

# MAINE STATE LEGISLATURE

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# 132nd MAINE LEGISLATURE

## FIRST REGULAR SESSION-2025

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Legislative Document

No. 540

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H.P. 359

House of Representatives, February 11, 2025

### An Act to Identify the State's Unidentified Human Remains

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Reference to the Committee on Health and Human Services suggested and ordered printed.

A handwritten signature in cursive script that reads "R B. Hunt".

ROBERT B. HUNT  
Clerk

Presented by Representative BOYER of Poland.  
Cosponsored by Senator BICKFORD of Androscoggin and  
Representatives: FREDERICKS of Sanford, GRAHAM of North Yarmouth, HYMES of  
Waldo, JAVNER of Chester, SUPICA of Bangor, Senators: GROHOSKI of Hancock,  
HICKMAN of Kennebec, TIMBERLAKE of Androscoggin.

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

2 **Sec. 1. 22 MRSA §3028-A**, as amended by PL 2017, c. 335, §1, is repealed and the  
3 following enacted in its place:

4 **§3028-A. Disposal of unidentified human remains and abandoned human remains;**  
5 **identification**

6 This section governs the storage, identification, disposition and expenses related to  
7 human remains.

8 **1. Storage and disposition of human remains.** Whenever unidentified human  
9 remains are recovered, the Chief Medical Examiner may store the remains, release them to  
10 an educational institution, inter them in an appropriate resting place or have them cremated  
11 in accordance with this section. Ashes of remains cremated may be disposed of in any  
12 appropriate manner. Human remains uncovered in a cared-for cemetery are excluded from  
13 the operation of this section. Human remains known to be Indian remains are excluded  
14 from the operation of this subsection and must be handled in the manner required by section  
15 2842-B.

16 The Chief Medical Examiner may assume responsibility for the disposal of identified  
17 human remains of a deceased resident of this State that are the subject of a medical  
18 examiner case if no one takes custody and control of the human remains for a period of 30  
19 days after the Chief Medical Examiner has completed an autopsy or necessary examination  
20 of the human remains, made reasonable inquiry under section 3028-D, subsection 1 and  
21 satisfied the requirements of subsection 2. Such abandoned remains may be interred or  
22 cremated. The Chief Medical Examiner shall file or cause to be filed a certificate of  
23 abandonment in the municipality where the human remains were recovered that indicates  
24 the means of disposal.

25 In the absence of a responsible party, payment of expenses incurred by the Chief Medical  
26 Examiner pursuant to this section must be made pursuant to section 3028-D, subsection 2  
27 as if the remains were unidentified. The Chief Medical Examiner may seek to recover costs  
28 from the estate or municipality of residence of the deceased.

29 **2. Identification of human remains using DNA.** After the Chief Medical Examiner  
30 has had possession of unidentified human remains for 45 days, the Chief Medical Examiner  
31 shall test the deoxyribonucleic acid, or DNA, of the unidentified human remains using  
32 forensic genetic genealogy testing. For purposes of this subsection, "forensic genetic  
33 genealogy testing" means a DNA analysis of a sample of biological material by a laboratory  
34 to develop a profile and search for that profile in a database of personal genomics or using  
35 a direct-to-consumer genetic genealogy service.

36 **Sec. 2. Chief Medical Examiner to identify human remains.** The Chief  
37 Medical Examiner shall use forensic genetic genealogy testing of the deoxyribonucleic  
38 acid, or DNA, of unidentified human remains in order of importance as determined by the  
39 Chief Medical Examiner to identify any unidentified human remains in the possession of  
40 the Chief Medical Examiner as of the effective date of this Act. As used in this section,  
41 "forensic genetic genealogy testing" has the same meaning as in the Maine Revised  
42 Statutes, Title 22, section 3028-A, subsection 2.

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## **SUMMARY**

This bill requires the Chief Medical Examiner to use forensic genetic genealogy testing with the deoxyribonucleic acid, or DNA, of the remains of an unidentified individual after 45 days of having possession of those remains.