

# MAINE STATE LEGISLATURE

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STATE OF MAINE  
SENATE  
FIRST SPECIAL SESSION  
107TH LEGISLATURE

COMMITTEE AMENDMENT " A " to S.P. 698, L.D. 2222, Bill,  
"AN ACT Relating to Mental Health and Retardation Programs in  
the Department of Mental Health and Corrections."

Amend said Bill by striking out all of section 1 and  
inserting in place thereof the following:

'Sec. 1. 15 MRSA §101, 3rd ¶, first sentence, as last  
amended by PL 1973, c. 547, §1, is further amended to read:

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 his competence to stand trial or that further  
observation is indicated, the court may order the respondent  
to be further examined by a psychiatrist and a psychologist  
designated by the Commissioner of Mental Health  
and Corrections with such assistance as, the designated examiners  
may deem necessary who shall determine the mental condition of  
the respondent. If the examination by such designees can be  
completed without admission, a report of the results of such  
completed examination shall be forwarded to the court forthwith.  
If the designated examiners of the Commissioner of Mental Health  
and Corrections determine that admission to an appropriate  
institution for the mentally ill or mentally retarded is necessary  
for complete examination, the examiners shall so notify the court  
which 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 for a period of time not to exceed 60 days, for the purpose of ascertaining the mental condition of the respondent.'

Further amend said Bill by striking out all of section 2.

Further amend said Bill by striking out all of the amending clause in section 4 and inserting in place thereof the following:

'Sec. 4. 34 MRSA §§ 1-B, 1-C and 1-D are enacted to read:'

Further amend said Bill in section 4 in that part designated "§1-B." in the 8th line from the end (7th line in L.D.) by inserting after the underlined word "individual" the underlined words and punctuation 'and the recipient of such information shall use it for no other purpose than to determine eligibility for reimbursement and if eligibility exists, to make reimbursement'

Further amend said Bill in section 4 by inserting at the end the following:

'§1-D. Penalty

Any person willfully violating any provisions of sections 1-B and 1-C shall be guilty of a Class D crime.

Further amend said Bill in section 5 in the 2nd and 3rd lines from the end (next to last line in L.D.) by striking out the underlined words and figures "between the ages of 6 and 16" and inserting in place thereof the underlined words and figure 'below the age of 18 years'

Further amend said Bill by renumbering the sections to read consecutively.

Statement of Fact

This amendment provides that both a psychiatrist and a psychologist shall be designated by the Commissioner of Mental Health and Corrections to conduct pretrial observations for mental disease or mental defect and it deletes that part of the bill dealing with individuals acquitted by reason of mental disease or defect. The amendment further provides that insurers or payers may have access to information on mental health clients but solely for use in determining eligibility for payment. The penalty provision in current law for misuse of information on mental health clients is maintained in this amendment. The amendment provides that mentally ill children below the age of 18 years may be served through programs developed at Pineland Center.

Reported by the Majority of Committee on Judiciary.

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March 29, 1976.

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