



Maine Treatment Law Report Card

Last Updated: January 2026

Method and scoring: *State involuntary civil commitment laws* are evaluated using a 100-point grading scale. The scoring criteria are in accordance with TAC's values and policy recommendations. Up to 50 points are awarded to a state based on the quality of its inpatient commitment law, and up to 50 points are awarded based on the quality of its outpatient commitment law. *Grades reflect solely what is written in law and not how those laws are implemented or applied.* Final letter grades are computed using the following scale:

97 or above	A+	87–89	B+	77–79	C+	67–69	D+	59 or below	F
93–96	A	83–86	B	73–76	C	63–66	D		
90–92	A-	80–82	B-	70–72	C-	60–62	D-		

PART ONE: Inpatient Commitment Statute (up to 50 points)			
Criterion	Citation	Specifications	Points
1. Citizen access to court, emergency evaluation (5 pts)	Me. Rev. Stat. tit. 34-B, § 3863(1)	☒ Authorizes family/enumerated adults (3 pts) ☒ Authorizes any responsible adult (2 pts) Requires certificate of examination (See comment 1 below)	5
2. Quality of emergency petition process (5 pts)	Me. Rev. Stat. tit. 34-B, § 3863(1)	☒ Process specified and reasonable (2 pts) ☒ Timelines specified and reasonable (2 pts) ☒ Responsible entities identified (1 pt) ☐ Requires certification by more than one professional (-2 pts) ☐ Emergency evaluation criteria inconsistent with inpatient commitment criteria (-5 pts)	5
3. Emergency hold duration (5 pts)	Me. Rev. Stat. tit. 34-B, § 3863(3)(B)	☐ At least 48-hour hold allowed (3 pts) ☐ At least 72-hour hold allowed (2 pts) Not to exceed 24 hours (See comment 2 below)	0
4. Citizen access to court, inpatient petition (5 pts)	Me. Rev. Stat. tit. 34-B, § 3863(5-A)	☐ Authorizes family/enumerated adults (3 pts) ☐ Authorizes any responsible adult (2 pts) Only the chief administrative officer	0
5. Quality of criteria for harm or violence to self or others (up to 10 pts)	Me. Rev. Stat. tit. 34-B, § 3801(4-A)(A)–(B)	☒ Contains explicit criteria (10 pts) ☐ Language is vague/ambiguous (-3 pts) ☐ Harm must be imminent (-3 pts)	10
6. Quality of criteria for grave disability/basic needs (up to 10 pts)	Me. Rev. Stat. tit. 34-B, § 3801(4-A)(C)	☒ Contains explicit criteria (10 pts) ☐ Language is vague/ambiguous (-3 pts) ☐ Endangerment must be imminent (-3 pts) ☐ Criteria require family to turn person out of home to receive treatment (-3 pts) ☒ Unreasonably high risk of harm (-3 pts) (See comment 3 below)	7
7. Quality of criteria for psychiatric deterioration (up to 10 pts)	Me. Rev. Stat. tit. 34-B, § 3801(4-A)(D)	☐ Contains explicit criteria (10 pts) ☐ Language is vague/ambiguous (-3 pts) (See comment 4 below)	0
SUBTOTAL			27
PART ONE: Extra Credit			
1. Specifies in which court a petition for inpatient commitment shall be filed (1 pt)	Me. Rev. Stat. tit. 34-B, § 3864(1)	District court in the jurisdiction of the hospital to which the person was admitted on an emergency basis	1
Extra Credit			1
PART ONE TOTAL			28

PART TWO: Outpatient Commitment Statute (up to 50 points)			
Criterion	Citation	Specifications	Points
1. AOT explicitly authorized (5 pts)	Me. Rev. Stat. tit. 34-B, § 3873-A	☐ Requires local government to adopt (-3 pts) <i>Referred to as “progressive treatment program”</i>	5
2. Citizen access to court for AOT (5 pts)	Me. Rev. Stat. tit. 34-B, § 3873-A(1)	☐ Authorizes family/enumerated adults (3 pts) ☐ Authorizes any responsible adult (2 pts) ☐ Authorizes citizen petition to mental health system only (-2 pts) <i>Professionals, allows petition only by legal guardian</i>	0
3. Criteria sufficiently broad to provide actual access (up to 10 pts)	Me. Rev. Stat. tit. 34-B, § 3873-A	Evaluate applicable provision only: ☐ If inpatient/outpatient criteria are the same: ☐ Inpatient criteria include psychiatric deterioration standard (10 pts) <u>or</u> ☐ No psychiatric deterioration standard, adequate grave disability standard (5 pts) <u>or</u> ☒ If outpatient criteria are distinct from inpatient criteria: ☒ Allows consideration of length of treatment history ≥ 36 months (2 pts) ☐ Does not exclude periods of incarceration or hospitalization (-1 pt) ☒ Does not limit application to those currently dangerous or unstable (4 pts) ☒ Does not limit application to those refusing service or currently lacking insight (4 pts)	10
4. Authorizes AOT directly from community (5 pts)	Me. Rev. Stat. tit. 34-B, § 3873-A(1)		5
5. Procedures sufficiently detailed to guide practitioners (up to 5 pts)	Me. Rev. Stat. tit. 34-B, § 3873-A	☒ Process specified and reasonable (1 pt) ☒ Timelines specified and reasonable (1 pt) ☒ Responsible entities identified (1 pt) ☐ Periodic reporting to court required (1 pt) ☒ Renewal process expressly specified (1 pt)	4
6. Procedures require the treatment plan to be shared with the court (5 pts)	Me. Rev. Stat. tit. 34-B, § 3873-A(2)		5
7. Specifies procedures and consequences for nonadherence (5 pts)	Me. Rev. Stat. tit. 34-B, §§ 3873-A(7)–(8)		5
8. Duration of initial order	Me. Rev. Stat. tit. 34-B, § 3873-A(6)	☐ = 90 days (2 pts) <u>or</u> ☒ > 90 days (5 pts) <i>Up to one year</i>	5
9. Duration of continued order	Me. Rev. Stat. tit. 34-B, § 3873-A(9)	☐ = 180 days (2 pts) <u>or</u> ☒ > 180 days (5 pts) <i>One year</i>	5
SUBTOTAL			44
PART TWO: Extra Credit			
1. Specifies court for AOT (1 pt)	Me. Rev. Stat. tit. 34-B, § 3873-A(1)	<i>District court</i>	1
2. Court monitoring of voluntary settlement agreements (5 pts)			
Extra Credit			1
PART TWO TOTAL			45

FINAL SCORE		
	PART ONE TOTAL	28
	PART TWO TOTAL	45
	TOTAL	73
	TREATMENT LAW GRADE	C

Comments:

1. It is a barrier that can frustrate intent to require a certificate of examination to initiate the emergency evaluation process.
2. Emergency civil custody may be extended for up to an additional 48 hours two times, if the hospital's evaluation of the person concludes they meet criteria; the hospital has been unable to locate an available inpatient bed despite best efforts, and the hospital has notified the department of health and human services.
3. Grave disability criteria require a "reasonable certainty that the person will suffer severe physical or mental harm" (emphasis added) while other criteria only require a "substantial risk of physical harm"
4. Me. Rev. Stat. tit. 34-B, § 3801(4-A)(D) provides a psychiatric deterioration standard but this criterion is limited to assisted outpatient treatment (referred to in Maine as a "progressive treatment program").