

# MAINE STATE LEGISLATURE

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L.D. 1356

(Filing No. H-315 )

STATE OF MAINE  
HOUSE OF REPRESENTATIVES  
112TH LEGISLATURE  
FIRST REGULAR SESSION

HOUSE AMENDMENT "A" to H.P. 947, L.D. 1356,  
Bill, "AN ACT Concerning the Provision of Certain Re-  
ports for Court-ordered Examinations."

Amend the bill by striking out everything after  
the enacting clause and before the emergency clause  
and inserting in its place the following:

'15 MRSA §101-A is enacted to read:

§101-A. Access to records by persons or entities  
performing examinations or evaluations

1. Written demand for records. When a person or  
entity has been ordered to perform an examination or  
evaluation pursuant to section 101, and the person to  
be examined has sought the examination, joined in a  
request or order for the examination or has entered a  
plea of not guilty by reason of insanity, that person  
may make written demand upon any individual, partner-  
ship, association, corporation, institution or gov-  
ernmental entity to produce the records or copies of  
the records, in whatever medium preserved, of the  
subject of the examination or evaluation.

2. Production of records. Any such entity from  
whom records are demanded pursuant to subsection 1  
shall produce the records or copies of the records  
forthwith. The production shall be made notwith-  
standing any other law. No entity, or employee or  
agent of the entity, may be criminally or civilly re-  
sponsible for furnishing any records in compliance  
with this section.

3. Confidentiality of records. Records provided  
under this section shall be confidential and shall  
not be disseminated by any person other than upon or-

1 der of the court pursuant to a petition for release  
2 under section 104-A or pursuant to an involuntary  
3 commitment proceeding under Title 34-B, section 3864.

4 4. Definition. "Records" means information  
5 about a person, in whatever medium preserved. It in-  
6 cludes, but is not limited to, medical histories, so-  
7 cial histories, military histories, government  
8 histories, educational histories and documentation  
9 pertaining to diagnosis or treatment.

10 5. Failure to produce records. Any person who  
11 is required to produce records by this section and  
12 intentionally or knowingly fails to do so within 20  
13 days of the service of the written request upon him,  
14 may be subject to civil contempt for his failure to  
15 comply with the request.'

16 STATEMENT OF FACT

17 The purposes of this amendment are to limit ac-  
18 cess to prior records to situations where the defend-  
19 ant either moves for the examination, joins in the  
20 motion or pleads not guilty by reason of insanity and  
21 to make clear that the only proceedings in which a  
22 court may order disclosure of records to a person ex-  
23 amining the mental health of another, other than  
24 competent-to-stand-trial proceedings are those con-  
25 cerning release from hospitalization and involuntary  
26 commitment.

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Filed by Rep. Allen of Washington  
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