

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

AS PASSED BY THE

One Hundred and Fourth Legislature

OF THE

STATE OF MAINE

Published by the Director of Legislative Research in accordance with
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THE KNOWLTON AND MCLEARY COMPANY
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1969

PUBLIC LAWS
OF THE
STATE OF MAINE
AS PASSED BY THE
One Hundred and Third Legislature
AT THE
SPECIAL SESSIONS

October 2-3, 1967
January 9-26, 1968
September 18, 1968

All Other	
Printing, Supplies, Telephone, Travel	\$ 8,000
Capital Expenditures	3,000
Comprehensive Planning	15,000
(Federal 2 to 1 Program Available)	
Economic Planning	10,000
(Federal 3 to 1 Program)	
Water Resources Council	20,000
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	\$ 56,000
 Regional Planning Assistance	 \$ 50,000
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	\$159,550

(50% of State Planner, 50% of Assistant State Planner and 50% of Regional Planner's time may be contributed services as part of state share of Comprehensive Planning (HUD), Economic Planning (EDA), and Regional Planning Applications to the Federal Government. Rest of state contribution is cash in "all other".)

Effective April 26, 1968

Chapter 534

AN ACT Establishing Procedures for State Medical Examiners and Creating the Office of Chief Medical Examiner for the State of Maine.

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

Sec. 1. R. S., T. 22, c. 155, repealed. Chapter 155 of Title 22 of the Revised Statutes is repealed.

Sec. 2. R. S., T. 22, c. 711, additional. Title 22 of the Revised Statutes is amended by adding a new chapter 711, to read as follows:

CHAPTER 711

MEDICAL EXAMINER ACT

§ 3021. Title

This chapter shall be referred to as the Medical Examiner Act.

§ 3022. Office of Chief Medical Examiner

There is created the Office of Chief Medical Examiner for the State of Maine. The Chief Medical Examiner of the State of Maine shall be appointed by the Governor, with the advice and consent of the Council, for a term of 7 years and until his successor is appointed and qualified. The Chief Medical Examiner shall possess a degree of doctor of medicine or doctor of osteopathy, be licensed to practice in the State of Maine and be certified in the specialty of forensic pathology by either the American Board of Pathology or the American Osteopathic Board of Pathology. Any vacancy in the Office of the Chief Medical Examiner shall be filled by appointment by the Governor, with the advice and consent of the Council, for a full term of 7 years. The Chief Medical Examiner is authorized to hire, subject to the Personnel Law, necessary office and laboratory personnel in order to carry out the proper functioning of his office.

§ 3023. Medical examiners; appointment; jurisdiction

The Chief Medical Examiner shall appoint medical examiners, who shall have state-wide jurisdiction and shall serve at the pleasure of the Chief Medical Examiner and subject to his control and the regulations promulgated by him. The Chief Medical Examiner may in his discretion make temporary appointments when he deems it in the public interest. The medical examiners shall be learned in the science of medicine and anatomy, licensed as physicians in the State of Maine and bona fide residents of the State of Maine. Each medical examiner before entering upon the duties of his office shall be duly sworn to the faithful performance of his duty.

§ 3024. Salaries; fees; expenses

The salary of the Chief Medical Examiner of the State of Maine shall be set by the Governor and Council. All other medical examiners shall be paid fees on the basis of the following schedule:

Investigation and view	\$ 30;
Travel expenses	10c a mile;
Fees for autopsies performed by pathologists	\$100.

The Chief Medical Examiner, using his discretion, may in an unusual circumstance, to be determined by him, prescribe a special fee for the service of a medical examiner or a pathologist.

All compensation and expenses authorized by this chapter shall be paid from the funds of the State appropriated by the Legislature for the purpose.

§ 3025. Reports of deaths

Whoever finds the body of any person who is supposed to have come to his death by violence or by the action of chemical, thermal or electrical agents, or following abortion, or suddenly when not disabled by recognizable disease or who has come to his death unexplained or unattended, shall immediately notify one of the municipal officers, a police officer or constable if in a city or town; or 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 municipality within the county. Such official shall immediately take charge of such body and retain custody thereof without moving the same, except as otherwise provided, until the arrival of a medical examiner, the county attorney, the sheriff or a member

of the State Police. The official taking charge of said body shall immediately notify the county attorney, sheriff or any member of the State Police, who shall in turn arrange for the attendance of the most readily accessible medical examiner. If the body, where found, is in danger of being destroyed or damaged by fire, vehicular traffic or otherwise, or of being lost in any body of water, any person may take steps as may seem necessary for its preservation or retention prior to the arrival of the medical examiner, sheriff, a member of the State Police or the county attorney, but in such event shall first, whenever practicable, exactly mark the location and position of the body. If no such danger exists, the body shall not be moved until the arrival of a representative of the Attorney General and until photographs have been taken or measurements and drawings have been made to record the physical facts relative to the location and position of the body, under the supervision of the county attorney, the State Police or sheriff, or unless the Attorney General or the county attorney waives such requirements. After such photographs or such measurements and drawings have been made or have been waived and after the medical examiner has completed such examination as required of him in section 3027, the body may be removed to a convenient place. The body shall not be finally released for embalming or burial, except by order of the Chief Medical Examiner. If and when it shall appear that the case is one of probable homicide, the Attorney General shall be immediately notified of the fact.

§ 3026. Death without medical attendance

When any person shall die without the attendance of a physician, the head of the household in which such death occurred, the person finding the body, any funeral director called to remove the dead body or any physician called to examine the dead body shall call the medical examiner to examine the body and shall give him all information which they may have concerning the death.

§ 3027. Duties of medical examiners upon receipt of notice

Upon receipt of notice, as stated in sections 3025 and 3026, the medical examiner shall take charge of the dead body, making inquiries regarding the cause and manner of death, reduce his findings to writing, and promptly make a full report thereof to the Chief Medical Examiner on forms prescribed for such purpose retaining one copy of such report for his own.

§ 3028. When autopsies made; reports made and prepared

If, in the opinion of the medical examiner, the Chief Medical Examiner, the county attorney or the Attorney General, it is advisable and in the public interest that an autopsy be made, such autopsy shall be made by the Chief Medical Examiner, or by such pathologist as may be designated by the Chief Medical Examiner for the purpose. A full record and report of the facts developed by the autopsy and findings of the person making such autopsy shall be properly made and filed with the medical examiner and in the Office of the Chief Medical Examiner. If, in the opinion of the Chief Medical Examiner, it is proper or if requested by the county attorney for the county in which said body was found or the Attorney General, a copy of the report of the autopsy shall be furnished to such county attorney or the Attorney General by the Chief Medical Examiner.

§ 3029. Body buried without inquiry

If, in any case of sudden, violent, suspicious or unattended death, the body is buried without any inquiry by the medical examiner as to the cause and manner of death, or without any autopsy being held or performed, it shall be the duty of the medical examiner upon being advised of such fact to notify the county attorney for the county in which said body was found, who in turn shall petition a Justice of the Superior Court and such justice may, by appropriate order, require that the body be exhumed and an autopsy performed thereon by the Chief Medical Examiner or by a pathologist designated by him for the purpose, and the pertinent facts disclosed by the autopsy shall be communicated to the justice who ordered it and the Chief Medical Examiner.

§ 3030. Victims of crime

The Chief Medical Examiner may, upon request of the county attorney, the Attorney General or a law enforcement officer, direct a medical examiner to make such medical examinations of victims of crimes of violence as he may deem appropriate.

§ 3031. Facilities and services available to medical examiners

The facilities of all laboratories, under the control of any state agency or department and the services of the professional staffs thereof, shall be made available to the Chief Medical Examiner with the cooperation of the head of the agency involved.

§ 3032. Rules and regulations

The Chief Medical Examiner is authorized and empowered to carry into effect this chapter, and in pursuance thereof, to make and enforce such reasonable rules and regulations consistent with this chapter as he may deem necessary. A copy of such regulations and any amendments thereto shall be filed in the office of the Secretary of State. Complete directions as to the nature, character and extent of the investigation to be made, in cases where medical examiners are involved, together with appropriate forms for the required reports and instructions for the medical examiners' use shall be promulgated by the Chief Medical Examiner by proper rule and regulation.

Sec. 3. Application. Medical examiners holding office on the effective date of this Act shall serve until the expiration of their term of office, but, in such case, shall have state-wide jurisdiction.

Sec. 4. Appropriation. There is appropriated from the General Fund the sum of \$50,000 for the fiscal year ending June 30, 1968 and the sum of \$100,000 for the fiscal year ending June 30, 1969 to the Chief Medical Examiner to be expended in the promotion and carrying out the objectives of this Act. The breakdown shall be as follows:

	1967-68	1968-69
OFFICE OF CHIEF MEDICAL EXAMINER		
Personal Services	(2) \$ 15,000	(2) \$ 36,193
All Other	33,000	63,307
Capital Expenditures	2,000	500
	\$ 50,000	\$100,000