

MAINE STATE LEGISLATURE

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1 FIRST REGULAR SESSION
2

3 ONE HUNDRED AND ELEVENTH LEGISLATURE
4

5 Legislative Document

No. 1093

6
7 H.P. 843

House of Representatives, March 7, 1983

8 Submitted by the Department of Mental Health and Mental Retardation
9 pursuant to Joint Rule 24.

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

EDWIN H. PERT, Clerk

Presented by Representative Brannigan of Portland.

11 Cosponsors: Representative Murray of Bangor, Representative Stevens of
Bangor and Representative Benoit of So. Portland.

12 STATE OF MAINE
13

14 IN THE YEAR OF OUR LORD
15 NINETEEN HUNDRED AND EIGHTY-THREE
16

17 AN ACT to Allow Independent Psychologists
18 to Conduct Mental Examinations of
19 Persons Accused of Crime.
20

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

23 15 MRSA §101, first ¶, as amended by PL 1981, c.
24 493, is further amended to read:

25 The District Court or the Superior Court having
26 jurisdiction in any criminal case for cause shown may
27 order the defendant examined to determine his mental
28 condition with reference to the issues of criminal
29 responsibility and competence to stand trial. The
30 examination may be conducted at the Augusta Mental
31 Health Institute, Bangor Mental Health Institute,
32 Pineland Center or at a mental health clinic of, or
33 recommended by, the Department of Mental Health and
34 Mental Retardation, and when conducted at any such

1 facility shall be the responsibility of a psychia-
2 trist or of a licensed psychologist, who may join
3 with him in such that examination other psychiatrists
4 or clinical psychologist, as in his opinion are re-
5 quired. The examination may be conducted by a psy-
6 chiatrist or licensed clinical psychologist independ-
7 ent from any such facility, employed for such that
8 purpose by the court. The court in selecting the
9 examination site shall consider proximity to the
10 court, availability of an examiner or examiners, and
11 the necessity for security precautions. No person
12 ~~shall~~ may be presented for examination under this
13 paragraph without arrangements therefor, with the
14 head of the institution or clinic or with the indi-
15 vidual examiner being first made by the court, clerk
16 of courts or sheriff. The opinion of the examiner or
17 examiners relative to the mental condition of the
18 respondent shall be reported forthwith to the court
19 following examination.

20 STATEMENT OF FACT

21 This bill allows District Court or Superior Court
22 having jurisdiction in any case to employ both inde-
23 pendent psychiatrists and licensed clinical psychol-
24 ogists to examine a defendant to determine his mental
25 condition with reference to issues of criminal
26 responsibility and competence to stand trial. Pas-
27 sage of this bill will result in increased options
28 for the court, increased availability of examiners
29 and the performance of examinations in closer prox-
30 imity to the court.

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