

MAINE STATE LEGISLATURE

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1 SECOND REGULAR SESSION
2

3 ONE HUNDRED AND TWELFTH LEGISLATURE
4

5 Legislative Document

No. 1889

6 S.P. 736

In Senate, January 16, 1986

7 Approved for introduction by a majority of the Legislative Council
8 pursuant to Joint Rule 26.

9 Reference to the Committee on Judiciary suggested and ordered printed.

JOY J. O'BRIEN, Secretary of the Senate

10 Presented by Senator Maybury of Penobscot.

Cosponsored by Senator Stover of Sagadahoc, Representative Wentworth
of Wells and Representative Hale of Sanford.

11
12 STATE OF MAINE
13

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

17 AN ACT to Clarify the Law Relating to
18 Authorization by Divorced Parents for
19 the Exhumation of the Body of a Child.
20

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

23 22 MRSA §2843, sub-§2-A is enacted to read:

24 2-A. Removal of body of minor; consent of di-
25 vorced parents. No court may order or allow the dis-
26 interment or removal of the body of any minor under
27 subsection 2, nor may any municipal clerk issue a
28 permit for the disinterment or removal of such a body
29 under subsection 2, when the surviving parents of
30 that minor are divorced, unless:

31 A. Seven days prior to the issuance of such an
32 order or permit, written notice of the request
33 for such an order or permit is sent to the last
34 known address of any surviving parent not joining
35 in the request; and

1 B. The court or clerk has not received any com-
2 munication from any such parent objecting to the
3 disinterment or removal of the body.

4 If any surviving parent objects to the request, a
5 court of competent jurisdiction must determine wheth-
6 er to allow the disinterment or removal.

7 Notwithstanding this subsection, a court or clerk may
8 authorize disinterment or removal if a licensed phy-
9 sician or coroner certifies that immediate disinter-
10 ment or removal of the body is necessary for public
11 health or safety or to the furtherance of any crimi-
12 nal investigation.

13 STATEMENT OF FACT

14 The intent of this bill is to clear up difficul-
15 ties in exhuming the body of a child where authoriza-
16 tion must be given by divorced parents.

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