

MAINE STATE LEGISLATURE

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120th MAINE LEGISLATURE

FIRST REGULAR SESSION-2001

Legislative Document

No. 128

S.P. 30

In Senate, January 16, 2001

An Act to Amend the State Autopsy Law.

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 McALEVEY of York.
Cosponsored by Senator WOODCOCK of Franklin, Representatives: ANDREWS of York,
McGLOCKLIN of Embden.

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

4 **Sec. 1. 5 MRSA §3360-J, sub-§3** is enacted to read:

6 3. **Certain autopsies.** The expenses of autopsies performed
8 pursuant to Title 22, section 3025, subsection 1, paragraph L
must be paid from the Victims' Compensation Fund under section
3360-H.

10 **Sec. 2. 22 MRSA §3025, sub-§1, ¶¶J and K,** as repealed and
12 replaced by PL 1985, c. 611, §6, are amended to read:

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

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

26 **Sec. 3. 22 MRSA §3025, sub-§1, ¶L** is enacted to read:

28 L. When the family of a deceased person suspects that the
30 person did not die of natural causes and requests an autopsy
32 by a medical examiner. When an autopsy is done pursuant to
a request under this paragraph, the Office of the Chief
Medical Examiner must be reimbursed for the expenses of the
autopsy from the Victims' Compensation Fund pursuant to
Title 5, section 3360-J, subsection 3.

36 **SUMMARY**

38 This bill requires a medical examiner to perform an autopsy
40 when the family of a deceased person suspects that the person did
42 not die of natural causes and requests the autopsy. The bill
requires the expenses of such an autopsy to be paid from the
Victims' Compensation Fund.