

MAINE STATE LEGISLATURE

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120th MAINE LEGISLATURE

SECOND REGULAR SESSION-2002

Legislative Document

No. 1950

H.P. 1453

House of Representatives, December 20, 2001

An Act to Change the Requirement for Court-ordered Mental Examination.

Submitted by the Department of Behavioral and Developmental Services pursuant to Joint Rule 204.

Received by the Clerk of the House on December 17, 2001. Referred to the Committee on Judiciary pursuant to Joint Rule 308.2 and ordered printed pursuant to Joint Rule 401.

Millicent M. MacFarland

MILLICENT M. MacFARLAND, Clerk

Presented by Representative LaVERDIERE of Wilton.
Cosponsored by Senator TURNER of Cumberland and
Representatives: DUGAY of Cherryfield, FULLER of Manchester, LAVERRIERE-
BOUCHER of Biddeford, MADORE of Augusta, MITCHELL of Vassalboro, NUTTING of
Oakland, O'BRIEN of Augusta, Senator: FERGUSON of Oxford.

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

4 **Sec. 1. 15 MRSA §101-B, sub-§2**, as amended by PL 1993, c. 704,
§1, is further amended to read:

6 **2. Court order; mandatory; secondary.** The court shall
order the defendant to be further examined by a psychiatrist and
8 or a clinical licensed psychologist from the State Forensic
Service if:

10 A. It appears to the court, based on the report of any such
12 examiner, that:

14 (1) The defendant may suffer or may have suffered from
a mental disease or defect, abnormal condition of mind
16 or any mental or emotional condition affecting the
defendant's guilt, criminal responsibility or
18 competence to stand trial; or

20 (2) Further observation is required; or

22 B. The defendant enters or persists in a plea of not
criminally responsible by reason of insanity for a period in
24 excess of 21 days after the report in subsection 1 is filed.

26 A 2nd evaluation by a psychiatrist or a licensed psychologist
from the State Forensic Service may be ordered at the discretion
28 of the court or the director of the State Forensic Service.

30 **SUMMARY**

32 This bill increases the flexibility available to the courts
34 in requesting so-called stage 2 evaluations. Currently, such
evaluations must be completed by a clinical psychologist and a
36 psychiatrist. The change in the bill allows the stage 2
evaluation to be completed by a licensed psychologist or a
38 psychiatrist and, for an additional evaluation by a licensed
psychologist or psychiatrist, to be assigned if deemed necessary
40 or desirable by the court or the director of the State Forensic
Service.