

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.



AUGUSTA :
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1904.

provided with the mittimus by which such girl was committed, or a certified copy thereof, to take such girl for the purpose of returning her to said school; but during such detention she shall not be committed to jail, and the officer arresting her shall be paid by the state a reasonable compensation for her arrest and keeping.

CHAPTER 144.

THE INSANE HOSPITALS.

APPOINTMENT AND DUTIES OF TRUSTEES.

SEC. 1. The government of the Maine insane hospital, at Augusta, and of the Eastern Maine insane hospital, at Bangor, is vested in a committee of seven trustees, one of whom shall be a woman; they shall be appointed and commissioned by the governor, with the advice and consent of the council, to hold their offices during the pleasure of the governor and council, but not longer than three years under any one appointment.

SEC. 2. They shall have the general care and management of the institutions; see that they are conducted according to law, and the by-laws for their internal government and economy, which said trustees are hereby authorized to establish, not inconsistent with law; hold in trust for the state any land, money or other property, granted, bequeathed or given to the institutions, or either of them, and apply the same for the support, comfort or improvement of the insane, and the general use of the institution designated, and have power to bring actions, in the name of the treasurer, for all dues to either of the institutions, and to defend all suits brought against them.

SEC. 3. Said trustees shall appoint a superintendent, and a steward and treasurer, for each hospital, subject to the approval, and to hold office during the pleasure, of the governor and council; and all other officers necessary for the efficient and economical management of the business of the institutions; and all appointments shall be made according to the by-laws.

SEC. 4. There shall be a thorough examination of each hospital monthly by two of the trustees; quarterly by three; and annually by a majority of the full board; and at any other time, when they deem it necessary, or the superintendent requests it. At each visit, a written account of the state of the institution visited shall be drawn up by the visitors, recorded, and presented at the annual meeting of the trustees; at which meeting they, with the superintendent, shall make a particular examination into the condition of each patient, and discharge any one so far restored that his comfort and safety, and that of the public, no longer require his confinement. Their accounts shall be audited by the governor and council, who shall draw their warrant on the treasurer of state for the amount due them and the other officers of the institutions, except attendants on the patients and laborers on the premises, and for all money appropriated by the legislature for the insane hospitals.

SEC. 5. The trustees may transfer any patients from one hospital to the other, whenever, in their judgment the welfare of the patients or of either institution will be promoted thereby. A copy of the certificate of

Government of the insane hospitals.
R. S., c. 143, § 1.
1899, c. 75.

Trustees shall have the general management, hold property, make by-laws, commence and defend suits.
R. S., c. 143, § 2.

Superintendent, steward and treasurer, how to be appointed.
R. S., c. 143, § 3.
1899, c. 75.

Monthly, quarterly and annual examinations by the trustees, and records thereof.
R. S., c. 143, § 4.

—trustees may examine and discharge patients.

—accounts.

Patients may be transferred from one insane

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commitment certified by the superintendent of the hospital in which said patient has been confined, with a certificate signed by the secretary of the trustees, showing that such transfer has been voted by the trustees, shall authorize the superintendent of the hospital to which such patient is transferred to receive and detain him in custody in the same manner as if he had originally been committed to such institution. The expense attending such transfer shall be paid out of the funds of the hospital receiving such patient and shall be a charge upon the person or municipality liable for the board of such patient, and if the board of such patient is paid in whole or in part by the state the expense of such transfer shall be paid by the state out of the appropriation for insane state beneficiaries.

hospital to
the other.
1901, c. 235.

—expense of
transfer
how paid.

SEC. 6. The trustees, at their next meeting after the expiration of each quarter, shall examine carefully the books and vouchers of the steward and treasurer of each hospital, audit his accounts and submit the same immediately thereafter to the governor and council for their approval, before such accounts shall be settled; and the governor and council shall, from time to time, inquire into the condition and management of the financial affairs of the institutions, and make such changes as they deem judicious, in the mode and amount of expenditures and the general administration of their financial affairs.

Accounts of
the steward
and treas-
urer, how to
be audited
and settled.
R. S., c. 143, § 5.

—governor
and council
shall inquire
into the finan-
cial affairs of
the hospitals.

SEC. 7. They shall hold an annual meeting on the first day of December, at which a full and detailed report shall be made, containing a particular statement of the condition, concerns and wants of the hospitals; and this report, and the reports of the superintendents and stewards, shall be made up to the first day of December, and be laid before the governor and council at that time, for the use of the government.

Annual
meetings and
reports to the
governor and
council.
R. S., c. 143, § 6.

DUTIES OF SUPERINTENDENTS AND STEWARDS.

SEC. 8. The superintendent of each hospital shall be a physician; reside constantly at the hospital; have general superintendence of the hospital and grounds; receive all patients legally sent to the hospital, unless the number exceeds its accommodations, and have charge of them, and direction of all persons therein, subject to the regulations of the board of trustees; and annually on the last day of November, report to the trustees the condition and prospects of the institution under his charge, with such remarks and suggestions relative to its management and the general subject of insanity, as he thinks will promote the cause of science and humanity.

Duties and
powers of
the super-
intendent.
R. S., c. 143, § 7.

—his annual
report.

SEC. 9. The superintendents shall apportion the number of patients who can be accommodated in the hospitals among the towns, according to their population by the last census; and when applications for admission exceed or are liable to exceed that number of patients, they shall give preference to those from towns that have not their full proportion of patients in the hospital, and may reject others.

Apportion-
ment of
patients.
R. S., c. 143, § 8.

SEC. 10. When a person has been unlawfully committed, the superintendent shall report the case to the trustees at their next monthly meeting; and they may cause the removal of such person to the town from which he was committed. The superintendent, at each monthly visit of the trustees, shall also report to them the name of any inmate who was idiotic at the date of his commitment, or who has become so imbecile, as, in his judgment, to be beyond cure, and if he thinks that such inmate may be discharged with safety to himself and to the public, the trustees shall order his discharge and cause him to be removed to the town by which he was committed.

Unlawful
commit-
ments.
R. S., c. 143, § 9.

—how idiotic
inmates
may be
discharged.

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Rules shall be kept posted.
R. S., c. 143, § 29.

SEC. 11. The superintendent of each hospital shall keep posted, in conspicuous places about the hospital under his charge, printed cards containing the rules prescribed for the government of the attendants in charge of the patients.

Ill treatment of patients by attendants, how punished.
R. S., c. 143, § 30.

SEC. 12. When it appears that any such attendant treats a patient with injustice or inhumanity, he shall immediately be discharged. When the superintendent is satisfied that any attendant abuses or ill treats an inmate of the hospital, he shall discharge him at once, and make complaint of such abuse or ill treatment before the proper court; and such attendant, on conviction, shall be fined not less than one hundred, nor more than five hundred dollars, or imprisoned not more than ninety days.

Duties of the steward and treasurer.
R. S., c. 143, § 10.

SEC. 13. The steward of each hospital shall be treasurer; give bond to the trustees, in such amount and with such sureties as they deem sufficient, for the safe keeping and proper disbursement of the funds of the institution at which he is located; under the advice and direction of the superintendent and of the trustees, make all necessary purchases of supplies and provisions; hire attendants and other laborers; see to the proper cultivation of the farm and grounds; have a careful oversight of the patients when employed thereon; perform such other duties as the trustees direct; and annually make a detailed report to them of his receipts and expenditures, and of the financial affairs of the institution.

SALARIES.

Certain salaries fixed by trustees.
R. S., c. 143, § 11.
1899, c. 75, § 2.
See c. 116, § 1.

SEC. 14. The compensation of the superintendent, and of the treasurer and steward, of the Eastern Maine insane hospital, and of all other officers and employees of both hospitals, whose salaries are not established by law, shall be fixed by the trustees, subject to the approval of the governor and council.

COMMITMENT OF THE INSANE.

Duties of parents and guardians of insane minors.
R. S., c. 143, § 12.

SEC. 15. Parents and guardians of insane minors, if of sufficient ability to support them there, shall, within thirty days after an attack of insanity, without legal examination, send them to one of said hospitals and give to the treasurer thereof the bond required; or they may send them to some other hospital for the insane, within said period.

Municipal officers shall, on complaint, examine cases, and may commit to the hospital with certificate, and keep a record of their doings.
R. S., c. 143, § 13.
1897, c. 244.
1903, c. 1, § 1.

SEC. 16. Insane persons, not thus sent to any hospital, shall be subject to examination as hereinafter provided. The municipal officers of towns shall constitute a board of examiners, and on complaint in writing of any blood-relative, husband or wife of said alleged insane person, or of any justice of the peace, they shall immediately inquire into the condition of any person in said town alleged to be insane; shall appoint a time and place for a hearing by them of the allegations of said complaint, and shall cause to be given in hand to the person so alleged to be insane, at least twenty-four hours prior to the time of said hearing, a true copy of said complaint, together with a notice of the time and place of said hearing and that he has the right and will be given opportunity then and there to be heard in the matter; shall call before them all testimony necessary for a full understanding of the case; and if they think such person insane, and that his comfort and safety, or that of others interested, will thereby be promoted, they shall forthwith send him either to the Maine insane hospital or to the Eastern Maine insane hospital, with a certificate stating the fact of his insanity, and the town in which he resided or was

found at the time of examination, and directing the superintendent to receive and detain him until he is restored or discharged by law, or by the superintendent or trustees. They shall keep a record of their doings, and furnish a copy to any interested person requesting and paying for it. (a)

SEC. 17. In all cases of preliminary proceedings for the commitment of any person to the hospital, to establish the fact of the insanity of the person to whom insanity is imputed, the evidence of at least two reputable physicians given by them under oath before the board of examiners shall be required, together with a certificate signed by such physicians and filed with said board, that in their opinion such person is insane, such evidence and certificate to be based upon due inquiry and personal examination of the person to whom insanity is imputed; and a certified copy of the physicians' certificate shall accompany the papers of commitment of the insane person to the hospital.

SEC. 18. The officers ordering the commitment of a person unable to pay for his support, may in writing certify that fact to the trustees, and that he has no relatives liable and of sufficient ability to pay for it; and if the trustees are satisfied that such certificate is true, the treasurer of the hospital may charge to the state one dollar and fifty cents a week for his board, and deduct it from the charge made to the patient or town for his support.

SEC. 19. If the municipal officers neglect or refuse, for three days after complaint is made to them to examine and decide any case of insanity in their town, complaint may be made by any blood-relative, husband or wife of said alleged insane person, or by any justice of the peace, to two justices of the peace; and the two justices to whom such application is made shall immediately inquire into the condition of such alleged insane person and shall proceed in the manner provided in section sixteen.

SEC. 20. Such justices shall keep a record of their doings and furnish a copy thereof to any person interested requesting and paying for it; they shall be entitled to the same fees as for a criminal examination, to be paid by the person or corporation liable in the first instance for the support of the insane person in the hospital.

SEC. 21. When such justices order a commitment to a hospital, the municipal officers of the town where the insane resides, or such other person as the justices direct, shall cause such order to be complied with forthwith at the expense of the town; and after such commitment is made, the justices shall decide and certify the expenses thereof.

EXPENSES OF SUPPORTING THE INSANE AT THE HOSPITAL.

SEC. 22. The certificate of commitment to the hospital after a legal examination, is sufficient evidence, in the first instance, to charge the town where the insane resided, or was found at the time of his arrest, for the expenses of his examination, commitment and support in the hospital; but when his friends or others file a bond with the treasurer of the hospital in which he is confined, such town shall not be liable for his support, unless new action is had by reason of the inability of the patient or his friends longer to support him; and such action may be had in the same manner, and before the same tribunal, as if he had never been admitted to the hospital.

(a) 35 Me., 404; 40 Me., 264; 48 Me., 356; 63 Me., 500, 566; 65 Me., 521; 70 Me., 442; 78 Me., 378; 90 Me., 218; 96 Me., 371.

Evidence of two physicians required.
R. S., c. 143, § 34.
1906, c. 1, § 2.
72 Me., 216.
75 Me., 166.
90 Me., 219.
95 Me., 371.

May certify inability of relatives to pay for patient's support; aid from state.
R. S., c. 143, § 14.

Municipal officers neglecting, complaint, may be made, to two justices; proceedings.
R. S., c. 143, § 16.
1903, c. 80, § 2.
35 Me., 502.
63 Me., 567.

Justices shall keep record.
R. S., c. 143, § 17.
1903, c. 80, § 3.
—fees.

Their order for commitment, by whom to be executed.
R. S., c. 143, § 18.

Town where insane person resided, or was found, must pay for his support, unless a bond is given for it.
R. S., c. 143, § 19.
46 Me., 560.
48 Me., 356.
70 Me., 443.
72 Me., 216.
90 Me., 219.

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Also, when unlawfully committed; with expense of removal. R. S., c. 143, § 20.

Towns have remedy against the patient, or those liable for his support, as for a pauper. R. S., c. 143, § 21. Sec c. 27, § 17. 90 Me., 219. 96 Me., 371.

Treasurer of hospital shall charge interest on debts due, after thirty days. R. S., c. 143, § 22.

Those liable for the support of a patient, may apply for his discharge. R. S., c. 143, § 23.

Overseers of the poor shall remove a patient, when notified. R. S., c. 143, § 24.

Patients discharged under section four, how to be removed. R. S., c. 143, § 25.

—town is liable, upon notice, for the costs of removal.

Preceding section does not apply to towns of less than two hundred inhabitants. R. S., c. 143, § 26.

SEC. 23. The person or town, liable for support of a person when lawfully committed to a hospital, is liable therefor, and for the expenses of his removal, when unlawfully committed and removed as provided in section ten; but the expenses of such removal shall not exceed ten cents a mile from the hospital to the place of commitment.

SEC. 24. Any town thus made chargeable in the first instance, and paying for the commitment and support of the insane at a hospital, may recover the amount paid, from the insane, if able, or from persons legally liable for his support, or from the town where his legal settlement is, as if incurred for the expense of a pauper, but if he has no legal settlement in the state, such expenses shall be refunded by the state, and the governor and council shall audit all such claims and draw their warrant on the treasurer therefor. No insane person shall suffer any of the disabilities of pauperism nor be deemed a pauper, by reason of such support. But the time during which the insane person is so supported shall not be included in the period of residence necessary to change his settlement. (a)

SEC. 25. The treasurer thereof shall charge and collect interest on all debts due to the hospital, for board and clothing of patients, after thirty days from the time when they become due.

DISCHARGE OF THE INSANE.

SEC. 26. A friend, person or town, liable for the support of a patient who has been in either hospital for six months, not committed by order of the supreme judicial court nor afflicted with homicidal insanity, thinking that he is unreasonably detained, may apply to the municipal officers of the town where the insane resides, and they shall inquire into the case, and summon before them any proper testimony, and their decision and order shall be binding on the parties. They shall tax legal costs and decide who shall pay them. If such application is unsuccessful, it shall not be made again until the expiration of another six months.

SEC. 27. When the overseers of the poor of a town, liable for the support of a patient at either hospital, are notified by mail by the superintendent, that he has recovered from his insanity, they shall cause him to be removed to their town; and if they neglect it for fifteen days, the superintendent shall cause it to be done at the expense of such town.

SEC. 28. When a patient is discharged from either hospital by the trustees, under section four, they shall cause the selectmen of the town, or the mayor of the city, from which such patient was received, to be immediately notified by mail, and on receipt of such notice said town or city shall cause such patient to be forthwith removed thereto; and if they neglect such removal for thirty days thereafter, such patient may be removed to said town or city by the trustees, or their order; and the superintendent may maintain an action in his own name, against such city or town, for the recovery of all expenses necessarily incurred in the removal of such patient.

SEC. 29. The preceding section does not apply to towns having less than two hundred inhabitants, but all insane persons found, and having their residence in such towns, who have no settlement within any town in the state, and have no means of their own for support, or are without relatives able and liable to support them, shall be supported in the hospital at the expense of the state.

(a) 53 Me., 129, 445; 63 Me., 501; 69 Me., 69; 70 Me., 443; 71 Me., 537; 72 Me., 216, 493.

SPECIAL VISITATION BY A COMMITTEE APPOINTED BY THE GOVERNOR.

SEC. 30. A committee of the council consisting of two, with whom shall be associated one woman, shall be appointed by the governor annually, who shall visit both hospitals at their discretion, to ascertain if the inmates thereof are humanely treated, and they shall promptly report every instance of abuse or ill treatment, to the trustees and superintendent of the hospital, who shall take notice thereof, and cause the offender to be punished as required by section twelve.

Committee of visitors, shall be appointed annually; their powers and duties. R. S., c. 143, § 31.

SEC. 31. If wilful injury is inflicted by an officer, attendant or employee of either hospital upon the person of any patient and knowledge thereof comes to said committee of visitors, they shall report the fact immediately to said trustees and to the superintendent of the hospital where such injury was committed, and if the superintendent fails forthwith to complain thereof as required by section twelve, one of said visitors shall enter a complaint before the proper court. In trials for such offenses, the statement of any patient cognizant thereof, shall be taken and considered for what it is worth; and no one connected with the hospital shall sit upon the jury trying the case.

Wilful injury to patients, by officers of the hospital, punishment for. R. S., c. 143, § 32.

—complaint shall be made by superintendent, or, in case of his neglect, by visiting committee.

SEC. 32. In case of the sudden death of a patient in either hospital under circumstances of reasonable suspicion, a coroner's inquest shall be held as in other cases, and the committee of visitors shall cause a coroner to be immediately notified for that purpose.

When an inquest shall be held on sudden death. R. S., c. 143, § 33. See c. 140, § 1.

SEC. 33. If the committee of visitors becomes satisfied that an inmate of either hospital has been unnecessarily and wrongfully committed, or is unnecessarily detained and held as a patient therein, they shall apply to some judge of the supreme judicial court, or to the judge of the superior court or court of probate within the county where the restraint exists for a writ of habeas corpus, who shall issue the same, and cause such inmate to be brought before him, and after notice to the party procuring his commitment and a hearing of all interested in the question at issue, if satisfied that such inmate is not a proper subject for custody and treatment in the hospital, he shall discharge him from the hospital and restore him to liberty. But this section does not apply to the case of any person charged with, or convicted of crime, and committed to the hospital by order of court.

Patients may be discharged, when unnecessarily detained. R. S., c. 143, § 35.

—proceedings.

--this section does not apply to commitments by order of court.

SEC. 34. The names of the committee of visitors and the post office address of each shall be kept posted in every ward of each hospital, and every inmate shall be allowed to write when and whatever he pleases to them or either of them, unless otherwise ordered by a majority of the committee in writing, which order shall continue in force until countermanded in writing by said committee. For this purpose, every patient, if not otherwise ordered as aforesaid, shall be furnished by the superintendent, on request, with suitable materials for writing, enclosing and sealing letters. The superintendent shall provide at the expense of the state, securely locked letter boxes, easily accessible to all inmates, to be placed in each hospital, into which such letters can be dropped by the writer. No officer, attendant or employee of either hospital shall have the means of reaching the contents of these boxes, but the letters in them shall be collected weekly by some member of the committee, or by such person as the committee authorize for the purpose, who shall prepay such only as are addressed to some one of the committee, and deposit them in the post office without delay.

Names of visiting committee shall be posted in the wards. R. S., c. 143, § 36.

—inmates allowed to write to committee.

—furnished with materials.

—letter boxes.

—officers and attendants shall not have access thereto.

—letters, how to be disposed of.

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Letters to be delivered to patients, unopened.
R. S., c. 143, § 37.

—proviso.

Hospital, when and how to be visited by the committee.
R. S., c. 143, § 38.

—accounts, how audited.

Committee of visitors shall report annually to governor and council.
R. S., c. 143, § 39.

—accounts, how audited.

Removal for neglect of duties.
R. S., c. 143, § 40.

Application by superintendent.

—contents.

Proceedings by judge.

—notice.

—hearing.

—adjudication.

SEC. 35. The superintendent, or party having charge of any patient, shall deliver to him any letter or writing to him directed, without opening or reading the same, *provided*, that such letter has been forwarded by the committee, or is directed to such persons as the committee have authorized to send or to receive letters without the committee's inspection.

SEC. 36. Each hospital shall be visited as often as once in every month by at least one member of the committee, and this visit shall be made at irregular, and not at stated periods; no previous notice, information, or intimation thereof shall be given or allowed to the superintendent, or any officer, attendant or employee of the hospital, but so far as possible all visits shall be made unexpectedly to the superintendent and all others having the care of the hospital and its inmates; and in no case shall the committee, when making their visits through the wards, be accompanied by any officer or employee of the hospital, except upon the special request of some one of the committee.

SEC. 37. The committee of visitors shall make report to the governor and council on the first day of December annually, and as much oftener as the welfare of the patients or the public good requires, setting forth their doings and any facts with regard to the hospitals which they deem important. The accounts of the members of said committee, including a reasonable sum for the letter carrier provided for in section thirty-four, shall be audited by the governor and council, who shall draw their warrant on the treasurer of state for the amount found due.

SEC. 38. Any person neglecting to perform the duties imposed upon him by this chapter is removable from office by the authority from whom he received his appointment, and if removed, is forever ineligible to office or place in the hospital.

RECOMMITMENT OF PATIENTS.

SEC. 39. Whenever the superintendent of either hospital is in doubt as to the legality of the commitment of any person, now or hereafter committed to the hospital of which he is superintendent, he may apply in writing to the judge of the municipal or police court of the city where such person is then detained under such commitment, stating therein the material facts connected therewith and annexing thereto copies of all papers under which such person is so detained, with a prayer that the condition of such person may be inquired into and such decree made as to his commitment as justice may require.

SEC. 40. Such judge shall thereupon appoint a time and place for a hearing by him of the allegations of such application; shall cause to be given in hand to the person so alleged to be insane, at least twenty-four hours prior to the time of said hearing, a true copy of said application together with a notice of the time and place of said hearing and that he has a right and will be given opportunity then and there to be heard in the matter; shall call before him all testimony necessary for a full understanding of the case; shall personally examine and interview such person whether he shall or shall not appear at such hearing; shall require and receive the evidence of at least two reputable physicians, not in the employ of either hospital to be given under oath before such judge together with a certificate signed by such physicians and filed with such judge that in their opinion, such person is insane, such evidence and certificate to be based upon due inquiry and personal examination of the person to whom insanity is imputed; and if such judge thinks such person insane and that his comfort and safety, or that of others interested, will thereby

bepromoted, he shall forthwith commit him to that insane hospital the superintendent of which made said application, with a certificate stating the fact of his insanity, and the town in which he resided or was found at the time of the examination referred to in the original papers of commitment annexed to the foregoing application, and directing the superintendent to receive and detain him until he is restored or discharged by law, or by the superintendent or trustees. A certified copy of the physicians' certificate shall accompany said order of commitment made hereunder. Such judge shall keep a record of his doings and furnish a copy to any interested person requesting and paying for it.

—record.

SEC. 41. All the fees, costs and expenses incident to any such hearing shall be taxed by such judge, and audited and allowed by the governor and council who shall include therein a reasonable compensation for such judge. Payment thereof shall be made from any moneys in the treasury not otherwise appropriated.

Expenses
audited by
governor and
council.

SEC. 42. When a person has been unlawfully committed to a hospital and recommitted under the three preceding sections, the person or town liable for the support of such person, had his original commitment been lawful, is liable for the expenses of the examination and commitment under such unlawful commitment, for the support of such person thereunder, for the expenses of the examination and recommitment under the three preceding sections, and for support thereafterward furnished under such recommitment, and such liability shall extend to the town of such person's settlement, and to any person ultimately liable for such patient's commitment and support under a lawful commitment.

Liability
for expenses,
and past and
future
support.