

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE
AS PASSED BY THE

ONE HUNDRED AND TENTH LEGISLATURE

FIRST REGULAR SESSION
December 3, 1980 to June 19, 1981

AND AT THE

FIRST SPECIAL SESSION
August 3, 1981

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PUBLIC LAWS
OF THE
STATE OF MAINE

AS PASSED AT THE
FIRST REGULAR SESSION

of the
ONE HUNDRED AND TENTH LEGISLATURE

1981

CHAPTER 242

S. P. 507 — L. D. 1434

AN ACT Concerning the Investigative Authority of the Attorney General and
Related Provision.

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

Sec. 1. 5 MRSA §§ 200-E and 200-F are enacted to read:

§ 200-E. Medical records furnished to Attorney General in certain medical
examiner cases

In any medical examiner case, as defined in Title 22, section 3025, where medical treatment has been provided to the decedent who is the subject of the case, upon written request by the Attorney General, any individual, partnership, association, corporation, institution or governmental entity which has rendered such treatment shall forthwith provide the Attorney General with all medical records pertaining to the decedent and the treatment rendered.

This section does not preclude the medical examiner from directly inspecting or obtaining any medical records pertaining to a case under his jurisdiction. The records shall be promptly provided to the medical examiner or his designated pathologist acting in the regular course of inquiry or study as provided in Title 22, section 3028. When the records are incorporated into the files of the medical examiner or Office of Chief Medical Examiner they are confidential and not available to public inspection.

Reasonable costs incurred by any individual, partnership, association, corporation or institution or government entity providing copies of medical records shall be borne by the Attorney General.

§ 200-F. Telephone communication by kidnappers

Whenever the Attorney General has reason to believe that one or more persons have been kidnapped, as defined by Title 17-A, section 301, he shall have the authority to order a public utility company employee to cut, reroute or divert telephone lines for the purpose of preventing telephone communication by the kidnapper with any person other than a law enforcement officer or a person authorized by a law enforcement officer to receive or transmit those communications.

Sec. 2. 22 MRSA § 15 is enacted to read:

§ 15. Civil liability of persons making false claims

Any person, firm, association, partnership, corporation or other legal entity who makes or causes to be made or presents or causes to be presented for payment or approval any claim upon or against the department or upon any funds administered by the department, knowing such claim to be false, fictitious or fraudulent or who, for the purpose of obtaining or aiding another to obtain the payment or approval of such a claim, makes any false written statement or submits any false document which he does not believe to be true, or who enters into any agreement, combination or conspiracy to defraud the department by obtaining the payment or approval of any false, fictitious or fraudulent claim, shall, in addition to any criminal liability which may be provided by law, be subject to civil suit by this State in the Superior Court for recovery of damages to include the following:

1. Restitution. Restitution for all excess benefits or payments made;
2. Payment of interest. Payment of interest on the amount of the excess benefits or payments as set forth in subsection 1 at the maximum legal rate in effect on the date the payment was made and computed for the date payment was made to the date on which repayment is made;
3. Payment of damages. Payment of damages, without regard to the amount in controversy, in an amount which is threefold the amount of such excess benefits or payments as set forth in subsection 1, but in any case not less than \$2,000 for each false claim for assistance, benefits or payments, or for each document submitted in support of such false claim, whichever is the greater amount; and
4. Cost of the suit. Cost of the suit.

Sec. 3. 22 MRSA § 3024, as last amended by PL 1979, c. 538, § 4, is further amended by adding at the end a new paragraph to read:

If the Chief Medical Examiner or employees of his office, at their discretion, provide expert opinion or testimony relating to Maine medical examiner cases on behalf of private litigants, the Chief Medical Examiner may, at his discretion, set a reasonable fee for these services, preparation leading to them and expenses incurred in providing them. All fees, charges or other receipts shall be credited to the General Fund. Medical examiners and consultants who serve the State on a fee per case basis are excluded from this paragraph and may make private arrangements for these services.

Effective September 18, 1981

CHAPTER 243

S. P. 94 — L. D. 213

AN ACT to Conform the Maine Consumer Credit Code to the Federal Truth-in-Lending Simplification and Reform Act.