

MAINE STATE LEGISLATURE

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117th MAINE LEGISLATURE

FIRST REGULAR SESSION-1995

Legislative Document

No. 1136

S.P. 413

In Senate, April 4, 1995

**An Act to Provide Immunity for Clinicians Contracted by the State
Forensic Service.**

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

Reference to the Committee on Human Resources suggested and ordered printed.

A handwritten signature in cursive script that reads "May M. Ross".

MAY M. ROSS
Secretary of the Senate

Presented by Senator PENDEXTER of Cumberland.
Cosponsored by Representative FITZPATRICK of Durham and
Representative: WINGLASS of Auburn.

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

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Sec. 1. 34-B MRSA §1212, sub-§2, ¶B, as amended by PL 1989, c. 487, §16, is further amended to read:

B. To perform examinations of the mental condition of persons committed to the custody of the commissioner under Title 15, section 103, for the purposes specified in Title 15, section 104-A; and

Sec. 2. 34-B MRSA §1212, sub-§2, ¶C, as enacted by PL 1989, c. 487, §17, is amended to read:

C. To perform examinations of the mental condition of persons pursuant to Title 22, chapter 250+; and

Sec. 3. 34-B MRSA §1212, sub-§2, ¶D is enacted to read:

D. To perform evaluations on behalf of any court of record. The State Forensic Service may contract with psychologists, psychiatrists and licensed clinical social workers to perform evaluations. The clinicians under contract are entitled to quasi-judicial immunity for all acts performed within the scope of their evaluation duties and in accordance with protocols for evaluations established by the State Forensic Service.

STATEMENT OF FACT

This bill adds the performance of evaluations on behalf of any court of record to the duties of the State Forensic Service. This bill also extends quasi-judicial immunity standards to any clinicians that contract with the State Forensic Service to perform the evaluations if the evaluation is done in accordance with protocols established by the State Forensic Service.