

MAINE STATE LEGISLATURE

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CHAPTER 155

MEDICAL EXAMINERS AND AUTOPSIES

Sec.

- 511. Appointment; duties.
- 512. Notice of finding of body.
- 513. Death without medical attendance.
- 514. Proceedings on receipt of notice of finding of body.
- 515. Notice to Attorney General; return of death to town clerk.
- 516. Autopsy; inquest.
- 517. Inquest on official disagreement.
- 518. Experts; compensation.
- 519. Disposal of body after autopsy; unidentified bodies; expense of burial.
- 520. Personal effects.
- 521. Compensation of medical examiner.
- 522. Preparation and distribution of record books and blanks.

§ 511. Appointment; duties

Medical examiners for each county in the State, as heretofore appointed, shall be appointed by the Governor with the advice and consent of the Council for a term of 4 years or during the pleasure of the Governor and Council. They 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 Knox, Piscataquis, Sagadahoc and Waldo, 2 each; for the Counties of Franklin, Hancock, Lincoln and Somerset, 3 each; for the Counties of Kennebec, Oxford and Washington, 4 each; for the Counties of Androscoggin and York, 5 each; for the Counties of Aroostook, Cumberland and Penobscot, 7 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 whenever any person shall die from criminal violence, or by suicide or in any suspicious or unusual manner.

R.S.1954, c. 89, § 243; 1957, cc. 283, 284; c. 429, § 78; 1959, cc. 231, 318; c. 378, § 59; 1961, cc. 228, 230, 237; c. 417, § 175; 1963, cc. 79, 167, 430.

§ 512. Notice of finding of body

Whoever finds the body of any person who is supposed to have come to his death by violence or by the action of chemical, thermal or electrical agents or following abortion, or suddenly when not disabled by recognizable disease or who has come to his death unexplained or unattended, shall immediately notify one of the municipal officers, a police officer or constable if in a city or town; or 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 municipality within the county. Such official shall immediately take charge of such body and retain custody thereof without moving the same, except as otherwise provided, until the arrival of a medical examiner, the county attorney, the sheriff or a member of the State Police. The official taking charge of said body shall immediately notify the county attorney or sheriff, who shall in turn arrange for the attendance of the most readily accessible medical examiner. If the body, where found, is in danger of being destroyed or damaged by fire, vehicular traffic or otherwise, or of being lost in any body of water, any person may take steps as may seem necessary for its preservation or retention prior to the arrival of the medical examiner, sheriff, a member of the State Police or the county attorney, but in such event shall first, whenever practicable, exactly mark the location and position of the body. If no such danger exists, the body shall not be moved until the arrival of the medical examiner, the sheriff, a member of the State Police or the county attorney, and until photographs have been taken or measurements and drawings have been made to record the physical facts relative to the location and position of the body, under the supervision of the county attorney, the State Police or sheriff, or unless the Attorney General or the county attorney waives such requirements. After such photographs or such measurements and drawings have been made or have been waived and after the medical examiner has completed such examination as required of him in section 514, the body may be removed to a convenient place. The body shall not be finally released for embalming or burial, except by order of the county attorney or sheriff. If and when it shall appear to the county attorney that the case is one of probable homicide, he shall notify the Attorney General of the fact.

R.S.1954, c. 89, § 244; 1955, c. 326, § 1.

§ 513. Death without medical attendance

When any person shall die without the attendance of a physician in his or her last sickness, the head of the household in which such death occurred, any funeral director called to remove the dead body or any physician called to examine the dead body shall call a medical examiner to examine the body and shall give him all information which they may have concerning the death.

1959, c. 291, § 10.

§ 514. Proceedings on receipt of notice of finding of body

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 by the action of chemical, thermal or electrical agents or following abortion, or suddenly when not disabled by recognizable disease, or any unexplained or unattended deaths, it shall be the duty of any person having knowledge of such death to notify the medical examiner of the county wherein the body lies and such 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, 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 is 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.

R.S.1954, c. 89, § 245; 1955, c. 326, § 2.

§ 515. Notice to Attorney General; return of death to town clerk

Immediately after such view with personal inquiry or autopsy as is required by section 514, the medical examiner shall file with 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 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.

R.S.1954, c. 89, § 246.

§ 516. Autopsy; inquest

The county attorney or Attorney General may require the medical examiner to perform an autopsy if in their judgment the same is advisable, in cases where the medical examiner has not deemed it necessary to do so, and on receiving from a medical examiner the report of an autopsy made by him in pursuance of this chapter, and finding some person or persons probably implicated, may, when deemed necessary, authorize the medical examiner to take an inquest upon the view of the dead body of the person whose death is supposed to have been occasioned unlawfully. Such medical examiner shall thereupon summon to appear before him such witnesses as the county attorney or Attorney General may direct, who shall be examined under oath by said county attorney or Attorney General. All such testimony shall be reduced to writing by the medical examiner or under his direction and shall be signed by the witness and sworn to. The medical examiner shall preside at such inquest and shall report in writing his conclusions, when and where and by what means the person came to his death, to the county attorney or Attorney General, and if it appears to him that it was a case of homicide, he shall so state and may state the name of the person who, in his judgment there is probable cause to believe, contributed to such death, if known to him. The county attorney and the Attorney General shall then proceed to execute the laws of the State governing the offices which they hold and may direct the holding of witnesses as they shall deem necessary.

R.S.1954, c. 89, § 247.

§ 517. Inquest on official disagreement

If a medical examiner reports that a death was not caused by criminal violence or by suicide or in any suspicious or unusual

manner and the county attorney or Attorney General is of a contrary opinion, nothing in this chapter shall be construed to prevent either of these officers directing an inquest in accordance with said chapter.

R.S.1954, c. 89, § 248.

§ 518. Experts; compensation

The medical examiner, with the advice and consent of the county attorney or Attorney General may, if he deems necessary, call a chemist or other expert to aid in the examination of the body or of substance supposed to have caused or contributed to the death of such person. Such chemist or other expert shall be entitled to such compensation for his services as the medical examiner and the county attorney shall certify to be just and reasonable. Any person employed to reduce to writing the results of any of the proceedings provided for in this chapter shall be sworn and shall be allowed reasonable compensation.

R.S.1954, c. 89, § 249.

§ 519. Disposal of body after autopsy; unidentified bodies; expense of burial

The medical examiner upon the completion of his examination, autopsy or inquest shall deliver the dead body upon their claim therefor to one or more of the persons hereinafter named, and they shall be entitled thereto as follows: First the husband or wife as the case may be; 2nd, the next of kin; 3rd, any friend of the deceased. If the dead body is unidentified or is unclaimed for a period of not less than 48 hours following the view thereof, the medical examiners shall deliver the body to the overseers of the poor in the town, or if in a plantation or unorganized place, to the county commissioners, who shall decently bury the same or shall deliver it to the board of distribution as provided in section 2883. The expense of burial shall be borne by the municipality liable for the support of the deceased, if any within the State, and if not, by the State.

R.S.1954, c. 89, § 250.

§ 520. Personal effects

In all cases arising under this chapter the medical examiner shall take charge of any money or any other personal effects of the deceased found upon or near the body and, subject to the

right of the State to use the same as evidence, shall deliver them to the person or persons entitled thereto, or if there is any doubt regarding to whom they shall be delivered, this fact shall be made known to the judge of probate for the county, whose directions in the case shall be followed.

R.S.1954, c. 89, § 251.

§ 521. Compensation of medical examiner

Every medical examiner shall render an account of the expenses of each case, including his fees, to the county attorney, who shall audit and approve the same before it is submitted to the county commissioners for their approval, and the fees allowed the medical examiner shall not exceed the following: For a view and inquiry without an autopsy, \$20; for a view and autopsy, \$50; when the medical examiner performing an autopsy is a pathologist, \$100, whether he makes a view or not; for an inquest, \$10 per day for the time actually spent in holding such inquest and for all necessary travel at the rate of 10¢ per mile. Witnesses summoned to testify at such inquest shall be allowed the same fees as witnesses in the Superior Court. The physician and other person required to be present at an autopsy as provided in section 514 shall be allowed a reasonable compensation, to be audited by the medical examiner and county attorney.

R.S.1954, c. 89, § 252; 1957, c. 399; 1961, c. 301.

§ 522. Preparation and distribution of record books and blanks

The Attorney General and Secretary of State shall prepare for the use of medical examiners forms of record books, blank returns and other papers necessary to carry out this chapter. They shall be printed at the expense of the State and distributed to the several medical examiners who shall take care of the same, each entering thereon all the work and reports of his office, keeping the books open for the inspection of the county attorney and Attorney General. Whenever a medical examiner resigns or ceases to hold office, all books and papers pertaining to the office shall be delivered to his successor.

R.S.1954, c. 89, § 253.