

MAINE STATE LEGISLATURE

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118th MAINE LEGISLATURE

FIRST REGULAR SESSION-1997

Legislative Document

No. 1042

H.P. 765

House of Representatives, February 13, 1997

An Act to Protect People with Limited Mental Capacity.

Reference to the Committee on Judiciary suggested and ordered printed.

A handwritten signature in cursive script that reads "Joseph W. Mayo".

JOSEPH W. MAYO, Clerk

Presented by Speaker MITCHELL of Vassalboro.
Cosponsored by Senator DAGGETT of Kennebec.

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

4 **Sec. 1. 15 MRSA §106** is enacted to read:

6 **§106. Questioning persons with limited mental capacity**

8 **1. Third party present.** A law enforcement agency or an
employee or representative of a law enforcement agency may not
10 question one of the following people regarding a suspected crime,
unless a competent parent, guardian or friend of that person is
present:

12 A. A person judged by a court to be mentally ill, as
14 defined in Title 34-B, section 3801, subsection 5;

16 B. A person judged by a court to have mental retardation,
as defined in Title 34-B, section 5001, subsection 3; or

18 C. A person determined to be eligible for services from the
20 Department of Mental Health, Mental Retardation and
Substance Abuse Services.

22 **2. Admissibility of statements.** Statements made by the
24 person during questioning conducted outside the presence of a
competent parent, guardian or friend are not admissible in court.
26

28 **SUMMARY**

30 This bill requires that mentally ill persons, persons with
32 mental retardation and persons eligible for services from the
Department of Mental Health, Mental Retardation and Substance
34 Abuse Services be accompanied by a competent guardian, parent or
friend when questioned by a law enforcement agency in connection
36 with a suspected crime. Any statement made by the person during
questioning conducted outside the presence of a competent
guardian, parent or friend is inadmissible in court.