

MAINE STATE LEGISLATURE

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ONE HUNDRED AND SECOND LEGISLATURE

Legislative Document

No. 1485

S. P. 513

In Senate, April 22, 1965

Received by unanimous consent. Referred to Committee on Judiciary. Sent down for concurrence and ordered printed.

EDWIN H. PERT, Secretary

Presented by Senator Violette of Aroostook.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SIXTY-FIVE

AN ACT Relating to Mental Examination and Observation of Persons Accused
of Crime.

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

R. S., T. 15, § 101, repealed and replaced. Section 101 of Title 15 of the Revised Statutes is repealed and the following enacted in place thereof :

§ 101. Mental examination and observation of persons accused of crime

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, if requested by the attorney for the respondent, or, provided that the respondent does not object, if requested by the prosecuting attorney or by the court on its own motion, may order the respondent examined by one or more psychiatrists or by one or more clinical psychologists, or both, of the Augusta State Hospital, Bangor State Hospital, Pineland Hospital and Training Center or of a mental health clinic of the Department of Mental Health and Corrections or of a mental health clinic recommended to the court by the Department of Mental Health and Corrections. The site of examination shall be determined by the court, considering proximity to the court, immediate availability of an examiner or examiners, and the necessity for security precautions.

If it is made to appear to the court by the report of any such examiner that the respondent suffers or suffered from a mental disease or mental defect affecting his criminal responsibility or that further observation is indicated, the court may order the respondent 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 the court, for the purpose of ascertaining the mental condition of the respondent. 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.

Any examiner conducting an examination or an observation under this section shall not testify concerning any communication relating to the offense charged made to him by the respondent during the course of examination or observation, and shall not reveal information concerning the offense charged except to other examiners as necessary for the conduct of such examination or observation.'