



125th MAINE LEGISLATURE

SECOND REGULAR SESSION-2012

Legislative Document

No. 1688

H.P. 1240

House of Representatives, December 23, 2011

An Act To Clarify the Status of Patients Held under Involuntary Commitment Applications

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 203.

Received by the Clerk of the House on December 21, 2011. Referred to the Committee on Health and Human Services pursuant to Joint Rule 308.2 and ordered printed pursuant to Joint Rule 401.

A handwritten signature in cursive script that reads "Heather J.R. Priest".

HEATHER J.R. PRIEST
Clerk

Presented by Representative MOULTON of York.

1 **Be it enacted by the People of the State of Maine as follows:**

2 **Sec. 1. 34-B MRSA §3863, sub-§2, ¶¶C and D**, as enacted by PL 2009, c. 651,
3 §14, are amended to read:

4 C. That adequate community resources are unavailable for care and treatment of the
5 person's mental illness; ~~and~~

6 D. The grounds for the practitioner's opinion, which may be based on personal
7 observation or on history and information from other sources considered reliable by
8 the examiner; and

9 **Sec. 2. 34-B MRSA §3863, sub-§2, ¶E** is enacted to read:

10 E. That the written application and this certificate are not a judicial determination of
11 commitment.

12 **Sec. 3. 34-B MRSA §3863, sub-§3, ¶A**, as amended by PL 2007, c. 319, §9, is
13 further amended to read:

14 A. If the judge or justice finds the application and accompanying certificate to be
15 regular and in accordance with the law, the judge or justice shall endorse them and
16 promptly send them to the admitting psychiatric hospital. For purposes of carrying
17 out the provisions of this section, an endorsement transmitted by facsimile machine
18 has the same legal effect and validity as the original endorsement signed by the judge
19 or justice. A finding that the application and accompanying certificate are regular
20 and in accordance with the law, with the subsequent endorsement by a judge or
21 justice, may not be considered a judicial determination of commitment pursuant to
22 section 3864.

23 **SUMMARY**

24 This bill clarifies that an application for involuntary commitment, also known as a
25 "blue paper," or the subsequent review and endorsement of that application by a judge or
26 justice, is not a judicial determination of commitment. Under current law, a judicial
27 determination of commitment requires an examination of the person who is the subject of
28 the involuntary commitment and a judicial hearing.