



131st MAINE LEGISLATURE

FIRST REGULAR SESSION-2023

Legislative Document

No. 459

S.P. 213

In Senate, February 6, 2023

An Act to Update the Procedures for Issuance of Orders Related to Involuntary Hospitalizations

Submitted by the Judicial Department pursuant to Joint Rule 204.
Reference to the Committee on Judiciary suggested and ordered printed.

A handwritten signature in black ink, appearing to read 'D M Grant'.

DAREK M. GRANT
Secretary of the Senate

Presented by Senator KEIM of Oxford.

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

2 **Sec. 1. 34-B MRSA §3863, sub-§3**, as amended by PL 2015, c. 309, §3, is further
3 amended to read:

4 **3. Judicial review.** The application and accompanying certificate must be reviewed
5 by a Justice of the Superior Court, Judge of the District Court, Judge of Probate or a justice
6 of the peace, who may review the original application and accompanying certificate or a
7 an electronic or facsimile transmission of them.

8 A. If the judge or justice finds the application and accompanying certificate to be
9 regular and in accordance with the law, the judge or justice shall endorse them and
10 promptly send them to the admitting psychiatric hospital. For purposes of carrying out
11 the provisions of this section, an endorsement transmitted electronically or by facsimile
12 machine has the same legal effect and validity as the original endorsement signed by
13 the judge or justice.

14 B. A person may not be held against the person's will in a hospital under this section,
15 except that a person for whom an examiner has executed the certificate under
16 subsection 2 may be detained in a hospital for a reasonable period of time, not to exceed
17 24 hours, pending endorsement by a judge or justice, if:

18 (1) For a person informally admitted under section 3831, the chief administrative
19 officer of the psychiatric hospital undertakes to secure the endorsement
20 immediately upon execution of the certificate by the examiner; and

21 (2) For a person sought to be involuntarily admitted under this section, the person
22 or persons seeking the involuntary admission undertake to secure the endorsement
23 immediately upon execution of the certificate by the examiner.

24 C. Notwithstanding paragraph B, subparagraphs (1) and (2), a person sought to be
25 admitted informally under section 3831 or involuntarily under this section may be
26 transported to a psychiatric hospital and held there for evaluation and treatment
27 pending judicial endorsement of the application and certificate if the endorsement is
28 obtained between the soonest available hours of 7:00 a.m. and 11:00 p.m.

29 D. A person who has been held against that person's will for no more than 24 hours
30 pursuant to paragraph B may be held for a reasonable additional period of time, not to
31 exceed 48 hours, if:

32 (1) The hospital has had an evaluation of the person conducted by an appropriately
33 designated individual and that evaluation concludes that the person poses a
34 likelihood of serious harm due to mental illness;

35 (2) The hospital, after undertaking its best efforts, has been unable to locate an
36 available inpatient bed at a psychiatric hospital or other appropriate alternative;
37 and

38 (3) The hospital has notified the department of the name of the person, the location
39 of the person, the name of the appropriately designated individual who conducted
40 the evaluation pursuant to subparagraph (1) and the time the person first presented
41 to the hospital.

1 E. If a person remains in a hospital for the full 48 hours allowed under paragraph D,
2 the person may be held for one additional 48-hour period, if:

3 (1) The hospital satisfies again the requirements of paragraph D; and

4 (2) The department provides its best efforts to find an inpatient bed at a psychiatric
5 hospital or other appropriate alternative.

6 **SUMMARY**

7 This bill authorizes the use of an electronic copy of the documents associated with
8 requesting or issuing an order for involuntary commitment.