

# MAINE STATE LEGISLATURE

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LAWS  
OF THE  
STATE OF MAINE  
AS PASSED BY THE

ONE HUNDRED AND EIGHTH LEGISLATURE

FIRST REGULAR SESSION

January 5, 1977 to July 25, 1977

PUBLISHED BY THE DIRECTOR OF LEGISLATIVE RESEARCH IN  
ACCORDANCE WITH MAINE REVISED STATUTES ANNOTATED,  
TITLE 3, SECTION 164, SUBSECTION 6.

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PORTLAND LITHOGRAPH COMPANY  
PORTLAND, MAINE  
1977

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PUBLIC LAWS  
OF THE  
**STATE OF MAINE**

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ONE HUNDRED AND EIGHTH LEGISLATURE

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provider class of membership shall include persons from both governmental and nongovernmental mental health service agencies. Both provider and consumer members shall be representative of the social, economic, linguistic and racial groups residing in the State, as well as its geographic areas.

Members shall be appointed for a term of 3 years, except that of the members first appointed,  $\frac{1}{3}$  shall be appointed for a term of 3 years,  $\frac{1}{3}$  shall be appointed for a term of 2 years and  $\frac{1}{3}$  shall be appointed for a term of one year, as designated by the Governor at the time of appointment; except that any member appointed to fill a vacancy occurring prior to the expiration of the term for which his predecessor was appointed shall be appointed only for the remainder of such term. Any vacancy in the council shall not affect its powers, but shall be filled in the same manner by which the original appointment was made. The membership shall elect a chairman.

The duties of the Mental Health Advisory Council shall include, but not necessarily be limited to, acting in an advisory capacity to the commissioner in the development of the state mental health plan and in the appointment of a Director of Mental Health. The council shall meet at least quarterly.

**Emergency clause.** In view of the emergency cited in the preamble, this Act shall take effect when approved.

Effective April 6, 1977

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## CHAPTER 59

### AN ACT Concerning the Administration of the Office of the Chief Medical Examiner.

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

Sec. 1. 22 MRSA § 3022, as last amended by PL 1975, c. 771, § 219, is further amended by adding at the end the following new paragraph to read:

The Chief Medical Examiner is authorized to select one or more of the medical examiners to serve as deputy chief medical examiners. In the event of his temporary absence, the Chief Medical Examiner, or if he is unavailable, the Attorney General, may designate one of the deputy chief medical examiners to serve as Acting Chief Medical Examiner. The Acting Chief Medical Examiner shall have all of the powers and responsibilities of the Chief Medical Examiner.

Sec. 2. 22 MRSA § 3024, as last amended by PL 1975, c. 771, § 220, is repealed and the following enacted in its place:

§ 3024. Salaries; fees; expenses

The salary of the Chief Medical Examiner of the State of Maine shall be set by the Governor. Other medical examiners shall be paid a fee of \$30 for an inspection and view and shall receive travel expenses to be calculated at the state mileage rate.

The fees for autopsies performed by pathologists, at the request of a medical examiner or the Chief Medical Examiner, shall be set by the Chief Medical Examiner at a level which shall provide reasonable payment for necessary costs and a reasonable fee in light of prevailing rates for the services of a pathologist in Maine.

The Chief Medical Examiner, using his discretion, may in an unusual circumstance, to be determined by him, prescribe a special fee for the service of a medical examiner or for any consultant service which he deems necessary.

The Chief Medical Examiner, using his discretion, may authorize any other expenses necessary to carry out his duties.

All compensation and expenses authorized by this chapter shall be paid from the funds of the State appropriated by the Legislature for this purpose.

Sec. 3. 22 MRSA § 3030, as last amended by PL 1973, c. 567, § 20, is repealed as follows:

§ 3030. ~~Victims of crime~~

~~The Chief Medical Examiner may, upon request of the district attorney, the Attorney General or a law enforcement officer, direct a medical examiner to make such medical examinations of victims of crimes of violence as he may deem appropriate~~

Sec. 4. 22 MRSA § 3033 is enacted to read:

§ 3033. Limitation on liability of medical examiners and pathologists

Notwithstanding any other provision of law, no medical examiner shall be held liable for damages for any injury or damage which results from the exercise and discharge of any of his official duties, unless it can be shown that such injury or damage resulted from gross negligence on the part of the medical examiner. Notwithstanding any other provision of law, no pathologist, performing an autopsy at the request of a medical examiner or the Chief Medical Examiner, shall be held liable for damages for any injury or damage which results from the performance of the autopsy, unless it can be shown that such injury or damage resulted from the gross negligence of the pathologist.

Sec. 5. 34 MRSA § 1, next to the last ¶ is amended to read:

~~In the case of a sudden~~ When the death of any patient or inmate in any institution under the control of the department ~~under circumstances of reasonable suspicion~~ is not clearly the result of natural causes, an examination and inquest shall be held as in other cases, and the superintendent or department shall cause a medical examiner to be immediately notified for that purpose.