

MAINE STATE LEGISLATURE

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DOCUMENTS

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THE LEGISLATURE

OF THE

STATE OF MAINE,

DURING ITS SESSION

A. D. 1847.

AUGUSTA:

Wm. T. JOHNSON,.....PRINTER TO THE STATE

1848.

TWENTY-SEVENTH LEGISLATURE.

No. 21.]

[HOUSE.

STATE OF MAINE.

IN THE YEAR OF OUR LORD ONE THOUSAND EIGHT HUNDRED AND
FORTY-SEVEN.

AN ACT to modify and revise all acts for the govern-
ment of the Insane Hospital, and for other purposes.

*Be it enacted by the Senate and House of Representa-
tives in Legislature assembled, as follows :*

SECTION 1. The government of the Maine Insane
2 Hospital is, and shall be vested in a board of six
3 trustees, to be appointed by the governor and coun-
4 cil, for the term of three years, classed in the same
5 manner as they have heretofore been—all vacancies
6 occurring before the expiration of commission, shall
7 be filled by the governor and council for the remain-

8 der of the term ; the trustees now in commission to
9 be re-appointed, or others appointed in their stead,
10 when their present commissions expire.

SEC. 2. The said trustees shall have in charge the
2 general care and management of the institution, and
3 see that its affairs are conducted according to the re-
4 quirements of the legislature and the by-laws and
5 regulations, which the trustees shall establish for the
6 internal government and economy of the institution ;
7 they shall have power to enact by-laws for its regula-
8 tion and management, not repugnant to the laws of
9 the state ; and shall hold in trust for the state, any
10 grant, devise of land, or any donation or bequest of
11 money, or other property, made, or to be made, to
12 be applied to the maintenance, comfort, or improve-
13 ment of insane persons, and the general use of said
14 institution. They shall also be authorized in the
15 name of the treasurer, to bring actions for the re-
16 covery of all debts due to the institution, and to
17 answer to all suits that may be brought against them.

SEC. 3. The trustees shall appoint a superintend-
2 ent, and they shall also, in conjunction with the super-
3 intendent, appoint a steward, and such other officers
4 as, in their opinion, may be necessary, for conduct-

5 ing efficiently and economically the business of the
6 institution ; and all appointments made by them shall
7 be made in such manner, with such restrictions, and
8 for such terms of time, as the by-laws may prescribe ;
9 and the salaries of all the officers so appointed shall
10 be determined by the trustees, subject to the approval
11 of the governor and council.

SEC. 4. The superintendent, who shall be a phy-
2 sician, and reside constantly at the hospital, shall have
3 the general superintendence of the hospital and
4 grounds ; the charge of the patients ; the direction
5 and control of all persons therein, subject to the
6 regulations of the board of trustees. He shall an-
7 nually report to the governor and council the condi-
8 tion and prospects of the institution under his care,
9 accompanied with such remarks and suggestions in
10 regard to its management, and the general subject
11 of insanity, as, in his judgment, shall be calculated
12 to promote the cause of science and the interest
13 of humanity.

SEC. 5. The steward, who shall also be treasurer,
2 shall have the immediate custody of the funds of the
3 institution, and shall give bonds to the trustees, in
4 such amount, and with such sureties, as they shall

5 deem sufficient, for their safe keeping and proper
6 disbursement. He shall, under the advice and di-
7 rection of the superintendent, as well as of the
8 trustees, make all necessary purchases of supplies
9 and provisions; hire attendants and other laborers;
10 see to the proper cultivation of the farm and grounds;
11 and have a careful oversight of the patients whenever
12 employed thereon. He shall also attend to and
13 perform such other duties as the trustees shall direct,
14 and shall annually make a detailed report to them
15 of his receipts and expenditures, and of the financial
16 affairs of the institution.

SEC. 6. There shall be thorough examinations of
2 the hospital, monthly, by two of the trustees; quar-
3 terly, by three; and annually, by the whole board, or
4 a majority thereof, as well as at such other times as
5 they may deem necessary, or the superintendent shall
6 request. And, at each visit, a written account of the
7 state of the institution shall be drawn up and recorded,
8 which shall be presented at the annual meeting of the
9 trustees, to be holden in the month preceding that on
10 which the legislature assembles; and, at said annual
11 meeting, a full and detailed report shall be made to
12 the governor and council, together with those of the

13 superintendent and steward, during the first week,
14 if not earlier, of the then next annual session of the
15 legislature, for the use of the government, exhibiting
16 a particular statement of the condition of the hospital,
17 of its concerns and wants; and all these reports shall
18 be made up to the last day of the month next but
19 one preceding that in which the legislature com-
20 mences its first session annually, inclusive. The
21 trustees shall also, at their next meeting after the
22 expiration of every quarter, examine carefully the
23 books and vouchers of the steward and treasurer,
24 and audit and settle his accounts; and for all visits
25 made and devoted to the hospital, the trustees shall
26 receive two dollars per day for the time spent, and,
27 for their travel, the same compensation as is allowed
28 to members of the legislature, their accounts to be
29 audited by the governor and council; and the gov-
30 ernor is hereby authorized to draw his warrant on
31 the state treasurer for the amount found due to the
32 trustees and other officers of the institution, the
33 attendants on the patients and laborers on the prem-
34 ises not included.

SEC. 7. It shall be the duty of parents to send their

2 insane children, and guardians their insane wards,
3 being minors, to the insane hospital within thirty days
4 of the attack of insanity, if they are able to pay for
5 supporting them there, in which case they shall file
6 with the treasurer of the hospital the bond required
7 in such cases—all such cases may be sent to the hos-
8 pital without any legal examination.

SEC. 8. All insane persons not sent to the hospital
2 by parents and guardians as provided in the preceding
3 section, shall be the subjects of legal examination, as
4 hereinafter directed. The mayor and aldermen of
5 cities, and the selectmen of towns shall, in their sever-
6 ral cities and towns, constitute a board of examiners,
7 whose duty it shall be to inquire into the condition of
8 every insane person in their cities and towns and
9 adjacent plantations, so soon as the existence of such
10 case shall come to their knowledge, and they are
11 hereby authorized and required, to call before them
12 such testimony as shall be necessary to a full under-
13 standing of the case, and if it shall appear to them
14 that the person is insane, and they shall be of opinion
15 that the comfort and safety of the patient or others in-
16 terested will be promoted by a residence in the insane
17 hospital, it shall be their duty to send such person

18 forthwith to that institution, accompanied with a cer-
19 tificate stating the fact of insanity, and also the city
20 or town in which the patient resided, was commorant
21 or found at the time of the arrest and examination.
22 ordering the superintendent to receive and detain
23 him or her in his care until he or she shall become of
24 sound mind, or be otherwise discharged by order of
25 law, or by the superintendent or trustees. And it
26 shall be the duty of the superintendent to receive all
27 patients legally sent to the hospital, unless the number
28 shall exceed the accommodation provided by the
29 state.

SEC. 9. In all cases decided by the mayor and
2 aldermen or selectmen as aforesaid, the right of ap-
3 peal shall be granted to any corporation or individual
4 who may deem themselves or the patient injured
5 thereby, whether the decision shall have been for or
6 against the fact of insanity, or committal. The per-
7 son or persons claiming an appeal shall make appli-
8 cation therefor in writing to the mayor and alder-
9 men or the selectmen, as the case may be, within
10 twenty-four hours of the decision having been made
11 known, stating their wishes, and naming a justice of
12 the peace and of the quorum on their part, residing

13 in the same city or town or one adjoining, to sit and
14 hear the appeal, specifying the time and place for
15 the hearing, which shall be in the same city or town
16 in which the insane person resides, or one adjoining,
17 and the time within three days of that of making the
18 request; the appellant shall notify and procure the
19 attendance of said justice, if in his power, if not, an-
20 other may be substituted in his room. The said
21 mayor and aldermen or selectmen, shall select another
22 justice of the peace and of the quorum to sit with the
23 former, and they two shall have power to call before
24 them such testimony as they may deem proper, and
25 shall hear and determine all matters brought before
26 them touching the premises, and if they shall find the
27 person insane they shall say so, and if they are of
28 opinion that he or she will be more comfortable or
29 safe to him or herself or others, they shall give
30 an order under their hands for the conveyance to,
31 and detention of him or her in the insane hospital,
32 until he or she shall become of sound mind, or be
33 otherwise legally discharged. They shall certify in
34 said order that said person is insane, and also the city
35 or town in which said insane person was residing

36 commorant, or found at the time of arrest and exami-
37 nation.

SEC. 10. If the mayor and aldermen of any city,
2 or selectmen of any town shall refuse or neglect to
3 examine and decide on any case of insanity now ex-
4 isting, or which may hereafter exist in their respective
5 cities or towns, complaint may be made by any relative
6 of said insane person, or by any other respectable per-
7 son, to two justices of the peace, one of whom shall
8 be of the quorum, and said justices shall as soon as
9 may be, sit in some place within said city or town, or
10 one adjoining, and hear and decide on the case ; and
11 they are hereby authorized and required to call be-
12 fore them such testimony as they shall deem proper,
13 and they shall inquire into and determine both as to
14 the insanity, as well as to all other matters touching
15 the case—and if they find the person insane they
16 shall so decide, and if, in their opinion the patient
17 would be rendered more comfortable and safe to
18 themselves and others by a residence in the hospital,
19 they shall, by an order under their hands, send said
20 insane person to the hospital, and they shall certify
21 the fact of the insanity, and also the city or town
22 in which he or she resided, was commorant or found

23 at the time of the arrest and examination—and direct
24 their detention in the insane hospital until they shall
25 become of sound mind, or be otherwise legally dis-
26 charged.

SEC. 11. All commitments made to the insane
2 hospital by judges of courts, as provided by chapter
3 one hundred and seventy-three of the revised statutes,
4 and one hundred and eight of 1844, by the mayor
5 and aldermen of cities or selectmen of towns, or by
6 justices of the peace and quorum, in conformity with
7 this or any other law of this state, shall be accom-
8 panied by a certificate, stating the city or town in
9 which the insane person so committed resided, was
10 commorant, or was found, at the time of the original
11 arrest and examination, whether ordered to the insane
12 hospital on the first or any subsequent process; and
13 such certificate shall be deemed sufficient evidence
14 to render such city or town liable for the expenses of
15 committing to, and supporting in, the insane hospital,
16 such insane person, in the first instance. In all cases
17 in which the friends or others shall file the necessary
18 bond with the treasurer of the hospital, no city or
19 town shall be made liable for the support of such
20 insane person, unless a new action shall be had in the

21 case, in consequence of the patient, or his or her
22 friends, being longer unable to support them ; which
23 action may be had in the same manner, and before
24 the same tribunal, as if the patient had never been
25 admitted to the hospital. No provision of this act
26 shall prevent any city or town, which has been made
27 chargeable, and shall have paid for committing and
28 supporting any insane person in the hospital, from
29 recovering the same of the patient, if able, or of his
30 or her friends liable for his or her support ; nor from
31 recovering the same from any city or town, in the
32 same manner as if incurred for the ordinary expense
33 of any pauper ; and, if the said insane person has
34 no legal settlement in this state, the expenses of
35 committing and supporting said insane person shall
36 be refunded to said city or town by the state. And
37 no person shall, on account of any support rendered
38 an insane person, suffer any of the constitutional or
39 legal disabilities incident to pauperism ; nor shall said
40 insane person hereafter be deemed a pauper in con-
41 sequence of said support.

SEC. 12. When any insane person shall have been
2 in the insane hospital six months, and any friend or
3 person liable for their support, or any city or town

4 supporting such patient, may, if they think the pa-
5 tient unreasonably detained, apply to two justices of
6 the peace and of the quorum, whose duty it shall be
7 to inquire into the case, and to summon before them,
8 in the town of Augusta, such testimony as they may
9 deem proper; and their decision and order shall be
10 binding on the parties. They shall tax the legal
11 costs, and determine who shall pay them. Such
12 appeal, if unsuccessful, shall not be again resorted
13 to, until the expiration of another six months.

SEC. 13. When any adult male or unmarried fe-
2 male, being insane, shall be sent to the insane hospi-
3 tal, under any of the provisions of this act, having
4 property or effects, the judges of probate in their re-
5 spective counties, are hereby authorized and required,
6 on receiving the certificate of the mayor and alder-
7 men of the city or selectmen of the town where such
8 insane person has his or her residence, that it will be
9 for the interest of said insane person to have a guar-
10 dian and trustee appointed, to hold in trust, the prop-
11 erty of such insane person, and to prevent waste
12 thereof, to appoint forthwith some suitable person in
13 the county, where that insane person has his or her
14 residence, to be guardian and trustee to said insane

15 person, and he shall give bond to the judge of pro-
16 bate, as in cases of guardians, and shall be reasonably
17 compensated for his services, to be audited and allowed
18 by the judge of probate, and paid out of the estate of
19 the insane. It shall not be necessary to serve notice
20 on insane persons to appear at probate courts, as is
21 provided by law in other cases, when application for
22 guardianship is to be considered, nor for city or town
23 officers to do so when the insane is in the hospital.
24 It is provided also, that such guardian and trustee
25 shall not be required to return an inventory to the
26 judge of probate of the effects of the said ward, nor
27 exercise any other of the powers and duties of guar-
28 dian for the term of one year from the date of his ap-
29 pointment, except so far as may be necessary for the
30 support of the insane, or his or her family, and to
31 prevent loss of his or her property.

SEC. 15. No insane person shall be committed to,
2 or remain in any jail or house of correction in this
3 state either by the provisions of chapter 173 of the
4 revised statutes, or of any law of this state, for a longer
5 time than may be necessary to make provision for
6 them in the insane hospital.

SEC. 16. When any person shall be charged with
2 a criminal offence in this state, any judge of the court
3 before which he is to be tried, on motion that a plea
4 of insanity will be made, or when such plea is made
5 in court, may, if he deems proper, order such person
6 into the custody of the superintendent of the insane
7 hospital, to be by him detained, and observed that the
8 truth or falsehood of the plea may be obtained.

SEC. 17. When any inmate of the state prison
2 shall become insane, the warden shall notify the gov-
3 ernor and council of the fact, and the governor with
4 advice of the council, shall appoint a commission of
5 two or more skillful physicians, to investigate the
6 case—and if found insane by their examination, he or
7 she shall be sent to the insane hospital, until he or
8 she become of sound mind—and if this event shall
9 take place before the expiration of the time he or
10 she was sentenced, he or she shall be returned to
11 prison. If said term has expired, he or she shall be
12 discharged free. The expenses of the commission,
13 removal and support, shall be paid by the state.

SEC. 18. The mayor and aldermen of cities, select-
2 men of towns, and justices of the peace, sitting and
3 deciding any of the cases provided for in this act,

4 shall keep a record of their doings, and furnish a copy
5 to any person interested, who may call and pay for
6 the same. And the justices deciding an appeal, shall
7 be entitled to receive for their services two dollars a
8 day, and ten cents a mile for travel, and they shall
9 determine which party shall pay the same. And in
10 all cases where justices have original jurisdiction they
11 shall charge the same fees as they would by law be
12 entitled to charge on a criminal examination, to be
13 paid by the city, town or persons liable in the first
14 instance to pay for committing to and support in the
15 hospital.

SEC. 19. Whenever the justices mentioned in this
2 act shall order a commitment to the insane hospital,
3 it shall be the duty of the mayor and aldermen of the
4 city, or selectmen of the town in which the insane
5 person resides, or such other person as the justices
6 shall direct, to cause said order to be complied with
7 forthwith. And said justices shall decide the amount
8 of compensation, if performed by an individual, and
9 certify the same, after the service has been performed.

SEC. 20. When any insane person in the hospital
2 shall have no legal residence in this state, it shall be
3 the duty of the superintendent to cause him to be

4 conveyed to, and left in any state in this Union in
5 which he shall ascertain to his satisfaction, said insane
6 person has a legal residence. And the governor is
7 authorized to draw his warrant on the treasurer of
8 this state for the sum expended in the removal, and
9 certified by the superintendent. *Provided* the super-
10 intendent shall believe a longer term than six months
11 will be required for the cure of said insane.

SEC. 21. All that part of chapter 178 of the re-
2 vised statutes relating to insane persons, the 36th
3 chapter passed 18th of March, 1842; the 19th chap-
4 ter passed March 22d, 1843; chapter 35th passed
5 Feb 15th, 1844; chapter 225th, passed August 10th,
6 1846; chapter 207th, passed August 8th, 1846, are
7 hereby repealed, and the 1st and 2d sections of chap-
8 ter 173, of the revised statutes, so far modified as to
9 comport with the provisions of this act. *Provided*,
10 that nothing contained in this act shall be construed
11 to affect any process or action which has been insti-
12 tuted under previously existing laws.

STATE OF MAINE.

HOUSE OF REPRESENTATIVES, July 17, 1847.

ORDERED, That 350 copies of the foregoing bill, reported from the committee on the Insane Hospital, be printed for the use of the Legislature.

SAMUEL BELCHER, *Clerk.*