

MAINE STATE LEGISLATURE

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ONE HUNDRED AND THIRD LEGISLATURE

Legislative Document

No. 1586

H. P. 1116

House of Representatives, April 18, 1967

Reported by Mr. Dennett from Committee on State Government. Printed under Joint Rules No. 18.

BERTHA W. JOHNSON, Clerk

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SIXTY-SEVEN

**AN ACT Establishing Procedures for State Medical Examiners and Creating
the office of Chief Medical Examiner for the State of Maine.**

Emergency preamble. Whereas, Acts of the Legislature do not become effective until 90 days after adjournment of the Legislature unless enacted as emergencies; and

Whereas, it is extremely difficult to find medical examiners to serve as such under the present law; and

Whereas, the shortage of medical examiners throughout the State has impaired the proper investigation and enforcement of the criminal laws of the State; and

Whereas, the following legislation is vitally necessary in order to provide competent and professional medical examiners and develop a professional system of criminal enforcement, and thus protect the rights of the citizens of Maine; and

Whereas, in the judgement of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

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

Sec. 1. R. S., T. 22, c. 155, repealed. Chapter 155 of Title 22 of the Revised Statutes is repealed.

Sec. 2. R. S., T. 22, c. 711, additional. Title 22 of the Revised Statutes is amended by adding a new chapter 711, to read as follows:

CHAPTER 711
MEDICAL EXAMINER ACT

§ 3021. Title

This chapter shall be referred to as the Medical Examiner Act.

§ 3022. Office of Chief Medical Examiner

There is created the Office of Chief Medical Examiner for the State of Maine. The Chief Medical Examiner of the State of Maine shall be appointed by the Governor, with the advice and consent of the Council, for a term of 7 years and until his successor is appointed and qualified. The Chief Medical Examiner must possess a degree of doctor of medicine, be licensed to practice medicine in the State of Maine and be certified in the medical specialty of forensic pathology by the American Board of Pathology. Any vacancy in the Office of the Chief Medical Examiner shall be filled by appointment by the Governor for a full term of 7 years. The Chief Medical Examiner is authorized to hire, subject to the Personnel Law, necessary office and laboratory personnel in order to carry out the proper functioning of his office.

§ 3023. Medical examiners; appointment; jurisdiction

The Chief Medical Examiner shall appoint medical examiners, who shall have state-wide jurisdiction and shall serve at the pleasure of the Chief Medical Examiner and subject to his control and the regulations promulgated by him. The Chief Medical Examiner may in his discretion make temporary appointments when he deems it in the public interest. The medical examiners shall be learned in the science of medicine and anatomy, licensed as physicians in the State of Maine and bona fide residents of the State of Maine. Each medical examiner before entering upon the duties of his office shall be duly sworn to the faithful performance of his duty.

§ 3024. Salaries; fees; expenses

The salary of the Chief Medical Examiner of the State of Maine shall be set by the Governor and Council. All other medical examiners shall be paid fees on the basis of the following schedule:

- Investigation and view \$ 30;
- Travel expense as in the case of other state employees;
- Fees for autopsies performed by pathologists .. \$100.

The Chief Medical Examiner, using his discretion, may in an unusual circumstance, to be determined by him, prescribe a special fee for the service of a medical examiner or a pathologist.

All compensation and expenses authorized by this chapter shall be paid from the funds of the State appropriated by the Legislature for the purpose.

§ 3025. Reports of deaths

It shall be the duty of any citizen who becomes aware of the violent, suspicious or unnatural death of any person or who finds a dead body to report such death forthwith to the law enforcement department nearest to which the death occurs or a dead body is found. It shall be the duty of any police officer or doctor who

becomes aware of any violent, suspicious or unnatural death of any person or the finding of a dead body to report such death forthwith to the nearest medical examiner unless the death occurred in a hospital and is certified by a physician in attendance to be due to natural causes. Such person finding said body or first arriving on the scene 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. 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. Photographs, measurements or drawings may be made to record the physical facts relative to the location and position of the body, under the supervision of the medical examiner unless he waives such requirements. After the medical examiner has completed his duties as required of him in section 3027, 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. If and when it shall appear to the medical examiner or county attorney that the case is one of probable homicide, the latter shall immediately notify the Attorney General.

§ 3026. Death without medical attendance

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

§ 3027. Duties of medical examiners upon receipt of notice

Upon receipt of notice, as stated in sections 3025 and 3026, the medical examiner shall take charge of the dead body, making inquiries regarding the cause and manner of death, reduce his findings to writing, and promptly make a full report thereof to the Chief Medical Examiner on forms prescribed for such purpose retaining one copy of such report for his own.

§ 3028. When autopsies made; reports made and prepared

If, in the opinion of the medical examiner, the Chief Medical Examiner, the county attorney or the Attorney General, it is advisable and in the public interest that an autopsy be made, such autopsy shall be made by the Chief Medical Examiner, or by such pathologist as may be designated by the Chief Medical Examiner for the purpose. A full record and report of the facts developed by the autopsy and findings of the person making such autopsy shall be properly made and filed with the medical examiner and in the Office of the Chief Medical Examiner. If, in the opinion of the Chief Medical Examiner, it is proper or if requested by the county attorney for the county in which said body was found or the Attorney General, a copy of the report of the autopsy shall be furnished to such county attorney or the Attorney General by the Chief Medical Examiner.

§ 3029. Body buried without inquiry

If, in any case of sudden, violent, suspicious or unattended death, the body is buried without any inquiry by the medical examiner as to the cause and manner

of death, or without any autopsy being held or performed, or in other circumstances where justice requires, it shall be the duty of the medical examiner upon being advised of such fact to notify the county attorney for the county in which said body was found, or the Attorney General, who in turn shall petition a Justice of the Superior Court and such justice may, by appropriate order, require that the body be exhumed and an autopsy performed thereon by the Chief Medical Examiner or by a pathologist designated by him for the purpose, and the pertinent facts disclosed by the autopsy shall be communicated to the justice who ordered it and the Chief Medical Examiner.

§ 3030. Victims of crime

The Chief Medical Examiner may, upon request of the county attorney, the Attorney General or a law enforcement officer, direct a medical examiner to make such medical examinations of victims of crimes of violence as he may deem appropriate.

§ 3031. Facilities and services available to medical examiners

The facilities of all laboratories, under the control of any state agency or department and the services of the professional staffs thereof, shall be made available to the Chief Medical Examiner with the cooperation of the head of the agency involved.

§ 3032. Rules and regulations

The Chief Medical Examiner is authorized and empowered to carry into effect this chapter, and in pursuance thereof, to make and enforce such reasonable rules and regulations consistent with this chapter as he may deem necessary. A copy of such regulations and any amendments thereto shall be filed in the office of the Secretary of State. Complete directions as to the nature, character and extent of the investigation to be made, in cases where medical examiners are involved, together with appropriate forms for the required reports and instructions for the medical examiners' use shall be promulgated by the Chief Medical Examiner by proper rule and regulation.

Sec. 3. Application. Medical examiners holding office on the effective date of this Act shall serve until the expiration of their term of office, but, in such case, shall have state-wide jurisdiction.

Sec. 4. Appropriation. There is appropriated from the General Fund the sum of \$107,835 for the fiscal year ending June 30, 1968 and the sum of \$116,693 for the fiscal year ending June 30, 1969 to the Chief Medical Examiner to be expended in the promotion and carrying out the objectives of this Act. The breakdown shall be as follows:

	1967-68	1968-69
OFFICE OF CHIEF MEDICAL EXAMINER		
Personal Services	(2) \$ 25,835	(2) \$ 36,193
All Other	80,000	80,000
Capital Expenditures	2,000	500
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	\$107,835	\$116,693

Emergency clause. In view of the emergency cited in the preamble, this Act shall take effect when approved.