

PLEASE NOTE: Legislative Information **cannot** perform research, provide legal advice, or interpret Maine law. For legal assistance, please contact a qualified attorney.

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

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

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

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

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

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

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

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

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

SUMMARY

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