

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

AS PASSED BY THE

Eighty-eighth and Eighty-ninth
Legislatures

OF THE

STATE OF MAINE

From April 24, 1937 to April 21, 1939

AND

MISCELLANEOUS STATE PAPERS

Published by the Secretary of State, in conjunction
with the Revisor of Statutes in accordance with the
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PUBLIC LAWS

OF THE

STATE OF MAINE

As Passed by the Eighty-ninth Legislature

1939

in the superior court in the county where he resides and the measure of damages in such action shall be the same as prescribed in subsection (a) of this section.

Sec. 5. Application. Whenever the application of any provision of any other law of this state conflicts with the application of any provision of sections 1 to 7, inclusive, said sections shall prevail.

Sec. 6. Validity. If any provision of said sections 1 to 7, inclusive, or the application of such provision to any person or circumstance, shall be held invalid, the remainder of said sections, or the application of such provisions to persons or circumstances other than those as to which it is held invalid, shall not be affected thereby.

Sec. 7. Title of act. Sections 1 to 7, inclusive, shall be known, and may be cited, as the "Unfair Sales Act."

Approved April 19, 1939.

Chapter 241

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 Section 1 of chapter 151 of the revised statutes is hereby repealed and the following substituted in lieu thereof: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, Piscataquis, Sagadahoc, Somerset and Waldo, 2 each; for the counties of Oxford and Washington, 3 each; for the counties of Aroostook, Kennebec and York, 4 each; for the county of Androscoggin, 5; and for the counties of Cumberland and Penobscot, 6 each; 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

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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. ~~Police or any law enforcement officer may cause such body to be removed meanwhile to a convenient place.'~~

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.'

Sec. 5. Effective date. This act shall take effect January 1, 1941.

Approved April 19, 1939.

Chapter 242

AN ACT Regulating Automobile Finance Business.

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

Sec. 1. Financing of time sales on motor vehicles; license; fee; refusal to issue or renew; appeal. Any person, firm or corporation, except a savings bank, trust company, national bank or any other bank which is under the supervision of the bank commissioner, the principal place of business and home office of which is in this state, desiring to conduct the business of financing time sales on motor vehicles shall annually make application to the insurance commissioner for a license to conduct said business and said application shall be made on forms prepared and furnished by the insurance commissioner and shall state such information as may be asked for thereon. The insurance commissioner shall examine the facts stated in said application for license and may issue or renew a license to said