

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE
AS PASSED BY THE
One Hundred and Sixth Legislature
1ST SPECIAL SESSION
JANUARY 2, 1974 TO MARCH 29, 1974
AND BY THE
One Hundred and Seventh Legislature
REGULAR SESSION
JANUARY 1, 1975 TO JULY 2, 1975

PUBLISHED BY THE DIRECTOR OF LEGISLATIVE RESEARCH IN
ACCORDANCE WITH THE REVISED STATUTES OF 1964, TITLE 3,
SECTION 164, SUBSECTION 6.

THE KNOWLTON AND MCLEARY COMPANY
FARMINGTON, MAINE
1975

PUBLIC LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE
One Hundred and Seventh Legislature

1975

CHAPTER 230

AN ACT Relating to the Release of Mentally Disordered Persons.

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

Sec. 1. 15 MRSA § 101, as last amended by PL 1973, c. 547, § 3, is further amended by adding at the end the following new paragraphs:

Any person ordered or committed for examination, observation, care or treatment pursuant to this section shall not be released from the examining institution during the period of examination.

Any individual responsible for or permitting the release of a respondent from the examining institution who has been committed pursuant to this section shall be punished by a fine of not more than \$1,000.

Sec. 2. 15 MRSA § 104, 2nd ¶, last sentence, as repealed and replaced by PL 1973, c. 243, is repealed as follows:

~~The nature and scope of the treatment program of persons hospitalized under section 103 preceding release, including the grant of trial visits not exceeding 14 days at any one time, shall be determined by the professional hospital staff designated for such purpose by the superintendent~~

Sec. 3. 15 MRSA § 104, sub-§ 3 is enacted to read:

3. Modified release treatment. Any individual hospitalized pursuant to section 103 may petition the Superior Court for the county in which such person is hospitalized for a release treatment program allowing the individual to be off institutional grounds for a period of time, not to exceed 14 days at any one time.

Said petition shall contain a report from the institutional staff including at least one psychiatrist, and said report shall define the patient's present condition; the planned treatment program involving absence from the institution; the duration of the absence from the institution; the amount of supervision during the absence; the expectation of results from the program change and the estimated duration of the treatment program before further change. This petition shall be forwarded to the court no later than 60 days prior to the beginning of the modified treatment program.

If the court considers that the individual being off the grounds as described in the treatment plan is inappropriate, it shall notify the hospital that the plan is not approved and shall schedule a hearing on the matter. The clerk of courts upon receipt of the proposed treatment program shall give notice thereof by mailing a copy to the District Attorney and Attorney General, who may file objections and request hearing on the matter. If the court does not respond within 60 days to the proposed treatment plan and no objections and request for hearing are filed by the District Attorney or Attorney General, it may then be put into effect by the administrator of the hospital on the assumption that the court approved the treatment plan.