

# MAINE STATE LEGISLATURE

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1 FIRST REGULAR SESSION  
2

3 ONE HUNDRED AND TWELFTH LEGISLATURE  
4

5 Legislative Document

No. 26

6  
7 S.P. 22

In Senate, January 3, 1985

8 Reference to the Committee on Human Resources suggested and ordered  
9 printed.

10 JOY J. O'BRIEN, Secretary of the Senate

Presented by Senator Clark of Cumberland.  
11

12 STATE OF MAINE  
13

14 IN THE YEAR OF OUR LORD  
15 NINETEEN HUNDRED AND EIGHTY-FIVE  
16

17 AN ACT to Clarify the Term "Authorized  
18 Person" Under the Law Relating to  
19 Deaths and Burials.  
20

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

23 22 MRSA §2846, as enacted by PL 1977, c. 232, §4,  
24 is repealed and the following enacted in its place:

25 §2846. Authorized person

26 For purposes of this chapter, the "authorized  
27 person" responsible for obtaining or filing a permit  
28 or certificate means a member of the immediate family  
29 of the deceased, a person authorized in writing by  
30 the deceased or a member of the deceased's immediate  
31 family, or, in the case of an indigent person, by an  
32 authorized agent of the overseers of the poor of the  
33 municipality charged with the responsibility for dis-  
34 posing of the indigent person's remains.

1

STATEMENT OF FACT

2           This bill clarifies the law so as to make it  
3 clear beyond any doubt that family members can bury  
4 their own dead or can authorize some other person who  
5 may or may not be a funeral director to act for them  
6 and to broaden the statute to make it clear that the  
7 overseers of the poor or the welfare director in a  
8 particular community could arrange for a simple buri-  
9 al or cremation service without having to involve a  
10 funeral director.

11           Although the municipal officers in the various  
12 cities and towns with responsibility of seeing to the  
13 burial of deceased paupers, there is nothing in the  
14 statute which would clearly authorize the municipal  
15 officers or the welfare director in a particular com-  
16 munity to arrange for the cremation or burial service  
17 themselves or to authorize someone who was not a fu-  
18 neral director to do it for them.

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