

# MAINE STATE LEGISLATURE

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ONE HUNDRED AND FOURTH LEGISLATURE

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Legislative Document

No. 1437

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H. P. 1113

House of Representatives, April 9, 1969

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

BERTHA W. JOHNSON; Clerk

Presented by Mr. Lund of Augusta.

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STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED  
SIXTY-NINE

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**AN ACT Relating to Mental Examination of Persons Accused of Crime.**

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

R. S., T. 15, § 101, amended. The first paragraph of section 101 of Title 15 of the Revised Statutes is repealed and the following enacted in place thereof:

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, if requested by the prosecuting attorney, or by the court on its own motion, may order the respondent examined to determine his mental condition with reference to the issues of criminal responsibility and competence to stand trial. The examination may be conducted at the Augusta State Hospital, Bangor State Hospital, Pineland Hospital and Training Center or at a mental health clinic of, or recommended by, the Department of Mental Health and Corrections, and when conducted at any such facility shall be the responsibility of a psychiatrist, who may join with him in such examination other psychiatrists or clinical psychologists, as in his opinion are required. The examination may be conducted by a psychiatrist independent from any such facility, employed for such purpose by the court. The court in selecting the examination site shall consider proximity to the court, availability of an examiner or examiners, and the necessity for security precautions. No person shall be presented for examination under this paragraph without arrangements therefor, with the head of the institution or clinic or with the individual examiner being first made by the court, clerk of courts or sheriff. The opinion of the examiner or examiners relative to the

mental condition of the respondent shall be reported forthwith to the court following examination.