

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

**This document is from the files of the Office of
the Maine Attorney General as transferred to
the Maine State Law and Legislative Reference
Library on January 19, 2022**

W

December 9, 1955

To Dr. E. W. Campbell, Director, Sanitary Engineering
Re: Release of Blood Specimens

In your memo of December 5, 1955, you ask for an opinion as to the procedure in releasing the determination of blood specimens.

You state that a sample of blood, with the request for alcohol determination was received by mail from the Augusta Police Department on December 5, 1955, and that the test was started; that subsequently the attorney for the person from whom the blood had been taken delivered a written request for the surrender of the sample, at the same time tendering his check in the amount of \$5.00, which is the required fee for the blood alcohol determination. The attorney asked either that the sample be surrendered, or, if the test was under way, that the results of the test be furnished to the attending physician but withheld from the Augusta Police Department.

Your memo continues as follows: "The problem now arises under these circumstances where the sample has been received in an official manner - do we have the right to surrender such sample or the results of the determination thereof to the attending physician or the attorney representing the patient, or shall we report the results to the Augusta Police Department as originally requested."

We are of the opinion that the matter should be handled in your routine manner, and the results of the alcohol determination returned to those persons to whom you usually make such return.

In the ordinary case, and we presume in this case, the request for a blood test has arisen because of a case presently pending before a court. Under such circumstances this office feels it is improper to give a decision which would, in effect, be substituting the judgment of our office for that of a court.

We have consulted with the County Attorney and it is agreed that in this instance you are authorized to send a copy of the blood determination to the attorney of the patient from whom the sample had been taken, for information.

James Glynn Frost
Deputy Attorney General