

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND EIGHTH LEGISLATURE

FIRST REGULAR SESSION

January 5, 1977 to July 25, 1977

PUBLISHED BY THE DIRECTOR OF LEGISLATIVE RESEARCH IN
ACCORDANCE WITH MAINE REVISED STATUTES ANNOTATED,
TITLE 3, SECTION 164, SUBSECTION 6.

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1977

PUBLIC LAWS
OF THE
STATE OF MAINE
AS PASSED AT THE
FIRST REGULAR SESSION
of the
ONE HUNDRED AND EIGHTH LEGISLATURE
1977

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

39 MRSA § 99-A is enacted to read:

§ 99-A. Correction of clerical mistakes

1. Clerical mistakes. Clerical mistakes in decrees, orders or other parts of the record and errors therein arising from oversight or omission may be corrected by the commission at any time of its own initiative or on the motion of any party and after notice to the parties. During the pendency of an appeal, such mistakes may be so corrected before the appeal is docketed in the Superior Court or Supreme Judicial Court and thereafter while the appeal is pending may be so corrected with leave of the Superior Court or Supreme Judicial Court.

Effective October 24, 1977

CHAPTER 200

AN ACT to Revise the Application and Effective Date of the Administrative Court Law.

Emergency preamble. Whereas, Acts of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, the 90-day period may not terminate until after the beginning of the next fiscal year; and

Whereas, it is essential that this legislation receive immediate passage in order to insure the continued functioning of the Administrative Court; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

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

Sec. 1. 5 MRSA § 2401, first ¶, as repealed and replaced by PL 1975, c. 780, § 1 is amended by inserting after the 2nd sentence the following:

If for some reason neither the Administrative Court Judge nor the Associate Administrative Court Judge is able to perform his duties outlined in this chapter, the alternate procedures authorized in subsection 5 shall apply.

Sec. 2. PL 1975, c. 780, § 6, first sentence is amended to read:

All provisions of this Act relating to Associate Administrative Court Judge and the powers and duties relating to that position shall be effective on ~~July~~ ~~4~~, ~~1977~~ May 16, 1977.

Sec. 3. Appropriation. There is appropriated from the General Fund to the Administrative Court the sum of \$3,500 to carry out the purposes of this Act. The breakdown shall be as follows:

1976-77

ADMINISTRATIVE COURT

Personal Services	(1)	\$3,500
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Emergency clause. In view of the emergency cited in the preamble, this Act shall take effect when approved.

Effective May 21, 1977

CHAPTER 201

AN ACT to Authorize the District Court to Order Psychiatric Evaluation in Criminal Cases.

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

Sec. 1. 15 MRSA § 101, 1st sentence, as amended by PL 1971, c. 269, is repealed and the following enacted in its place:

The District Court or the Superior Court having jurisdiction in any criminal case for cause shown may order the defendant examined to determine his mental condition with reference to the issues of criminal responsibility and competence to stand trial.

Sec. 2. 15 MRSA § 101, 2nd ¶, as last amended by PL 1975, c. 718, § 1, is further amended to read:

If it is made to appear to the court by the report of any such examiner that the ~~respondent~~ defendant suffers or suffered from a mental disease or mental defect affecting his criminal responsibility or his competence to stand trial or that further observation is indicated, the court may order the ~~respondent~~ defendant to be further examined by a psychiatrist and a psychologist designated by the Commissioner of Mental Health and Corrections with such assistance as the designated examiners may deem necessary who shall determine the mental condition of the ~~respondent~~ defendant. If the examination by such designees can be completed without admission, a report of the results of such completed examination shall be forwarded to the court forthwith. If the designated examiners of the Commissioner of Mental Health and Corrections determine that admission to an appropriate institution for the mentally ill or mentally retarded is necessary for complete examination, the examiners shall so notify the court which may order the ~~respondent~~ defendant committed to the custody of the Commissioner of Mental Health and Corrections to be