

MAINE STATE LEGISLATURE

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115th MAINE LEGISLATURE

FIRST REGULAR SESSION-1991

Legislative Document

No. 891

H.P. 621

House of Representatives, February 28, 1991

Submitted by the Department of the Attorney General pursuant to Joint Rule 24.
Reference to the Committee on Judiciary suggested and ordered printed.

A handwritten signature in cursive script that reads "Ed Pert".

EDWIN H. PERT, Clerk

Presented by Representative MELENDY of Rockland.

Cosponsored by Representative GWADOSKY of Fairfield, Representative GOODRIDGE of
Pittsfield and Representative PARADIS of Frenchville.

STATE OF MAINE

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

**An Act to Clarify the Obligation of District Attorneys to Pay for Physical
Examinations of Certain Crime Victims.**

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

2
30-A MRSA §287, sub-§§1 and 2, as amended by PL 1989, c. 104,
4 Pt. C, §§8 and 10, are repealed and following enacted in their
place:

6
1. Payment of expenses by district attorney. Except as
8 provided in subsection 2, in all cases reported to a law
enforcement officer of sexual abuse of minors, assault when
10 serious bodily injury has been inflicted and gross sexual
assault, the office of the district attorney of the county in
12 which the alleged crime occurred shall pay the expenses of a
physical examination of the victim conducted for the purpose of
14 obtaining evidence for the prosecution.

16 2. Limitation. The district attorney is required to pay
the expenses for the physical examination of a victim in
18 accordance with subsection 1 only in the absence of medical
insurance or other 3rd-party coverage of the expenses of
20 examination and only from a fund or account appropriated for that
purpose. The office of the district attorney is not liable for
22 the payment of any charges, costs or fees for an examination
under subsection 1 until the district attorney has received
24 copies of all reports and records pertaining to the examination,
if the copies have been requested.

26
28 **STATEMENT OF FACT**

30 Current law requires the office of the district attorney of
the county in which an alleged crime occurred to pay for the
32 victim's physical examination conducted for the purpose of
obtaining evidence. This bill clarifies that the district
34 attorney's office is required to pay only those expenses related
to the collection of evidence, only when those costs are not
36 covered by medical insurance or other 3rd-party obligations and
only within the amount the counties have budgeted for those
38 expenditures.

40 This bill also uses the current term for serious sex
offenses properly identifying those offenses as gross sexual
42 assaults.