

MAINE STATE LEGISLATURE

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CHAPTER 709

DISPOSAL OF DEAD BODIES

Sec.

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§ 2881. Delivery to physician for scientific purposes

If any resident of the State requests or consents that after death his body may be delivered to a regular physician or surgeon for the advancement of anatomical science, it may be used for that purpose, unless some kindred or family connection makes objection.

R.S.1954, c. 66, § 10.

§ 2882. Collection, distribution and delivery

The professors of anatomy, the professors of surgery and the demonstrators of anatomy in the medical schools of the State which are now or may hereafter become incorporated by Act of the Legislature shall be and are constituted a board for the collection, distribution and delivery of dead human bodies to and among such persons as under this chapter are entitled thereto. When no medical schools of the State are in active operation, the Superintendent of the Bangor State Hospital, the Superintendent of the Augusta State Hospital, the Superintendent of the Eastern Maine General Hospital, the Superintendent of the Maine General Hospital and the Superintendent of the Central Maine General Hospital shall constitute such board. The said board shall have full power to establish rules and regulations for its government and to appoint and remove officers, and shall keep full and complete minutes of its transactions. Records shall be kept under its direction of all bodies received and distributed by said board and of the persons to whom the same are distributed. The minutes

and records shall be open at all times to the inspection of each member of said board, the Attorney General and the county attorney of any county within the State.

R.S.1954, c. 66, § 11.

§ 2883. Deaths in almshouses, prisons and institutions

All public officers, agents and servants of any and every county and municipality, and of any and every almshouse, prison, morgue, hospital or any other public institution having charge or control over dead human bodies required to be buried at the public expense are required to notify immediately the said board of distribution, or such person or persons as may from time to time be designated by said board, or its duly authorized officer or agent, whenever any such body or bodies come into his or their possession, charge or control, and shall, without fee or reward, deliver such body or bodies to said board or its duly authorized officer or agent, and permit and suffer the said board or its agents, or the physicians and surgeons from time to time designated by it or them, who comply with this chapter, to take and remove any and all such bodies to be used within the State for the advancement of medical education. No such notice need be given and no such body shall be delivered if any person, satisfying the authorities in charge of said body that he or she is a member of the family or next of kin to the deceased, shall claim the body for burial, but it shall be surrendered to him or her for interment, and no notice shall be given and no body delivered to said board or its agents if such deceased person was a traveler and not a vagabond, who died suddenly, in which case the said body shall be buried. The superintendents and medical staffs of the Augusta State Hospital, the Bangor State Hospital and Pineland Hospital and Training Center, having charge or control over dead human bodies required to be buried at public expense, when no person satisfies the superintendent of either hospital for the mentally ill or the Pineland Hospital and Training Center, and the Department of Mental Health and Corrections that he or she is a member of the family of, or some family connection or next of kin to the deceased, and wishes to claim the body for burial, may for the advancement of science hold an autopsy and examine the body of such person, notwithstanding any provisions of this chapter.

Notwithstanding the availability of lump sum death benefits under the Federal Social Security Act, the term "buried at public expense" as written in this section shall be deemed to include the

unclaimed dead bodies of all indigent persons otherwise within the intendment of this section.

R.S.1954, c. 66, § 12; 1957, c. 21, § 2; c. 241; 1959, c. 360, § 2.

§ 2884. Distribution of bodies

The board or its duly authorized agent may take and receive such bodies, so delivered, and shall upon receiving them after 7 days from the date of decease distribute and deliver them to or among the schools, physicians and surgeons in the following manner: Those schools needing bodies for lectures and demonstrations shall first be supplied as fast as practicable, the number assigned to each to be based upon the number of students in actual attendance, which number shall be returned to the board at such times as it shall direct. The board of distribution may from time to time designate physicians or surgeons who shall receive said bodies, applications to be considered in the order of their receipt by said board. Subject to this chapter, it shall be lawful for the University of Maine, Colby College, Bates College and Bowdoin College or any recognized medical school in New England to receive such bodies for the promotion of medical education, which shall be construed to include nursing training and premedical education.

R.S.1954, c. 66, § 13.

§ 2885. Enclosed from public view; carriers to obtain receipts

The said board may employ a carrier or carriers for the conveyance of said bodies, and the said bodies shall be well enclosed within a suitable encasement and carefully deposited free from public observation. Said carrier shall obtain receipts by name or, if the deceased is unknown, by a description for each body delivered by him, which receipt shall state the source from which said body was received, and shall deposit said receipts with the secretary of said board.

R.S.1954, c. 66, § 14.

§ 2886. Bond for proper disposal; traffic outside of State

No school, college, university, or any recognized medical school in New England, physician or surgeon shall be allowed or permitted to receive any such body or bodies until a bond shall be

given to the Treasurer of State by such physician or surgeon, or by and in behalf of such school, college, university or any recognized medical school in New England, to be approved by a justice of a court of record in and for the county in which said physician or surgeon resides, or in which such school, college, university or any recognized medical school in New England is situated. Such bond shall be in the penal sum of \$1,000, conditioned that all such bodies, which the said physician or surgeon or the said school, college, university or any recognized medical school in New England shall receive thereafter, shall be used only for the promotion within the state of medical education, which shall be construed to include nursing training and premedical education, and when no longer needed for such educational purposes shall be decently buried. Said bond shall be examined annually in the month of December by the Treasurer of State and he shall certify in writing upon each bond in his possession his approval of the same. In case any bond is not approved by him, he shall immediately notify the party giving the same, who shall forthwith file a new bond. Whosoever shall sell or buy such body or bodies, or in any way traffic in the same, or shall transmit or convey such body or bodies to any place outside of the State, or cause the same to be done, except as provided in section 2884, shall be punished by a fine of not more than \$200 or by imprisonment for not more than 11 months.

R.S.1954, c. 66, § 15.

§ 2887. Expenses

Neither the State nor any county or municipality, nor any officer, agent or servant thereof shall be at any expense by reason of the delivery or distribution of any such body, but all the expenses thereof, and of said board of distribution, shall be paid by those receiving the bodies in such manner as shall be specified by said board of distribution.

R.S.1954, c. 66, § 16.

§ 2888. Neglect to discharge duties

Any person having duties enjoined upon him by this chapter who shall neglect, refuse or omit to perform the same as required by this chapter shall, on conviction thereof, be punished by a fine of not less than \$100 nor more than \$500, for each offense.

R.S.1954, c. 66, § 17.

§ 2889. Disposal of eyes after death

A person has the right to direct the manner in which his eyes or any part thereof shall be disposed of after his death.

1. Manner of making disposition. A person may, if he is of legal age and sound mind, by written instrument, prescribe for the disposition to be made, after death, of his eyes or any part thereof, provided such person shall receive no remuneration or other thing of value for such disposition and provided further that same is for the purpose of advancing medical science or for the replacement or rehabilitation of diseased eyes, worn out or injured parts, of the eyes of living human beings.

2. Donee provisions. Any such donation, authorization or consent made under this section shall be by written instrument signed by the person making or giving the same and shall be witnessed by 2 persons of legal age. Each instrument may designate the donee, but such designation shall not be necessary to its validity. A donee may be an individual, hospital, institution, an agency engaged in sight restoration or a bank maintained for the storage, preservation and use of human eyes or parts thereof. If no specific donee is named in such instrument, then the hospital in which the donor dies shall be considered to be the donee and if such donor does not die in a hospital, then the attending physician shall be considered to be the donee. Such hospital or physician shall have full authority to take and remove said eyes or parts thereof which such donor has designated and to make the same available to any person or institution in need thereof. Where a donee is named in such instrument, any hospital or physician acquiring possession or custody of the body shall have the authority to remove from the body the eyes or parts thereof which the donor has designated and to deliver the same to the named donee, provided that no such licensed physician or hospital shall receive any remuneration or other thing of value whatsoever, except the established fees, for such services rendered, for any eyes, or parts thereof, donated under this section, but such claim for services in removing the eyes or parts thereof shall not be a claim against the estate of deceased, and the hospital, donee or physician shall not be liable civilly or criminally for removing said eyes or parts thereof from the body, providing the donor has, prior to death, executed a valid written agreement as provided herein. No appointment of administrator, executor or court order shall be necessary before the removal of said eyes or parts thereof. No particular form or words shall be necessary

or required for such donation or authorization provided that the instrument conveys the clear intention of the purpose of the person making the same. Any such disposition of his own eyes or parts thereof may be revoked by the donor at any time prior to his death by the execution of a written instrument in the same manner as the original grant.

1961, c. 79.