

PLEASE NOTE: Legislative Information **cannot** perform research, provide legal advice, or interpret Maine law. For legal assistance, please contact a qualified attorney.

Amend the amendment by striking out all of section 3 (page 2, lines 8 to 38 and page 3, lines 1 to 7 in amendment) and inserting the following:

Sec. 3. 34-B MRSA §3864, sub-§4, as amended by PL 2007, c. 319, §10, is further amended to read:

4. Examination. Examinations under this section are governed as follows.

A. Upon receipt by the District Court of the application and the accompanying documents specified in subsection 1 and at least 3 days after the person who is the subject of the examination was notified by the psychiatric hospital of the proceedings and of that person's right to retain counsel or to select an examiner, the court shall cause the person to be examined by 2 examiners.

(1) Each examiner must be either a licensed physician or a licensed clinical psychologist. When involuntary treatment under subsection 1-A has been requested, one of the examiners must be a professional who is licensed to prescribe medications relevant to the patient's care.

~~(2) One of the examiners must be a physician or psychologist chosen by the person or by that person's counsel, if the chosen physician or psychologist is reasonably available.~~

(2-A) If the person under examination or the counsel for that person selects a qualified examiner who is reasonably available, then the court shall choose that examiner as one of the 2 designated by the court.

~~(3) Neither examiner appointed by the court may be the certifying examiner under section 3863, subsection 2 or 7.~~

B. The examination must be held at the psychiatric hospital or at any other suitable place not likely to have a harmful effect on the mental health of the person.

~~E. The examiners shall report to the court as to whether the person is a mentally ill person within the meaning of section 3801, subsection 5 or is a person with severe and persistent mental illness, as appropriate to the proceedings for which the examination was performed.on:~~

(1) Whether the person is a mentally ill person within the meaning of section 3801, subsection 5;

(2) When the establishment of a progressive treatment plan under section 3873 is at issue, whether a person is suffering from a severe and persistent mental illness within the meaning of section 3801, subsection 8-A;

(3) Whether the person poses a likelihood of serious harm within the meaning of section 3801, subsection 4; and

(4) When involuntary treatment is at issue, whether the need for such treatment meets the criteria of subsection 7-A, paragraphs A and B.

F. ~~The examiners shall report to the court as to whether the person presents a likelihood of serious harm within the meaning of section 3801, subsection 4.~~

SUMMARY

This amendment incorporates changes made to the Maine Revised Statutes, Title 34-B, section 3864, subsection 4 by a recently chaptered law in order to prevent a conflict.