

# MAINE STATE LEGISLATURE

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FIRST REGULAR SESSION

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ONE HUNDRED AND TENTH LEGISLATURE

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**Legislative Document**

**No. 1434**

S. P. 507

In Senate, March 20, 1981

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

MAY M. ROSS, Secretary of the Senate

Presented by Senator Devoe of Penobscot.

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STATE OF MAINE

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

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**AN ACT Concerning the Investigative Authority of the Attorney General and Related Provision.**

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

Sec. 1. 5. MRSA §§ 200-E and 200-F are enacted to read:

§ 200-E. Medical records furnished to Attorney General in certain medical examiner cases

In any medical examiner case, as defined in Title 22, section 3025, where medical treatment has been provided to the decedent who is the subject of the case, upon written request by the Attorney General, any individual, partnership, association, corporation, institution or governmental entity which has rendered such treatment shall forthwith provide the Attorney General with all medical records pertaining to the decedent and the treatment rendered.

Reasonable costs incurred by any individual, partnership, association, corporation or institution or government entity providing copies of medical records shall be borne by the Attorney General.

§ 200-F. Telephone communication by kidnapers

Whenever the Attorney General has reason to believe that one or more persons have been kidnapped, as defined by Title 17-A, section 301, he shall have the authority to order a public utility company employee to cut, reroute or divert

telephone lines for the purpose of preventing telephone communication by the kidnapper with any person other than a law enforcement officer or a person authorized by a law enforcement officer to receive or transmit those communications.

Sec. 2. 22 MRSA § 15 is enacted to read:

**§ 15. Civil liability of persons making false claims**

Any person, firm, association, partnership, corporation or other legal entity who makes or causes to be made or presents or causes to be presented for payment or approval any claim upon or against the department or upon any funds administered by the department, knowing such claim to be false, fictitious or fraudulent or who, for the purpose of obtaining or aiding another to obtain the payment or approval of such a claim, makes any false written statement or submits any false document which he does not believe to be true, or who enters into any agreement, combination or conspiracy to defraud the department by obtaining the payment or approval of any false, fictitious or fraudulent claim, shall, in addition to any criminal liability which may be provided by law, be subject to civil suit by this State in the Superior Court for recovery of damages to include the following:

1. **Restitution.** Restitution for all excess benefits or payments made;
2. **Payment of interest.** Payment of interest on the amount of the excess benefits or payments as set forth in subsection 1 at the maximum legal rate in effect on the date the payment was made and computed for the date payment was made to the date on which repayment is made;
3. **Payment of damages.** Payment of damages, without regard to the amount in controversy, in an amount which is threefold the amount of such excess benefits or payments as set forth in subsection 1, but in any case not less than \$2,000 for each false claim for assistance, benefits or payments, or for each document submitted in support of such false claim, whichever is the greater amount; and
4. **Cost of the suit.** Cost of the suit.

Sec. 3. 22 MRSA § 3024, as last amended by PL 1979, c. 538, § 4, is further amended by adding at the end a new paragraph to read:

**The Chief Medical Examiner may exercise his discretion and set fees for services performed by his office on behalf of private litigants. All fees, charges or other receipts shall be credited to the General Fund.**

**STATEMENT OF FACT**

This bill recommends changes in the statutory provisions concerning the investigative authority of the Attorney General and related provisions. The substance of the changes appear as follows.

Section 1 authorizes the Attorney General to request medical records of a decedent in cases of suspicious or unknown cause of death involving the Office of the Chief Medical Examiner and permits the Attorney General to order the rerouting of telephone lines in cases where hostages are being held.

Section 2 provides civil penalties for the submission of false claims for benefits to the Department of Human Services.

Section 3 permits the Chief Medical Examiner to set fees, payable to the General Fund for certain services performed by his office, including the Chief Medical Examiner's preparation of and expert testimony at a trial between private litigants.