

MAINE STATE LEGISLATURE

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SEVENTY-SEVENTH LEGISLATURE

HOUSE

NO. 399

House of Representatives, Feb. 26, 1915.

Ordered, That five hundred copies be printed and that the same be referred to the Committee on Judiciary.

Presented by Mr. Sanborn of South Portland.

STATE OF MAINE

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

AN ACT to enlarge the duties of Medical Examiners.

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

Section 1. The number of medical examiners as provided
2 by Chapter one hundred and eighty-nine of the Laws of
3 nineteen hundred and nine shall be as follows: For the Coun-
4 ties of Knox, Lincoln, Sagadahoc and Waldo, one each; for
5 the Counties of Androscoggin, Franklin, Hancock, Oxford,
6 Piscataquis, Somerset and Washington, two each; for the
7 Counties of Aroostook, Cumberland, Kennebec, Penobscot
8 and York, three each, and the same shall be appointed with
9 reference to territorial distribution.

Sect. 2. Medical examiners shall be liable to removal from
2 office by the Governor and Council at any time for cause.

Sect. 3. Each medical examiner shall, before entering up-
2 on the duties of his office be duly sworn to the faithful per-
3 formance of his duty, and shall make examination as here-
4 inafter provided upon the view of the dead bodies of such
5 persons only as are supposed to have come to their death by
6 violence or unlawful act.

Sect. 4. It shall be the duty of anyone finding a body of
2 any person who may be supposed to have come to his death
3 by violence or unlawful act to immediately notify one of the
4 municipal officers a police officer or a constable a member of
5 the board of selectmen, or a constable if in a town, a member
6 of the board of assessors, if in a plantation and if in an un-
7 organized place, the most readily accessible of such officials
8 in any city, town or plantation within the County, whose
9 duty it shall be at once to take charge of such body and re-
10 tain custody thereof without removal until the arrival of a
11 medical examiner, the County Attorney or the Attorney Gen-
12 eral. The person so finding such body, or the official taking
13 charge thereof shall then immediately notify the most read-
14 ily accessible medical examiner in the County wherein the
15 body is found and the County Attorney thereof who shall at
16 once notify the Attorney General. Upon notice that there has
17 been found or is lying within his County the body of a per-
18 son who is supposed to have come to his death by violence
19 or unlawful act, the medical examiner shall forthwith re-

20 pair to the place where such body lies and take charge of
21 the same, and before said body is removed he shall reduce or
22 cause to be reduced to writing a description of the location
23 and position of the body and any and all facts that may be
24 deemed important in determining the cause of death. He
25 shall then make an autopsy in the presence of a physician
26 and one other discreet person sufficient in his judgment to
27 disclose such facts as may be attainable thereby which would
28 be of assistance in determining the cause of death. He may
29 compel the assistance of such physician and person, by sub-
30 poena, if necessary, and he shall then and there at the time
31 of said autopsy reduce or cause to be reduced to writing
32 every fact and circumstance disclosed by such autopsy tend-
33 ing to show the manner and cause of death, which record
34 shall be signed by himself and the witnesses who have at-
35 tended, who shall in addition to their names subscribe their
36 address and place of business.

Sect. 5. If upon such view with personal inquiry or au-
2 topsy as is required by the preceding section, the medical
3 examiner is of the opinion that the death of the person was
4 caused by violence, criminal or otherwise, he shall at once
5 so notify the County Attorney and the Attorney General, and
6 file with each a duly attested copy of the record of the case.
7 He shall also make a return of the death of such person to
8 the city or town clerk as required by law, which shall be sup-
9 plemented with a personal description of the deceased for
10 identification.

Sect. 6. The County Attorney or Attorney General may
2 require the medical examiner to perform an autopsy if in
3 their judgment the same is advisable, in cases where the
4 medical examiner has not deemed it necessary to do so, and
5 on receiving the report of a medical examiner of an autopsy
6 made by him in pursuance of the provisions of this act and
7 finding some person or persons probably implicated may,
8 when deemed necessary authorize the medical examiner to
9 take an inquest upon the view of the dead body of the per-
10 son whose death is supposed to have been occasioned un-
11 lawfully, and such medical examiner shall thereupon sum-
12 mon to appear before him such witnesses as the County At-
13 torney or Attorney General may direct, who shall be ex-
14 amined under oath by said County Attorney or Attorney
15 General. All such testimony shall be reduced to writing by
16 the medical examiner or under his direction and shall be
17 signed by the witness and sworn to. The medical examiner
18 shall preside at such inquest and shall report in writing his
19 conclusions when and where and by what means the person
20 came to his death, to the County Attorney or Attorney Gen-
21 eral, and if it appears to him that it was a case of homicide,
22 he shall so state and may state the name of the person, who
23 in his judgment there is praobably cause to believe contri-
24 buted to such death, if known to him. The County Attor-
25 ney and the Attorney General shall then proceed to execute
26 the laws of the State governing the office which they hold

27 and may direct the holding of witnesses as they shall deem
28 necessary.

Sect. 7. If a medical examiner reports that a death was
2 not caused by violence or unlawful act and the County At-
3 torney or Attorney General is of a contrary opinion, nothing
4 in this act shall be construed to prevent either of these offi-
5 cers directing an inquest in accordance with this act.

Sect. 8. The medical examiner with the advice and con-
2 sent of the County Attorney or Attorney General, may if he
3 deems necessary call a chemist or other expert to aid in the
4 examination of the body or of substance supposed to have
5 caused or contributed to the death of such person and such
6 chemist or other expert shall be entitled to such compensa-
7 tion for his services as the medical examiner and the County
8 Attorney shall certify to be just and reasonable. Any per-
9 son employed to reduce to writing the results of any of the
10 proceedings provided for in this act shall be sworn and shall
11 be allowed reasonable compensation.

Sect. 9. The medical examiner upon the completion of his
2 examination, autopsy or inquest shall deliver the dead body
3 upon their claim therefor, to one or more of the persons
4 hereinafter named, and they shall be entitled thereto as fol-
5 lows: First the husband or wife, as the case may be; Sec-
6 ond, the next of kin; Third, any friend of the deceased. But
7 if the dead body is unidentified or is unclaimed for a period
8 of not less than forty-eight hours following the view there-
9 of, the medical examiner shall deliver the body to the over-
10 seers of the poor in the town or if in a plantation or unor-

11 ganized place to the County Commissioners who shall de-
12 cently bury the same, or shall deliver it to the Board of Dis-
13 tribution as provided in Section 3 of Chapter 17 of the Re-
14 vised Statutes. The expense of burial shall be borne by the
15 municipality liable for the support of the deceased, if any
16 within the State, and if not by the State.

Sect. 10. In all cases arising under the provisions of this
2 act the medical examiner shall take charge of any money or
3 any other personal effects of the deceased found upon or
4 near the body and deliver the same to the person or persons
5 entitled thereto, or if there is any doubt regarding to whom
6 they shall be delivered, this fact shall be made known to the
7 Judge of Probate for the County, whose directions in the
8 case shall be followed.

Sect. 11. Every medical examiner shall render an account
2 of the expenses of each case, including his fees, to the
3 County Attorney who shall audit and approve the same be-
4 fore it is submitted to the County Commissioners for their
5 approval, and the fees allowed the medical examiner shall
6 not exceed the following, viz: For a view and inquiry with-
7 out an autopsy, ten dollars: for a view and autopsy, twenty-
8 five dollars; for an inquest ten dollars per day for the time
9 actually spent in holding such inquest, and for all necessary
10 travel at the rate of six cents per mile. Witnesses sum-
11 moned to testify at such inquest shall be allowed the same
12 fees as witnesses in the Supreme Judicial Court. The phy-
13 sician and other person required to be present at an autop-
14 sy as provided in Section 4 hereof, shall be allowed a rea-

15 sonable compensation to be audited by the medical examiner
16 and County Attorney.

Sect. 12. Upon the taking effect of this act the Attorney
2 General and Secretary of State shall prepare forms of re-
3 cord books, blank returns and other papers necessary for
4 medical examiners to carry out the provisions of this act and
5 the same shall be printed at the expense of the State and dis-
6 tributed to the several medical examiners who shall take care
7 of the same, each entering all the work and reports of his
8 office, keeping the books open for the inspection of the
9 County Attorney and Attorney General, but whenever a
10 medical examiner resigns or ceases to hold office, all books
11 and papers pertaining to the office shall be delivered to his
12 successor.

Sect. 13. All provisions of law conferring jurisdiction upon
2 or requiring duties to be performed by coroners in connec-
3 tion with cases provided for in this act, are hereby repealed.