

MAINE STATE LEGISLATURE

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NEW DRAFT.

SEVENTY-SEVENTH LEGISLATURE

HOUSE

NO. 954

House of Representatives, March 26, 1915.

*Reported by Mr. Sanborn from Committee on Judiciary, and
ordered printed under joint rules.*

C. C. HARVEY, Clerk.

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
4 counties of Knox, Lincoln, Sagadahoc and Waldo, one each;
5 for the counties of Androscoggin, Franklin, Hancock, Ox-
6 ford, Piscataquis, Somerset and Washington, two each;
7 for the counties of Aroostook, Cumberland, Kennebec,
8 Penobscot and York, three each, and the same shall be
9 appointed with 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
2 upon the duties of his office be duly sworn to the faithful
3 performance of his duty, and shall make examination as
4 hereinafter provided upon the view of the dead bodies of
5 such persons only as are supposed to have come to their
6 death by violence or unlawful act.

Sect. 4. It shall be the duty of any one 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
4 the municipal officers, a police officer or a constable, mem-
5 ber of the board of selectmen, or a constable if in a town,
6 a member of the board of assessors, if in a plantation and if
7 in an unorganized place, the most readily accessible of such
8 officials in any city, town or plantation within the county,
9 whose duty it shall be at once to take charge of such body
10 and retain custody thereof without removal until the arrival
11 of a medical examiner, the county attorney or the attorney
12 general. The person so finding such body, or the official
13 taking charge thereof shall then immediately notify the most
14 readily accessible medical examiner in the county wherein
15 the body is found and the county attorney thereof who shall
16 at once notify the attorney general. Upon notice that there
17 has been found or is lying within his county the body of
18 a person who is supposed to have come to his death by vio-
19 lence or unlawful act, the medical examiner shall forthwith
20 repair 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
24 be deemed important in determining the cause of death.
25 He shall then make an autopsy in the presence of a physi-
26 cian and one other discreet person sufficient in his judgment
27 to disclose such facts as may be attainable thereby which
28 would be of assistance in determining the cause of death.
29 He may compel the assistance of such physician and per-
30 son, by subpoena, if necessary, and he shall then and there
31 at the time of said autopsy reduce or cause to be reduced to
32 writing every fact and circumstance disclosed by such au-
33 topsy tending to show the manner and cause of death, which
34 record shall be signed by himself and the witnesses who
35 have attended, who shall in addition to their names sub-
36 scribe their address and place of business. In case at the
37 time of the finding of such body there be no medical ex-
38 aminer within the county by reason of vacancy in the office,
39 incapacity or absence from the county, any medical ex-
40 aminer in an adjoining county may be notified whose duty
41 it shall be to attend and perform all duties prescribed by
42 this act as though he were a medical examiner within the
43 county.

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
4 was caused by violence, criminal or otherwise, he shall at
5 once so notify the county attorney and the attorney general,

6 and file with each a duly attested copy of the record of the
7 case. He shall also make a return of the death of such
8 person to the city or town clerk as required by law, which
9 shall be supplemented with a personal description of the
10 deceased for 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,
5 and on receiving the report of a medical examiner of an
6 autopsy made by him in pursuance of the provisions of this
7 act and finding some person or persons probably implicated
8 may, when deemed necessary authorize the medical exam-
9 iner to take an inquest upon the view of the dead body of
10 the person whose death is supposed to have been occasioned
11 unlawfully, and such medical examiner shall thereupon sum-
12 mon to appear before him such witnesses as the county
13 attorney or attorney general may direct, who shall be ex-
14 amined under oath by said county attorney or attorney gen-
15 eral. All such testimony shall be reduced to writing by the
16 medical examiner or under his direction and shall be signed
17 by the witness and sworn to. The medical examiner shall
18 preside at such inquest and shall report in writing his con-
19 clusions 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 probable cause to believe con-
24 tributed 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 attor-
3 ney or attorney general is of a contrary opinion, nothing
4 in this act shall be construed to prevent either of these
5 officers 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
2 his examination, autopsy or inquest shall deliver the dead
3 body upon their claim therefor, to one or more of the per-
4 sons hereinafter named, and they shall be entitled thereto
5 as follows: First, the husband or wife, as the case may

6 be; second, the next of kin; third, any friend of the de-
7 ceased. But if the dead body is unidentified or is unclaimed
8 for a period of not less than forty-eight hours following the
9 view thereof, the medical examiner shall deliver the body
10 to the overseers of the poor in the town or if in a plantation
11 or unorganized place to the County Commissioners who
12 shall decently bury the same, or shall deliver it to the Board
13 of Distribution as provided in Section 3 of Chapter 17 of
14 the Revised Statutes. The expense of burial shall be borne
15 by the municipality liable for the support of the deceased,
16 if any 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 subject to the right of the state to use
5 the same as evidence, shall deliver them to the person or
6 persons entitled thereto, or if there is any doubt regarding
7 to whom they shall be delivered, this fact shall be made
8 known to the Judge of Probate for the county, whose di-
9 rections in the case shall be followed.

Sect. 11. Every medical examiner shall render an ac-
2 count 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
7 without an autopsy, ten dollars; for a view and autopsy,

8 twenty-five dollars: for an inquest, ten dollars per day for
9 the time actually spent in holding such inquest, and for all
10 necessary travel at the rate of six cents per mile. Witnesses
11 summoned to testify at such inquest shall be allowed the
12 same fees as witnesses in the Supreme Judicial Court. The
13 physician and other person required to be present at an
14 autopsy as provided in section 4 hereof, shall be allowed
15 a reasonable compensation to be audited by the medical
16 examiner and County Attorney.

Sect. 12. Upon the taking effect of this act the attorney
2 general and secretary of state shall prepare forms of record
3 books, blank returns and other papers necessary for medical
4 examiners to carry out the provisions of this act and the
5 same shall be printed at the expense of the state and dis-
6 tributed to the several medical examiners who shall take
7 care of the same, each entering all the work and reports of
8 his office, keeping the books open for the inspection of the
9 county attorney and attorney general, but whenever a med-
10 ical examiner resigns or ceases to hold office, all books and
11 papers pertaining to the office shall be delivered to his suc-
12 cessor.

Sect. 13. Chapter one hundred and forty of the Revised
2 Statutes and all provisions of law conferring jurisdiction
3 upon or requiring duties to be performed by coroners in
4 connection with cases provided for in this act, are hereby
5 repealed.