convict whose sentence has expired is there detained, and in the opinion of the warden of the state prison or keeper of the jail is insane, the warden shall forthwith notify the prison physician and the jailer shall forthwith notify such examiner in the county of the fact, and the prison physician or such examiner shall forthwith investigate the case and make a personal examination of the convict or party so detained; and if such physician finds such convict or person detained to be insane he shall forthwith certify such fact in writing to the warden of the state prison or keeper of such jail. Said warden shall apply in writing to the judge of the municipal court for the city of Rockland in the county of Knox, and such keeper shall apply to the judge of the municipal court in the place where such jail is located, if any; otherwise to the judge of the nearest municipal court in the county, and if no municipal court in such county to any judge of the supreme judicial court, stating the facts connected therewith, and praying that the condition of such convict or person detained as aforesaid may be inquired into and such decree made as to his commitment or detention as justice may require.

Hearing shall
be appointed
by judge.

—proceed-
ings.

Section 3. Such judge shall thereupon appoint a time and place for a hearing by him of the allegations of such application, and shall cause to be given in hand to the person so alleged to be insane at least twenty-four hours prior to the time of said hearing a true copy of said application, together with a notice of the time and place of said hearing, and that he has a right and will be given an opportunity then and there to be heard in the matter, and shall call before him all testimony necessary for a full understanding of the case, and shall personally examine and interview such person whether he shall or shall not appear at such hearing and shall require and receive evidence of at least

two reputable physicians not in the employ of the state prison or either of the said jails, all such evidence to be given under oath before such judge with the certificate signed by such physicians and filed with the papers in the case, that in their opinion such person is or is not insane. Such evidence and certificate to be based upon due inquiry and personal examination of the person to whom insanity is imputed.

At said hearing the judge shall appoint a guardian ad litem for the person so alleged to be insane, and may in his discretion appoint counsel for such person. The compensation of such guardian and counsel shall be fixed by the judge and included in the expense of the proceedings to be paid by the state or county, if upon the foregoing proceedings such judge shall determine that such convict or person detained as aforesaid is insane and that his comfort and safety or that of others interested will thereby be promoted; he shall in case of such convict or person so detained in the state prison commit him to the insane department of the said prison, and in the case of a convict or person so detained in either of the county jails he shall commit him to one of the insane hospitals, with certificate stating the fact of his insanity and directing that he shall be received and detained accordingly until he is restored or discharged by law. The certificate of said judge shall state the town in which the prisoner or person detained so committed resided at the time of his original commitment to prison or jail. A certified copy of the certificate signed by the prison physician shall accompany said order of commitment made hereunder, and said judge shall keep a record of his doings and furnish a copy to any interested person requiring and paying for it.

Section 4. The certificate of such judge stating the town in which the prisoner or person detained resided, when such prisoner or person is in either of the insane hospitals, is sufficient evidence in the first instance to charge such town for the expenses of his support in such hospital, if he shall be there detained after sentence on which he was originally committed would have expired, but when his friends or others file a bond with the treasurer of the hospital in which he is confined such town shall not be liable for his support, unless new action is had by reason of the inability of the patient or his friends longer to support him, and such action may be had in the manner provided by statute for recommitment of patients to the insane hospitals.

Any town thus made chargeable in the first instance and paying for the support of such insane person may recover the

—judge shall appoint a guardian ad litem and may appoint counsel.

—person detained in state prison may be committed to insane department of state prison.

—persons in county jails shall be committed to insane hospital.

Certificate of judge sufficient to charge town for expense of support.

—town may recover.

CHAP. 104

amount paid from the insane, if able, or other persons legally liable for his support or from the town where his legal settlement is, but if he has no legal settlement in the state such expense shall be refunded by the state and the governor and council shall audit all such claims and draw their warrant on the treasurer therefor. Such person shall not suffer the disabilities of pauperism or be deemed a pauper by reason of such support, but the time during which such person is so supported shall not be included in the period of residence necessary to change his settlement.

Persons recovering before expiration of sentence shall be returned to prison or jail.

Section 5. If a person so committed as insane is restored or discharged from such commitment before the expiration of the term of the sentence on which he was originally committed, he shall be returned to the prison or jail in which he was serving his original sentence, and shall be there detained until the time when his original sentence would have expired.

Fees for examination and certificate.

Section 6. The fee of each physician for such examination and certificate and testifying before said judge shall be five dollars. All the fees, costs and expenses incident to any such hearing shall be taxed by the judge, and any case relating to the state prison, audited and allowed by the governor and council, and any cases arising in either of the county jails by the county commissioners for such county, who shall include therein a reasonable compensation for such judge, which fees and costs shall be paid by the state and county respectively.

Superintendent of insane hospital shall visit insane department of state prison monthly.

Section 7. The superintendent of the insane hospital at Augusta shall visit the insane department of the state prison not less than once in each month to advise with the prison physician and warden as to the proper care, treatment and disposition of the convicts in said department, and whenever in the judgment of said superintendent and prison physician and warden any person committed to the insane department of the state prison as hereinbefore provided can be better treated at either of the insane hospitals, they shall recommend the transfer of such person to either of said hospitals and report their conclusion to the governor and council, and thereupon the governor and council may order such transfer.

—may recommend transfer of convict to insane hospital.

Inmates of jails and persons under indictment may be committed to insane hospital.

Section 8. Any inmates of county jails and persons under indictment becoming insane before final conviction may be committed to either insane hospital by any judge of the supreme judicial court, or judge of the superior court in the county where such person is to be tried, or the case is pending for observation, under such limitations as such judge may direct.

CHAP. 105

Section 9. Section six of chapter one hundred and thirty-eight of the revised statutes is hereby amended, so as to read as follows:

Section 6,
chapter 138,
R. S.,
amended.

'Section 6. Insane persons transferred from the insane department of the state prison to either of the insane hospitals, upon satisfactory proof that such detention in such hospital will have a deleterious influence on the other patients, may be returned by the order of the governor and council setting forth the circumstances under which they have been detained in said hospital to the insane department of the state prison, to be there detained until discharged as hereinbefore provided for.'

Insane
persons
may be
returned
from insane
hospital
to insane
department
of state
prison.

Section 10. A friend of any person adjudged insane and committed to the insane department of the state prison under the foregoing proceedings, thinking such person is unreasonably detained, may apply in writing to any justice of the supreme judicial court, who shall inquire into the case and summon before him such witnesses as in his judgment may be necessary and upon such application vacate such commitment, and if the original sentence has expired discharge such person. He shall tax legal costs and shall decide whether they shall be borne by the petitioner or by the state. If such application is unsuccessful, it shall not be made again until the expiration of one year.

Any judge
of supreme
judicial
court being
applied to in
writing shall
inquire into
cases of
alleged
unreasonable
detention
in insane
department
of state
prison.

Section 11. The judge of the municipal court of the city of Rockland is hereby authorized for the purposes provided in this act, if he shall see fit, to hold his court in the town of Thomaston in the county of Knox, and the judge of any municipal court to which application is made by any jailer, and which court is located in a town other than that in which the jail is situated, may hold his court for the purposes herein provided in the town where such jail is located.

Municipal
judges
authorized
to hold
court in
towns where
prison or jails
are located.

Approved March 21, 1905.

Chapter 105.

An Act to amend Chapter one hundred and twenty-six of the Revised Statutes, relating to Gambling.

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

Section 1. Section one of chapter one hundred and twenty-six of the revised statutes, is hereby stricken out and the following section is hereby inserted in its stead:

Section 1,
chapter 126,
R. S.,
stricken out.

'Section 1. Whoever keeps or assists in keeping a gambling house, or tenement or other place occupied, used, kept or

Punishment
for keeping
a gambling