

SUMMARIES OF STATE LAWS
RELATING TO THE FEEBLEMINDED
AND THE EPILEPTIC

Prepared by

SAMUEL W. HAMILTON, M. D.

and

ROY HABER, LL. B., A. M.

Publication No. 12

✓
THE NATIONAL COMMITTEE FOR MENTAL HYGIENE, INC.

50 Union Square, New York

1917

Publications of the National Committee for Mental Hygiene

1917

MAINE

Authorities:

Revised statutes of Maine, 1916

Laws of 1917

I. ADMINISTRATION AND SUPERVISION

a. General. The board of charities and corrections consists of five persons, at least one of whom must be a woman. The members are appointed by the governor, with the consent of the council, for terms of five years. They serve without compensation but receive their travelling expenses. Board of charities and corrections. Revised statutes. Ch. 147.

The board approves all rules and regulations governing the administration of state institutions. Meetings must be held quarterly and oftener if required. Yearly inspections must be made of each institution by a member of the board or an agent. Biennial reports must be made to the legislature, and quarterly reports to the governor. 3-
4-
9-

b. Institutional. The school for feeble-minded is under the management of a board of seven trustees, one of whom must be a woman, who are appointed by the governor with the advice and consent of the council, to hold office during the pleasure of the governor and council, but not for more than four years under one appointment. Board of trustees. Ch. 145. 1.

In addition to the general care and management of the school, the trustees are authorized to establish by-laws for its internal government and economy and to appoint a superintendent, steward and treasurer, subject to the approval and to hold office during the pleasure of the governor and council, and all other necessary officers. 2, 3-

The school must be visited once each month by two of the trustees, quarterly by three and annually by a majority. They must hold an annual meeting and report to the governor and the the council. 4.

2. CARE

a. In special state institutions.

Maine school for Feeble-minded, West Pownal; established 1907; 282 beds. A few epileptics are admitted to the school.

b. In general state institutions. Feeble-minded and epileptic criminals and those acquitted of crime are committed to the insane department of the state prison.

c. In local institutions.

3. COMMITMENT

Age require-
ments.
47.

a. Persons committed. The school for feeble-minded admits idiotic and feeble-minded males between the ages of six and forty and females between six and forty-five. Feeble-minded state paupers of either sex may be admitted at a later age. A few epileptics are admitted to the school.

Order of Ad-
mission.
51.

All idiotic and feeble-minded persons supported by towns, who in the judgment of the municipal officers of the towns or state board of charities are capable of being benefitted by school instruction, if six years of age or upward, may be admitted in this order: (1) those in public institutions supported entirely at public expense; (2) those in public institutions not so supported; (3) those not in any institution who have no parents, kinsmen, or guardians able to provide for them but who are committed by a judge of probate; (4) those residing in the state whose parents, kinsmen, or guardians are able to pay for them; (5) persons of other states whose parents, kinsmen, or guardians are willing to pay the cost of maintenance.

Judge of
probate may
commit.
49.

b. Legal procedure in commitment. The judge of probate for any county may commit a person to the school for feeble-minded. The judge must state that the person committed is resident in the county or is an inmate of the industrial school for girls, the state school for boys, the Bath military and naval orphan asylum, or is supported by a town. Application must first be made to the trustees of the school, and the agreement of the superintendent to admit the person when committed must be obtained. The judge may then secure the certificate of two graduate physicians who have practiced three years in the state, and make the commitment.

c. Voluntary admission.

To the
Supreme
Court.
50.

d. Appeal from commitment. The order of commitment is subject to appeal to the supreme court, in the same manner and to the same extent as in the appointment of guardians. No committal may bar habeas corpus proceedings.

e. Cost of commitment. All expenses of commitment are paid by the county.

4. CONVEYING PATIENTS TO THE INSTITUTION

5. TRANSFER OF PATIENTS

From the
reformatory
for women.
Laws of 1917,
Ch. 88.

Whenever an inmate of the reformatory for women is in the opinion of the superintendent a fit subject for the school for the feeble-minded, the matter must be reported to the reformatory physician, who must examine the inmate and report to the superintendent. The superintendent must apply to the court for an examination of the inmate and for commitment.

The judge must give notice of the hearing to the inmate at least 24 hours before the appointed time. A guardian ad litem must be appointed and two physicians must give evidence and certify as to the condition of the inmate.

If the inmate is adjudged feebleminded, commitment to the school must be made and admission must be granted when there is room in the school. A copy of the proceedings must accompany the order of commitment.

A transfer may be made between the state hospitals and the school for feebleminded by the board of trustees. The expense of transfer is borne by the person liable for the patient's board.

By the trustees.
Revised Statutes.
Ch. 145,
5.

6. PAROLE AND DISCHARGE OF PATIENTS

Any inmate of the school may be discharged by a majority of the trustees, or by a justice of the supreme court when further detention in his opinion is unnecessary.

Discharge.
50.

7. COST OF MAINTENANCE

All indigent and destitute inmates who have no parents, relatives, or guardian liable for their support, are maintained by the state. Persons from other states are admitted upon payment of not less than \$3.25 a week.

Paid by the state or relatives.
48.

8. GUARDIANSHIP AND SUPERVISION

a. Personal. Guardians may be appointed for persons of unsound mind who by reason of mental incapacity are incompetent to manage their own estates or protect their rights. A written application may be made to a judge of probate by any friend, relative, creditor, municipal officer, or the overseers of the poor of the town. A time for the hearing is set and fourteen days' notice is given to the person for whom the guardian is requested. If the person is judged incompetent, a guardian is appointed.

Court may appoint.
Ch. 72,
4.

b. Community.

9. SPECIAL EDUCATION

10. MARRIAGE

No feebleminded person or idiot is capable of contracting marriage.

Laws of 1917,
ch. 40.

11. STERILIZATION

12. DEFECTIVE DELINQUENTS

Feebleminded and epileptic criminals are subject to the laws relating to the criminal insane.

When a person indicted for an offense or committed to jail on a criminal charge makes a plea of mental defect, the justice of the court before which the case is to be tried may order him sent to one of the hospitals for the insane for observation and report by the

Persons making plea of mental defect.
Revised statutes.
Ch. 139.

Persons acquitted because of mental defect.

2.

3.

superintendent of the hospital. When the grand jury omits to find an indictment against a person by reason of his mental defect, they must so certify to the court; and when a traverse jury for the same reason acquit any person indicted, the court may commit him to the insane department of the state prison. Any person thus committed must be discharged by the court having jurisdiction of the case only on satisfactory proof that he will not endanger the peace and safety of the community: Upon proof that such person has again become dangerous, any justice of the supreme judicial court may recommit him. If a person convicted of any crime, in the supreme judicial court or in either superior court, is found mentally defective when motion for sentence is made, the court may commit him to the insane department of the state prison, if the crime is punishable by imprisonment in this institution. If, at the expiration of the period of commitment to the insane department of the state prison, the person has not recovered, he must be transferred to the institution for the feebleminded.

Persons convicted, though defective.

7.

Transfers. Ch. 139.

Mentally defective persons transferred from the insane department of the state prison to the institution for the feebleminded upon satisfactory proof that such detention in such institution will have a bad influence on the other patients, may be returned by the order of the governor and council.

Examination of Convicts.

The governor must appoint in each county a competent physician, a resident of the county, to act as an examiner of convicts in the county jail of the county. When a convict in the state prison or the county jail is mentally defective or a convict whose sentence has expired is there detained as mentally defective, the prison physician and the examiner in the county must be notified and must investigate the case. If the convict or person detained is found to be mentally defective, the warden or keeper of the jail must apply to the proper court for a decree. If after hearing the sworn evidence of at least two reputable physicians not in the employ of the state prison or other state jails, the judge determines that the convict or person detained is mentally defective, he must commit him to the insane department of the state prison. The certificate of the judge stating the town in which the prisoner or person detained resided is sufficient evidence to charge the town for the expenses of his support, if he is detained after the sentence on which he was originally committed would have expired, but when his friends or others file a bond with the treasurer of the institution in which he is confined, such town is not liable for his support. If a person so committed is discharged before the expiration of the term of the sentence on which he was originally committed, he must be returned to the prison and serve out the remainder of his original sentence.

A friend of any person adjudged to be mentally defective and committed to the insane department of the state prison under the foregoing proceedings, who believes him to be unreasonably detained, may apply in writing to any justice of the supreme judicial court, who must inquire into the case. Judicial Inquiry.

13. CRIMINAL RESPONSIBILITY

Persons whose reason has become defective on account of mental disease, are not held liable for a criminal act, if at the time of the commission, their reason was so impaired that they were unable to know the nature and quality of the act and that it was wrong. Persons excused from crime. 75 Me. 467.

Impulses and partially defective reasoning are no valid excuse unless the person is not able to distinguish between right and wrong. Degree of Proof. 93 Me. 208.

The incapacity must be proven by the accused by a preponderance of the evidence.