

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE
ONE HUNDRED AND TWELFTH LEGISLATURE

SECOND REGULAR SESSION
January 8, 1986 to April 16, 1986

SECOND SPECIAL SESSION
May 28, 1986 to May 30, 1986

AND AT THE

THIRD SPECIAL SESSION
October 17, 1986

PUBLISHED BY THE DIRECTOR OF REVISOR OF STATUTES IN
ACCORDANCE WITH MAINE REVISED STATUTES ANNOTATED,
TITLE 3, SECTION 163-A, SUBSECTION 4.

J.S. McCarthy Co., Inc.
Augusta, Maine

PUBLIC LAWS
OF THE
STATE OF MAINE

AS PASSED AT THE
SECOND REGULAR SESSION
of the
ONE HUNDRED AND TWELFTH LEGISLATURE
1985

munications, living arrangements and other factors deemed relevant by the ~~Office~~ Division of Deafness.

Sec. 11. 35 MRSA §3358, as enacted by PL 1981, c. 688, is amended to read:

§3358. Cost of review

The licensee shall submit to the commission, with the initial filing or upon a subsequent formal review of a decommissioning financing plan under this subchapter, a filing fee as determined by the commission, but not to exceed ~~\$35,000~~ \$50,000, in order to assist in covering the cost of review by the commission. Within one year after establishment of a decommissioning fund under this subchapter, the licensee may recover the licensing fee from the fund. Notwithstanding any other provision of law, money received from the filing fee shall be segregated, apportioned and expended by the Public Utilities Commission for the purposes stated in this section, with a report to the joint standing committee of the Legislature having jurisdiction over appropriations and financial affairs. Any unexpended funds from the filing fee shall be transferred to the decommissioning trust fund after approval of the plan.

Effective July 16, 1986.

CHAPTER 630

S.P. 701 - L.D. 1786

AN ACT Concerning Mental Examination of Incarcerated Persons Accused of Crime.

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

Sec. 1. 15 MRSA §101, first ¶, as amended by PL 1983, c. 580, §2, is further amended to read:

The District Court or the Superior Court having jurisdiction in any criminal case for cause shown may order the defendant examined to determine his mental condition with reference to the issues of criminal responsibility and competence to stand trial. The examination may be conducted at the Augusta Mental Health Institute, Bangor Mental Health Institute, Pineland Center or at a mental health clinic of, or

recommended by, the Department of Mental Health and Mental Retardation, and when conducted at any such facility shall be the responsibility of a psychiatrist or of a licensed clinical psychologist, who may join with him in such examination other psychiatrists or licensed clinical psychologists, as in his opinion are required. The examination may be conducted by a psychiatrist or licensed clinical psychologist independent from any such facility, employed for such purpose by the court. The court in selecting the examination site shall consider proximity to the court, availability of an examiner or examiners, and the necessity for security precautions. No person may be presented for examination under this paragraph without arrangements therefor with the head of the institution or clinic or with the individual examiner being first made by the court, clerk of courts or sheriff. If the defendant is incarcerated, the examination is to be completed within 90 days. The opinion of the examiner or examiners relative to the mental condition of the respondent shall be reported forthwith to the court following examination.

Sec. 2. 15 MRSA §101, 2nd ¶, as amended by PL 1983, c. 580, §3, is further amended to read:

If it is made to appear to the court by the report of any such examiner that the defendant suffers or suffered from a mental disease or mental defect affecting his criminal responsibility or his competence to stand trial or that further observation is indicated, the court shall order the defendant to be further examined by a psychiatrist and a licensed clinical psychologist designated by the Commissioner of Mental Health and Mental Retardation with such assistance as the designated examiners may deem necessary who shall determine the mental condition of the defendant. The court may order that observations, interviews and investigative reports regarding the behavior of the defendant made by law enforcement officials be made available to the designated psychiatrist and licensed clinical psychologist for the limited purpose of this examination. If the defendant is incarcerated, an initial examination to determine whether commitment to the custody of the Commissioner of Mental Health and Mental Retardation is necessary shall be made within 90 days. If the defendant is incarcerated and it is determined that no long-term observation for the purpose of diagnosis is needed, his examinations shall be completed within 30 days. If the examination by such designees can be completed without admission, a report of the results of such completed examination shall be forwarded to the court

forthwith. If the designated examiners of the Commissioner of Mental Health and Mental Retardation determine that admission to an appropriate institution for the mentally ill or mentally retarded is necessary for complete examination, the examiners shall so notify the court which may order the defendant committed to the custody of the Commissioner of Mental Health and Mental Retardation to be placed in an appropriate institution for the mentally ill or the mentally retarded, to be there detained and observed by the superintendent, or his delegate, and professional staff for a period of time not to exceed 60 days, for the purpose of ascertaining the mental condition of the defendant. When further detention for observation is deemed no longer necessary, the commissioner shall report such fact to the court. The court shall then order the person returned to the appropriate court for disposition; if the court ordering commitment for observation has provided for remand to the county jail following completion of the observation in the commitment order, the sheriff or any one or more of his deputies shall execute the remand order upon advice from the commissioner of completion of the observation. A report of the results of the observation shall be forwarded promptly to the court by the commissioner.

Effective July 16, 1986.

CHAPTER 631

H.P. 1477 - L.D. 2079

AN ACT Pertaining to Snowmobile Registration.

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

Sec. 1. 12 MRSA §7824, sub-§1-B is enacted to read:

1-B. Municipal agents. The commissioner may appoint municipal clerks or such other persons that a municipality may designate as agents to issue snowmobile registrations.

Agents may charge a service fee of not more than \$1 for each snowmobile registration issued and this service fee shall be retained by the municipality. Each municipal agent shall report to the commissioner on