

MAINE STATE LEGISLATURE

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1 (New Draft of S.P. 22, L.D. 26)
2 FIRST REGULAR SESSION
3

4 ONE HUNDRED AND TWELFTH LEGISLATURE
5

6 Legislative Document

No. 651

8 S.P. 258

In Senate, February 21, 1985

9 Reported by Senator Bustin of Kennebec from the Committee on
10 Business and Commerce and printed under Joint Rule 2. Original bill
11 sponsored by Senator Clark of Cumberland.

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

13 STATE OF MAINE
14

15 IN THE YEAR OF OUR LORD
16 NINETEEN HUNDRED AND EIGHTY-FIVE
17

18 AN ACT to Clarify the Term "Authorized
19 Person" Under the Law Relating to
20 Deaths and Burials.
21

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

24 22 MRSA §2846, as enacted by PL 1977, c. 232, §4,
25 is amended to read:

26 §2846. Authorized person

27 For the purposes of this chapter, the "authorized
28 person" responsible for obtaining or filing a permit
29 or certificate shall mean a member of the immediate
30 family of the deceased, a person authorized in writ-
31 ing by a member of the immediate family of the de-
32 ceased if no member of the immediate family of the
33 deceased ~~is physically or mentally capable of wishes~~
34 to assume the responsibility, or in the absence of
35 immediate family, a person authorized in writing by

1 the deceased.

2 STATEMENT OF FACT

3 This new draft makes only one change in the cur-
4 rent version of the Revised Statutes, Title 22, sec-
5 tion 2846. Current law allows a member of the
6 deceased's immediate family to authorize a nonfamily
7 member to obtain death certificates, transportation
8 permits and other permits needed to dispose of a dead
9 human body only if no family member is "physically or
10 mentally capable of the responsibility." This bill
11 removes that ambiguous language and instead allows a
12 family member to authorize a non-family member, if no
13 family member wishes to assume the responsibility.
14 This change allows a family already coping with a
15 personal tragedy to delegate responsibility to some-
16 one outside the family without forcing them to pub-
17 licly declare themselves incapable of performing the
18 task. In addition, it does not place those asked to
19 assist the family in the difficult position of per-
20 sonally judging the physical and mental state of the
21 family members.

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