

# MAINE STATE LEGISLATURE

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**LAWS**  
OF THE  
**STATE OF MAINE**

AS PASSED BY THE  
ONE HUNDRED AND THIRTEENTH LEGISLATURE  
FIRST REGULAR SESSION

December 3, 1986 to June 30, 1987

Chapters 1-542

PUBLISHED BY THE REVISOR OF STATUTES  
IN ACCORDANCE WITH MAINE REVISED STATUTES ANNOTATED,  
TITLE 3, SECTION 163-A, SUBSECTION 4.

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Twin City Printery  
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**PUBLIC LAWS**

OF THE

**STATE OF MAINE**

AS PASSED AT THE  
FIRST REGULAR SESSION  
of the  
ONE HUNDRED AND THIRTEENTH LEGISLATURE  
1987

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B. Mussels kept or washed in waters sterilized with a system that has been approved in writing by the commissioner, provided that the waters are also approved for that use.

Effective September 29, 1987.

## CHAPTER 329

S.P. 437 — L.D. 1317

### AN ACT to Modify Certain Sections of the Medical Examiner Act to Control Public Dissemination of Information Placed on the Death Certificate by the Medical Examiner in Cases under Investigation by the Attorney General's Office.

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

Sec. 1. 22 MRSA §2842, sub-§3, as amended by PL 1985, c. 611, §2, is further amended to read:

3. Medical certificate by medical examiner. When a death occurs under circumstances which make it a medical examiner case as defined in section 3025, or when inquiry as to the cause of death is required by law, the medical examiner shall complete and sign the medical certification within 24 hours of the time he is notified of the death, unless the remains must be held longer before release to complete studies or investigation. A certification need not be completed before the remains are ready for release.

The medical examiner shall be responsible for the identity of the deceased and the time, date, place, cause, manner and circumstances of death on the death certificate. Entries may be left "pending" if further study is needed; or, at the specific direction of the Attorney General relative to cases under investigation by his office, entries shall be left "withheld" until such time as the Attorney General, in his sole discretion, determines that any criminal investigation and prosecution will not be harmed by public disclosure of such information. Notwithstanding section 2706, subsection 4, unless directed otherwise by the Attorney General as specified in this subsection, this information for which the medical examiner is responsible may be made available to the general public by the Office of the Chief Medical Examiner.

Sec. 2. 22 MRSA §3022, as repealed and replaced by PL 1985, c. 611, §4 and as amended by PL 1985, c. 785, Pt. B, §90, is repealed and the following enacted in its place:

#### §3022. Office of Chief Medical Examiner

1. Appointment and qualifications of the Chief Medical Examiner. There is created, in the Department of the Attorney General, the Office of Chief Medical Ex-

aminer for the State. The Chief Medical Examiner shall be appointed by the Governor for a term of 7 years and until his successor is appointed and qualified. The Chief Medical Examiner shall possess a degree of doctor of medicine or doctor of osteopathy, be licensed to practice in the State and be expert in the specialty of forensic pathology. Expertise in the specialty of forensic pathology may be established either by certification in forensic pathology by the American Board of Pathology or the American Osteopathic Board of Pathology or by successful completion of an examination to test expertise in forensic pathology designed for the State by acknowledged experts in the field selected by the Governor. Any vacancy in the Office of Chief Medical Examiner shall be filled by appointment by the Governor for a full term of 7 years. The Chief Medical Examiner may hire, subject to the Civil Service Law, necessary office and laboratory personnel to carry out the proper functioning of his office.

2. Appointment and qualifications of the Deputy Chief Medical Examiner. The Chief Medical Examiner may select one or more of the medical examiners to serve as deputy chief medical examiners. The Deputy Chief Medical Examiner shall serve at the pleasure of the Chief Medical Examiner and, if salaried, shall be unclassified. In the event of his temporary absence, the Chief Medical Examiner or, if he is unavailable, the Attorney General may designate one of the deputy chief medical examiners to serve as acting Chief Medical Examiner. The acting Chief Medical Examiner shall have all of the powers and responsibilities of the Chief Medical Examiner.

3. Certification and completion of reports of deaths. The Office of Chief Medical Examiner shall be responsible for certification and completion of reports of deaths identified as medical examiner cases by section 3025. This shall be accomplished by examination of bodies and useful objects and by investigation and inquiry into the circumstances surrounding the deaths. The Office of Chief Medical Examiner may compile and preserve records and data relating to criminal prosecution, public health, public safety and vital statistics, as these relate to his responsibilities.

4. Judgments of the medical examiners. Judgments of the medical examiners as to the identity of the deceased and the cause, manner, date, time and place of death shall be made with reasonable care based on a preponderance of the evidence.

5. Custodian of records. The Chief Medical Examiner shall be the custodian of the records of the Office of Chief Medical Examiner. Copies of those records not declared confidential in subsection 8 shall be available upon written request.

6. Certificate as evidence. Notwithstanding any other provision of law or rule of evidence, the certificate of the Chief Medical Examiner, under seal of the State, shall be received in any court as prima facie evidence

of any fact stated in the certificate or documents attached to the certificate. The certificate under the seal shall be presumed to be that of the Chief Medical Examiner. A facsimile of the signature of the Chief Medical Examiner imprinted on any certificate described in this subsection shall have the same validity as his written signature and shall be admissible in court.

7. Medical records provided. In any medical examiner case, upon oral or written request of the medical examiner, any individual, partnership, association, corporation, institution or governmental entity which has rendered treatment pertaining to the medical examiner case shall as soon as practicable provide the medical examiner with all medical records pertaining to the person and the treatment provided.

8. Certain information confidential. When in the custody of a medical examiner, contents of suicide notes, reproductions of medical reports and reports compiled by the police incorporated into the file, communications with the Department of the Attorney General, death certificates and any amendments made to the certificates, except for the information for which the medical examiner is responsible, as listed in section 2842, subsection 3, and not ordered "withheld" by the Attorney General, and reports pertaining to cases under investigation by his office shall be confidential.

9. Release of medical examiner's reports. State, county and local agencies and institutions, public and private, in possession of reports of the Office of Chief Medical Examiner shall not release them, but shall refer all the requests to the Office of Chief Medical Examiner. The Office of Chief Medical Examiner need not release medical examiner reports to the public until a next of kin has been contacted.

10. Cooperation with research requests. The Office of Chief Medical Examiner shall cooperate with research requests by supplying abstracted data and copies of reports to interested persons and agencies consistent with the available resources of the office.

Effective September 29, 1987.

## CHAPTER 330

H.P. 964 — L.D. 1293

### AN ACT to Allow the Employment of Part-time Superintendents of Schools.

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

Sec. 1. 20-A MRSA §1055, sub-§8, as amended by PL 1983, c. 806, §12, is repealed and the following enacted in its place:

8. Full-time employment. The entire time of a full-

time superintendent shall be devoted to superintendence in the school supervisory unit which employs the superintendent. A full-time superintendent may perform educational service outside of the supervisory unit with the approval of the commissioner and with the consent of the school board.

Sec. 2. 20-A MRSA §1055, sub-§8-A is enacted to read:

8-A. Part-time employment. A superintendent who is employed as a part-time superintendent shall perform the duties agreed upon between the superintendent and the employing school board, subject to approval by the commissioner.

Effective September 29, 1987.

## CHAPTER 331

S:P. 351 — L.D. 1043

### AN ACT to Ensure Accessibility to Mental Health Services for Deaf Persons.

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

34-B MRSA §3005, as enacted by PL 1985, c. 467, is repealed and the following is enacted in its place:

§3005. Services to persons who are deaf or hearing impaired

1. Accommodations and services. The Bureau of Mental Health shall provide accommodations and services for deaf or hearing impaired persons providing access to mental health programs funded or licensed by the bureau. These accommodations shall include, but are not limited to, the following:

A. Appropriate mental health assessments for deaf clients;

B. Provision of interpreter services for treatment;

C. Education and training for mental health staff providing treatment to deaf persons;

D. Placement of telecommunication devices for the deaf in comprehensive community mental health facilities;

E. Support and training for families with deaf members who experience a mental health problem; and

F. Establishment of a therapeutic residence program for persons who are deaf and in need of residential mental health treatment. The therapeutic residence program shall be operated in conjunction with existing rehabilitation, education, mental health treatment