

# MAINE STATE LEGISLATURE

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# 117th MAINE LEGISLATURE

## FIRST REGULAR SESSION-1995

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Legislative Document

No. 1206

S.P. 438

In Senate, April 4, 1995

### **An Act to Amend the Medical Examiner Act.**

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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, reading "May M. Ross".

MAY M. ROSS  
Secretary of the Senate

Presented by Senator BENOIT of Franklin.

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

2           **Sec. 1. 22 MRSA §3028, sub-§4**, as amended by PL 1991, c. 97,  
4           §2, is further amended to read:

6           **4. Possession of useful objects.** Except as otherwise  
8           directed by the Attorney General, the Attorney General's deputies  
10           or assistants, the medical examiner or Office of the Chief  
12           Medical Examiner may direct that a law enforcement officer at the  
14           scene make measurements, take photographs and take possession of  
16           all objects that in the opinion of the medical examiner or Office  
18           of the Chief Medical Examiner may be useful in establishing the  
            cause, manner and circumstances of death. For these same  
            purposes, the medical examiner or the Office of the Chief Medical  
            Examiner may direct that a law enforcement officer take  
            possession of any objects or specimens that have been removed  
            from the victim at the scene or elsewhere while under medical  
            care.

20           **Sec. 2. 22 MRSA §3028, sub-§5**, as amended by PL 1985, c. 611,  
22           §7, is further amended to read:

24           **5. Requests for objects.** Any person having possession of  
26           any object or objects, as described in subsection 4, shall at the  
28           request of the medical examiner give that object or objects to a  
30           law enforcement officer, to the medical examiner or to the Office  
32           of the Chief Medical Examiner. Medical personnel and  
34           institutions turning over any objects or specimens that have been  
            removed from the victim while under medical care are immune from  
            civil or criminal liability when complying with this subsection.  
            Original written or recorded material that might express suicidal  
            intent shall must be sent to the Office of the Chief Medical  
            Examiner. The Chief Medical Examiner may elect to accept copies  
            in place of originals.

36           **Sec. 3. 22 MRSA §3028, sub-§7**, as enacted by PL 1979, c. 538,  
38           §8, is amended to read:

40           **7. Written report.** Upon completing ~~his~~ an investigation,  
42           the medical examiner shall submit a written report of his  
            findings to the Chief Medical Examiner on forms provided for that  
            purpose. The medical examiner shall retain one copy of the report.

44           All statutory reporting requirements of medical examiners to  
46           state entities are considered fulfilled when the medical examiner  
48           has informed the Office of the Chief Medical Examiner of the  
50           results of the medical examiner's examination, investigation and  
52           inquiry according to the procedures established by the Chief  
            Medical Examiner. Actual notification of other state entities to  
            comply with the statutory reporting requirements must be made  
            according to protocols established by the Office of the Chief  
            Medical Examiner and the Attorney General.

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## STATEMENT OF FACT

4        This bill authorizes the medical examiner or the Office of  
6        the Chief Medical Examiner to take possession of specimens or  
8        objects taken from a victim under medical care or to direct a law  
10       enforcement officer to take possession of these specimens or  
12       objects. The bill provides immunity to medical personnel and  
14       institutions that turn over these specimens or objects. This  
     bill also provides that statutory reporting requirements of  
     medical examiners to state entities are considered fulfilled when  
     the medical examiner has informed the Office of the Chief Medical  
     Examiner of the results of the medical examiner's examination.