

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

AS PASSED BY THE

One Hundred and Fourth Legislature

OF THE

STATE OF MAINE

Published by the Director of Legislative Research in accordance with
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PUBLIC LAWS
OF THE
STATE OF MAINE
AS PASSED BY THE
ONE HUNDRED AND FOURTH LEGISLATURE
1969

Without regard to the matter of sanatorium closure, the commissioner is also authorized to purchase care for tuberculosis patients from private practitioners and private medical institutions. In making such payments he shall take into consideration payments that may be available through insurance or other 3rd parties.

Sec. 2. Appropriation. There is appropriated from the General Fund to the Department of Health and Welfare the sum of \$644,075 to carry out the purposes of this Act. The breakdown shall be as follows:

1969-70

HEALTH AND WELFARE, DEPARTMENT OF

Central Maine Sanatorium		
Personal Services	(100)	(\$305,352)
All Other		(109,560)
Removes appropriation and personnel count in Part I budget		
Central Maine Sanatorium		
Personal Services	(90)	\$462,275
All Other		178,800
Capital Expenditures		3,000
Total		<u>\$644,075</u>
Bureau of Health		
Personal Services		(\$ 8,684)
Hospital and Medical Care		
All Other		(100,000)

Effective October 1, 1969

Chapter 376

AN ACT Relating to Release of Persons Found Not Guilty of Crime by Reason of Mental Disease or Mental Defect.

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

R. S., T. 15, § 104, repealed and replaced. Section 104 of Title 15 of the Revised Statutes, as repealed and replaced by section 2 of chapter 402 of the public laws of 1967, is repealed and the following enacted in place thereof:

§ 104. Conditional or unconditional release

The superintendent of the hospital in which a person is hospitalized under section 103, shall, annually, forward to the Commissioner of Mental Health and Corrections a report containing the opinion of the superintendent or hospital staff psychiatrist, as to the condition of any such person and his readiness for release, which opinion in the case of a person found not guilty of crime by reason of mental disease shall indicate whether such person is, or is not, restored sufficiently to permit release without danger to the public within the foreseeable future, due to mental disease, and in the case of a person found not guilty of crime by reason of mental defect shall indicate whether such person is, or is not, adjusted, socially and otherwise, so as to permit release without danger to the public within the foreseeable future, due to mental defect. The commissioner shall forthwith file such report with the court in the county in which the person is hospitalized. The court shall review the report and if it is made to appear by the report that any such person may be ready for release, the court shall set a date for, and hold a hearing on the question of such person's readiness for release, and shall receive the testimony of at least one psychiatrist who has observed or treated such person and any other relevant testimony. If, after hearing, the court finds that such person may be released without danger to the public within the foreseeable future, due to mental disease or mental defect, the court shall order the unconditional release of such person or in the court's discretion release, subject to conditions deemed appropriate and necessary, which may include outpatient treatment to continue until it is made to appear to the court that such treatment is no longer necessary, to be then terminated by the court's order, and may include supervision for one year by the State Probation and Parole Board, which supervision upon review by the court at the end of one year may be extended for one year.

Whenever, in the opinion of the superintendent or staff psychiatrist of the hospital in which a person is hospitalized under section 103, such person may be released without danger to the public within the foreseeable future due to mental disease or mental defect, the superintendent shall report such opinion and the reasons therefor, to the Commissioner of Mental Health and Corrections. The commissioner shall forthwith forward the report to the court and the court shall hold a hearing and dispose of the matter as provided in the first paragraph of this section.

A person committed under section 103, or his spouse or any next of kin, may petition the court in which he was tried for a hearing under this section. Upon receiving such petition the court shall request and receive a report from the Commissioner of Mental Health and Corrections containing the opinion of the superintendent or staff psychiatrist of the hospital in which such person is hospitalized, relative to the readiness of such person for release and whether his release would be dangerous to the public within the foreseeable future, due to mental disease or mental defect. The hearing and release, if ordered, shall be as provided in the first paragraph of this section. If release is not ordered, a petition shall not again be filed for the release of such person for one year.

Notice of any hearing under this section shall be given to the county attorney and Attorney General at least 14 days before the hearing date.

When, upon hearing, a person who has been conditionally released is found

to be suffering from a mental disease or mental defect, so as to endanger the public, the court in which he was tried, may by order, stating the fact of such mental disease or mental defect, recommit him to the custody of the Commissioner of Mental Health and Corrections for placement as provided in section 103.

Director's note: Amended by 1969 Public Laws, chapter 604, section 24-E.

Effective October 1, 1969

Chapter 377

AN ACT Transferring Arson Investigation Authority from Insurance Department to the Department of the Attorney General.

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

Sec. 1. R. S., T. 25, § 2391, amended. The 6th sentence of section 2391 of Title 25 of the Revised Statutes is amended to read as follows:

Such fire inspectors shall furnish the **Attorney General** and the Insurance Commissioner with such information as ~~he they or either of them~~ may require and shall perform such inspections as ~~the Insurance Commissioner they or either of them~~ may direct.

Sec. 2. R. S., T. 25, § 2394, amended. Section 2394 of Title 25 of the Revised Statutes is amended to read as follows:

§ 2394. Investigation of fire origin; **Attorney General** may direct

When property is destroyed or damaged by fire the municipal officers in cities and towns shall immediately notify ~~the Insurance Commissioner of the same~~ a member of the Division of State Fire Prevention who shall notify the **Attorney General** if arson is suspected and shall investigate the cause, circumstances and origin of the fire, and especially examine whether it was the result of carelessness or of design. The investigation shall be commenced within 3 days after the occurrence of the fire, not including the Lord's Day ~~and the Insurance Commissioner.~~ **The Attorney General** may supervise and direct such investigation whenever he deems it expedient or necessary.

Sec. 3. R. S., T. 25, § 2395, amended. Section 2395 of Title 25 of the Revised Statutes is amended to read as follows:

§ 2395. Filing statement of cause of fire; record open to public

When the municipal officers have completed their investigation, which shall be within 2 weeks after the occurrence of the fire, they shall immediately file with the ~~Insurance Commissioner~~ Division of State Fire Prevention a written