

MAINE STATE LEGISLATURE

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128th MAINE LEGISLATURE

FIRST REGULAR SESSION-2017

Legislative Document

No. 534

H.P. 378

House of Representatives, February 9, 2017

**An Act To Amend the Laws Governing the Circumstances of Death
That Must Be Reported to the Office of Chief Medical Examiner**

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

Robert B. Hunt

ROBERT B. HUNT
Clerk

Presented by Representative MOONEN of Portland.
Cosponsored by Senator WHITTEMORE of Somerset.

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

2 **Sec. 1. 22 MRSA §3025, sub-§1**, as amended by PL 2011, c. 420, Pt. D, §2 and
3 affected by §6, is further amended to read:

4 **1. Circumstances of death that must be reported.** A medical examiner case may
5 exist and must be reported as provided in section 3026 when remains are found that may
6 be human and raise suspicion that death has occurred under any of the following
7 circumstances:

8 A. Death is suspected of having been caused by any type of physical injury,
9 including poisoning, regardless of whether the suspected manner of death is
10 homicide, suicide or accident. This circumstance must be reported irrespective of
11 whether the deceased had been attended by a physician, was a patient in a hospital,
12 survived for a considerable time following the physical injury or died from terminal
13 natural causes consequent to and following the physical injury;

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

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

19 D. Death when the person is in custody pursuant to an arrest, confined in a state
20 correctional or detention facility, county jail, other county correctional or detention
21 facility or local lockup or is on the way to or from a courthouse or any of these places
22 while in the custody of a law enforcement officer or county or state corrections
23 official;

24 E. Death while the person is a patient or resident of a facility of the Department of
25 Health and Human Services or residential care facility maintained or licensed by the
26 Department of Health and Human Services, unless clearly certifiable by an attending
27 physician as due to specific natural causes;

28 F. Death suspected of being due to a threat to the public health when the authority of
29 the medical examiner is needed to adequately study the case for the protection of the
30 public health;

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

34 H. Deaths suspected of being medical examiner cases which may have been
35 improperly certified or inadequately examined, including, but not limited to, bodies
36 brought into the State under those circumstances;

37 I. Sudden infant death syndrome deaths and all other deaths of children under the age
38 of 18 unless clearly certifiable by an attending physician as due to specific natural
39 causes unrelated to abuse or neglect;

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

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

6 In the absence of any of the circumstances outlined in this section, the fact that a patient
7 dies within 24 hours of admission to a hospital or other health care facility need not be
8 reported to the Office of Chief Medical Examiner.

9 In any case in which the necessity of a report is questionable, a report must be made.

10 **Sec. 2. 22 MRSA §3025, sub-§1-A, ¶A,** as enacted by PL 2003, c. 433, §4, is
11 amended to read:

12 A. Deaths due to the consequences of ~~long-term alcohol use~~, long-term exposure to
13 environmental or occupational toxins or long-term exposure to carcinogens;

14 **SUMMARY**

15 This bill amends the law governing the Department of the Attorney General, Office
16 of Chief Medical Examiner as follows.

17 1. It clarifies that, absent certain other circumstances, the fact that a patient dies
18 within 24 hours of admission to a hospital or other health care facility need not be
19 reported to the Office of Chief Medical Examiner.

20 2. It removes the requirement that deaths due to the consequences of long-term
21 alcohol use be reported to the Office of Chief Medical Examiner.