

# MAINE STATE LEGISLATURE

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ONE HUNDRED AND EIGHTH LEGISLATURE

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Legislative Document

No. 1771

H. P. 1543

House of Representatives, May 10, 1977

Reported by Mr. Howe from Committee on Business Legislation and  
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EDWIN H. PERT, Clerk

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STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED  
SEVENTY-SEVEN

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**AN ACT** Concerning the Disposition of Human Remains.

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

Sec. 1. 22 MRSA § 2841, sub-§ 1, 1st sentence, is repealed and the following enacted in its place:

The funeral director or other authorized person in charge of the disposition of the dead fetus or its removal from the State shall be responsible for filing the certificate.

Sec. 2. 22 MRSA § 2842, sub-§ 1, 1st sentence, is repealed and the following enacted in its place:

The funeral director or other authorized person in charge of the disposition of the dead human body or its removal from the State shall be responsible for filing the certificate.

Sec. 3. 22 MRSA § 2843, 1st ¶, is repealed and the following enacted in its place:

Except as authorized by the department, no dead human body shall be buried, cremated or otherwise disposed of or removed from the State until a funeral director or other authorized person in charge of the disposition of the dead human body or its removal from the State has obtained a permit from the clerk of the municipality where death occurred. The permit shall be sufficient authority for final disposition in any place, including a crematory, where dead human bodies are disposed of in this State. No such permit may be issued to anyone other than a funeral director until the clerk of the municipality receives a medical certificate which has been signed by a physician or

medical examiner which indicates that the physician or medical examiner has personally examined the body after death. The authorized person may transport a dead human body only upon receipt of this permit.

Sec. 4. 22 MRSA § 2846 is enacted to read :

§ 2846. Authorized person

For the purposes of this chapter, the "authorized person" responsible for obtaining or filing a permit or certificate shall mean a member of the immediate family of the deceased, a person authorized in writing by a member of the immediate family of the deceased if no member of the immediate family of the deceased is physically or mentally capable of the responsibility, or in the absence of immediate family, a person authorized in writing by the deceased.

Sec. 5. 32 MRSA § 1405, 2nd ¶, as last amended by PL 1975, c. 293, § 4, is amended by adding after the first sentence, the following new sentence:

This certificate, a certified copy of the death certificate and a burial transit permit when presented by the authorized person as defined in Title 22, section 2846, shall be sufficient authority for cremation and the person, firm or corporation in charge of cremation shall not refuse to cremate the body solely because these documents are presented by such an authorized person.

#### STATEMENT OF FACT

The purpose of this new draft is to allow the deceased or his next-of-kin to authorize a funeral director or other person to obtain the necessary documents to transport and dispose of a dead human body.