

# MAINE STATE LEGISLATURE

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# ONE HUNDRED AND FIRST LEGISLATURE

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## Legislative Document

No. 334

S. P. 106

In Senate, January 16, 1963

Referred to Committee on Judiciary. Sent down for concurrence and ordered printed.

CHESTER T. WINSLOW, Secretary

Presented by Senator Stitham of Somerset.

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## STATE OF MAINE

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IN THE YEAR OF OUR LORD NINETEEN HUNDRED  
SIXTY-THREE

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### AN ACT Relating to Medical Examiners.

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

**Sec. 1. R. S., c. 89, § 244, repealed and replaced.** Section 244 of chapter 89 of the Revised Statutes, as amended by section 1 of chapter 326 of the public laws of 1955, is repealed and the following enacted in place thereof:

**‘Sec. 244. Notice of finding of body.** Whoever finds the body of any person who may have come to his death by violence or by the action of chemical, thermal or electric 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 a police officer, constable, the State Police or sheriff. Such official shall immediately notify the most readily accessible medical examiner, and the county attorney. The medical examiner shall immediately repair to the place where such body lies and take charge of the body until he shall have completed his examination. The body shall not be moved until the medical examiner has completed his examination and the sheriff, State Police, or the local police have taken photographs, measurements and made drawings to record the physical facts relative to the location and position of the body, unless the county attorney waives the requirements of photographs, measurements and drawings. After the medical examiner has completed his examination and photographs, measurements and drawings have been made, or have been waived, 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 medical examiner with the approval of the county attorney. 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.

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, State Police or the county attorney. Whenever practicable, the location and position of the body shall be exactly marked before it is moved.'

Sec. 2. R. S., c. 89, § 245, repealed and replaced. Section 245 of chapter 89 of the Revised Statutes, as amended by section 2 of chapter 326 of the public laws of 1955, is repealed and the following enacted in place thereof:

'Sec. 245. Proceedings by medical examiner. The medical examiner shall reduce or cause to be reduced to writing a description of the location and position of the body and all facts that may be deemed important in determining the cause of death. The medical examiner, the county attorney or the Attorney General may cause to be performed an autopsy in the presence of a physician and one other discreet person, sufficient in his judgment to disclose such facts as may be obtainable 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 sections 243 to 253, as though he were a medical examiner within the county.'