MAINE STATE LEGISLATURE

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116th MAINE LEGISLATURE

SECOND REGULAR SESSION-1994

Legislative Document

No. 1633

H.P. 1214

House of Representatives, January 5, 1994

An Act to Amend the Provisions Relating to Mental Examination and Observation of Persons Accused of a Crime.

Submitted by the Department of the Attorney General pursuant to Joint Rule 24. Reference to the Committee on Judiciary suggested and ordered printed.

OSEPH W. MAYO, Clerk

Presented by Representative FAIRCLOTH of Bangor.

Вe	it	enacted	by	the	People	of	the	State	of	Maine	25	follow	s:
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		Sec.	1.	15 MRSA	§101-B, sub-§2, ¶A,	as	enacted	by	PL	1987,	c.
4	402,	Pt.	A,	§109, is	amended to read:						

- A. It appears to the court, based on the report of any such examiner, that:
- (1) The defendant suffers may suffer or may have suffered from a mental disease or defect, abnormal condition of mind or any mental or emotional condition affecting his guilt, criminal responsibility or his competence to stand trial; or
 - (2) Further observation is required; or
 - Sec. 2. 15 MRSA §101-C, sub-§1, as enacted by PL 1987, c. 402,
 Pt. A, §109, is amended to read:
- 20 Written demand for records. When a person or entity has been ordered to perform an examination or evaluation pursuant to section 101-B, and-the-person-to-be-examined-has-sought-the 22 examination, -joined-in-a-request-or-order-for-the-examination-or 24 has-entered-a-plea-ef-not-eriminally-responsible-by-reason-ef that person may make written demand upon insanity, 26 individual, partnership, association, corporation, institution or governmental entity to produce the records or copies of the records, in whatever medium preserved, of the subject of the 28 examination or evaluation.

32 STATEMENT OF FACT

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34 The Maine Revised Statutes, Title 15, section 101-B outlines the procedure for the mental examination of persons accused of crime. Under Title 15, section 101-B, subsection 1, the court is 36 authorized to order the defendant examined to determine the 38 defendant's mental condition with reference to the issues of competency, criminal responsibility, abnormal condition of mind and any other issue involving the mental or emotional condition 40 of the defendant. Under Title 15, section 101-B, subsection 2, 42 the court is required to order the defendant further examined only if it appears to the court that the defendant may suffer or 44 may have suffered from a mental disease or defect affecting the defendant's criminal responsibility or the defendant's competence 46 to stand trial.

This bill expands Title 15, section 101-B, subsection 2 to require further examination if it appears to the court that the defendant may suffer or may have suffered from abnormal condition

of mind or any mental or emotional condition affecting the defendant's guilt.

4 The bill also amends the law to allow unconditionally the examiner to access records relevant to the examination that that examiner is being requested to perform.

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12 This document has not yet been reviewed to determine the

This document has not yet been reviewed to determine the need for cross-reference, stylistic and other technical amendments to conform existing law to current drafting standards.

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