

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. 1553

S. P. 588

In Senate, May 3, 1963

Reported by Senator Farris of Kennebec from Committee on Judiciary.
Printed under Joint Rules No. 10.

CHESTER T. WINSLOW, Secretary

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 R. S., c. 27, §§ 118, 119 & 120, repealed. Section 118 of chapter 27 of the Revised Statutes, section 119 of chapter 27 of the Revised Statutes, as amended by section 7 of chapter 303 of the public laws of 1961 and section 120 of chapter 27 of the Revised Statutes, are repealed.

Sec. 2. R. S., c. 149, §§ 38-A — 38-B, repealed. Section 38-A of chapter 149 of the Revised Statutes, as enacted by chapter 310 of the public laws of 1961 and section 38-B of chapter 149 of the Revised Statutes, as enacted by chapter 310 and as amended by section 6 of chapter 407, both of the public laws of 1961, are repealed.

Sec. 3. R. S., c. 149, §§ 17-A — 17-D, additional. Chapter 149 of the Revised Statutes is amended by adding 4 new sections, to be numbered 17-A to 17-D, to read as follows :

'Mental Responsibility for Criminal Conduct.

Sec. 17-A. Proceedings when a person pleads insanity. When a finding of probable cause has been made, or an indictment has been returned against a person, or a person has taken an appeal to the Superior Court, a Justice of the Superior Court upon petition, if a plea of insanity is made in court or the justice is notified that it will be made upon arraignment, may order such person 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 until further order of court, for the purpose of ascertaining the condition of the person. When further detention for observation is deemed no longer necessary, the commissioner shall report such fact to any Justice of the Superior Court. Said justice shall then order the person returned to the appropriate court for disposition.

Sec. 17-B. Responsibility. An accused is not criminally responsible if his unlawful act was the product of mental disease or mental defect. The terms "mental disease" or "mental defect" do not include an abnormality manifested only by repeated criminal conduct or excessive use of drugs or alcohol.

Sec. 17-C. Commitment of persons acquitted on basis of mental disease or defect. When a respondent is acquitted, by reason of mental disease or mental defect excluding responsibility, the verdict and judgment shall so state. In such case the court shall order such person 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 care and treatment. Upon placement in such appropriate institution 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. 17-D. Discharge or release of persons so committed, recommitment. Upon a petition to the Superior Court in the county where committed or to a justice, in vacation, in said county, and upon satisfactory proof that his discharge, or release in the custody of a relative or friend, will not endanger the peace and safety of the public, said court or justice may discharge, or release in the custody of a relative or friend, the person committed under section 17-C. Notice of hearing on the petition shall be given to the county attorney at least 7 days before the hearing date. When released in the custody of a relative or friend such relative or friend shall give bond in an amount to be determined by said court or justice, to the judge of probate for the county from which committed, with sufficient sureties, approved by said judge of probate, conditioned for the safekeeping of such person, and the payment of all damages which any person may sustain by his acts, occasioned by his mental disease or mental defect.

When, upon hearing, a person who has been released to the custody of a relative or friend is again found to be suffering from mental disease or mental defect so as to endanger the peace and safety of the public, the court or a Justice of the Superior Court, in vacation, in the county where originally tried may, by order stating the fact of such mental disease or mental defect, recommit him to the custody of the Commissioner of Mental Health and Corrections for placement as provided in section 17-C. Such recommitment shall cancel the bond but shall not relieve the sureties from liability for acts of the person occurring prior to recommitment.

A person who has been discharged under this section may be readmitted to the appropriate institution only under the appropriate provisions of chapter 27.'