

SENATE No. 80

To accompany the petition of Jacob Weinberg for legislation to establish a legal department in the Department of Mental Health, Public Welfare.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Forty-Five.

AN ACT TO ESTABLISH A LEGAL DEPARTMENT IN THE DEPARTMENT OF MENTAL HEALTH.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 Chapter one hundred and twenty-three of the
2 General Laws, as amended by chapter eighty-five
3 of the acts of nineteen hundred and thirty-two, is
4 hereby amended, as follows:—

5 A. The commissioner of mental health shall ap-
6 point a chief counsel and two assistant attorneys
7 whose terms shall be for five years. The chief counsel
8 shall be paid five thousand dollars per year. The
9 assistant attorneys shall be paid thirty-five hundred
10 dollars per year. The chief counsel shall be a member
11 of the bar of the supreme court of the United States
12 and the supreme judicial court of the commonwealth
13 of Massachusetts. The assistant attorneys shall be
14 members of the bar of the commonwealth of Massa-
15 chusetts supreme judicial court.

16 The duties of the chief counsel and the assistant
17 attorneys shall be to advise the commissioner and the
18 assistant commissioners in the administration of the
19 laws and regulations pertaining to the department of
20 mental health and the state and private hospitals
21 under the jurisdiction of the department.

22 B. The commissioner shall appoint an attorney
23 at law who shall have an office in the court house
24 where there is a probate court. Such attorney shall
25 have had at least five years' experience in legal work
26 pertaining to probate laws, laws on commitment and
27 laws pertaining to insane persons. He shall be paid
28 thirty-five hundred dollars per year. His term of
29 office shall be for five years.

30 C. Upon the expiration of the term of office of the
31 chief counsel, the assistant attorneys and the at-
32 torney for the probate court the commissioner shall
33 appoint their successors, subject to the approval of
34 the governor and council.

35 D. It shall be the duties of the chief counsel,
36 assistant attorneys and the attorneys at the probate
37 court to check each commitment to see that the laws
38 of the commonwealth are complied with, check the
39 appointment of guardians for insane persons, check
40 the annual accounts of the guardians of insane per-
41 sons, file appearances for the department of mental
42 health in all cases where the ward is insane and under
43 the jurisdiction of the department of mental health,
44 except in cases where the ward is a veteran and
45 beneficiary of the Veterans' Administration of the
46 United States government. The department of
47 mental health shall not waive its rights in court
48 proceedings involving insane persons.