

MAINE STATE LEGISLATURE

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SEVENTY-EIGHTH LEGISLATURE

HOUSE

NO. 86

House of Representatives, Feb. 1, 1917.

Referred to Committee on Legal Affairs, five hundred copies ordered printed. Sent up for concurrence.

W. R. ROIX, Clerk.

Presented by Mr. Hartwell of Old Town.

STATE OF MAINE

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

AN ACT to better define the duties of medical examiners.

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

Section 1. Section one of Chapter one hundred forty-one
2 of the Revised Statutes of nineteen hundred sixteen is hereby
3 amended by adding thereto the words, 'of some person or
4 persons the committing of which act is punishable in accord-
5 ance with Sections one, two and three of Chapter one hun-
6 dred twenty of the Revised Statutes of Maine,' so that said
7 section as amended shall read as follows:

'Section 1. The Governor, with the advice and consent of

2 the Council, shall appoint for a term of four years, medical
3 examiners for each county in the state, who shall be able and
4 discreet men, learned in the science of medicine and anatomy,
5 and bona fide residents of the county for which they are
6 appointed. The number of medical examiners so to be
7 appointed shall be as follows: For the counties of Knox,
8 Lincoln, Sagadahoc and Waldo, one each; for the counties
9 of Androscoggin, Franklin, Hancock, Oxford, Piscataquis,
10 Somerset and Washington, two each; for the counties of
11 Aroostook, Cumberland, Kennebec, Penobscot and York,
12 three each; and they shall be appointed with reference to
13 territorial distribution. They shall be liable to removal from
14 office by the Governor and Council at any time, for cause.
15 Each medical examiner before entering upon the duties of
16 his office, shall be duly sworn to the faithful performance of
17 his duty. They shall make examination as hereinafter pro-
18 vided upon the view of the dead bodies of such persons only
19 as are supposed to have come to their death by violence or
20 unlawful act of some person or persons the committing of
21 which act is punishable in accordance with Sections one, two
22 and three of Chapter one hundred twenty of the Revised
23 Statutes of Maine.'

24 Sect. 2. Section two of said Chapter one hundred forty-one
25 is hereby amended by adding after the word "act" in the third
26 line thereof, the words, 'of some person or persons the com-
27 mitting of which act is punishable in accordance with Sec-
28 tions one, two and three of Chapter one hundred twenty of

6 the Revised Statutes of Maine,' so that said section as
7 amended shall read as follows:

'Sect. 2. Whoever finds a body of any person who may be
2 supposed to have come to his death by violence or unlawful
3 act of some person or persons the committing of which act
4 is punishable in accordance with Sections one, two and three
5 of Chapter one hundred twenty of the Revised Statutes of
6 Maine, shall immediately notify one of the municipal
7 officers, a police officer or constable, member of the board of
8 selectmen, or a constable, if in a town, a member of the
9 board of assessors, if in a plantation, and if in an unorgan-
10 ized place, the most readily accessible of such officials in any
11 city, town or plantation within the county; the official so
12 notified shall at once take charge of such body and retain
13 custody thereof without removal until the arrival of a
14 medical examiner, the county attorney or the attorney-
15 general. The person so finding such body, or the official
16 taking charge thereof shall then immediately notify the most
17 readily accessible medical examiner in the county wherein
18 the body is found and the county attorney thereof, who shall
19 at once notify the attorney-general.'

Sect. 3. Section three of said Chapter one hundred forty-
2 one is hereby amended by adding after the word "act" in the
3 third line thereof, the words, 'of some person or persons the
4 committing of which act is punishable in accordance with
5 Sections one, two and three of Chapter one hundred twenty
6 of the Revised Statutes of Maine,' so that said section as
7 amended shall read as follows:

‘Sect. 3. Upon notice that there has been found or is lying
2 within his county the body of a person who is supposed to
3 have come to his death by violence or unlawful act of some
4 person or persons the committing of which act is punishable
5 in accordance with Sections one, two and three of Chapter
6 one hundred twenty of the Revised Statutes of Maine, the
7 medical examiner shall forthwith répair to the place where
8 such body lies and take charge of the same, and before said
9 body is removed he shall reduce or cause to be reduced to writ-
10 ing a description of the location and position of the body and
11 any and all facts that may be deemed important in determin-
12 ing the cause of death. He shall then make an autopsy in the
13 presence of a physician and one other discreet person
14 sufficient in his judgment to disclose such facts as may be
15 attainable thereby which may be of assistance in determining
16 the cause of death. He may compel the assistance of such
17 physician and person, by subpoena, if necessary, and he shall
18 then and there at the time of said autopsy reduce or cause to
19 be reduced to writing every fact and circumstance disclosed
20 by such autopsy tending to show the manner and cause of
21 death, which record shall be signed by himself and the
22 witnesses who have attended, who shall in addition to their
23 names subscribe their address and place of business. In case
24 at the time of finding of such body there be no medical
25 examiner within the county by reason of vacancy in the
26 office, incapacity or absence from the county, any medical

27 examiner in an adjoining county may be notified whose duty
28 it shall be to attend and perform all duties prescribed by this
29 chapter as though he were a medical examiner within the
30 county.'

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