

# MAINE STATE LEGISLATURE

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FIRST REGULAR SESSION

ONE HUNDRED AND THIRTEENTH LEGISLATURE

Legislative Document

NO. 220

H.P. 176 House of Representatives, February 4, 1987  
Reference to the Committee on Judiciary suggested and  
ordered printed.

EDWIN H. PERT, Clerk  
Presented by Representative HARPER of Lincoln.  
Cosponsored by Representative HICHBORN of LaGrange and  
Senator PEARSON of Penobscot.

STATE OF MAINE

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

1 AN ACT Relating to the Use of Hospital  
2 Records of Blood-alcohol Level in  
3 Court Procedures as Evidence of  
4 Liability.  
5

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

8 16 MRSA §357, as amended by PL 1973, c. 788, §66,  
9 is further amended to read:

10 §357. Hospital records and copies of records

11 Records kept by hospitals and other medical fa-  
12 cilities licensed under the laws of this State and  
13 records which the court finds are required to be kept  
14 by the laws of any other state or territory, or the  
15 District of Columbia, or by the laws and regulations

1 of the United States of America pertaining to the De-  
2 partment of National Defense and the Veterans Admin-  
3 istration, by hospitals and other medical facilities  
4 similarly conducted or operated or which, being in-  
5 corporate, offer treatment free of charge, shall be  
6 admissible, as evidence in the courts of this State  
7 so far as such records relate to the treatment and  
8 medical history of such those cases and the court  
9 shall admit copies of such those records, if certi-  
10 fied by the persons in custody thereof to be true and  
11 complete, but nothing therein contained shall be ad-  
12 missible as evidence which has reference to the ques-  
13 tion of liability. Copies of photographic or micro-  
14 photographic records so kept by hospitals and medical  
15 facilities, when duly certified by the person in  
16 charge of the hospital and other medical facility,  
17 shall be admitted in evidence equally with the origi-  
18 nal photographs or microphotographs.

19 Notwithstanding this section, records indicating  
20 the presence of intoxicating liquor or drugs in a  
21 person are admissible as evidence on the question of  
22 that person's liability.

23 STATEMENT OF FACT

24 The purpose of this bill is to allow the intro-  
25 duction of evidence of intoxication into court proce-  
26 dures in questions of liability. This evidence would  
27 come from hospital records.

28 1004011287