

§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 Examiner for the State. The Chief Medical Examiner is appointed by the Governor for a term of 7 years and until the Chief Medical Examiner's successor is appointed and qualified. The Chief Medical Examiner must 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 must 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 the Chief Medical Examiner's office.

[PL 2001, c. 222, §1 (AMD).]

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 serves at the pleasure of the Chief Medical Examiner and, if salaried, is unclassified. The salary of the Deputy Chief Medical Examiner must be set in accordance with Title 5, section 196. In the event of the Deputy Chief Medical Examiner's temporary absence, the Chief Medical Examiner or, if the Chief Medical Examiner 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 has all of the powers and responsibilities of the Chief Medical Examiner.

[PL 2017, c. 284, Pt. DDD, §2 (AMD).]

2-A. Appointment of office administrator. The Chief Medical Examiner may appoint one office administrator who shall serve at the pleasure of the Chief Medical Examiner. The office administrator shall perform such duties as may be delegated by the Chief Medical Examiner. Notwithstanding any other provisions of law, the compensation of the Chief Medical Examiner's office administrator must be fixed by the Chief Medical Examiner subject to approval by the Attorney General.

[PL 2023, c. 412, Pt. FF, §1 (AMD).]

3. Certification and completion of reports of deaths. The Office of Chief Medical Examiner is responsible for certification and completion of reports of deaths identified as medical examiner cases by section 3025. This must 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 the Chief Medical Examiner's responsibilities.

[RR 2021, c. 2, Pt. B, §149 (COR).]

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.

[PL 1987, c. 329, §2 (RPR).]

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.

[PL 1987, c. 329, §2 (RPR).]

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, must 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 must 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 has the same validity as the Chief Medical Examiner's written signature and is admissible in court. [RR 2021, c. 2, Pt. B, §150 (COR).]

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 that 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. No individual, partnership, association, corporation, institution, governmental entity or employee or agent of a governmental entity may be criminally or civilly responsible for furnishing any medical records in compliance with this subsection. [PL 1991, c. 723 (AMD).]

8. Certain information confidential. The following records in the possession or custody of a medical examiner or the Office of Chief Medical Examiner are not public records within the meaning of Title 1, section 402, subsection 3 and are confidential:

- A. Medical records relating to a medical examiner case; [PL 2001, c. 221, §1 (NEW).]
- B. Law enforcement agency reports or records relating to a medical examiner case; [PL 2001, c. 221, §1 (NEW).]
- C. Communications with the Department of the Attorney General relating to a medical examiner case; [PL 2001, c. 221, §1 (NEW).]
- D. Communications with the office of a district attorney relating to a medical examiner case; [PL 2001, c. 221, §1 (NEW).]
- E. Death certificates and 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 relating to a medical examiner case or missing person; [PL 2001, c. 221, §1 (NEW).]
- F. Photographs and transparencies, histological slides, videotapes and other like items relating to a medical examiner case; and [PL 2001, c. 221, §1 (NEW).]
- G. Written or otherwise recorded communications that express or are evidence of suicidal intent obtained under section 3028, subsections 4 and 5. [PL 2001, c. 221, §1 (NEW).]

[PL 2017, c. 475, Pt. A, §33 (AMD).]

9. Release of medical examiner's reports.

[PL 2001, c. 221, §2 (RP).]

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

[PL 2001, c. 221, §3 (AMD).]

11. Written or recorded material expressing suicidal intent.

[PL 2001, c. 221, §4 (RP).]

12. Access to or dissemination of confidential records. Except as specified in subsections 10 and 13, access to or dissemination of records made confidential under subsection 8 is limited to:

- A. A criminal justice agency for the purpose of the administration of criminal or juvenile justice; [PL 2001, c. 221, §5 (NEW).]

- B. A person for whom the Chief Medical Examiner determines access is necessary or desirable to carry out a duty under this Act; [PL 2001, c. 221, §5 (NEW).]
- C. A person for whom the Chief Medical Examiner determines access is necessary or desirable to allow for the harvesting of a decedent's organs and other tissues; [PL 2001, c. 221, §5 (NEW).]
- D. A person when authorized or required under any state or federal law, rule or regulation; and [PL 2001, c. 221, §5 (NEW).]
- E. A person pursuant to a court order. [PL 2001, c. 221, §5 (NEW).]

Access to or dissemination of records as provided under paragraphs A to C can be done as a matter of course by the Chief Medical Examiner unless the Attorney General directs otherwise. [PL 2001, c. 221, §5 (NEW).]

13. Access to certain information by certain persons. Unless a medical examiner case is under investigation by the Department of the Attorney General or the office of a district attorney and the Attorney General or the district attorney determines that there is a reasonable possibility that release or inspection interferes with a criminal investigation or prosecution by the disclosure:

A. Items identified in subsection 8, paragraphs F and G may be inspected and copies obtained, upon payment of any required fee under section 3035, by:

- (1) A next of kin of the deceased, as defined under section 2843-A. The Chief Medical Examiner may provide the original of the items described in subsection 8, paragraph G to the next of kin or other person to whom that item is addressed or directed;
- (2) An insurer that may be responsible for payment of benefits as a result of a death if relevant to the payment obligation;
- (3) An attorney representing the estate of the decedent or the decedent's property if relevant to the representation; and
- (4) An attorney representing a person or a person's estate and exploring a possible civil action against the estate of the decedent if relevant to the representation; and [PL 2001, c. 221, §5 (NEW).]

B. A person may inspect and obtain a copy of communications identified in subsection 8, paragraphs C and D, except work product as defined in Rule 16(a)(3) of the Maine Rules of Unified Criminal Procedure, as long as the communications would otherwise be open to inspection and release if in the possession or custody of the Department of the Attorney General or the office of a district attorney. [PL 2015, c. 431, §44 (AMD).]

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14. Access to report documents. Report documents, as defined in section 3035, subsection 2, in the possession or custody of a medical examiner or the Office of Chief Medical Examiner constitute investigative information. Release and inspection are governed by Title 16, section 804. Release and inspection are also contingent upon the person's request specifying a specific decedent or decedents and the payment of any required fee under section 3035.

[PL 2017, c. 475, Pt. A, §34 (AMD).]

15. Testing for HIV. Notwithstanding Title 5, chapter 501, the Chief Medical Examiner in a medical examiner case may test for the human immunodeficiency virus and may disclose the test result as authorized under subsection 12.

[PL 2001, c. 221, §5 (NEW).]

As used in subsections 10, 12, 13 and 14, "person" means a natural person, including a public servant, or a corporation, partnership, unincorporated association or other legal entity, including a governmental unit. [PL 2001, c. 221, §6 (NEW).]

SECTION HISTORY

PL 1967, c. 534, §2 (NEW). PL 1973, c. 722 (AMD). PL 1975, c. 771, §219 (AMD). PL 1977, c. 59, §1 (AMD). PL 1979, c. 538, §2 (AMD). PL 1985, c. 611, §4 (RPR). PL 1985, c. 785, §B90 (AMD). PL 1987, c. 329, §2 (RPR). PL 1991, c. 339, §§1,2 (AMD). PL 1991, c. 723 (AMD). PL 1997, c. 1, §E1 (AMD). PL 1997, c. 643, §G1 (AMD). PL 2001, c. 221, §§1-6 (AMD). PL 2001, c. 222, §1 (AMD). PL 2011, c. 1, Pt. JJ, §1 (AMD). PL 2013, c. 267, Pt. B, §16 (AMD). PL 2015, c. 431, §44 (AMD). PL 2017, c. 284, Pt. DDD, §2 (AMD). PL 2017, c. 475, Pt. A, §§33, 34 (AMD). RR 2021, c. 2, Pt. B, §§149, 150 (COR). PL 2023, c. 412, Pt. FF, §1 (AMD).

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