

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Sec. 1. 15 MRSA § 101, 1st sentence, as amended by PL 1971, c. 269, is repealed and the following enacted in its place: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

placed in an appropriate institution for the mentally ill or the mentally retarded, to be there detained and observed by the superintendent, or his delegate, and professional staff for a period of time not to exceed 60 days, for the purpose of ascertaining the mental condition of the ~~respondent~~ defendant. When further detention for observation is deemed no longer necessary, the commissioner shall report such fact to ~~any Justice of the Superior Court~~ the court. ~~Said justice~~ The court shall then order the person returned to the appropriate court for disposition; however, if the ~~justice court~~ court ordering commitment for observation has provided for remand to the county jail following completion of the observation in the commitment order, the sheriff or any one or more of his deputies shall execute the remand order upon advice from the commissioner of completion of the observation. A report of the results of the observation shall be forwarded promptly to the court by the commissioner.

Sec. 3. 15 MRSA § 101, 3rd ¶ from the end, as enacted by PL 1967, c. 402, § 1, is amended to read:

Upon a determination that the defendant is competent to stand trial, proceedings with respect to the defendant shall be in accordance with the ~~Maine Rules of Criminal Procedure~~ rules of criminal procedure.

Effective October 24, 1977

CHAPTER 202

AN ACT Prohibiting the Sale of Certain Aerosol Sprays after January 1, 1979.

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

38 MRSA c. 16 is enacted to read:

CHAPTER 16

SALE OF

CONSUMER PRODUCTS

AFFECTING THE ENVIRONMENT

§ 1601. Aerosol spray

After January 1, 1979, no person shall sell or offer to sell in this State any aerosol spray which contains as a propellant trichloromonofluoromethane, difluorodichloromethane or any other saturated chlorofluorocarbon compound not containing hydrogen; provided that nothing in this Act shall prohibit the sale or use of any aerosol spray containing such a propellant if the product contains one or more drugs as defined by section 201 (g) (1) of the Federal Food, Drug and Cosmetic Act and which aerosol spray is to be used for a generally recognized medical purpose.