

MAINE STATE LEGISLATURE

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ONE HUNDRED AND EIGHTH LEGISLATURE

Legislative Document

No. 466

H. P. 377

House of Representatives, February 16, 1977

On motion of Mr. Spencer of Standish, referred to the Committee on Judiciary. Sent up for concurrence and 2,000 copies ordered printed.

EDWIN H. PERT, Clerk

Presented by Mr. Tarbell of Bangor.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-SEVEN

AN ACT to Revise the Legal Test for Insanity.

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

Sec. 1. 17-A MRSA § 58, as last amended by PL 1975, c. 740, §§ 23 and 24, is repealed and the following enacted in its place:

§ 58. Insanity

1. An accused is not criminally responsible if, at the time of the criminal conduct, he was laboring under such a defect of reason, from disease of mind, that:

- A. He did not know the nature and quality of the act he was doing; or
- B. He did not know he was doing what was wrong.

2. The defendant shall have the burden of proving, by a preponderance of the evidence, that he lacks criminal responsibility as described in subsection 1.

Sec. 2. 17-A MRSA § 59, sub-§ 2, ¶ B, as enacted by PL 1975, c. 499, § 1, is amended to read:

B. Evidence of ~~mental disease or defect, as defined in section 58~~ insanity shall not be admissible in the guilt or innocence phase of the trial, but shall only be admissible in the 2nd phase following a verdict of guilty.

Sec. 3. 17-A MRSA § 59, sub-§ 4, 5th sentence, as enacted by PL 1975, c. 499, § 1, is amended to read:

The jury shall return a verdict that the defendant is responsible, or not guilty by reason of ~~mental disease or defect~~ insanity excluding responsibility.

STATEMENT OF FACT

The purpose of this bill is to change the legal insanity test under Title 17-A, section 58 of Maine's new Criminal Code. This change is accomplished by repealing and replacing section 58 with the traditional "right-wrong test" as enunciated in **M'Naghten's Case**, House of Lords, (1843), 8 Eng. Rep. 718. The M'Naghten rule was adopted by the Maine Supreme Judicial Court in **State v. Lawrence** (1870), 57 Maine Reports 574 and judicially reaffirmed until 1963 when the 101st Legislature adopted a new legal insanity test without recorded debate.

An informal formulation of the 2-pronged **M'Naghten** test is as follows: To establish insanity sufficient to relieve the defendant of criminal responsibility, it must be proved by a preponderance of the evidence that, at the time of the commission of the criminal act, the defendant was laboring under such a defect of reason, resulting from a disease of the mind, as to not know the nature and quality of the act he was doing, or if he did know it, that he did not know that what he was doing was wrong.

Differently stated, the disease of mind must render the defendant **either** (1) incapable of knowing the nature and quality of his physical acts **or** (2) incapable of knowing that his acts are wrong.