

ACTS, 1985. – Chaps. 616, 617.

choice.

The commissioner shall promulgate such rules and regulations as are necessary to effectuate the purpose of this section, including procedures for notice to covered persons, employers and other organizations of the provisions of this section.

Approved December 23, 1985.

Chapter 616. AN ACT RELATIVE TO THE COMPENSATION OF LOCAL ASSESSMENT COMMITTEE MEMBERS.

Be it enacted, etc., as follows:

SECTION 1. The first paragraph of section 5 of chapter 21D of the General Laws, as appearing in the 1984 Official Edition, is hereby amended by adding the following sentence:- Each member of the committee shall receive, subject to appropriation, fifty dollars for each day or part thereof for his services and shall also receive all reasonable expenses incurred in the performance of his official duties.

SECTION 2. The local assessment committee of any town, established under the authority of section five of chapter twenty-one D of the General Laws, shall be paid, subject to appropriation, the amounts incurred by its members, in accordance with section one, prior to the effective date of this act.

Approved December 23, 1985.

Chapter 617. AN ACT AUTHORIZING QUALIFIED PSYCHOLOGISTS TO PERFORM CERTAIN COMPETENCY EVALUATIONS.

Be it enacted, etc., as follows:

SECTION 1. Section 15 of chapter 123 of the General Laws, as appearing in the 1984 Official Edition, is hereby amended by striking out paragraph (a) and inserting in place thereof the following paragraph:-

(a) Whenever a court of jurisdiction doubts whether a defendant in a criminal case is competent to stand trial or is criminally responsible by reason of mental illness or mental defect, it may, at any stage of the proceedings after the return of an indictment or the issuance of a criminal complaint against the defendant, order an examination of such defendant to be conducted by one or more qualified physicians or one or more qualified psychologists. Whenever practicable, examinations shall be conducted at the court house or place of detention where the person is being held. When an examination is ordered, the court shall instruct the examining physician or physicians or the examining psychologist or psychologists in the law for determining mental competence to stand trial and criminal responsibility.

ACTS, 1985. – Chap. 617.

SECTION 2. Paragraph (b) of said section 15 of said chapter 123, as so appearing, is hereby amended by striking out the second and third sentences and inserting in place thereof the following two sentences:— Copies of the complaints or indictments and the physician's or psychologist's report under paragraph (a) shall be delivered to the facility or said hospital with the person. If, before the expiration of such twenty-day period, an examining qualified physician or an examining qualified psychologist believes that observation for more than twenty days is necessary, he shall so notify the court and shall request in writing an extension of the twenty-day period, specifying the reason or reasons for which such further observation is necessary.

SECTION 3. Said section 15 of said chapter 123, as so appearing, is hereby further amended by striking out paragraph (c) and inserting in place thereof the following paragraph:—

(c) At the conclusion of the examination or the observation period, the examining qualified physician or physicians or the examining qualified psychologist or psychologists shall forthwith give to the court written signed reports of their findings including the clinical findings bearing on the issue of competence to stand trial or criminal responsibility. Such reports shall also contain an opinion, supported by clinical findings, as to whether the defendant is in need of treatment and care offered by the department.

SECTION 4. Said section 15 of said chapter 123, as so appearing, is hereby further amended by striking out paragraph (f) and inserting in place thereof the following paragraph:—

(f) In like manner to the proceedings under paragraphs (a), (b), (c), and (e), a court may order a psychiatric or psychological examination or a period of observation for an alleged delinquent in a facility to aid the court in its disposition. Such period of observation shall not exceed forty days.

SECTION 5. Section 18 of said chapter 123, as so appearing, is hereby amended by striking out paragraph (a) and inserting in place thereof the following paragraph:—

(a) If the person in charge of any place of detention within the commonwealth has reason to believe that a person confined therein is in need of hospitalization by reason of mental illness at a facility of the department or at the Bridgewater state hospital, he shall cause such prisoner to be examined at such place of detention by a physician or physicians, or psychologist or psychologists, designated by the department as qualified to perform such examination. Said physician or physicians, or psychologist or psychologists, shall report the results of the examination to the district court which has jurisdiction over the place of detention or, if the prisoner is awaiting trial, to the court which has jurisdiction of the criminal case. Such report shall include an opinion, with reasons therefor, as to whether such hospitalization is actually required. The court which receives such report may order the prisoner to be taken to a facility or, if a male, to the Bridgewater state

ACTS, 1985. – Chap. 618.

hospital to be received for examination and observation for a period not to exceed thirty days. After completion of such examination and observation, a written report shall be sent to such court and to the person in charge of the place of detention. Such report shall be signed by the physician or physicians or psychologist or psychologists conducting such examination and shall contain an evaluation, supported by clinical findings, of whether the prisoner is in need of further treatment and care at a facility, or, if a male, the Bridgewater state hospital by reason of mental illness. The person in charge of the place of detention shall have the same right as a superintendent of a facility to file a petition with the court which received the results of the examination for the commitment of the person to a facility or to Bridgewater state hospital; provided, however, that notwithstanding the court's failure, after an initial hearing or after any subsequent hearing, to make the finding required for commitment to the Bridgewater state hospital, the prisoner shall be confined at said hospital if the findings required for commitment to a facility are made and if the commissioner of correction certifies to the court that confinement of the prisoner at said hospital is necessary to insure his continued retention in custody. An initial court order of commitment issued subject to the provisions of this section shall be valid for a six-month period, and all subsequent commitments during the term of the sentence shall take place under the provisions of sections seven and eight and shall be valid for one year.

SECTION 6. Chapter 123 of the General Laws is hereby amended by striking out section 19, as so appearing, and inserting in place thereof the following section:–

Section 19. In order to determine the mental condition of any party or witness before any court of the commonwealth, the presiding judge may, in his discretion, request the department to assign a qualified physician or psychologist, who, if assigned shall make such examinations as the judge may deem necessary.

Approved December 23, 1985.

Chapter 618. AN ACT ESTABLISHING CERTAIN LICENSING AND PERMIT REQUIREMENTS FOR THE CONDUCT OF AUCTIONS.

Be it enacted, etc., as follows:

SECTION 1. The General Laws are hereby amended by striking out chapter 100 and inserting in place thereof the following chapter:–

**CHAPTER 100.
AUCTIONEERS.**

Section 1. In this chapter, the following words and terms, unless the context otherwise requires, shall have the following meanings:–

"Auction" or "Public auction", any sale, coming within its ordinary meaning, by public outcry, including in addition thereto, any sale by