

MAINE STATE LEGISLATURE

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FIRST REGULAR SESSION

ONE HUNDRED AND THIRTEENTH LEGISLATURE

Legislative Document

No. 1423

S.P. 466

In Senate, May 4, 1987

Submitted by the Department of Human Services pursuant to Joint Rule 24.

Reference to the Committee on Human Resources suggested and ordered printed.

JOY J. O'BRIEN, Secretary of the Senate

Presented by Senator WHITMORE of Androscoggin.

Cosponsored by Senator ESTES of York, Representative MURPHY of Berwick, Representative LEBOWITZ of Bangor.

STATE OF MAINE

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

AN ACT to Adjust Time Limits and Clarify
Responsibility for Certification and
Registration of Deaths.

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

7 Sec. 1. 22 MRSA §2842, first ¶ is amended to
8 read:

9 Except as authorized by the department, a certifi-
10 cate of each death which occurs in this State shall
11 be filed with the clerk of the municipality where
12 death occurred within 3-days a reasonable period of
13 time, as specified by department regulation, after
14 the day on which death occurred and prior to the re-
15 moval of the body from the State.

1 **Sec. 2. 22 MRSA §2842, sub-§2, amended by PL**
2 **1977, c. 382, is further amended to read:**

3 **2. Medical certificate by physician.** The medical
4 **certification of the cause of death shall be com-**
5 **pleted and signed within 24 hours after death by the**
6 **physician in charge of the patient's care for the**
7 **illness or condition which resulted in death in a**
8 **timely fashion by a physician authorized to practice**
9 **in the State who has knowledge of the patient's con-**
10 **dition, in accordance with department regulations and**
11 **other laws detailing who can certify and in what time**
12 **frame, except when an inquiry as to the cause of**
13 **death is required by law the death falls under the**
14 **jurisdiction of the medical examiner as provided in**
15 **section 3025. If the patient was a resident of a**
16 **nursing home licensed under section 1817 at the time**
17 **of death and if the physician in charge of the**
18 **patient's care had not examined the patient within 48**
19 **hours prior to death, the physician in charge or an-**
20 **other physician designated by the physician in charge**
21 **shall examine the body prior to completing the certi-**
22 **fication of death process. Any physician who fails to**
23 **complete the medical certification of the cause of**
24 **death fully, and in a timely manner, or who fails to**
25 **examine the body of a nursing home resident prior to**
26 **certifying cause of death as required by this section**
27 **shall be reported to the Board of Registration in**
28 **Medicine or the Board of Osteopathic Examination and**
29 **Registration, whichever is appropriate, by the State**
30 **Registrar of Vital Statistics of the Department of**
31 **Human Services.**

32 **Sec. 3. 22 MRSA §3025, sub-§4, as enacted by PL**
33 **1985, c. 611, §6, is amended to read:**

34 **4. Questionable cases and cases which may con-**
35 **stitute exceptions.** All questionable cases shall be
36 **reported. Acceptance of any questionable case is to**
37 **be determined by the Chief Medical Examiner unless**
38 **acceptance is specifically ordered by the Attorney**
39 **General or district attorney having jurisdiction.**

40 **Deaths due to the consequences of long-term alcohol**
41 **use, long-term exposure to environmental or occupa-**
42 **tional toxins or long-term exposure to carcinogens**
43 **shall be reported, but need not be accepted.**

1 Sudden natural deaths in the elderly who have not had
2 previous specific symptoms or who were not under
3 treatment by a physician for the specific natural
4 cause that is considered to be the cause of death
5 shall be reported to the Office of the Chief Medical
6 Examiner. Those cases may be referred back to the
7 attending physician by the Chief Medical Examiner for
8 certification of the death, even though the attending
9 physician has not treated the patient for the specif-
10 ic natural disease that he will enter as his diagno-
11 sis ~~as-required-in-section-28427-subsection-2.~~

12

STATEMENT OF FACT

13 Current time requirements for certification and
14 registration of deaths are unrealistic and
15 inflexible. The frequent late registrations delay
16 the settlements of wills and estates, pension bene-
17 fits and completion of burial arrangements and pay-
18 ments. This bill makes the death registration pro-
19 cess more responsive to public needs by allowing the
20 department to relax time limits and define more
21 flexibly who may certify, through the process of reg-
22 ulation. This bill also substitutes reference to the
23 existing medical examiner laws for definition of med-
24 ical examiner cases instead of providing an indepen-
25 dent definition in this section.

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