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CHAPTER 187

PINELAND HOSPITAL AND TRAINING CENTER

Sec.

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§ 2151. Purposes

Pineland Hospital and Training Center, heretofore established at New Gloucester in the County of Cumberland, shall be maintained for the training, education, treatment and care of persons who are mentally retarded and of persons who are between the ages of 6 and 16, except as provided in section 2155, who are mentally ill.

The head of the Pineland Hospital and Training Center shall be called the superintendent and shall be a qualified psychiatrist or pediatrician. He shall be responsible for the training, education, treatment and care of all persons received into the Pineland Hospital and Training Center. He shall be responsible for the release of all such persons, except those placed in the Pineland Hospital and Training Center under Title 15, sections 101 or 103. He shall have direct supervision, management and control of the grounds, buildings and property and officers and employees of the Pineland Hospital and Training Center, subject to the approval of the department.

1963, c. 351, § 7.

§ 2152. Admittance and commitment procedures

The Superintendent of the Pineland Hospital and Training Center, subject, except in the case of emergency admittance, to the availability of suitable accommodations and in the order of priority determined by the department, shall receive for observation, diagnosis, training, education, treatment or care any person whose admittance is applied for under any of the following procedures.

The words "proposed patient" as used in subsection 3 shall mean any person with respect to whom application is made for admittance to the Pineland Hospital and Training Center for training, education, treatment or care under such section. The word "patient" as used in sections 2154 to 2156 shall mean any person received into Pineland Hospital and Training Center for training, education, treatment or care.

1. Voluntary admittance.

A. Application. Application for voluntary admittance of any person to the Pineland Hospital and Training Center shall be made to the department in writing by a parent, relative, spouse or guardian of the person, a health or public welfare officer, or the head of any institution in which such person may be; and

B. Certification. Certification by either a psychiatrist or a licensed physician and a certified psychologist that they have examined the person, and that in their opinion such person is mentally retarded or being between the ages of 6 and 16 is mentally ill and is in need of institutional care, such as is provided at the Pineland Hospital and Training Center; except that, certification by psychologist shall not be required if the person, as determined by the department, is so severely retarded as to be untestable by formal methods.

2. Emergency admittance. Whenever it is made to appear to the Superintendent of the Pineland Hospital and Training Center that a person, a proper subject for the Pineland Hospital and Training Center, is in need of immediate care and treatment and admittance is requested by a licensed physician with the approval of a parent, relative, spouse or guardian of the person, the person may be admitted solely on the basis thereof for a period not to exceed 15 days. A report of the circumstances of such emergency admission shall be made promptly to the department and if continuing care and treatment is indicated the regular admission procedures shall be initiated for voluntary admission without certification. During the pendency of said procedure the superintendent may detain such patient at his institution, but in no event for a period longer than 30 days.

3. Admittance by order of probate court. Whenever it is made to appear that a person is a proper subject for Pineland Hospital and Training Center and voluntary admittance cannot be accomplished, application may be made to the judge of probate, within whose jurisdiction the individual may be, by a friend, a

licensed physician, a health or public welfare officer, or the head of any institution in which such person may be. Any such application shall be accompanied by a certificate of a psychiatrist or a licensed physician stating that he has examined the person and is of the opinion that the person is mentally retarded, or being between the ages of 6 and 16, is mentally ill and is a proper subject for Pineland Hospital and Training Center, or a written statement by the applicant that the person has refused to submit to examination.

Upon receipt of an application the court shall give notice thereof in hand to the proposed patient, in hand or by certified mail to his legal guardian, if known, and to his spouse or a parent or one of his adult children, or if none of these persons exist or if their whereabouts are unknown, then to one of his next of kin or to a friend. If the court has reason to believe that notice would be likely to be injurious to the proposed patient, notice to him may be omitted.

As soon as practicable after notice of the commencement of proceedings is given or it is determined that notice should be omitted, the court shall appoint 2 licensed physicians, one of whom shall be a psychiatrist, or shall appoint a licensed physician and a certified psychologist to examine the proposed patient and report to the court their findings as to the mental condition of the proposed patient and his need for training, education, treatment or care at the Pineland Hospital and Training Center.

The examination shall be held at a hospital or other medical facility, at the home of the proposed patient or at any other suitable place not likely to have a harmful effect on his health. A proposed patient to whom notice of the commencement of proceedings has been omitted shall not be required to submit to an examination against his will, and on the report of the appointed examiners of refusal to submit to an examination, the court shall give notice to the proposed patient as provided under this section and order him to submit to such examination.

If the report of the appointed examiners is to the effect that the proposed patient is not mentally retarded or mentally ill, the court may without taking any further action terminate the proceedings and dismiss the application. Otherwise, it shall forthwith fix a date for and give notice of a hearing to be held not less than 5 nor more than 15 days from receipt of the report.

Notice of the hearing shall be given at least 72 hours prior to the time of said hearing, in the same manner as is required for notice of receipt of application, to the person or persons receiving notice

of receipt of application, to the applicant in hand or by certified mail, and to such other persons as the court may direct.

The proposed patient, the applicant and all other persons to whom notice is required to be given shall be afforded an opportunity to appear at the hearing, to testify and to present and cross-examine witnesses, and the court may in its discretion receive the testimony of any other persons. The proposed patient shall not be required to be present, and all persons not necessary for the conduct of the proceedings shall be excluded, except as the court may direct in its discretion. The court may order a public hearing upon the request of the patient or any member of his family. The hearings shall be conducted in as informal a manner as may be consistent with orderly procedure and in a physical setting not likely to have a harmful effect on the mental health of the proposed patient. The court shall receive all relevant and material evidence which may be offered. An opportunity to be represented by counsel shall be afforded to every proposed patient, and if neither he nor others provide counsel, the court shall appoint counsel.

If, upon completion of the hearing and consideration of the record, the court finds that the proposed patient is mentally retarded or mentally ill, and because of his retardation or illness is in need of education, training, treatment or care at the Pineland Hospital and Training Center, it shall order his commitment. Otherwise it shall dismiss the proceedings.

Unless otherwise directed by the court, it shall be the responsibility of the sheriff of the county in which the probate court has jurisdiction to assure the carrying out of the order within such period as the court shall specify. The court is authorized to appoint a special commissioner who shall be a member of the bar of the State to assist in the conduct of commitment proceedings. In any case in which the court refers an applicant to the commissioner, the commissioner shall either recommend dismissal of the application or hold a hearing as provided in this section and make recommendations to the court regarding the commitment of the proposed patient.

The Superintendent of the Pineland Hospital and Training Center admitting a patient pursuant to proceedings under this section shall forthwith make a report of such admittance to the department.

1963, c. 351, § 7.

§ 2153. Habeas corpus

Any person detained pursuant to section 2152, subsection 1, 2 or 3 shall be entitled to the writ of habeas corpus upon proper

petition by his parent, spouse or any adult relative or friend to any justice generally empowered to issue the writ of habeas corpus in the county in which said person is detained.

1963, c. 351, § 7.

§ 2154. Conditional release of patients

The Superintendent of the Pineland Hospital and Training Center may at his discretion, except in instances of placement in the Pineland Hospital and Training Center under Title 15, section 101 or 103, release any patient for a definite or indefinite length of time to any responsible person under such conditions as the superintendent may specify, which release may at any time be revoked or extended. No such patient shall be allowed to leave the institution temporarily until an agreement has been procured by the superintendent from some responsible person or persons to provide such patient with proper care during his period of temporary absence from the institution. In the event that any such patient should fail to return to the institution at any time required by the superintendent, full power to retake and return such patient is expressly conferred upon the superintendent, whose written order shall be a sufficient warrant authorizing any officer named therein to return such patient to the institution.

1963, c. 351, § 7.

§ 2155. Mentally ill child attaining 18

No child received in the children's psychiatric unit of the Pineland Hospital and Training Center shall be detained beyond his 18th birthday and if the mental condition of the child at that time is such that further hospital care is necessary because of mental illness, the Superintendent of the Pineland Hospital and Training Center shall cause application to be made for the admittance of said child to one of the hospitals for the mentally ill.

1963, c. 351, § 7.

§ 2156. Discharge of patients

If any patient received under section 2152, subsection 1, 2 or 3 is deemed by the Superintendent of the Pineland Hospital and Training Center not to be a proper person for further training, education, treatment or care in that institution, he shall be discharged. Notice of impending discharge shall be given to the person or agency initiating the original application within a reasonable length of time preceding actual discharge.

No patient received under section 2152, subsection 1 or 2 shall be detained for more than 10 days after the parent, guardian or person or agency having right to custody of such patient has filed with the superintendent a written request for discharge, except that, upon application to the probate court or a judge thereof, whether in session or in vacation, supported by a certification by the Superintendent of the Pineland Hospital and Training Center that in his opinion such release would be unsafe for the patient or for others, release may be postponed for such period not to exceed 10 days as the court or a judge thereof may determine to be necessary for the commencement of proceedings for a judicial determination pursuant to section 2152, subsection 3.

The Superintendent of the Pineland Hospital and Training Center shall inform the legal guardian, spouse, parent, relative or a friend of any patient received under section 2152, subsection 1 or 2, in writing, on admittance, of the patient's right to release as provided in this section and shall provide reasonable arrangements for making and presenting requests for release.

1963, c. 351, § 7.

§ 2157. Rehearing to determine need for continuing treatment

Any person received pursuant to section 2152, subsection 3 shall be entitled to a rehearing to determine his need for continuing training, education, treatment or care on the petition of his legal guardian, spouse, parent or of a relative or friend to the probate court for the county from which such person was originally received.

Upon receipt of the petition the court shall conduct or cause to be conducted, by a special commissioner, proceedings in accordance with section 2152, subsection 3, except that notice of receipt of application may be omitted. Such proceedings shall not be required to be conducted if the petition is filed less than 6 months after issuance of the original order of commitment or less than one year after the filing of a previous petition under this section.

1963, c. 351, § 7.

§ 2158. Expenses of examination and commitment

The probate court conducting proceedings under section 2152, subsection 3, section 2156 or 2157 shall order that the Department

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of Mental Health and Corrections be made chargeable in the first instance for expenses of examination and commitment as in cases covered by section 2421, subsection 1, and reimbursement shall be sought for such expenses in accordance with section 2421, subsections 1 and 2.

1963, c. 351, § 7.