

# MAINE STATE LEGISLATURE

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**STATE OF MAINE**

**REPORT**

**OF THE**

**ATTORNEY GENERAL**

**for the calendar years**

**1959 - 1960**

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certain juveniles to Pineland upon the certificate of “. . . 2 physicians who are graduates of some legally organized medical college and have practiced 3 years in this state, that such juvenile is mentally defective and that his or her mental age is not greater than  $\frac{3}{4}$  of subject's life age nor under 3 years. . .” Chapter 146, section 6, R. S. 1954, repealed by Public Laws of 1959, Chapter 342, section 17.

While the present law, of course, would be clearly satisfied if the commitment papers were to contain a statement to the effect that examination had been made by a qualified psychiatrist and which papers indicate who that psychiatrist was; still, on the other hand, if the papers indicate that the juvenile had been examined by duly qualified physicians, then we think the law has still been complied with.

We think it is within the competence of a court to determine whether or not a physician is qualified to act as a psychiatrist. A court having sought the services of a physician in order to fulfill the conditions of the law relating to commitment of juveniles to a treatment center and having indicated in its papers of commitment that the subject was examined by a physician, has, in our opinion, complied with that portion of the law requiring such examination. We think that the court has, in effect, found that such examining physician or physicians are qualified psychiatrists and its findings should be given recognition.

Very truly yours,

JAMES GLYNN FROST  
Deputy Attorney General

September 13, 1960

Dr. Francis H. Sleeper  
Superintendent  
Augusta State Hospital  
Augusta, Maine

Dear Dr. Sleeper:

I have your request for an opinion regarding Section 118, Chapter 27, Revised Statutes of 1954 as it relates to the power of municipal court justices to order an adult sent to the State Hospital for observation as result of the notice of a plea of insanity in a criminal action. (The word “adult” is purposely stated since a juvenile court has the authority to be examined by a qualified psychiatrist and the findings reported to the court and to commit to a treatment center those mentally retarded or mentally ill. Sections 6 and 17, subsection G.)

In the case of an adult offender the municipal court has no authority to order a person committed for observation. Section 118 is clear and authorizes the superior court to do so on certain conditions, but gives a municipal court no such authority.

Very truly yours,

GEORGE A. WATHEN  
Assistant Attorney General