

MAINE STATE LEGISLATURE

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E I G H T Y - E I G H T H L E G I S L A T U R E

Legislative Document

No. 679

H. P. 1530

House of Representatives, February 16, 1937.

Referred to Committee on Legal Affairs. Sent up for concurrence and 500 copies ordered printed.

HARVEY R. PEASE, Clerk.

Presented by Mr. Mosher of Farmington.

S T A T E O F M A I N E

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
THIRTY-SEVEN

AN ACT Relating to Medical Examiners and Their Duties.

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

Sec. 1. R. S., c. 151, § 1, amended. Section 1 of chapter 151 of the revised statutes is hereby amended to read as follows :

‘Sec. 1. Appointment of medical examiners; their number and duties. The governor, with the advice and consent of the council, shall appoint for a term of 4 years, medical examiners for each county in the state, who shall be able and discreet men, learned in the science of medicine and anatomy, and bona fide residents of the county for which they are appointed. **The Maine Medical Association may nominate a list of qualified persons in each county whose names shall be certified by the president and secretary of said association on or before and as of January 1st of each year; and medical examiners in the several counties, appointed during any year, shall be selected from the persons whose names are so certified for said year, unless in the opinion of the governor said persons are manifestly unsuitable or incompetent.** The number of medical examiners so nominated and the number so to be appointed, respectively, shall be as follows: for the counties of Knox, Lincoln, Sagadahoc and Waldo, one each; for the counties of Androscoggin, Franklin, Hancock, Oxford, Piscataquis, Somerset and

Washington, two each; for the counties of Aroostook, Kennebec, and Penobscot, three each; for the county of York, four, and for the county of Cumberland, five; and they shall be appointed with reference to territorial distribution. In addition to the number of medical examiners in the several counties, as above provided for, the governor may, however, with the advice and consent of the council, appoint as many more medical examiners in the several counties as he deems necessary and proper. Franklin, Hancock, Knox, Lincoln, Oxford, Piscataquis, Sagadahoc, Somerset and Waldo, to be so nominated 4 in each such county, and to be appointed 2 in each such county; for the counties of Aroostook, Kennebec and Washington to be so nominated 6 in each such county, and to be appointed 3 in each such county; for the county of York, 8 to be so nominated, and 4 to be appointed; for the counties of Androscoggin and Penobscot, 10 to be so nominated, and 5 to be so appointed in each such county; for the county of Cumberland 12 to be so nominated and 6 to be appointed in each such county, and they shall be appointed with reference to territorial distribution. They shall be liable to removal from office by the governor and council at any time for cause. Each medical examiner before entering upon the duties of his office shall be duly sworn to the faithful performance of his ~~duty~~ duties. They shall make examinations as hereinafter provided ~~upon the view of the dead bodies of such persons only as are supposed to have come to their death by violence or unlawful act of some person or persons, the committing of which act is punishable in accordance with section one, two and three of chapter one hundred twenty-nine whenever any person shall die from criminal violence, or by casualty, or by suicide, or suddenly when in apparent health, or when unattended by a physician, or in prison, or in any suspicious or unusual manner.~~

Sec. 2. R. S., c. 151, § 2, amended. Section 2 of chapter 151 of the revised statutes, is hereby amended to read as follows:

'Sec. 2. Notice of finding of the body of a person supposed to have come to his death by violence. Whoever finds a body of any person ~~who may be supposed to have come to his death by violence or unlawful act, of some person or persons, the committing of which act is punishable in accordance with sections one, two, and three of chapter one hundred twenty-nine,~~ under the circumstances recited in the last sentence of section 1 of this chapter shall immediately notify one of the municipal officers, a police officer, or constable, if in a city, a member of the board of selectmen, or a constable, if in a town, a member of the board of assessors, if in a plantation, and if in an unorganized place, the most readily accessible of such

officials in any city, town, or plantation within the county; the official so notified shall at once take charge of such body and retain custody thereof without removal until the arrival of a medical examiner, the county attorney or the attorney-general. The persons so finding such body, or the official taking charge thereof shall then immediately notify the most readily accessible medical examiner in the county wherein the body is found and the county attorney thereof, who shall at once notify the attorney-general.'

Sec. 3. R. S., c. 151, § 3, amended. The 1st sentence of section 3 of chapter 151 of the revised statutes is hereby amended to read as follows:

'Upon notice that there has been found or is lying within his county the body of a person who is supposed to have come to his death by ~~violence or unlawful act, of some person or persons, the committing of which act is punishable in accordance with sections one, two and three of chapter one hundred twenty nine~~ under the circumstances recited in the last sentence of section 1 of this chapter, the medical examiner shall forthwith repair to the place where such body lies and take charge of the same and before said body is removed he shall reduce or cause to be reduced to writing a description of the location and position of the body and any and all facts that may be deemed important in determining the cause of death.'

Sec. 4. Qualified medical examiners to complete term. Nothing herein shall be construed to limit or terminate the term of any of the presently appointed and qualified medical examiners of the state.