

# MAINE STATE LEGISLATURE

The following document is provided by the  
**LAW AND LEGISLATIVE DIGITAL LIBRARY**  
at the Maine State Law and Legislative Reference Library  
<http://legislature.maine.gov/lawlib>



Reproduced from electronic originals  
(may include minor formatting differences from printed original)

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

**AS PASSED BY THE**

**ONE HUNDRED AND TWENTY-FIFTH LEGISLATURE**

**FIRST REGULAR SESSION**  
**December 1, 2010 to June 29, 2011**

**THE GENERAL EFFECTIVE DATE FOR**  
**FIRST REGULAR SESSION**  
**NON-EMERGENCY LAWS IS**  
**SEPTEMBER 28, 2011**

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

---

---

**Augusta, Maine**  
**2011**

**2. Statistical research.** The state registrar may permit the use of data contained in vital records for purposes of statistical research. Such data may not be used in a manner that will identify any individual.

**3. National statistics.** The national agency responsible for compiling national vital statistics may be furnished such copies or data as it may require for national statistics. The State must be reimbursed for cost of furnishing such copies or data, and such data may not be used in a manner that will identify any individual, except as authorized by the state registrar.

**4. Unlawful disclosure of data.** It is unlawful for any employee of the State or of any municipality in the State to disclose data contained in such records, except as authorized in this section and except that a clerk of a municipality may cause to be printed in the annual town report the births reported within the year covered by the report, by number of births and location by city or town where birth occurred, deaths reported within the year covered by the report, by date of death, name, age and location by city or town where death occurred, and marriages reported within the year covered by the report by names of parties and date of marriage. All other details of birth, marriage, divorce or death may not be available to the general public, except as specified in department rules.

**5. Records disclosed.** ~~Vital~~ Certified or noncertified copies of vital records of a person must be made available at any reasonable time upon that person's request or the request of that person's spouse, registered domestic partner, ~~descendants~~ descendant, parents parent or guardians guardian, grandparent, sibling, stepparent, stepchild, aunt, uncle, niece, nephew, mother-in-law, father-in-law, personal representative or that person's duly designated attorney or agent or attorney for an agent designated by that person or by a court having jurisdiction over that person whether the request be made in person, by mail, by telephone or otherwise, if the state registrar is satisfied as to the identity of the requester and, if an attorney or agent, if the state registrar is satisfied as to the attorney attorney's or agent's authority to act as that person's agent or attorney. If the agent or attorney has been appointed by a court of competent jurisdiction, or the attorney attorney's or agent's appearance for the person is entered therein, the state registrar shall upon request so ascertain by telephone call to the register, clerk or recorder of the court, and this must be deemed sufficient justification to compel compliance with the request for the record. The state registrar shall, as soon as possible, designate persons in the Office of Data, Research and Vital Statistics who may act in the state registrar's absence or, in case of the state registrar's disqualification, to carry out the intent of this subsection. A record of birth, death, fetal death, marriage, divorce or domestic partner registration may be disclosed as necessary for the department to carry out its responsibilities.

**6. Address Confidentiality Program.** Access to vital records may be further restricted within the parties listed in subsection 5 according to procedures of the Address Confidentiality Program under Title 5, section 90-B.

**7. Public records.** After ~~400~~ 75 years from the date of birth for birth certificates, after ~~400~~ 50 years from the date of death for fetal death certificates ~~and~~, after 25 years from the date of death for death certificates, after ~~400~~ 50 years from the date of marriage for marriage certificates and after ~~400~~ 50 years from the registration of domestic partnerships, any person may obtain ~~informational~~ noncertified copies of these vital records in accordance with the department's rules. Certificates and records of birth, marriage and death, including fetal death, created prior to 1892 are open to the public without restriction. All persons may purchase a copy on municipal letterhead or a noncertified copy of a vital record created prior to 1892.

**8. Genealogical research.** Custodians of certificates and records of birth, marriage and death ~~may~~ shall permit inspection of records by and issue noncertified copies to researchers engaged in genealogical research who hold researcher identification cards, as specified by rule adopted by the department. The department shall adopt rules to implement this subsection. Rules adopted by the department pursuant to this subsection are routine technical rules as defined by Title 5, chapter 375, subchapter 2-A.

See title page for effective date.

---



---

## CHAPTER 59

### H.P. 450 - L.D. 592

#### An Act Regarding Forensic Examination Kits

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

**Sec. 1. 24 MRSA §2986, sub-§3**, as amended by PL 2005, c. 538, §1, is further amended to read:

**3. Completed kit.** If the alleged victim has not reported the alleged offense to a law enforcement agency when the examination is complete, the hospital or health care practitioner shall then notify the nearest law enforcement agency, which shall transport and store the completed forensic examination kit for at least 90 days. The completed kit may be identified only by the tracking number. If during that 90-day period an alleged victim decides to report the alleged offense to a law enforcement agency, the alleged victim may contact the hospital or health care practitioner to determine the tracking number. The hospital or health care practitioner shall provide the alleged victim with the tracking number on the forensic examina-

tion kit and shall inform the alleged victim which law enforcement agency is storing the kit.

If the alleged victim reports the alleged offense to a law enforcement agency by the time the examination is complete, the investigating law enforcement agency shall ~~transport~~ retain custody of the forensic examination kit ~~directly to the Maine State Police Crime Laboratory.~~

If an examination is performed under subsection 5 and the alleged victim does not, within 60 days, regain a state of consciousness adequate to decide whether or not to report the alleged offense, the State may file a motion in the District Court relating to storing or processing the forensic examination kit. Upon finding good cause and after considering factors, including, but not limited to, the possible benefits to public safety in processing the kit and the likelihood of the alleged victim's regaining a state of consciousness adequate to decide whether or not to report the alleged offense in a reasonable time, the District Court may order either that the kit be stored for additional time or that the kit be transported to the Maine State Police Crime Laboratory for processing, or such other disposition that the court determines just. In the interests of justice or upon motion by the State, the District Court may conduct hearings required under this paragraph confidentially and in camera and may impound pleadings and other records related to them.

See title page for effective date.

---



---

**CHAPTER 60**

**H.P. 145 - L.D. 168**

**An Act To Require a Medical Examiner To Determine whether an Autopsy Is Needed in the Case of the Death of a Prisoner in a Correctional Facility**

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

**Sec. 1. 22 MRSA §3025, sub-§1, ¶D,** as repealed and replaced by PL 1985, c. 611, §6, is amended to read:

D. Death when the person is in custody pursuant to an arrest, confined in a state correctional facility, county ~~institution~~ jail, other correctional facility or local lockup, unless clearly certifiable by an attending physician as due to specific natural causes or is in transport between any of these places while in the custody of a law enforcement officer or county or state corrections official;

**Sec. 2. 30-A MRSA §1562-A** is enacted to read:

**§1562-A. Death of a prisoner**

When a prisoner in county or state custody dies, an examination and inquest must be held, and the commissioner or the chief administrative officer of the facility shall cause a medical examiner to be immediately notified for that purpose pursuant to Title 22, section 3025. For purposes of this section, "county or state custody" means custody pursuant to an arrest, confinement in a state correctional facility, county jail, other correctional facility or local lockup or when the prisoner is in transport between any of these places while in the custody of a law enforcement officer or county or state corrections official. The medical examiner shall also review the case file and relevant medical records and determine whether an autopsy is needed. If the medical examiner determines that an autopsy is needed, an autopsy must be performed.

**Sec. 3. 30-A MRSA §1563,** as enacted by PL 1987, c. 737, Pt. A, §2 and Pt. C, §106 and amended by PL 1989, c. 6; c. 9, §2; and c. 104, Pt. C, §§8 and 10, is further amended to read:

**§1563. Disposal of body of person who died in jail**

When a person dies in jail and if the medical examiner determines that an autopsy is not needed under section 1562-A, the jailer or sheriff shall deliver the body to the friends of the deceased, if requested. Otherwise, the jailer or sheriff shall dispose of it for anatomical purposes, as provided in Title 22, chapter 709, unless the deceased at any time requested to be buried, in which case the jailer or sheriff shall bury the body in the common burying ground and the burial expenses ~~shall~~ must be paid by the municipality in which the deceased had a residence, if any in the State, or, if not, by the State.

**Sec. 4. 34-A MRSA §3045,** as amended by PL 1991, c. 314, §49, is further amended to read:

**§3045. Death of client**

~~When the death of any client in any correctional or detention facility is not clearly the result of natural causes~~ county or state custody dies, an examination and inquest must be held as in other cases, and the commissioner or the chief administrative officer of the facility shall cause a medical examiner to be immediately notified for that purpose pursuant to Title 22, section 3025. For purposes of this section, "county or state custody" means custody pursuant to an arrest, confinement in a state correctional facility, county jail, other correctional facility or local lockup or when the prisoner is in transport between any of these places while in the custody of a law enforcement officer or county or state corrections official. The medical examiner shall also review the case file and relevant medical records and determine whether an autopsy is