

# MAINE STATE LEGISLATURE

The following document is provided by the  
**LAW AND LEGISLATIVE DIGITAL LIBRARY**  
at the Maine State Law and Legislative Reference Library  
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied  
(searchable text may contain some errors and/or omissions)

# ACTS AND RESOLVES

AS PASSED BY THE

## One Hundred and First Legislature

OF THE

# STATE OF MAINE

Published by the Director of Legislative Research in accordance with the Revised Statutes of 1954, Chapter 10, Section 27, Subsection VI.

---

The Knowlton and McLeary Company  
Farmington, Maine  
1963

---

---

PUBLIC LAWS  
OF THE  
STATE OF MAINE

As Passed by the One Hundredth Legislature

At The

SPECIAL SESSION, November 27, 1961

to

December 2, 1961

---

---

## Chapter 406

### AN ACT Repealing Powers of State Humane Agents to Issue Warrants in Dog Licensing Law.

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

**Sec. 1. R. S., c. 100, § 14, amended.** The first sentence of section 14 of chapter 100 of the Revised Statutes, as amended by section 1 of chapter 94 and by section 3 of chapter 181, both of the public laws of 1961, is repealed and the following enacted in place thereof:

**‘The municipal officers of each municipality shall annually within 10 days from the first day of June issue a warrant, returnable on July 15th following, to one or more police officers, constables or State Humane Agents, directing him or them to proceed forthwith to enter complaint and summons to court the owner or keeper of any unlicensed dog.’**

**Sec. 2. R. S., c. 100, § 14, amended.** The first sentence of the 2nd paragraph of section 14 of chapter 100 of the Revised Statutes, as amended by section 1 of chapter 94 and by section 4 of chapter 181, both of the public laws of 1961, is repealed and the following enacted in place thereof:

**‘On July 15th the municipal officers of municipalities shall issue to one or more police officers, constables or State Humane Agents a warrant returnable on the first Monday of the following February, directing him or them to seek out, catch and confine all dogs within such municipality which are not licensed, collared and tagged or enclosed, as required by sections 9 to 28, and to enter complaint and summons to court the owner or keeper of any such dog.’**

Effective March 3, 1962

## Chapter 407

### AN ACT to Revise the Laws Relating to Commitment of the Mentally Ill.

**Emergency preamble.** Whereas, acts of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, certain provisions of the mental commitment law, chapter 303 of the public laws of 1961 contain inconsistencies which are burdensome and which have given rise to uncertainties in their administration; and

Whereas, the proper administration of portions of the commitment law are threatened by such inconsistencies, burdens and uncertainties, possibly resulting in the ultimate breakdown of such portions of the law; and

Whereas, it is vitally necessary that such inconsistencies, burdens and uncertainties be resolved that the dire consequences of their presence in the law be avoided; 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 legis-

lation 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:*

Sec. 1. R. S., c. 27, §§ 135 - 138, repealed. Sections 135 to 138 of chapter 27 of the Revised Statutes, as amended, are repealed.

Sec. 2. R. S., c. 27, §§ 135-A - 135-B, additional. Chapter 27 of the Revised Statutes is amended by adding 2 new sections, to be numbered 135-A and 135-B, to read as follows:

'Sec. 135-A. Expenses of examination and commitment. The probate court conducting proceedings for the involuntary judicial hospitalization of an individual under sections 175, 185 and 186 shall order that the Department of Mental Health and Corrections be charged in the first instance for any expenses of examination, fees incident to giving notice, fees of attorneys when court appointed, and other proper fees and charges when hospitalization is not ordered and, when hospitalization is ordered, for any expenses of examination and commitment, including fees of attorneys, when court appointed, and fees or charges for notice when served in hand or by certified mail. The department, after being made chargeable in the first instance for such expenses, shall recover amounts paid under this section from the individual in respect of whom such expenses are incurred if able to pay, or from persons legally liable for his support under chapter 167-A, or from the town or legal settlement as if incurred for the expenses of a pauper. If he has no legal settlement in the State, such expenses shall be refunded by the State. All bills for expenses so incurred and chargeable to the State shall be filed with the Department of Health and Welfare within 3 months after the same are contracted. No person in respect of whom expenses are incurred under sections 175, 185 and 186 shall suffer any of the disabilities of pauperism or be deemed a pauper by reason of his inability to pay any of such expenses of examination or commitment.'

Sec. 135-B. Revolving Fund. There is reappropriated to the Department of Mental Health and Corrections the unexpended balance of "Working Capital Reserve for Institutional Farms," Account #6397. Said sum so reappropriated shall be a revolving fund for the use of said department in carrying out the terms and purposes of section 135-A. This section shall remain effective until repealed by the Legislature at which time the sum reappropriated by this section shall be repaid into the General Fund.'

Sec. 3. R. S., c. 27, § 175, amended. The 2nd paragraph of section 175 of chapter 27 of the Revised Statutes, as enacted by section 1 of chapter 303 of the public laws of 1961, is amended to read as follows:

'Upon receipt of an application the court shall give notice thereof in hand to the proposed patient, in hand or by certified mail, to his legal guardian, if any known, and to his spouse, parents and nearest known other relative or a parent or one of his adult children, or if none of these persons exist or if their whereabouts are unknown then to one of his next of kin or to a friend. If one of the named persons is the applicant, notice to that person may be omitted but must be given to one other of the named persons. If the court has reason to believe that notice would be likely to be injurious to the proposed patient, notice to him may be omitted.'

**Sec. 4. R. S., c. 27, § 175, amended.** Section 175 of chapter 27 of the Revised Statutes, as enacted by section 1 of chapter 303 of the public laws of 1961, is amended by adding after the 5th paragraph, the following paragraph:

‘Notice of the hearing shall be given at least 72 hours prior to the time of said hearing, in the same manner as is required for notice of receipt of application, to the person or persons receiving notice of receipt of application, to the applicant in hand or by certified mail, and to such other persons as the court may direct.’

**Sec. 5. R. S., c. 27, § 186, amended.** Section 186 of chapter 27 of the Revised Statutes, as enacted by section 1 of chapter 303 of the public laws of 1961, is amended to read as follows:

‘**Sec. 186. Petition for re-hearing to determine need for continuing hospitalization.** Any patient hospitalized pursuant to section 175, or if hospitalized prior to September 16, 1961 pursuant to chapter 27, sections 104, 105, 107 and 110 shall be entitled to a ~~re-examination~~ re-hearing of the order for his to determine his need for continuing hospitalization on his own petition, or that of his legal guardian, parent, spouse, relative or friend, to the probate court of the county in which he ~~resides or~~ is detained at the time of the request for re-hearing. Upon receipt of the petition, the court shall conduct or cause to be conducted by a special commissioner, proceedings in accordance with ~~such~~ section 175, except that notice of receipt of application may be omitted ~~such~~. Such proceedings shall not be required to be conducted if the petition is filed ~~sooner~~ less than 6 months after the issuance of the original order of hospitalization or ~~sooner~~ less than one year after the filing of a previous petition under this section.’

**Sec. 6. R. S., c. 149, § 38-B, amended.** Section 38-B of chapter 149 of the Revised Statutes, as enacted by chapter 310 of the public laws of 1961, is amended to read as follows:

‘**Sec. 38-B. When acquitted.** When the respondent is acquitted on the ground of mental disease or mental defect excluding responsibility, the verdict and the judgment shall so state and the court shall order him to be committed to the custody of the Commissioner of Mental Health and Corrections to be placed in an appropriate institution for the mentally ill or mentally retarded for custody, care and treatment.’

**Sec. 7. Resolves, 1949, c. 109, repealed.** Chapter 109 of the resolves of 1949, as amended by chapter 34 of the resolves of 1951, is repealed.

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

Effective December 1, 1961

---



---

## Chapter 408

### AN ACT to Clarify the Election Laws.

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

**Sec. 1. R. S., c. 3-A, § 8, sub-§ III, ¶ A, additional.** Subsection III of section 8 of chapter 3-A of the Revised Statutes, as enacted by section 1 of chapter