

# MAINE STATE LEGISLATURE

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# 120th MAINE LEGISLATURE

## FIRST REGULAR SESSION-2001

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Legislative Document

No. 1721

S.P. 559

In Senate, March 20, 2001

**An Act to Allow Expressly Authorized Persons to Conduct  
Investigations for the Chief Medical Examiner.**

(AFTER DEADLINE)

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Submitted by the Department of the Attorney General and approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 205.

Reference to the Committee on Criminal Justice 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 MARTIN of Aroostook.  
Cosponsored by Representative BERRY of Livermore.

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

2  
4       **Sec. 1. 22 MRSA §3028, sub-§1**, as amended by PL 1985, c. 611,  
§7, is further amended to read:

6       **1. Authority to conduct investigation.** The medical  
7 examiner ~~shall have~~ or the person expressly authorized by the  
8 Chief Medical Examiner has authority to conduct an investigation  
and inquiry into the cause, manner and circumstances of death in  
10 a medical examiner case. He ~~The medical examiner or authorized~~  
person shall, if ~~deemed it is determined~~ necessary, immediately  
12 proceed to the scene and, subject to the authority of the  
Attorney General, assume custody of the body for the purposes of  
14 the investigation, and shall retain custody until the  
investigation has been completed or until the Chief Medical  
16 Examiner has assumed charge of the case.

18       **Sec. 2. 22 MRSA §3028, sub-§2**, as repealed and replaced by PL  
1991, c. 97, §1, is amended to read:

20       **2. Investigation by law enforcement officer.** When death is  
22 not suspected to be the result of ~~criminal-violence~~ physical  
injury attributable to criminal conduct, the medical examiner may  
24 elect not to proceed to the scene, or the Chief Medical Examiner  
may elect not to dispatch a medical examiner or the person  
26 expressly authorized by the Chief Medical Examiner under  
subsection 1 to the scene. If the medical examiner elects not to  
28 proceed to the scene, or the Chief Medical Examiner elects not to  
dispatch a medical examiner or authorized person to the scene,  
30 the law enforcement officer in charge of the scene shall:

32       A. Investigate ~~and photograph the scene,~~ take photographs  
and take possession of useful objects as directed by the  
34 medical examiner, authorized person or the Office of the  
Chief Medical Examiner pursuant to subsection 4;

36       ~~B. Take possession of all objects that in the opinion of~~  
38 ~~the medical examiner or Office of Chief Medical Examiner may~~  
~~be useful in establishing the cause, manner and~~  
40 ~~circumstances of death;~~

42       C. Remove the body in accordance with the instructions of  
the medical examiner, authorized person or the Office of the  
44 Chief Medical Examiner; and

46       D. Make a report of the investigation available to the  
medical examiner, authorized person or the Office of the  
48 Chief Medical Examiner.

50       **Sec. 3. 22 MRSA §3028, sub-§3**, as amended by PL 1985, c. 611,  
§7, is further amended to read:

2           **3. Assistance of law enforcement agency.** The medical  
3 examiner, the person expressly authorized by the Chief Medical  
4 Examiner or the pathologist as described in subsection 8, may  
5 request the assistance and use of the facilities of the law  
6 enforcement agency having jurisdiction over the case for the  
7 purposes of photographing, fingerprinting or otherwise  
8 identifying the body. That agency shall provide the medical  
9 examiner, authorized person or pathologist with a written report  
10 of the steps taken in providing the assistance.

12           **Sec. 4. 22 MRSA §3028, sub-§4,** as amended by PL 1995, c. 272,  
13 §1, is further amended to read:

14           **4. Possession of useful objects.** Except as otherwise  
15 directed by the Attorney General, the Attorney General's deputies  
16 or assistants, the medical examiner, the person expressly  
17 authorized by the Chief Medical Examiner or the Office of the  
18 Chief Medical Examiner may direct that a law enforcement officer  
19 at the scene make measurements, take photographs and take  
20 possession of all objects that in the opinion of the medical  
21 examiner, authorized person or the Office of the Chief Medical  
22 Examiner may be useful in establishing the cause, manner and  
23 circumstances of death. For these same purposes, the medical  
24 examiner, authorized person or the Office of the Chief Medical  
25 Examiner may direct that a law enforcement officer take  
26 possession of any objects or specimens that have been removed  
27 from the victim at the scene or elsewhere while under medical  
28 care.

30           **Sec. 5. 22 MRSA §3028, sub-§5,** as amended by PL 1995, c. 272,  
31 §2, is further amended to read:

34           **5. Requests for objects.** Any person having possession of  
35 any object or objects, as described in subsection 4, shall at the  
36 request of the medical examiner or the person expressly  
37 authorized by the Chief Medical Examiner give that object or  
38 objects to a law enforcement officer, to the medical examiner, to  
39 the authorized person or to the Office of the Chief Medical  
40 Examiner. Medical personnel and institutions turning over any  
41 objects or specimens that have been removed from the victim while  
42 under medical care are immune from civil or criminal liability  
43 when complying with this subsection. Original written or  
44 recorded material that might express suicidal intent must be sent  
45 to the Office of the Chief Medical Examiner. The Chief Medical  
46 Examiner may elect to accept copies in place of originals.

48           **Sec. 6. 22 MRSA §3028, sub-§6,** as enacted by PL 1979, c. 538,  
49 §8, is amended to read:

50           **6. Examination of body.** In all cases except those

2 requiring a report on a body already disposed of and not to be  
3 exhumed for examination, the medical examiner or the person  
4 expressly authorized by the Chief Medical Examiner shall conduct  
5 a thorough examination of the body.

6 **Sec. 7. 22 MSA §3028, sub-§7**, as amended by PL 1995, c. 272,  
7 §3, is further amended to read:

8  
9 **7. Written report.** Upon completing an investigation, the  
10 medical examiner or the person expressly authorized by the Chief  
11 Medical Examiner shall submit a written report of the  
12 investigator's findings to the Chief Medical Examiner on forms  
13 provided for that purpose. The ~~medical--examiner~~ investigator  
14 shall retain one copy of the report.

15 If a ~~medical--examiner~~ an investigator reports suspected abuse,  
16 neglect or exploitation to the Chief Medical Examiner, the Chief  
17 Medical Examiner, by reporting that information to the department  
18 on behalf of the ~~medical--examiner~~ investigator, fulfills the  
19 medical examiner's mandatory reporting requirement under section  
20 3477 or 4011.

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## 23 SUMMARY

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25 This bill allows the Chief Medical Examiner to expressly  
26 authorize a person to conduct the investigation and examination  
27 on any case reported to the Office of Chief Medical Examiner.  
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