

MAINE STATE LEGISLATURE

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FIFTH REVISION.

THE
REVISED STATUTES

OF THE

STATE OF MAINE,

PASSED SEPTEMBER 1, 1903, AND TAKING EFFECT JANUARY 1, 1904.

BY THE AUTHORITY OF THE LEGISLATURE.



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CHAPTER 138.

DISPOSAL OF INSANE CRIMINALS.

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 offense, 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 either 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. The superintendent of the hospital to which such person is committed shall, within the first three days of the term next after such commitment, and within the first three days of each subsequent term so long as such person remains in his care, report to the judge of the court before which such person is to be tried, whether his longer detention is required for purposes of observation.

When grand jury omit to indict, or traverse jury acquit, on account of the insanity of the accused, they shall so certify to court.
R. S., c. 137, § 2.

—how court shall dispose of such accused.

SEC. 2. When the grand jury omit to find an indictment against any person arrested to answer for an offense, 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 either 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 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 either insane hospital.

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

—bond.

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

SEC. 3. Any person so committed to an 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, if such commitment was to the insane hospital at Augusta, or to the judge of probate for the county of Penobscot, if such commitment was to the insane hospital at Bangor, 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 from which he was discharged.

Support at hospital.
R. S., c. 137, § 4.

Examiners of insane convicts shall be appointed.
1903, c. 147, § 1.

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.

SEC. 5. The governor shall appoint in each county in the state a competent physician, who shall be a resident of the county, to act as an examiner of insane convicts in the county jail of the county. When a convict in the state prison or a county jail becomes insane, the warden shall forthwith notify the prison physician, or the jailer shall forthwith notify such

examiner in the county, of the fact, and the prison physician or such examiner, as the case may be, shall forthwith investigate the case and make a personal examination of the convict and if the prison physician or such examiner, as the case may be, finds such convict insane he shall forthwith certify such fact in writing to the governor and council, and the governor and council shall cause the removal of such insane convict to the insane department of the state prison or to either insane hospital until he becomes of sound mind. The fee of such examiner for each examination shall be five dollars. If such convict becomes of sound mind before the expiration of the term of his sentence he shall be returned to the prison or jail from which he was removed. If the term of his sentence has expired he shall be discharged free. Inmates of county jails and persons under indictment, becoming insane before final conviction, may be committed to an insane hospital by the judge of the supreme judicial, or superior court in the county where such person is to be tried or the case is pending, under such limitations as such judge may direct. The superintendent of the insane hospital at Augusta shall visit the insane department of the state prison not less than once each month to advise with the prison physician and warden as to the proper care, treatment and disposition of the convicts in said department. And whenever, in the judgment of said superintendent, any convict of the state prison who may be insane, can be better treated at the insane hospital at Augusta, he may recommend the transfer of said convict to said hospital, and report his conclusions to the governor and council, and thereupon they may order such transfer, and said convict shall be returned to the state prison whenever said superintendent shall consider it advisable to do so; if such person recovers after the expiration of his sentence he shall be discharged free. Whenever any convict in said department at the expiration of his term of sentence shall, in the opinion of said superintendent, prison physician and warden, be so far insane that his discharge will endanger the peace and safety of the community, they shall make a certificate setting forth briefly the facts of his sentence and its expiration and their opinion of his insanity, which certificate shall be by the warden recorded, and thereupon, upon said certificate, which shall be his warrant therefor, said warden shall transfer and commit said insane person to the insane hospital at Augusta. All expenses of said superintendent in connection with said department, as well as those of the commitment, removal and support of said convicts during the term of their sentences shall be paid by the state by order of the governor and council from state prison appropriations.

SEC. 6. Insane convicts in the insane hospital, upon satisfactory proof that a longer residence therein will have a deleterious influence on the other patients, may be committed by the order of the governor and council setting forth the circumstances under which they have been detained in said hospital, to the insane department of the state prison to be there detained until of sound mind, subject to the provisions and conditions of the preceding section.

SEC. 7. If a person convicted of any crime, in the supreme judicial court or either superior court, is found by the judge of such court to be insane when motion for sentence is made, the court may cause such person to be committed to the insane department of the state prison under such limitations as the court may direct; *provided* that the crime of which such person is convicted is punishable by imprisonment in the state prison; otherwise such commitment shall be to one of the insane hospitals; if at the expiration of the period of commitment to the insane department of

—proceedings when an inmate of prison or jail becomes insane.
R. S., c. 137, § 5.
1893, c. 295, § 1.

—fee.

—if convict becomes of sound mind before expiration of sentence, he may be returned to jail.

—superintendent of insane hospital shall visit insane department of state prison monthly.

—he may recommend transfer of convict to insane hospital.

—if convict is insane at expiration of sentence he may be committed to insane hospital.

—expenses of superintendent, commitment, etc., to be paid by state.

Insane convicts may be removed from insane hospital to insane department of prison.
R. S., c. 137, § 6.
1893, c. 295, § 1.

Persons insane when convicted may be sentenced to insane department of state prison.
R. S., c. 137, § 7.
1893, c. 295, § 1.
1903, c. 147, § 2.

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—at expiration of term of commitment if still insane, convict may be removed to insane hospital.

the state prison such person has not become of sound mind in the opinion of the superintendent of the insane hospital at Augusta, prison physician and warden, he shall be removed by them to one of the insane hospitals. Persons committed by a judge of the supreme judicial or a superior court before final conviction, or after conviction and before sentence whether originally committed or subsequently removed thereto, and insane convicts after the expiration of their sentences, shall be supported while in the insane hospital in the manner provided by law in the case of persons committed by municipal officers, and the provisions of sections twenty-two to twenty-five inclusive, of chapter one hundred forty-four shall apply to such cases.

CHAPTER 139.

PARDONS, AND FUGITIVES FROM JUSTICE.

PARDONS.

Notice shall be given to county attorney, on all petitions for pardon.
R. S., c. 138, § 2.
1893, c. 296.

—if required, he shall attend hearing.

—judge and prosecuting officer, who tried case, may be required to furnish facts.

When state prison sentence may be commuted to imprisonment in jail.
R. S., c. 138, § 3.

SEC. 1. On all petitions to the governor for pardon or commutation of sentences, written notice thereof shall be given to the county attorney for the county where the case was tried at least three weeks before the time of the hearing thereon, and three weeks' notice in some newspaper printed and published in said county; and if the crime for which said pardon is asked is punishable by imprisonment in the state prison, the county attorney for the county where the case was tried shall upon the request of the governor and council, attend the meeting of the governor and council at which the petition is to be heard, and the governor and council shall allow him his necessary expenses for such attendance, and a reasonable compensation for his services to be paid from the state treasury out of the appropriation for costs in criminal prosecutions. The governor and council may require the judge and prosecuting officer who tried the case to furnish them a concise statement thereof as proved at the trial and any other facts bearing on the propriety of granting pardon or commutation.

SEC. 2. When a person is sentenced to confinement in the state prison, the governor, with the advice and consent of the council, may, if he deems it consistent with the public interest and the welfare of the convict, commute said sentence to imprisonment in any county jail, there to be supported at the charge of the state, at an expense not exceeding the price paid for the support of other prisoners in said jail.

CONDITIONAL PARDONS.

Governor may grant conditional pardons.
R. S., c. 138, § 4.
See Constitution, Art. v, part 1, § 11.

SEC. 3. In any case in which the governor is authorized by the constitution to grant a pardon, he may, by and with the advice and consent of the council, and upon petition of the person convicted, grant it upon such conditions, with such restrictions and under such limitations as he deems proper, and he may issue his warrant to all proper officers to carry such pardon into effect; which warrant shall be obeyed and executed instead of the sentence originally awarded.

Conditions under which convict may be again arrested.
R. S., c. 138, § 5.

SEC. 4. When a convict has been pardoned on conditions to be observed and performed by him, and the warden of the state prison, or keeper of the jail, where the convict was confined, has reason to believe that he has