

MAINE STATE LEGISLATURE

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E I G H T Y - N I N T H L E G I S L A T U R E

Legislative Document

No. 22

H. P. 29

House of Representatives, January 12, 1939.

Referred to the Committee on Legal Affairs. Sent up for concurrence and 500 copies ordered printed.

HARVEY R. PEASE, Clerk.

Presented by Mr. Mills of Farmington.

S T A T E O F M A I N E

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
THIRTY-NINE

AN ACT Relating to Medical Examiners and Their Duties.

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

Sec. 1. R. S., c. 151, § 1, amended. Section 1 of chapter 151 of the revised statutes is hereby repealed and the following substituted in lieu thereof:

'Sec. 1. Appointment of medical examiners; their number and duties. The governor, with the advice and consent of the council, shall appoint for a term of 4 years, or during the pleasure of the governor and council, medical examiners for each county in the state, who shall be able and discreet men, learned in the science of medicine and anatomy, and bona fide residents of the county for which they are appointed. The number of medical examiners so to be appointed shall be as follows: For the counties of Franklin, Hancock, Knox, Lincoln, Oxford, Piscataquis, Sagadahoc, Somerset and Waldo, 2 each; for the county of Washington, 3; for the counties of Androscoggin, Aroostook, Kennebec, Penobscot and York, 4 each; and for the county of Cumberland, 5; and they shall be appointed with reference to territorial distribution. Each medical examiner before entering upon the duties of his office, shall be duly sworn to the faithful performance of his duty. They shall make examinations as hereinafter provided upon the view of the dead bodies of such persons only as are supposed to have come to their death by violence or unlawful act.'

Sec. 2. R. S., c. 151, § 2, amended. Section 2 of chapter 151 of the revised statutes is hereby amended to read as follows:

'Sec. 2. Notice of finding of the body of a person supposed to have come to his death by violence. Whoever finds the body of any person who may be supposed to have come to his death by violence or unlawful act, ~~of some person or persons, the committing of which act is punishable in accordance with sections one, two and three of chapter one hundred twenty-nine,~~ shall immediately notify one of the municipal officers, a police officer, or constable, if in a city, a member of the board of selectmen, or a constable, if in a town, a member of the board of assessors, if in a plantation, and if in an unorganized place, the most readily accessible of such officials in any city, town, or plantation within the county; the official so notified shall at once take charge of such body and retain custody thereof without removal until the arrival of a medical examiner, the county attorney or the attorney-general. The persons so finding such body, or the official taking charge thereof shall then immediately notify the most readily accessible medical examiner in the county wherein the body is found and the county attorney thereof, who shall at once notify the attorney-general.'

Sec. 3. R. S., c. 151, § 3, amended. Section 3 of chapter 151 of the revised statutes is hereby amended to read as follows:

'Sec. 3. Proceedings by medical examiner upon receiving such notice. Upon notice that there has been found or is lying within his county the body of a person who is supposed to have come to his death by violence or unlawful act, ~~of some person or persons, the committing of which act is punishable in accordance with sections one, two and three of chapter one hundred twenty-nine,~~ the medical examiner shall forthwith repair to the place where such body lies and take charge of the same and before said body is removed he shall reduce or cause to be reduced to writing a description of the location and position of the body and any and all facts that may be deemed important in determining the cause of death. He shall ~~then~~ **upon authorization of the county attorney or the attorney-general,** make an autopsy in the presence of a physician and one other discreet person sufficient in his judgment to disclose such facts as may be attainable thereby which may be of assistance in determining the cause of death. He may compel the assistance of such physician and person, by subpoena, if necessary, and he shall then and there at the time of such autopsy reduce or cause to be reduced to writing every fact and circumstance disclosed by such autopsy tending to show the manner and cause of death, which record

shall be signed by himself and the witnesses who have attended, who shall in addition to their names subscribe their address and place of business. In case at the time of finding of such body there be no medical examiner **available** within the county by reason of vacancy in the office, incapacity or absence from the county, any medical examiner in an adjoining county may be notified whose duty it shall be to attend and perform all duties prescribed by this chapter as though he were a medical examiner within the county.'

Sec. 4. R. S., c. 151, § 4, amended. Section 4 of chapter 151 of the revised statutes is hereby amended to read as follows:

'Sec. 4. Notice to attorney-general; return of death to town clerk. ~~If upon~~ **Immediately after** such view with personal inquiry or autopsy as is required by the preceding section, the medical examiner ~~is of the opinion that the death of the person was caused by violence, criminal or otherwise,~~ **he shall at once so notify the county attorney and the attorney-general, and file with each the county attorney of the county in which the body is found and with the attorney-general** a duly attested copy of the record of the case. He shall also make a return of the death of such person to the city or town clerk as required by law, which shall be supplemented with a personal description of the deceased for identification.'