

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

1 FIRST REGULAR SESSION
2

3 ONE HUNDRED AND TWELFTH LEGISLATURE
4

5 Legislative Document

No. 602

7 H.P. 422 House of Representatives, February 19, 1985

8 Submitted by the Department of Human Services pursuant to Joint Rule
9 24.

10 Reference to the Committee on Business and Commerce suggested and
ordered printed.

EDWIN H. PERT, Clerk

Presented by Representative Carroll of Gray.

11 Cosponsored by Representative Manning of Portland, Senator Bustin of
Kennebec and Representative Kimball of Buxton.

12 STATE OF MAINE
13

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

17 AN ACT to Amend Permit Procedures Relative to
18 Final Disposition of Dead Human
19 Bodies.
20

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

23 Sec. 1. 22 MRSA §2843, first ¶, as repealed and
24 replaced by PL 1977, c. 232, §3, is amended to read:

25 Except as authorized by the department, no dead
26 human body shall be buried, cremated or otherwise
27 disposed of or removed from the State until a funeral
28 director or other authorized person in charge of the
29 disposition of the dead human body or its removal
30 from the State has obtained a permit from the clerk
31 of the municipality where death occurred or where the
32 establishment of a funeral director having custody of
33 the dead human body is located. The permit shall be
34 sufficient authority for final disposition by burial
35 or entombment in any place, including a crematory,
36 where dead human bodies are disposed of in this

1 State, except as required by Title 32, section 1405.
2 No such permit may be issued to anyone other than a
3 funeral director until the clerk of the municipality
4 receives a medical certificate which has been signed
5 by a physician or medical examiner which indicates
6 that the physician or medical examiner has personally
7 examined the body after death. The authorized person
8 may transport a dead human body only upon receipt of
9 this permit.

10 Sec. 2. 22 MRSA §2843, as amended by PL 1977, c.
11 232, §3, is further amended by adding after the first
12 ¶ a new paragraph to read:

13 A municipal clerk may issue a burial-transit per-
14 mit to a funeral director who presents a report of
15 death and states that he has been unable to obtain a
16 medical certification of the cause of death. The
17 funeral director shall name the attending physician
18 or medical examiner who will certify to the cause of
19 death and present assurances that he or she has
20 agreed to do so. The funeral director shall exercise
21 due diligence to secure the medical certification and
22 file the death certificate as soon as possible.

23 Sec. 3. 22 MRSA §2843, sub-§3 is amended to
24 read:

25 3. Permit for burial. The person in charge of
26 each burying ground or crematory in this State shall
27 endorse each such permit with which he is presented,
28 and return it to the clerk of the municipality in
29 which such burying ground or crematory is located
30 within 7 days after the date of ~~burial~~ disposition.
31 If there is no person in charge of the burying
32 ground, an official of the municipality in which the
33 burying ground is located shall endorse each such
34 permit, and present it to the clerk of the municipal-
35 ity. The funeral director or authorized person shall
36 present a copy of each permit, after endorsement, to
37 the clerk of the municipality where death occurred
38 and to the clerk who issued the permit.

39 Sec. 4. 22 MRSA §2844 is amended to read:

40 §2844. Subregistrars

1 The town or city clerk may appoint ~~2~~ one or more
2 suitable and proper persons in ~~each town or city~~ the
3 municipality as subregistrars, who shall be autho-
4 rized to issue burial permits and permits for trans-
5 portation of dead human bodies based upon a death
6 certificate, in the same manner as is required of the
7 town or city clerk. The ~~said~~ death certificate upon
8 which the permit is issued shall be forwarded to the
9 town clerk within 6 days after receiving the same,
10 and all permits by whomsoever issued shall be re-
11 turned to the town clerk as required by section 2843.
12 The appointment of subregistrars shall be made with
13 reference to locality, so as to best suit the conve-
14 nience of the inhabitants of the town, and such ap-
15 pointment shall be in writing and recorded in the of-
16 fice of the town or city clerk. The subregistrars in
17 any town shall hold office at the pleasure of the
18 town clerk.

19

STATEMENT OF FACT

20 This bill will provide funeral directors with the
21 option of obtaining the needed permit to transport
22 and make final disposal of a dead human body from the
23 clerk of the municipality where the establishment of
24 a funeral director is located, instead of being re-
25 quired to obtain the permit from the clerk of the mu-
26 nicipality where the death occurred. This change
27 will greatly streamline the process of obtaining the
28 permit, thus reducing the cost to the funeral direc-
29 tor and to the survivors. A copy of the permit will
30 be filed with the clerk of the municipality where the
31 death occurred, upon payment of an appropriate fee.

32 This bill also provides for the handling of un-
33 usual situations such as those in which substantial
34 distances are involved or appropriate physicians or
35 public officials are unavailable within the required
36 time frames, by allowing funeral directors to obtain
37 the needed burial-transit permit upon presentation of
38 a report of death if he has been unable to obtain a
39 medical certification of the cause of death, provided
40 the funeral home has specifically ascertained that
41 the certifier is able and willing to certify.

1 The bill closes the loop of accountability by re-
2 quiring the burial-transit permit to be endorsed by
3 the person in charge of the burying ground or
4 crematory, or by a municipal official if there is no
5 such designated person, and then returned to the mu-
6 nicipal clerk who issued the permit and to the munic-
7 ipal clerk at the place of death.

8

0382122684