

# MAINE STATE LEGISLATURE

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# ACTS AND RESOLVES

AS PASSED BY THE

## One Hundred and Fourth Legislature

OF THE

# STATE OF MAINE

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PUBLIC LAWS  
OF THE  
STATE OF MAINE  
AS PASSED BY THE  
ONE HUNDRED AND FOURTH LEGISLATURE  
1969

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to be suffering from a mental disease or mental defect, so as to endanger the public, the court in which he was tried, may by order, stating the fact of such mental disease or mental defect, recommit him to the custody of the Commissioner of Mental Health and Corrections for placement as provided in section 103.

Director's note: Amended by 1969 Public Laws, chapter 604, section 24-E.

Effective October 1, 1969

## Chapter 377

### AN ACT Transferring Arson Investigation Authority from Insurance Department to the Department of the Attorney General.

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

**Sec. 1. R. S., T. 25, § 2391, amended.** The 6th sentence of section 2391 of Title 25 of the Revised Statutes is amended to read as follows:

Such fire inspectors shall furnish the **Attorney General** and the Insurance Commissioner with such information as ~~he they or either of them~~ may require and shall perform such inspections as ~~the Insurance Commissioner they or either of them~~ may direct.

**Sec. 2. R. S., T. 25, § 2394, amended.** Section 2394 of Title 25 of the Revised Statutes is amended to read as follows:

#### § 2394. Investigation of fire origin; **Attorney General** may direct

When property is destroyed or damaged by fire the municipal officers in cities and towns shall immediately notify ~~the Insurance Commissioner of the same~~ a member of the Division of State Fire Prevention who shall notify the **Attorney General** if arson is suspected and shall investigate the cause, circumstances and origin of the fire, and especially examine whether it was the result of carelessness or of design. The investigation shall be commenced within 3 days after the occurrence of the fire, not including the Lord's Day ~~and the Insurance Commissioner.~~ **The Attorney General** may supervise and direct such investigation whenever he deems it expedient or necessary.

**Sec. 3. R. S., T. 25, § 2395, amended.** Section 2395 of Title 25 of the Revised Statutes is amended to read as follows:

#### § 2395. Filing statement of cause of fire; record open to public

When the municipal officers have completed their investigation, which shall be within 2 weeks after the occurrence of the fire, they shall immediately file with the ~~Insurance Commissioner~~ Division of State Fire Prevention a written

statement of all the facts relating to the cause, circumstances and origin of the fire, the kind, value and ownership of the property destroyed or damaged and such other information as may be required by said commissioner. ~~The Insurance Commissioner shall make a record of all fires investigated under sections 2394 to 2401, together with all facts, statistics and circumstances connected therewith. When arson is suspected, the Division of State Fire Prevention shall forward a copy of such statement to the Attorney General. Such record statement shall at all times be open to public inspection and such portions of it as the said commissioner deems expedient shall be published in his annual report to the Governor and Council, except in such instances as the Attorney General requires because of pending criminal investigation.~~

Sec. 4. R. S., T. 25, § 2396, amended. Section 2396 of Title 25 of the Revised Statutes is amended to read as follows:

#### § 2396. Examination of cause of fire by Attorney General

The ~~Insurance Commissioner~~ Attorney General may, whenever he deems it expedient or advisable, examine or cause to be examined the cause, circumstances and origin of all fires occurring in the cities and towns within the State, of which he has knowledge, by which property is damaged or destroyed and may specially examine and decide whether the same was the result of carelessness or design. ~~The Insurance Commissioner shall, when in his opinion said proceedings are necessary,~~ Attorney General may take or cause to be taken the testimony on oath of all persons supposed to be cognizant of any facts or to have means of knowledge in relation to the matters as to which such examination is made, and may cause the same to be reduced to writing. If he shall be of the opinion that there is evidence sufficient to charge any person with the crime of arson or incendiarism, he shall cause such person to be arrested and charged with such offense ~~and shall furnish to the proper county attorney all such evidence, together with the names of witnesses and all information obtained by him, including a copy of all pertinent and material testimony in the case.~~

Sec. 5. R. S., T. 25, § 2397, repealed and replaced. Section 2397 of Title 25 of the Revised Statutes is repealed and the following enacted in place thereof:

#### § 2397. Witnesses; investigations private

The Attorney General, or his designee, shall have the power to summon and compel the attendance of witnesses before them or either of them, to testify in relation to any matter which is by sections 2394 to 2396 a subject of inquiry and investigation, and to compel the production of all books, records, documents and papers pertaining to said subject of inquiry and investigation. The Attorney General, or his designee, may administer oaths and affirmations to persons appearing as witnesses before them; and false swearing in any matter or proceeding aforesaid shall be deemed perjury and shall be punished as such.

The Insurance Commissioner, the Attorney General, or their designees, shall have authority, at all times of the day or night, in the performance of the duties imposed upon them, to enter upon and examine any building or premises where a fire is in progress or has occurred and other buildings or premises adjoining or near the same. Persons other than those required to be

present by the provisions hereof may be excluded from the place where such investigation is held and witnesses may be kept separate and apart from one another and not allowed to communicate with one another until they have been examined.

Effective October 1, 1969

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## Chapter 378

### AN ACT Relating to Communications Between Physicians and Patients.

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

R. S., T. 32, § 3153, additional. Title 32 of the Revised Statutes is amended by adding a new section 3153 to read as follows:

#### § 3153. Communications between physicians and patients

Except at the request of, or with the consent of, the patient, no duly licensed physician shall be required to testify in any civil or criminal action, suit or proceeding at law or in equity respecting any information which he may have acquired in attending, examining or treating the patient in a professional capacity if such information was necessary to enable him to furnish professional care to the patient. However, when the physical or mental condition of the patient is at issue in such action, suit or proceeding or when a court in the exercise of sound discretion, deems such disclosure necessary to the proper administration of justice, no information communicated to, or otherwise learned by, such physician in connection with such attendance, examination or treatment shall be privileged and disclosure may be required.

Nothing in this section shall prohibit disclosure by a physician of information concerning a patient when such disclosure is required by law.

Effective October 1, 1969

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## Chapter 379

### AN ACT Revising the Law Regulating the Alteration of Wetlands.

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

Sec. 1. R. S., T. 12, § 4701, amended. The first sentence of section 4701 of