



## 115th MAINE LEGISLATURE

## FIRST REGULAR SESSION-1991

Legislative Document

No. 627

S.P. 236

In Senate, February 14, 1991

Submitted by the Department of the Attorney General pursuant to Joint Rule 24. Reference to the Committee on Legal Affairs suggested and ordered printed.

JOY J. O'BRIEN Secretary of the Senate

Presented by Senator MILLS of Oxford Cosponsored by Representative PARADIS of Augusta, Senator GAUVREAU of Androscoggin and Representative MAYO of Thomaston.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED AND NINETY-ONE

An Act to Clarify the Role of Law Enforcement Officers in the Investigation of Medical Examiner Cases.

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

22 MRSA §3028, sub-§§2 and 4, as enacted by PL 1979, c. 538, §8, are amended to read:

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2. Investigation by law enforcement officer. Where death is not suspected to be the result of criminal violence, the medical examiner may elect not to proceed to the scene, or the 8 Chief Medical Examiner may elect not to dispatch a medical 10 examiner to the scene. If either so elect, the law enforcement officer in charge of the scene shall investigate and photograph the scene as directed by the medical examiner or Office of the 12 Chief Medical Examiner and take possession of all objects which in the opinion of the medical examiner or Office of the Chief 14 Medical Examiner may be useful in establishing the cause, manner and circumstances of death. The law enforcement officer shall 16 remove the body in accordance with the instructions of the medical examiner or Office of the Chief Medical Examiner. The 18 officer shall make a report of the investigation available to the 20 medical examiner or Office of the Chief Medical Examiner.

4. Possession of useful objects. Except as otherwise directed by the Attorney General, his the Attorney General's deputies or his assistants, the medical examiner or Office of the Chief Medical Examiner may direct that a law enforcement officer at the scene make measurements, take photographs and take possession of all objects which that in the medical examiner's opinion of the medical examiner or Office of the Chief Medical Examiner may be useful in establishing the cause and, manner and circumstances of death.

## STATEMENT OF FACT

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This bill clarifies the role of the law enforcement officer at the scene when a medical examiner does not come to the scene and after a medical examiner arrives. In performing duties, the law enforcement officer acts under the direction of the medical examiner or Office of the Chief Medical Examiner to determine the cause, manner and circumstances of death in a medical examiner case. The officer may investigate, make measurements, photograph and take possession of objects as directed by a medical examiner or the Office of the Chief Medical Examiner.