

# MAINE STATE LEGISLATURE

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

**AS PASSED BY THE**  
**ONE HUNDRED AND TWENTIETH LEGISLATURE**  
**FIRST REGULAR SESSION**  
**December 6, 2000 to June 22, 2001**

**THE GENERAL EFFECTIVE DATE FOR**  
**FIRST REGULAR SESSION**  
**NON-EMERGENCY LAWS IS**  
**SEPTEMBER 21, 2001**

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

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**J.S. McCarthy Company**  
**Augusta, Maine**  
**2001**

## CHAPTER 291

S.P. 559 - L.D. 1721

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

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

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

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

**Sec. 2. 22 MRSA §3028, sub-§2**, as repealed and replaced by PL 1991, c. 97, §1, is amended to read:

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

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

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

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

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

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

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

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

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

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

**5. Requests for objects.** Any person having possession of any object or objects, as described in subsection 4, shall at the request of the medical examiner ~~or the person expressly authorized by the Chief Medical Examiner~~ give that object or objects to a law enforcement officer, to the medical examiner, to the authorized person or to the Office of ~~the~~ Chief Medical Examiner. Medical personnel and institutions turning over any objects or specimens that have been removed from the victim while under medical care are

immune from civil or criminal liability when complying with this subsection. Original written or recorded material that might express suicidal intent must be sent to the Office of the Chief Medical Examiner. The Chief Medical Examiner may elect to accept copies in place of originals.

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

**6. Examination of body.** In all cases except those requiring a report on a body already disposed of and not to be exhumed for examination, the medical examiner or the person expressly authorized by the Chief Medical Examiner shall conduct a thorough examination of the body.

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

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

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

See title page for effective date.

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## CHAPTER 292

H.P. 1248 - L.D. 1696

### An Act to Allow the Chief Medical Examiner to Assume the Responsibility for the Disposition of Human Remains

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

**Sec. 1. 22 MRSA §3028-D** is enacted to read:

**§3028-D. Disposal of identified human remains without connection to State and unidentified human remains**

**1. Assumption of responsibility.** The Chief Medical Examiner may assume responsibility for proper disposition of the identified human remains of

a deceased nonresident of this State or unidentified human remains that are the subject of a medical examiner case if the Chief Medical Examiner has made reasonable inquiry and is unable to locate:

A. Next of kin or a person or governmental unit legally responsible for the human remains; or

B. A person or governmental unit otherwise willing to assume responsibility for the human remains.

**2. Necessary expenses.** The expenses incurred by the Chief Medical Examiner must be paid as follows.

A. The department shall pay any necessary expenses incurred by the Chief Medical Examiner as to:

(1) Unidentified human remains that, after reasonable inquiry, the Chief Medical Examiner has determined not to be the human remains of an illegal alien; and

(2) A deceased nonresident other than an illegal alien.

B. The Department of the Attorney General shall pay any necessary expenses incurred by the Chief Medical Examiner as to:

(1) A deceased nonresident who is an illegal alien; and

(2) Unidentified human remains that, after reasonable inquiry, the Chief Medical Examiner has determined to be the human remains of an illegal alien.

See title page for effective date.

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## CHAPTER 293

H.P. 1334 - L.D. 1790

### An Act to Create the Healthy Maine Prescription Program

**Emergency preamble.** Whereas, Acts of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, the low-income citizens of the State are facing a lack of needed prescription drug services due to the high cost of such services; and

Whereas, the lack of such services poses a health threat to these citizens; and