

MAINE STATE LEGISLATURE

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ONE HUNDRED AND FOURTH LEGISLATURE

Legislative Document

No. 317

S. P. 104

In Senate, January 23, 1969

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

JERROLD B. SPEERS, Secretary

Presented by Senator Mills of Franklin.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SIXTY-NINE

AN ACT Concerning Admissibility of Hospital Records and Copies of Records as Evidence.

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

R. S., T. 16, § 357, additional. Title 16 of the Revised Statutes is amended by adding a new section 357, to read as follows:

§ 357. Hospital records and copies of records

Records kept by hospitals licensed under the laws of this State shall be admissible, and records which the court finds are required to be kept by the laws of any other state or territory, or the District of Columbia, or by the laws and regulations of the United States of America pertaining to the Department of National Defense and the Veterans Administration, by hospitals similarly conducted or operated or which, being incorporate, offer treatment free of charge, shall be admitted by the court, as evidence in the court of the State so far as such records relate to the treatment and medical history of such cases and the court shall admit copies of such records, if certified by the persons in custody thereof to be true and complete, but nothing therein contained shall be admissible as evidence which has reference to the question of liability. Copies of photographic or microphotographic records so kept by hospitals, when ruly certified by the person in charge of the hospital, shall be admitted in evidence equally with the original photographs or microphotographs.

A record kept by any hospital which is required to be produced in court by any party shall be certified by the affidavit of the person in custody thereof to be a true and complete record, and shall be delivered by such hospital to

the clerk of such court, who shall keep the same in his custody until its production is called for at the trial or hearing by the party requiring the said record. Such record, so certified and delivered shall be deemed to be sufficiently identified to be admissible in evidence if admissible in all other respects. The party requiring the production of said record and, in the discretion of the court, any other party may examine said record in the custody of the clerk at any time before it is produced in court. The clerk upon the completion of such trial or hearing shall notify such hospital that said record is no longer required and will be returned to any authorized representative of the hospital calling for the same at the office of said clerk.