

# MAINE STATE LEGISLATURE

The following document is provided by the  
**LAW AND LEGISLATIVE DIGITAL LIBRARY**  
at the Maine State Law and Legislative Reference Library  
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied  
(searchable text may contain some errors and/or omissions)

L.D. 1645

DATE: 5-2-01

(Filing No. H-282)

**JUDICIARY**

Reproduced and distributed under the direction of the Clerk of the House.

**STATE OF MAINE  
HOUSE OF REPRESENTATIVES  
120TH LEGISLATURE  
FIRST REGULAR SESSION**

COMMITTEE AMENDMENT "A" to H.P. 1213, L.D. 1645, Bill, "An Act to Address Confidentiality of Records in the Medical Examiner Act"

Amend the bill in section 1 in subsection 8 by striking out all of paragraphs F, G and H (page 1, lines 30 to 40 in L.D.) and inserting in their place the following:

'F. Photographs and transparencies, histological slides, videotapes and other like items relating to a medical examiner case; and

G. Written or otherwise recorded communications that express or are evidence of suicidal intent obtained under section 3028, subsections 4 and 5.'

Further amend the bill in section 5 by striking out all of the first line (page 2, line 7 in L.D.) and inserting in its place the following:

'Sec. 5. 22 MRSA §3022, sub-§§12, 13, 14 and 15 are enacted to read:'

Further amend the bill in section 5 in subsection 13 in paragraph A by striking out all of the first 4 lines (page 2, lines 42 to 45 in L.D.) and inserting in their place the following:

'A. Items identified in subsection 8, paragraphs F and G may be inspected and copies obtained, upon payment of any required fee under section 3035, by:'

COMMITTEE AMENDMENT "A" to H.P. 1213, L.D. 1645

Further amend the bill in section 5 in subsection 13 by striking out all of the blocked paragraph (page 3, lines 25 to 28 in L.D.)

Further amend the bill in section 5 by striking out all of subsection 14 and inserting in its place the following:

'14. Access to report documents. Report documents, as defined in section 3035, subsection 2, in the possession or custody of a medical examiner or the Office of the Chief Medical Examiner constitute investigative information. Release and inspection are governed by Title 16, section 614. Release and inspection are also contingent upon the person's request specifying a specific decedent or decedents and the payment of any required fee under section 3035.'

'15. Testing for HIV. Notwithstanding Title 5, chapter 501, the Chief Medical Examiner in a medical examiner case may test for the human immunodeficiency virus and may disclose the test result as authorized under subsection 12.'

Further amend the bill by inserting after section 5 and before the summary the following:

'Sec. 6. 22 MRSA §3022, as amended by PL 1997, c. 643, Pt. G, §1, is further amended by adding at the end a new paragraph to read:

As used in subsections 10, 12, 13 and 14, "person" means a natural person, including a public servant, or a corporation, partnership, unincorporated association or other legal entity, including a governmental unit.'

## SUMMARY

This amendment removes report documents as defined in the Maine Revised Statutes, Title 22, section 3035, subsection 2 from the listing and treatment of information that the bill declares is confidential. A new subsection provides for the unique handling of such documents by treating report documents as "investigative information" relative to which access and dissemination is governed by Title 16, section 614. Release is further made contingent upon a person's request specifying a specific decedent or decedents and the payment of any fee required under Title 22, section 3035.

This amendment moves the paragraph defining the term "person" to the end of Title 22, section 3022.

COMMITTEE AMENDMENT "A" to H.P. 1213, L.D. 1645

2           This amendment removes from the list of confidential  
information "mechanical or electronic data compilations" because  
4           whether mechanical or electronic data compilations are to be  
treated as confidential is not determined by their physical forms  
6           but instead by the information they contain.