

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

OF THE

STATE OF MAINE

ENACTED BY THE

Seventy-Seventh Legislature

1915

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PUBLIC LAWS
OF THE
STATE OF MAINE

As Passed by the Seventy-Seventh Legislature

1915

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admission of such companies to transact business in this State and is authorized to transact business therein, the Insurance Commissioner shall forthwith transmit to each register of probate the name of such company and the names of all agents of such company who have been licensed by him, their places of residence and the dates when their licenses will expire; and he shall on the first days of February and August of each year forward to each register of probate a list containing the names of all surety companies, foreign and domestic, which are then licensed or qualified to transact business in the State, the names of all agents of said companies, who have been licensed by him, and their places of residence, and the dates when their respective licenses will expire; he shall from time to time communicate to the registers of probate the names of all surety companies which cease to qualify to transact business in this State. The registers shall preserve such lists on the files of the courts.'

CHAP. 332

notify registers of probate of authorized surety companies.

--register shall file lists.

Section 2. Section one hundred twenty-one of chapter forty-nine of the Revised Statutes is hereby amended by inserting after the word "power" in the fourth line of said section the words, 'or the authority of any licensed agent,' so that said section as amended shall read as follows:

Ch. 49, Sec. 121, R. S., amended.

'Section 121. Any company which shall execute any bond as surety under the provisions of section one hundred nineteen shall be estopped in any proceedings to enforce the liability which it shall have assumed to incur, to deny its corporate power, or the authority of any licensed agent, to execute such instrument or assume such liability.'

Company estopped to deny corporate power.

Approved April 2, 1915.

Chapter 332.

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 by chapter one hundred eighty-nine of the Public Laws of nineteen hundred nine 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, Cumberland, Kennebec, Penobscot and York, three each, and the same shall be appointed with reference to territorial distribution.

Medical examiners shall be appointed as herein provided.

CHAP. 332

—removal.
Qualifica-
tion of
examiners.

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

Section 3. Each medical examiner shall before entering upon the duties of his office be duly sworn to the faithful performance of his duty, and shall make examination 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.

Municipal
officers
shall be
notified of
finding of
dead body.

Section 4. It shall be the duty of any one finding a body of any person who may be supposed to have come to his death by violence or unlawful act to immediately notify one of the municipal officers, a police officer or a constable, 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, whose duty it shall be at once to 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 person 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. 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, 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. He shall then make an autopsy in the presence of a physician and one other discreet person sufficient in his judgment to disclose such facts as may be attainable thereby which would be of assistance in determining the cause of death. He may compel the assistance of such physician and person, by subpoena, if necessary, and he shall then and there at the time of said autopsy reduce or cause to be reduced to writing every fact and circumstance disclosed by such autopsy tending to show the manner and cause of death, which record shall be signed by himself and the witnesses who have attended, who shall in addition to their names subscribe their address and place of business. In case at the time of finding of such body there be no medical examiner within the county by reason of vacancy in the office, incapacity or absence from

—medical
examiner
shall be
notified.

Duties of
medical
examiner.

—make au-
topsy.

—may com-
pel assist-
ance of
physicians.

Medical ex-
aminer of
adjoining
county may
be called.

the county, any medical examiner in an adjoining county may be notified whose duty it shall be to attend and perform all duties prescribed by this act as though he were a medical examiner within the county.

Section 5. If upon such view with personal inquiry or autopsy as is required by the preceding section, the medical examiner is of the opinion that the death of the person was caused by violence, criminal or otherwise, he shall at once so notify the county attorney and the Attorney General, and file with each a duly attested copy of the record of the case. He shall also make a return of the death of such person to the city or town clerk as required by law, which shall be supplemented with a personal description of the deceased for identification.

Section 6. The county attorney or Attorney General may require the medical examiner to perform an autopsy if in their judgment the same is advisable, in cases where the medical examiner has not deemed it necessary to do so, and on receiving the report of a medical examiner of an autopsy made by him in pursuance of the provisions of this act and finding some person or persons probably implicated may, when deemed necessary authorize the medical examiner to take an inquest upon the view of the dead body of the person whose death is supposed to have been occasioned unlawfully, and such medical examiner shall thereupon summons to appear before him such witnesses as the county attorney or Attorney General may direct, who shall be examined under oath by said county attorney or Attorney General. All such testimony shall be reduced to writing by the medical examiner or under his direction and shall be signed by the witness and sworn to. The medical examiner shall preside at such inquest and shall report in writing his conclusions when and where and by what means the person came to his death, to the county attorney or Attorney General, and if it appears to him that it was a case of homicide, he shall so state and may state the name of the person, who in his judgment there is probable cause to believe contributed to such death, if known to him. The county attorney and the Attorney General shall then proceed to execute the laws of the State governing the office which they hold and may direct the holding of witnesses as they shall deem necessary.

Section 7. If a medical examiner reports that a death was not caused by violence or unlawful act and the county attorney or Attorney General is of a contrary opinion, nothing in this act shall be construed to prevent either of these officers directing an inquest in accordance with this act.

Attorney General shall be notified.

—return of death of person to clerk.

—county attorney or Attorney General may require an autopsy

—summoning of witnesses.

—testimony reduced to writing.

—medical examiner shall preside.

—shall report cause of death to county attorney or Attorney General.

—procedure of county attorney or Attorney General.

When county attorney or Attorney General is of different opinion.

CHAP. 332

—expert aid
may be
called.

Compensation
for expert
service.

Disposal
of dead
body after
autopsy.

—if body is
unident-
tified.

—expense
of burial.

Personal
effects, how
disposed of.

Compensation
of medical ex-
aminer.

Section 8. The medical examiner with the advice and consent of the county attorney or Attorney General, may if he deems necessary call a chemist or other expert to aid in the examination of the body or of substance supposed to have caused or contributed to the death of such person and such chemist or other expert shall be entitled to such compensation for his services as the medical examiner and the county attorney shall certify to be just and reasonable. Any person employed to reduce to writing the results of any of the proceedings provided for in this act shall be sworn and shall be allowed reasonable compensation.

Section 9. The medical examiner upon the completion of his examination, autopsy or inquest shall deliver the dead body upon their claim therefor, to one or more of the persons hereinafter named, and they shall be entitled thereto as follows: First, the husband or wife, as the case may be; second, the next of kin; third, any friend of the deceased. But if the dead body is unidentified or is unclaimed for a period of not less than forty-eight hours following the view thereof, the medical examiner shall deliver the body to the overseers of the poor in the town or if in a plantation or unorganized place to the county commissioners who shall decently bury the same, or shall deliver it to the board of distribution as provided in section three of chapter seventeen of the Revised Statutes. The expense of burial shall be borne by the municipality liable for the support of the deceased, if any within the State, and if not by the State.

Section 10. In all cases arising under the provisions of this act the medical examiner shall take charge of any money or any other personal effects of the deceased found upon or near the body and subject to the right of the State to use the same as evidence, shall deliver them to the person or persons entitled thereto, or if there is any doubt regarding to whom they shall be delivered, this fact shall be made known to the judge of probate for the county, whose directions in the case shall be followed.

Section 11. Every medical examiner shall render an account of the expenses of each case, including his fees, to the county attorney, who shall audit and approve the same before it is submitted to the county commissioners for their approval, and the fees allowed the medical examiner shall not exceed the following, viz: For a view and inquiry without an autopsy, ten dollars; for a view and autopsy, twenty-five dollars; for an in-

quest, ten dollars per day for the time actually spent in holding such inquest, and for all necessary travel at the rate of six cents per mile. Witnesses summoned to testify at such inquest shall be allowed the same fees as witnesses in the Supreme Judicial court. The physician and other person required to be present at an autopsy as provided in section four hereof shall be allowed a reasonable compensation to be audited by the medical examiner and county attorney.

Section 12. Upon the taking effect of this act the Attorney General and Secretary of State shall prepare forms of record books, blank returns and other papers necessary for medical examiners to carry out the provisions of this act and the same shall be printed at the expense of the State and distributed to the several medical examiners who shall take care of the same, each entering all the work and reports of his office, keeping the books open for the inspection of the county attorney and Attorney General, but whenever a medical examiner resigns or ceases to hold office, all books and papers pertaining to the office shall be delivered to his successor.

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

Approved April 2, 1915.

CHAP. 333

—witness fees.

Attorney General and Secretary of State shall prepare forms, blanks, etc. —distribution.

—Inconsistent acts repealed.

Chapter 333.

An Act to Amend Section Twenty-nine of Chapter Ninety-three of the Revised Statutes, Relating to Mechanics Liens on Buildings.

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

Section twenty-nine of chapter ninety-three of the Revised Statutes is hereby amended by inserting after the word "appurtenances" in the second line thereof and before the word "or" in third line thereof, the following words 'including any public building erected or owned by any city, town, county, school district or other municipal corporation' so that said section as amended shall read as follows:

'Section 29. Whoever performs labor or furnishes labor or materials in erecting, altering, moving, or repairing a house, building or appurtenances, including any public building erected or owned by any city, town, county, school district or other municipal corporation, or in constructing, altering or repairing

Ch. 93, Sec. 29, R. S., amended.

Liens on buildings and lots for labor and materials.