

MAINE STATE LEGISLATURE

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ONE HUNDRED AND FIRST LEGISLATURE

Legislative Document

No. 1344

S. P. 492

In Senate, February 13, 1963

Referred to Committee on Welfare. Sent down for concurrence and ordered printed.

CHESTER T. WINSLOW, Secretary

Presented by Senator Porteous of Cumberland.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SIXTY-THREE

AN ACT Relating to Research Studies of the Department of Health and
Welfare.

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

R. S., c. 25, § 7-A, additional. Chapter 25 of the Revised Statutes is amended by adding a new section 7-A, to read as follows:

‘Sec. 7-A. Research studies confidential. All information, records of interviews, written reports, statements, notes, memoranda or other data procured by the Department of Health and Welfare in connection with studies conducted by the department or carried on by the department jointly with other persons, agencies or organizations or procured by such other persons, agencies or organizations for the purpose of reducing the morbidity or mortality from any cause or condition of health shall be confidential and shall be used solely for the purposes of medical or scientific research.

Such information, records, reports, statements, notes, memoranda or other data shall not be admissible as evidence in any action of any kind in any court or before any other tribunal, board, agency or person. Such information, records, reports, statements, notes, memoranda or other data shall not be exhibited nor their contents disclosed in any way, in whole or in part, by any officer or representative of the Department of Health and Welfare nor by any other person, except as may be necessary for the purpose of furthering the research project of which they relate. No person participating in such research project shall disclose, in any manner, the information so obtained except in strict conformity with such research project. No officer or employee of the Department of Health and Welfare shall interview any patient named in any such report,

nor a relative of any such patient, unless the consent of the attending physician and surgeon is first obtained.

The furnishing of such information to the Department of Health and Welfare or its authorized representative, or to any other cooperating agency in such research project shall not subject any person, hospital, sanitarium, rest home, nursing home or other person or agency furnishing such information, to any action for damages or other relief. Any disclosure other than is provided for under this section is declared to be a misdemeanor.

This section shall not prevent the disclosure by the department of such information, records, reports, statements, notes, memoranda or other data so far as needed by the Department of Health and Welfare, Maine Highway Safety Committee, Secretary of State and Maine Medical Association for the purposes of medical or scientific research conducted independently by each agency or organization or jointly with each other or with other persons, agencies or organizations cooperating or participating in such medical or scientific research.'