

MAINE STATE LEGISLATURE

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STATE OF MAINE
DEPARTMENT OF THE ATTORNEY GENERAL
AUGUSTA

September 22, 1933

Honorable Edward W. Wheeler
Vice President and General Counsel
Maine Central Railroad Company
Portland, Maine

Dear Brother Wheeler:

In response to your inquiry of September 18 relative to the removal of a body found on a railroad track showing indication of having been run over by a train, and especially as to whether or not the removal of the body to one side of the track is permissible prior to the time of the arrival of a medical examiner, I am pleased to inform you that, in my opinion, the body may be lawfully removed from the track to the side of the track prior to the arrival of the medical examiner in order that the running of trains may not be indefinitely obstructed.

Section 2 of the Revised Statutes of Maine, which requires officials to retain custody of a body without removal pending the arrival of a medical examiner, does not appear to apply to a case where a person has been accidentally killed by being run over by a railroad train, because the act causing the death of the person is not punishable in accordance with Sections 1, 2 and 3 of Chapter 129 of the Revised Statutes which relate to murder, manslaughter and negligent killing while on a hunting trip.

Trusting that the foregoing will give you the information you desire,

Very truly yours,

Deputy Attorney General

ELF H