

MAINE STATE LEGISLATURE

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1 (EMERGENCY)
2 FIRST REGULAR SESSION
3

4 ONE HUNDRED AND TWELFTH LEGISLATURE
5

6 Legislative Document

No. 1356

8 H.P. 947

House of Representatives, April 19, 1985

9 Referred to the Committee on Judiciary. Sent up for concurrence and
10 ordered printed.

11 EDWIN H. PERT, Clerk

Presented by Representative Cote of Auburn.

Cosponsored by Senator Trafton of Androscoggin.

12
13 STATE OF MAINE
14

15 IN THE YEAR OF OUR LORD
16 NINETEEN HUNDRED AND EIGHTY-FIVE
17

18 AN ACT Concerning the Provision of Certain
19 Reports for Court-ordered
20 Examinations.
21

22 Emergency preamble. Whereas, Acts of the Legis-
23 lature do not become effective until 90 days after
24 adjournment unless enacted as emergencies; and

25 Whereas, there have been recent instances in
26 which court-ordered examiners have had difficulty in
27 obtaining records which they require in order to per-
28 form mental examinations and there exists no effec-
29 tive remedy for this problem; and

30 Whereas, such inability runs contrary to the
31 needs of a civilized society; and

32 Whereas, in the judgment of the Legislature,
33 these facts create an emergency within the meaning of
34 the Constitution of Maine and require the following
35 legislation as immediately necessary for the preser-

1 vation of the public peace, health and safety; now,
2 therefore,

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

5 15 MRSA §101-A is enacted to read:

6 §101-A. Access to records by persons or entities
7 performing examinations or evaluations

8 1. Written demand for records. When a person or
9 entity has been ordered to perform an examination or
10 evaluation pursuant to section 101, that person may
11 make written demand upon any individual, partnership,
12 association, corporation, institution or governmental
13 entity to produce the records or copies of the
14 records, in whatever medium preserved, of the subject
15 of the examination or evaluation.

16 2. Production of records. Any such entity from
17 whom records are demanded pursuant to subsection 1
18 shall produce the records or copies of the records
19 forthwith. The production shall be made notwith-
20 standing any other law. No entity, or employee or
21 agent of the entity, may be criminally or civilly re-
22 sponsible for furnishing any records in compliance
23 with this section.

24 3. Confidentiality of records. Records provided
25 under this section shall be confidential and shall
26 not be disseminated by any person other than upon or-
27 der of the court.

28 4. Definition. "Records" means information
29 about a person, in whatever medium preserved. It in-
30 cludes, but is not limited to, medical histories, so-
31 cial histories, military histories, government
32 histories, educational histories and documentation
33 pertaining to diagnosis or treatment.

34 5. Failure to produce records. Any person who
35 is required to produce records by this section and
36 intentionally or knowingly fails to do so within 20
37 days of the service of the written request upon him,
38 may be subject to civil contempt for his failure to
39 comply with the request.

