

MAINE STATE LEGISLATURE

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ONE HUNDRED AND EIGHTH LEGISLATURE

Legislative Document

No. 1367

H. P. 1143

House of Representatives, March 30, 1977

Referred to Committee on Judiciary. Sent up for concurrence and 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 Authorize the District Court to Order Psychiatric Evaluation
in Criminal Cases.**

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

Sec. 1. 15 MRSA § 101, 1st sentence, as amended by PL 1971, c. 269, is repealed and the following enacted in its place:

The District Court or the Superior Court having jurisdiction in any criminal case for cause shown may order the defendant examined to determine his mental condition with reference to the issues of criminal responsibility and competence to stand trial.

Sec. 2. 15 MRSA § 101, 2nd ¶, as last amended by PL 1975, c. 718, § 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~~ defendant 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~~ defendant 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~~ defendant. 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~~ **defendant** 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~~ **defendant**. When further detention for observation is deemed no longer necessary, the commissioner shall report such fact to ~~any Justice of the Superior Court~~ **the court**. ~~Said justice~~ **The court** shall then order the person returned to the appropriate court for disposition; however, if the ~~justice~~ **court** ordering commitment for observation has provided for remand to the county jail following completion of the observation in the commitment order, the sheriff or any one or more of his deputies shall execute the remand order upon advice from the commissioner of completion of the observation. A report of the results of the observation shall be forwarded promptly to the court by the commissioner.

Sec. 3. 15 MRSA § 101, 3rd ¶ from the end, as enacted by PL 1967, c. 402, § 1, is amended to read:

Upon a determination that the defendant is competent to stand trial, proceedings with respect to the defendant shall be in accordance with the ~~Maine Rules of Criminal Procedure~~ **rules of criminal procedure**.

STATEMENT OF FACT

The purpose of this bill is to give the District Court the same authority to order psychiatric evaluation as is now vested in the Superior Court.