

# MAINE STATE LEGISLATURE

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ACTS AND RESOLVES  
AS PASSED BY THE  
Ninety-first and Ninety-second  
Legislatures  
OF THE  
STATE OF MAINE

From April 10, 1943 to April 21, 1945  
AND MISCELLANEOUS STATE PAPERS  
From April 10, 1943 to May 24, 1945

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Published by the Revisor of Statutes in accordance  
with Chapter 10 of the Revised Statutes of 1944.

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KENNEBEC JOURNAL  
AUGUSTA, MAINE  
1945

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**PUBLIC LAWS**  
OF THE  
**STATE OF MAINE**

As Passed by the Ninety-second Legislature

**1945**

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## Chapter 312

### AN ACT Relating to Presumption of Death.

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

Sec. 1. R. S., c. 141, § 23, amended. Section 23 of chapter 141 of the revised statutes is hereby amended by adding at the end thereof the following:

'Except that persons in World War II service classed as "missing in action" shall be presumed to be dead after continued absence of 1 year from the date such persons are so classed upon written finding of presumed death made by the Secretary of War, the Secretary of the Navy, or other officer or employee of the United States authorized to make such finding pursuant to the Federal Missing Persons Act, or upon a duly certified copy of said finding.'

Sec. 2. R. S., c. 141, §§ 23-A - 23-C, additional. Chapter 141 of the revised statutes is hereby amended by adding thereto 3 new sections to be numbered 23-A, 23-B, and 23-C, to read as follows:

'Sec. 23-A. Evidence of presumption of death after 1 year. A written finding of presumed death, made by the Secretary of War, the Secretary of the Navy, or other officer or employee of the United States authorized to make such finding, pursuant to the Federal Missing Persons Act (56 Stat. 143, 1092, and P. L. 408, Ch. 371, 2nd Sess. 78th Cong.; 50 U.S.C. App. Supp 1001-17), as now or hereafter amended, or a duly certified copy of such finding, shall be received in any court, office or other place in this state as evidence of the death of the person therein found to be dead, and the date, circumstances and place of his disappearance.'

'Sec. 23-B. Establishing fact of life or death. An official written report or record, or duly certified copy thereof, that a person is missing, missing in action, interned in a neutral country, or beleaguered, besieged or captured by an enemy, or is dead, or is alive, made by any officer or employee of the United States authorized by the act referred to in section 23-A or by any other law of the United States to make same, shall be received in any court, office or other place in this state as evidence that such person is missing, missing in action, interned in a neutral country, or beleaguered, besieged or captured by an enemy, or is dead, or is alive, as the case may be.'

'Sec. 23-C. Evidence of fact of execution of instrument. For the purposes of sections 23-A and 23-B, any finding, report or record, or duly certified copy thereof, purporting to have been signed by such an officer or employee of the United States as is described in said sections, shall prima facie be deemed to have been signed and issued by such an officer or employee pursuant to law, and the person signing same shall prima facie be deemed to have acted within the scope of his authority. If a copy purports to have been certified by a person authorized by law to certify the same, such certified copy shall be prima facie evidence of his authority so to certify.'

Effective July 21, 1945

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## Chapter 313

### AN ACT Relating to Examination and Registration of Osteopathic Physicians.

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

Sec. 1. R. S., c. 64, § 5, amended. Section 5 of chapter 64 of the revised statutes is hereby amended by adding at the end thereof the following:

'or for advertising by means of statements known to be false or deceptive.'

Sec. 2. R. S., c. 64, § 12, amended. Section 12 of chapter 64 of the revised statutes is hereby amended to read as follows:

'Sec. 12. Certain laws applicable to osteopathic physicians. All laws, rules, or regulations now in force in this state, or which shall hereafter be enacted, for the purpose of regulating the reporting of contagious diseases, deaths, or births to the proper authorities, signing certificates for committing persons to state institutions, and to which ~~the registered practitioner of medicine is~~ physicians of other schools of medicine are subject, shall apply equally to ~~the practitioner of osteopathy~~ osteopathic physicians, and all reports and health certificates made by osteopathic physicians shall be accepted by the officers of the departments to which the same are made equally with the reports and health certificates of ~~doctors of medicine~~ physicians of other schools of medicine.'

Effective July 21, 1945