

MAINE STATE LEGISLATURE

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SIXTH REVISION

THE
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OF THE

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CHAPTER 141.

Medical Examiners and Their Duties.

Sec. 1. Appointment of medical examiners; their number and duties. 1909, c. 189, § 1. 1915, c. 332, §§ 1, 2, 3. The governor, with the advice and consent of the council, shall appoint for a term of four 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 number of medical examiners so to be appointed 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 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. They 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.

Sec. 2. Notice of finding of the body of a person supposed to have come to his death by violence. 1915, c. 332, § 4. Whoever finds a body of any person who may be supposed to have come to his death by violence or unlawful act, shall immediately notify one of the municipal officers, a police officer or 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; 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 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.

Sec. 3. Proceedings by medical examiner upon receiving such notice. 1915, c. 332, § 4. 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

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thereby which may 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 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 chapter as though he were a medical examiner within the county.

Sec. 4. Notice to attorney-general; return of death to town clerk. 1915, c. 332, § 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.

Sec. 5. Autopsy may be ordered by attorney-general; inquest may be held; proceedings. 1915, c. 332, § 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 from a medical examiner the report of an autopsy made by him in pursuance of the provisions of this chapter, 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; such medical examiner shall thereupon summon 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.

Sec. 6. Inquest when county attorney or attorney-general disagree with medical examiner. 1915, c. 332, § 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 chapter shall

be construed to prevent either of these officers directing an inquest in accordance with this chapter.

Sec. 7. Expert aid may be called; compensation therefor. 1915, c. 332, § 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 chapter shall be sworn and shall be allowed reasonable compensation.

Sec. 8. Disposal of dead body after autopsy; if body is unidentified; expense of burial. 1915, c. 332, § 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 eighteen. 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.

Sec. 9. Personal effects, how disposed of. 1915, c. 332, § 10. In all cases arising under the provisions of this chapter 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.

Sec. 10. Compensation of medical examiner. 1915, c. 332, § 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 inquest, 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 three hereof shall be allowed a reasonable compensation to be audited by the medical examiner and county attorney.

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Sec. 11. Preparation and distribution of record books and blanks. 1915, c. 332, § 12. The attorney-general and secretary of state shall prepare for the use of medical examiners, forms of record books, blank returns and other papers necessary to carry out the provisions of this chapter; they 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 thereon all the work and reports of his office, keeping the books open for the inspection of the county attorney and attorney-general; whenever a medical examiner resigns or ceases to hold office, all books and papers pertaining to the office shall be delivered to his successor.