

MAINE STATE LEGISLATURE

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ONE HUNDRED AND EIGHTH LEGISLATURE

Legislative Document

No. 1597

H. P. 1366

House of Representatives, April 13, 1977

On motion of Mr. Hobbins of Saco, referred to Committee on Judiciary.
Sent up for concurrence and ordered printed.

EDWIN H. PERT, Clerk

Presented by Mr. Hobbins of Saco.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-SEVEN

**AN ACT to Assist in the Determination of the Mental Condition of
Criminal Defendants.**

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

Sec. 1. 15 MRSA § 101, 2nd ¶, as last amended by PL 1975, c. 718, § 1, is further amended by adding after the first sentence the following new sentence:

The court may order that observations, interviews and investigative reports regarding the behavior of the respondent made by law enforcement officials be made available to the designated psychiatrist or licensed psychologist for the limited purpose of this examination.

Sec. 2. 16 MRSA § 604, sub-§ 1, ¶ G, as enacted by PL 1975, c. 763, § 3, is amended by adding after the first sentence the following new sentence:

This includes, but is not limited to, a psychiatrist or licensed psychologist appointed by the Commissioner of Mental Health and Corrections under Title 15, section 101, to determine the mental condition of that accused person.

STATEMENT OF FACT

This bill clarifies the law regarding the access to information by the psychiatrist or licensed psychologist appointed to determine the mental condition of a criminal defendant who has claimed insanity as a defense or who may be incompetent to stand trial. The bill allows for access for the examiner, pursuant to a court order, to information collected by law enforcement officials regarding the behavior of the defendant and limits the use of that information to the determination of the mental condition of that defendant.