

# MAINE STATE LEGISLATURE

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# 119th MAINE LEGISLATURE

## FIRST REGULAR SESSION-1999

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Legislative Document

No. 241

S.P. 102

In Senate, January 11, 1999

**An Act to Ensure that Autopsies and Toxicology Tests are Performed on  
Commercial Drivers Killed in the Course of Employment.**

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Reference to the Committee on Health and Human Services suggested and ordered printed.

A handwritten signature in cursive script that reads "Joy J. O'Brien".

JOY J. O'BRIEN  
Secretary of the Senate

Presented by Senator NUTTING of Androscoggin.  
Cosponsored by Representative CHIZMAR of Lisbon and  
Senator LaFOUNTAIN of York, Representative: WATSON of Farmingdale.

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

2  
3       **Sec. 1. 22 MRSA §3025, sub-§1**, as amended by PL 1995, c. 560,  
4 Pt. K, §82 and affected by §83, is further amended to read:

6       **1. Circumstances of death constituting medical examiner**  
7 **case.** A medical examiner case exists when remains are found  
8 ~~which~~ that may be human and raise suspicion that death has  
9 occurred under any of the following circumstances:

10       A. Violence or poisoning;

12       B. Suddenly when the person is in apparent good health and  
14 has no specific natural disease sufficient to explain death;

16       C. During diagnostic or therapeutic procedures under  
18 circumstances indicating gross negligence or when clearly  
19 due to trauma or poisoning unrelated to the ordinary risks  
20 of those procedures;

22       D. Death when the person is in custody pursuant to an  
23 arrest, confined in a state correctional facility, county  
24 institution, facility or local lockup, unless clearly  
25 certifiable by an attending physician as due to specific  
26 natural causes;

28       E. Death while the person is a patient or resident of a  
29 facility of the Department of Mental Health, Mental  
30 Retardation and Substance Abuse Services or residential care  
31 facility maintained or licensed by the Department of Human  
32 Services, unless clearly certifiable by an attending  
33 physician as due to specific natural causes;

34       F. Death suspected of being due to a threat to the public  
35 health when the authority of the medical examiner is needed  
36 to adequately study the case for the protection of the  
37 public health;

38       G. Death suspected of not having been certified, including,  
39 but not limited to, bodies brought into the State and any  
40 buried remains uncovered other than by legal exhumation;

42       H. Deaths suspected of being medical examiner cases ~~which~~  
43 that may have been improperly certified or inadequately  
44 examined, including, but not limited to, bodies brought into  
45 the State under those circumstances;

48       I. Sudden infant death syndrome deaths and all other deaths  
49 of children under ~~the age of~~ 18 years of age unless clearly  
50 certifiable

2 by an attending physician as due to specific natural causes  
unrelated to abuse or neglect;

4 J. Whenever human or possibly human remains are discovered  
not properly interred or disposed of, for which the  
6 responsibility to do so cannot be readily determined; ~~or~~

8 K. Any cause when there is no attending physician capable  
of certifying the death as due to natural causes. When a  
10 person dies who is under the care of a religious  
practitioner who uses prayer and spiritual means of healing,  
12 the fact that the deceased has been under such religious  
care does not warrant suspicion of foul play or  
14 investigation beyond that warranted by the other facts of  
the case; or

16 L. Death when the person is a commercial motor vehicle  
18 driver and the death occurs during a motor vehicle accident  
while the driver is operating a commercial motor vehicle  
20 within the scope of the driver's employment.

22 **Sec. 2. 22 MRSA §3028, sub-§6**, as enacted by PL 1979, c. 538,  
§8, is amended to read:

24 **6. Examination of body.** In all cases except those  
26 requiring a report on a body already disposed of and not to be  
exhumed for examination, the medical examiner shall conduct a  
28 thorough examination of the body. In the case of a commercial  
motor vehicle driver under section 3025, subsection 1, paragraph  
30 L, the medical examiner shall conduct a thorough examination of  
the body and shall conduct toxicology tests.

### 34 SUMMARY

36 The bill adds commercial motor vehicle drivers who die  
during motor vehicle accidents that occur during the driver's  
38 scope of employment to the list of medical examiner cases for  
autopsy. The bill requires the medical examiner to perform an  
40 autopsy and conduct toxicology tests on those commercial vehicle  
drivers.