

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

AS PASSED BY THE

Eighty-fourth Legislature

OF THE

STATE OF MAINE

1929

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PUBLIC LAWS
OF THE
STATE OF MAINE

As Passed by the Eighty-fourth Legislature

1929

[supplied from page 1 of volume]

Chapter 137.

An Act to License and Regulate Private Hospitals and Private Houses for the Treatment of Patients Mentally Deranged.

Be it enacted by the People of the State of Maine, as follows:

Sec. 1. Governor may license private hospital for mentally deranged. The governor and council may license any suitable person to establish and keep a private hospital, or private house for the reception and treatment of patients who are mentally deranged, and may revoke such license at any time. Such hospital or private house shall be subject to visitation by the governor and council or any committee thereof or by the department of health of the state of Maine.

Sec. 2. Penalty for keeping such hospital without license. Whoever establishes or keeps such private hospital or private house without a license, or after revocation of said license, shall forfeit not more than five hundred dollars.

Sec. 3. May receive person who makes written application; shall not be detained. The superintendent or manager of such licensed hospital or house for the treatment of mental patients may receive and detain therein as a boarder and patient any person who is desirous of submitting himself to treatment and who makes written application therefor, and is mentally competent to make the application; and any such person who desires so to submit himself for treatment may make such written application. No such person shall be detained more than five days after having given notice of his intention, in writing, to leave this institution.

Sec. 4. Person may be committed on certificate of two physicians; discharge. If a person is found by two regular physicians registered in Maine to be in such mental condition that his commitment to such hospital or house for mental treatment is necessary for his proper care or observation, when the expense of his care and support are to be paid by himself, or relatives, or friends, or legal or natural guardians, he may be committed for treatment to said private hospital or house for a period not exceeding thirty days, provided such person be accompanied by a certificate signed by said physicians, which certificate shall show that in the judgment of the two physicians after an examination by each of them, such person needs treatment in such institution because of his mental condition. Such certificate shall be filed at such institution at the time of admission of the patient, together with a statement of facts regarding the family and personal history of the patient. Within thirty days after such commitment, if, in the opinion of the superintendent or manager or the attending physician, the said person has recovered or improved mentally to such an extent

that in the judgment of said physician further treatment at such hospital or house is not necessary, the said person shall be discharged.

Sec. 5. Examination of patient after 15 days; application to judge for hearing; patient to be represented. If after a patient has been committed to such hospital or house for treatment for a period not exceeding thirty days by two registered physicians, and it is the opinion of the superintendent or the manager or attending physician, after fifteen days or more of observation and treatment, that such patient will not improve or recover to such an extent that it will be for his welfare to leave such hospital or house at the end of the thirty day period, it shall be the duty of the superintendent, manager or attending physician to have the said patient examined by two disinterested, registered physicians who have practiced three years or more in Maine and who are not employed by such hospital or house, and if in the opinion of these physicians the said patient should require further treatment at said hospital or house, the superintendent, manager or attending physician shall make application to the judge of a municipal court or probate court in the county where said hospital or house is located, for a hearing, before the expiration of the thirty day period. Said judge shall then cause a notice of time of hearing to be served upon such patient at least twenty-four hours prior to the time of hearing, and the superintendent, manager or attending physician shall give the patient an opportunity to be present at the hearing if the patient so wishes, provided that in the opinion of the superintendent, manager or attending physician the patient's physical and mental condition is such that it would not be injurious to his health or dangerous to others for the patient to attend the hearing, and the said patient shall have the right to be represented at said hearing by relatives, friends, legal or natural guardians or attorneys at his own expense, if he so wishes.

Sec. 6. Judge may commit patient for further treatment; order of commitment. In all such cases for commitment of any person to such licensed hospital or house for treatment for an indefinite period, the opinion that the patient requires further treatment at said hospital or house shall be given under oath by at least two registered physicians who have practiced at least three years in Maine, and if in the opinion of the judge additional medical testimony as to the mental condition of the patient is required, he may appoint a physician to examine and report thereon, the expense of said examination and report to be paid by the patient. The said judge may then commit such person to said hospital or house for further treatment by an order of commitment directed to the superintendent or manager accompanied by a certificate of at least two registered physicians who have practiced three or more years in Maine, which certificate shall set forth that in their opinion such patient requires further treatment. The order

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of commitment shall direct the superintendent or manager to detain such patient for further treatment in said hospital until such time as in the opinion of a recognized alienist the patient has recovered or improved mentally to such an extent that his detention in such hospital is no longer necessary for his own welfare or the safety of the public; or until suitable arrangements have been made for said patient's proper care and supervision outside of said institution by his legal or natural guardians; or until on three days' notice, said superintendent or manager shall notify the legal or natural guardian to remove said patient from said institution; or until such time as it shall become necessary to commit said patient to a state hospital, or said patient shall be discharged by order of law.

Sec. 7. Member state department of health must visit; inspection and report to governor. Each of said licensed hospitals or houses shall be visited at least once a year, and oftener if the governor so directs, by a member of the state department of health who shall carefully inspect every part of said hospital or house visited with reference to its cleanliness and sanitary conditions and who shall make a report to the governor and council with such recommendations to improve conditions as said department may deem necessary.

Sec. 8. Revocation of license. Upon the failure of any superintendent or manager of such licensed hospital or house to comply with any of the provisions of this act, the governor and council may order a hearing to be held and notify in writing said superintendent or manager of such hearing, by seven days' notice, to be held at the council chambers in the state house at Augusta, and if it shall appear to the governor and council that the provisions of this act have not been complied with, they may revoke the license of said hospital or house.

Approved March 25, 1929.

Chapter 138.

An Act Relating to the Registration of Nurses.

Be it enacted by the People of the State of Maine, as follows:

Sec. 1. R. S., c. 18, sec. 18; relating to appointment of board of registration of nurses, amended. Section eighteen of chapter eighteen of the revised statutes of Maine as amended is hereby amended by striking out the second and third sentences in said section and inserting in lieu thereof the following: 'They shall have been graduated each from a different school of nursing; and shall have had after graduation at least three years experience in nursing and in addition thereto at least two years experience in teaching nurses, the periods of time not to run concurrently. They shall