

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

ONE HUNDRED AND FIRST LEGISLATURE

Legislative Document

No. 332

S. P. 104

In Senate, January 16, 1963

Referred to Committee on Judiciary. Sent down for concurrence and ordered printed.

CHESTER T. WINSLOW, Secretary

Presented by Senator Campbell of Kennebec.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SIXTY-THREE

AN ACT Relating to Disposition of Persons Pleading Insanity.

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

Sec. 1. R. S., c. 27, § 118, amended. Section 118 of chapter 27 of the Revised Statutes is amended to read as follows:

'Sec. 118. Proceedings when a person, committed to jail on a criminal charge, pleads insanity. When a person is indicted for an offense, or is committed to jail on a charge thereof by ~~a trial justice or judge of a municipal court~~ the **District Court**, any justice of the court before which he is to be tried, if a plea of insanity is made in court or he is notified that it will be made, may, in vacation or term time, order such person into ~~the care of the superintendent of either insane hospital~~ the custody of the **Commissioner of Mental Health and Corrections to be placed in either hospital for the mentally ill or the Pineland Hospital and Training Center** to be there detained and observed by ~~him~~ the **superintendent or his delegate and professional staff** until further order of court or any justice thereof, in vacation, that the truth or falsity of the plea may be ascertained. The ~~superintendent of the hospital to which such person is committed~~ **commissioner** shall, within the first 3 days of the term next after such commitment, and within the first 3 days of each subsequent term so long as such person remains in his ~~care~~ **custody**, report to the judge of the court before which such person is to be tried, whether his longer detention is required for purposes of observation, and may, **when further detention for observation is deemed no longer necessary, report such fact to any justice of the court in vacation or term time.**'

Sec. 2. R. S., c. 27, § 119, repealed and replaced. Section 119 of chapter 27 of the Revised Statutes, as amended by section 7 of chapter 303 of the public laws of 1961, is repealed and the following enacted in place thereof:

'Sec. 119. Proceedings when grand jury omit to indict, or traverse jury acquit by reason of mental disease or mental defect. When the grand jury omit to find an indictment against any person arrested to answer for an offense, by reason of mental disease or mental defect excluding responsibility, they shall certify that fact to the court. When a traverse jury, for the same reason, acquit any person indicted or otherwise charged with a criminal act, the verdict and judgment shall so state. In such cases the court shall order that such person be 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 for custody, care and treatment. Upon placement in an appropriate institution for the mentally ill or the mentally retarded, under this section, and in the event of transfer from one such institution to another of persons committed under this section, notice thereof shall be given by the commissioner to the committing court.'

Sec. 3. R. S., c. 27, § 120, amended. Section 120 of chapter 27 of the Revised Statutes is amended to read as follows:

'Sec. 120. Discharge of person so committed; recommitment. Any person ~~so committed to an insane hospital may be discharged by a justice of the superior court, in term time or vacation, committed under section 119, shall be discharged by the court having jurisdiction of the case or any justice thereof in vacation, only on satisfactory proof that his discharge will not endanger the peace and safety of the community; or such justice, may court or any justice thereof in vacation may,~~ on application, commit him to the custody of any friend who will give bond to the judge of probate for the county of Kennebec, ~~if such commitment was to the Augusta state hospital, or to the judge of probate for the county of Penobscot, if such commitment was to the Bangor State Hospital from which the person was committed,~~ with sufficient sureties, approved by said judge of probate, conditioned for the safekeeping of such insane person, and the payment of all damages which any person may sustain by his acts. The amount of such bond shall be determined by the Superior Court having jurisdiction of the case or any justice thereof in vacation. In the event of filing of a petition for release or discharge, under this section, the petitioner shall give notice thereof, to the county attorney for the county from which the person sought to be released or discharged was committed. When, on satisfactory proof, ~~he~~ a person who has been released or discharged is again found insane and dangerous, any Justice of the Superior Court may, by a precept stating the fact of his insanity, recommit him to the ~~insane hospital from which he was discharged~~ custody of the Commissioner of Mental Health and Corrections for placement as provided in section 119.'

Sec. 4. R. S., c. 149, § 38-B, repealed and replaced. Section 38-B of chapter 149 of the Revised Statutes, as enacted by chapter 310 of the public laws of 1961 and as amended by section 6 of chapter 407 of the public laws of 1961, is repealed and the following enacted in place thereof:

'Sec. 38-B. When grand jury omit to indict or traverse jury acquit. When the grand jury omit to indict or the traverse jury acquit the respondent on the ground of mental disease or mental defect excluding responsibility, the court shall proceed in accordance with chapter 27, section 119.'