

MAINE STATE LEGISLATURE

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118th MAINE LEGISLATURE

SECOND REGULAR SESSION-1998

Legislative Document

No. 2089

H.P. 1490

House of Representatives, January 20, 1998

**An Act to Establish Reasonable Fees for Reports and Other Items From
the Office of Chief Medical Examiner.**

Submitted by the Department of the Attorney General pursuant to Joint Rule 204.
Reference to the Committee on Criminal Justice suggested and ordered printed.

A handwritten signature in cursive script that reads "Joseph W. Mayo".

JOSEPH W. MAYO, Clerk

Presented by Representative McALEVEY of Waterboro.
Cosponsored by Senator MURRAY of Penobscot and
Representatives: BRUNO of Raymond, BUNKER of Kossuth Township, CLUKEY of
Houlton, COWGER of Hallowell, JONES of Greenville, MARVIN of Cape Elizabeth,
O'BRIEN of Augusta, POVICH of Ellsworth.

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

2
4 Sec. 1. 22 MRSA §3035 is enacted to read:

6 §3035. Fees

8 1. Fees. Except as provided in subsections 3 and 4, the
10 Office of Chief Medical Examiner shall charge a fee for providing
12 report documents, histological slides and other items or
 additional services sought by a person entitled to obtain that
 item or service relating to a medical examiner case. Fees are to
 be paid in advance and according to the following fee schedule:

14 A. For report documents, the fees are as follows:

16 (1) Report documents when no autopsy has been
18 performed, \$10;

20 (2) Report documents when an autopsy has been
 performed, \$25; and

22 (3) Report documents under subparagraphs (1) and (2)
24 accompanied by a certificate under section 3022,
 subsection 6, an additional fee of \$35, \$25 of which
 accrues to the Secretary of State;

26 B. For histological slides, the fees are as follows:

28 (1) For each slide, \$10;

30 (2) A handling fee per case, \$20; and

32 (3) For 21 slides or more, an additional handling fee,
34 \$20; and

36 C. For other items and services such as photographs and
38 transparencies, additional tests relating to toxicology or
 specimens and videotaping:

40 (1) A handling fee per case, \$20; and

42 (2) Anticipated costs of providing the item or
44 service, including shipping charges.

46 2. Report documents. For purposes of this section, "report
48 documents" in a medical examiner case include the written report
 under section 3028, subsection 7; the written report of the
 findings of the autopsy under section 3028, subsection 8; and
 associated reports, including, but not limited to, toxicological

2 reports, reports of forensic experts, reports of consultants and
3 reports relating to harvested organs.

4 3. Exemptions. Exemptions from paying the fees established
5 in subsection 1 are as follows.

6 A. A governmental agency is exempt from all fees in
7 subsection 1.

10 B. A health care provider who has rendered service to the
11 deceased is exempt from fees for the copy of report
12 documents under subsection 1, paragraph A, subparagraphs (1)
13 and (2).

14 C. A next of kin of the deceased, as defined under section
15 2843-A, is exempt from the fee for one copy per family of
16 report documents under subsection 1, paragraph A,
17 subparagraphs (1) and (2).

20 4. Waiver. Notwithstanding the fee schedule under
21 subsection 1, paragraph A, fees for report documents relating to
22 a medical examiner case may be waived at the discretion of the
23 Chief Medical Examiner.

24 5. Credit to the General Fund. All fees collected under
25 this section must be deposited to the General Fund as undedicated
26 revenue.

28
29
30 **SUMMARY**

32 This bill sets up a fee schedule for the Office of Chief
33 Medical Examiner providing report documents, histological slides
34 and other items or services relating to any medical examiner case
35 to persons entitled to them. "Other items or services" means
36 items or services that are not furnished in-house by the Office
37 of Chief Medical Examiner but instead must be obtained from
38 outside sources. It includes, but is not limited to, photographs
39 and transparencies, additional tests relating to toxicology or
40 specimens and videotaping. The bill defines "report documents,"
41 identifies who is to be charged and permits the Chief Medical
42 Examiner to waive the fee under certain circumstances. Finally,
43 this bill directs that all fees collected by the Office of Chief
44 Medical Examiner be deposited to the General Fund as undedicated
revenue.