

# MAINE STATE LEGISLATURE

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FOURTH REVISION.

THE  
REVISED STATUTES

OF THE

STATE OF MAINE,

PASSED AUGUST 29, 1883, AND TAKING EFFECT JANUARY 1, 1884.

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BY THE AUTHORITY OF THE LEGISLATURE.



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CHAP. 136.  
 sheriff or  
 other officer  
 before court.  
 R. S., c. 136,  
 § 15.

lect, the county attorney shall cause him to be summoned and brought before the court that imposed it, to show a proper discharge, or the cause for not collecting and paying it over; and he shall carry into execution all lawful orders of the court relating to the collection and payment thereof, and shall, by all other means pertaining to his office, promote and enforce the same.

## CHAPTER 137.

### DISPOSAL OF INSANE CRIMINALS.

- SEC. 1. When a person, committed by a magistrate on a criminal charge, pleads insanity, any justice of the court may order him to the insane hospital.
2. When a grand or traverse jury omit to find against any accused person by reason of insanity, court shall commit him to the insane department of the state prison, or to the hospital. How he may be discharged from the insane department, to be recommitted if found insane or dangerous.
3. How and by whom such person may be discharged from the hospital. Bond must be given; when and by whom he may be recommitted.
4. How he shall be supported at the hospital.
5. When an inmate of the state prison or county jail becomes insane, how and by whom he may be sent to the hospital.
6. Incurable insane convicts may be removed by the governor and council from the hospital to the insane department of the state prison.
7. Murderers, found to be insane when sentence is issued, may be removed to the hospital by the court. Proceedings.
8. Sentenced murderers, becoming insane, may be respited by the executive during insanity.

When a person, committed to jail on a criminal charge, pleads insanity, proceedings. R.S., c. 137, § 1.

SEC. 1. When a person is indicted for an offence, or is committed to jail on a charge thereof by a trial justice, or judge of a police or municipal court, any justice of the court before which he is to be tried, if a plea of insanity is made in court, or he is notified that it will be made, may, in vacation or term time, order such person into the care of the superintendent of the insane hospital, to be detained and observed by him until further order of court, that the truth or falsity of the plea may be ascertained.

When grand jury omit to indict, or traverse jury acquit, on account of the insanity of the accused, they shall so certify to court. 1879, c. 160, § 1.

SEC. 2. When the grand jury omit to find an indictment against any person arrested to answer for an offence, by reason of his insanity, they shall certify that fact to the court; and when a traverse jury, for the same reason, acquit any person indicted, they shall state that fact to the court when they return their verdict; and the court, by a precept stating the fact of insanity, may commit him to the insane department of the state prison or to the insane hospital; and any person so committed shall be discharged by the court having jurisdiction of the case only on satisfactory proof that his discharge will not endanger the peace and safety of the community; and when such person so discharged is on satisfactory proof again found insane and dangerous, any justice of the

—how court shall dispose of such accused.

supreme judicial court may, by a precept stating the fact of his insanity, recommit him to the insane department of the state prison, or to the insane hospital. CHAP. 137.

SEC. 3. Any person so committed to the insane hospital may be discharged by any justice of the supreme judicial court, in term time or vacation, on satisfactory proof that his discharge will not endanger the peace and safety of the community; or such justice may, on application, commit him to the custody of any friend who will give bond to the judge of probate for the county of Kennebec, with sufficient sureties, approved by said judge of probate, conditioned for the safe keeping of such insane person, and the payment of all damages which any person may sustain by his acts. And when, on satisfactory proof, he is again found insane and dangerous, any justice of the supreme judicial court may, by a precept stating the fact of his insanity, recommit him to the insane hospital.

How, and by whom, such person, so committed to the hospital, may be discharged. 1879, c. 160, § 2. R.S., c. 137, § 3. See 1861, c. 24. —bond.

—when, and by whom, he shall be re-committed.

SEC. 4. The person so committed shall be there supported at his own expense, if he has sufficient means; otherwise, at the expense of the State.

How to be supported at hospital. R.S., c. 137, § 4.

SEC. 5. When an inmate of the state prison or county jail becomes insane, the warden or jailer shall notify the governor of the fact, who, with the advice and consent of council, shall appoint a commission of two or more skilful physicians to investigate the case, and if such inmate is found insane by their examination, he shall be sent to the insane hospital until he becomes of sound mind; and if this takes place before the expiration of his sentence, he shall be returned to prison; but if the term of his sentence has expired, he shall be discharged free. The expenses of the commission, removal and support, shall be paid by the State.

Proceedings, when an inmate of the state prison or a county jail becomes insane. 1877, c. 188.

SEC. 6. Insane convicts now in the insane hospital, upon satisfactory proof that they are incurable, and that a longer residence therein will have a deleterious influence on the other patients of said hospital, may be removed by order of the governor and council to the insane department of the state prison.

Incurable convicts in hospital may be removed to insane department of prison. 1879, c. 160, § 3.

SEC. 7. If a person convicted under section two of chapter one hundred and eighteen, is found by the court to be insane when motion for sentence is made, the court may cause him to be removed to the insane hospital for such term and under such limitations as it may direct.

When court may send insane murderers to hospital. 1883, c. 205, § 9.

SEC. 8. If it appears to the satisfaction of the governor and council that a convict under sentence of death has become insane, the execution of said sentence may be respited by the governor, with the advice and consent of council, from time to time for stated periods, until they are satisfied that the convict is no longer insane.

Insane murderer may be respited by executive. 1883, c. 205, § 10.