

MAINE STATE LEGISLATURE

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STATE OF MAINE
DEPARTMENT OF THE ATTORNEY GENERAL
AUGUSTA

October 14, 1933

C. P. Baxter, M. D.
708 Medico-Dental Building
San Diego, California

Dear Sir:

In response to your letter of October 9, I have to inform you that prior to 1909, coroners were required to hold inquests on dead bodies of such persons only as appeared or supposed to have come to their death by violence, and not when it was believed their death was caused by casualty; and as soon as a coroner was notified of any such dead body in his county, he was required to make out his warrant, directed to any of the constables of the same or adjoining town in said county, requiring him forthwith to summon a jury of six men of their towns to appear before him at the time fixed in the warrant.

The coroner was required to place the jurors under oath and was given the power to subpoena witnesses, and after testimony was all in, to give his charge to the jury and make proclamation for all persons who could give any evidence to draw near and be sworn. The jury, after examining the body and hearing the evidence and taking all useful evidence, was required to draw up and deliver to the coroner their verdict in writing under their hands and seals.

It was further provided that the jurors and witnesses should be allowed, in addition to the regular fees, a sum sufficient to make a reasonable compensation for all their services and expenses. And it was further provided that all the evidence taken should be filed with the Clerk of Courts.

There was no provision whereby it was necessary that a medical examiner should be employed or required at the examination. Our legislature, in 1909, amended the law relating to inquests by a coroner and provided that,-- The Governor, with the advice and consent of the council, shall appoint for a term of four years, for each county in the state, one or more able and discreet men, learned in the science of medicine and anatomy, to be medical examiners or said county."



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It was further provided that,— "Whenever a medical examiner is notified by the attorney general, county attorney for his county, or any coroner of his county that any person has come to his death by violence and that an autopsy is necessary he shall immediately make a complete autopsy in the presence of the coroner who has the body in charge." By this law the coroner and medical examiner acted together; the coroners still acting in the same manner as above mentioned.

In 1915 the legislature, evidently with the idea of simplifying the procedure and doing away with the expense incident to having a jury of six persons, passed an act, being chapter 332 of the Public Laws of 1915, to enlarge the duties of medical examiners, and repealed the section of the Revised Statutes and all provisions of law conferring jurisdiction upon or requiring duties to be performed by coroners in connection with inquests.

Certain sections of the act of 1915 were amended in 1917 and are now contained in Chapter 151 of the Revised Statutes of Maine, 1930. I am enclosing a copy of said chapter.

I am also enclosing copy of certain information given by the Attorney General to the Medical Examiners of Maine which may be of interest to you.

Trusting that the foregoing, with enclosures, will give you the information you require, I am

Very truly yours,

Deputy Attorney General

SLF H
Enc.