

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

Seventieth Legislature.

HOUSE.

No. 64

STATE OF MAINE.

IN THE YEAR OF OUR LORD ONE THOUSAND NINE
HUNDRED AND ONE.

AN ACT to abolish the office of coroner and to provide for
medical examinations and inquests in cases of death by
violence.

*Be it enacted by the Senate and House of Representatives in
Legislature assembled, as follows:*

Section 1. The office of coroner in the State of Maine is
2 hereby abolished.

Sect. 2. The governor shall nominate and by and with
2 the advice and consent of the council shall appoint able and
3 discreet men, learned in the science of medicine, to be medical
4 examiners and every such nomination shall be made at least
5 seven days prior to such appointment. The number of such
6 medical examiners shall not exceed one for each state sena-
7 torial district within the State of Maine.

Sect. 3. Each medical examiner shall receive in full for
2 all services performed by him the sum of five dollars per day
3 and twenty cents per mile one way for travel from his place
4 of residence.

Sect. 4. Medical examiners shall hold their offices for the
2 term of seven years from the time of appointment and shall
3 be liable to removal from office at any time by the governor
4 and council for cause shown.

Sect. 5. Each medical examiner before entering upon the
2 duties of his office shall be sworn and give bond with sureties
3 in the sum of one thousand dollars to the treasurer of his
4 county conditioned for the faithful performance of the duties
5 of his office. If the medical examiner neglects or refuses to
6 give bond as herein required for the period of thirty days
7 after his appointment, the same shall be void and another
8 shall be made instead thereof.

Sect. 6. Medical examiners shall make examinations as
2 hereafter provided upon the view of such persons only as are
3 supposed to have come to their death by violence.

Sect. 7. Whenever a medical examiner has notice that there
2 has been found or is lying within his county the dead body
3 of a person, who is supposed to have come to his death by
4 violence, he shall forthwith repair to the place where such
5 body lies and take charge of the same and he shall also take
6 charge of the immediate premises and all the personal prop-
7 erty and all evidences as to the manner in which the person
8 lying dead is supposed to have come to his death; and if on
9 view thereof and personal inquiry into the cause and manner
10 of the death, he deems a further examination necessary, he
11 shall upon being first thereto authorized, either by the county
12 attorney, the mayor or city marshal of a city, or the select-
13 men of a town where such body lies, make an autopsy of said
14 body and shall then and there carefully reduce or cause to

15 be reduced to writing every fact and circumstance tending
16 to show the condition of the body and the cause or the man-
17 ner of the death together with the names and addresses of
18 such witnesses as he may have reason to believe can give
19 evidence pertaining to the cause of the death of such person,
20 who is supposed to have come to his death by violence, which
21 record he shall subscribe and shall submit to the county
22 attorney of his county.

Sect. 8. Every medical examiner shall in all cases certify
2 to the city or town clerk of the city or town in which the
3 person deceased came to his death, the name and residence of
4 the person deceased if known, or a description of his person as
5 fully as may be for his identification when the name and
6 residence cannot be ascertained together with the cause and
7 manner in and by which the person deceased came to his
8 death.

Sect. 9. When the county attorney, after his reception
2 of the record of autopsy made by the medical examiner,
3 shall deem it expedient, he shall notify a municipal court or
4 a trial justice in his locality that he deems an inquest to be
5 expedient and to be for the promotion of justice. Such court
6 or trial justice shall thereupon hold an inquest which may be
7 private, in which case any and all persons other than those
8 required to be present by the provisions of this chapter may
9 be excluded from the place where the same is held and said
10 court or trial justice may also direct the witnesses to be
11 kept separate so that they cannot converse with each other
12 until they have been examined. The county attorney shall,
13 in all cases pending the inquest, have charge of the proceed-
14 ings and examination of witnesses. The county attorney
15 may direct an inquest to be held in the case of any other
16 casualty from which the death of any person results, if in his
17 opinion such inquest is necessary or expedient.

Sect. 10. The court or trial justice may issue subpoenas
2 for witnesses, returnable before such court or trial justice.
3 The person served with such process shall be allowed the
4 same fees and their attendance may be enforced in the same
5 manner and they shall be subject to the same penalties as if
6 served with a subpoena in behalf of the state in a criminal
7 prosecution pending in said court or before said trial justice.

Sect. 11. The court or trial justice shall, after hearing the
2 testimony, draw up and sign a report in which he shall find
3 and certify when, where and by what means the person
4 deceased came to his death, his name if known and all mater-
5 ial circumstances attending his death, and if it appears that
6 his death resulted wholly or in part from the unlawful act of
7 any other person or persons, he shall further state if known
8 to him, the person or persons whose unlawful act contributed
9 to such death.

Sect. 12. If the court or trial justice finds that murder,
2 manslaughter or an assault has been committed, he may bind
3 over as in criminal prosecutions such witnesses as he deems
4 necessary or as the county attorney may designate to appear
5 and testify at the court in which an indictment for such
6 offense may be found and presented.

Sect. 13. If person charged by such report with the com-
2 mission of any offense is not in custody, the justice shall
3 forthwith issue process for his apprehension, and such process
4 shall be made returnable before any court or magistrate
5 having jurisdiction in the premises, who shall proceed therein
6 in the manner required by law. But nothing herein shall
7 prevent any justice from issuing such process before the
8 finding of such report if it be otherwise lawful to issue the
9 same.

Sect. 14. If the medical examiner reports that a death
2 was not caused by violence and the county attorney or
3 attorney general shall be of the contrary opinion, either the

4 county attorney or the attorney general may direct an inquest
5 to be held in accordance with the provisions of this act, at
6 which inquest he or some person designated by him shall be
7 present and examine all witnesses.

Sect. 15. The medical examiner, if he deems it necessary,
2 may call a chemist to aid in the examination of the body or
3 of substances supposed to have caused or contributed to the
4 death and such chemist shall be entitled to such compensation
5 for his services as the medical examiner certifies to be just and
6 reasonable, the same to be audited by the county commission-
7 ers of the county where such inquest is held.

Sect. 16. When a medical examiner views or makes an
2 examination of the dead body of a stranger, he shall cause
3 the body to be decently buried and if he certifies that he has
4 made a careful inquiry and to the best of his knowledge and
5 belief the person found dead is a stranger, having no settle-
6 ment in any city or town in this State, his fees with the
7 actual expense of burial shall be paid from the treasury of
8 the State; in all other cases, the expense of burial shall be
9 paid by the city or town and all other expenses by the county
10 wherein the body is found.

Sect. 17. In all cases arising under the provisions of this
2 act, the medical examiner shall take charge of any money or
3 personal property of the deceased found upon or near the
4 body and deliver the same to the person or persons entitled
5 to its custody or possession but if not claimed by such per-
6 son within sixty days then to a public administrator to be
7 administered upon according to law, and any medical exam-
8 iner, who shall fraudulently neglect or refuse to deliver such
9 property to such person within three days after due demand
10 upon him therefor, shall be punished by imprisonment in the
11 jail or in the house of correction not exceeding two years or
12 by fine not exceeding five hundred dollars.

Sect. 18. The medical examiner shall return an account
2 of the expenses of each view or autopsy including his fees
3 to the county commissioners having jurisdiction over the
4 place where the examination or view is held and shall annex
5 thereto the written authority under which the autopsy was
6 made; such commissioners shall audit such accounts and certify
7 to the treasurer of the county or of the State, as the case
8 may be, what items therein are deemed just and reasonable
9 which shall be paid by the said treasurer to the person or
10 persons entitled to receive the same.

Sect. 19. All processes and precepts, whether issuing from
2 a court or otherwise, over which coroners now have by law
3 exclusive authority to serve, shall be served by a sheriff,
4 deputy sheriff, or constable, which sheriff, or deputy sheriff,
5 or constable shall not be an interested party in the pro-
6 ceedings.

Sect. 20. The medical examiner, after having made all
2 necessary examination, view and autopsy of any such body,
3 shall turn the same over to the family, relatives or friends
4 of such person as may be entitled to receive the same, or to
5 an undertaker in case the family, relatives or friends of such
6 person shall not claim or be ready to receive such body, and
7 prepare the same for burial.

Sect. 21. The court or trial justice, before whom an
2 inquest is held, may employ a stenographer to reduce to
3 writing the testimony in such inquest, who shall receive the
4 sum of two dollars per day for his services and a reasonable
5 compensation for making copies thereof.

Sect. 22. All acts and parts of acts inconsistent herewith
2 are hereby repealed.

Sect. 23. For the purpose of making the several nomina-
2 tions and appointments provided for by this act, this act
3 shall take effect May 1st, 1901.



STATE OF MAINE.

IN HOUSE OF REPRESENTATIVES,
AUGUSTA, February 1, 1901.

Tabled pending reference, by Mr. DEERING of Saco, and ordered
printed.

W. S. COTTON, *Clerk.*