

MAINE STATE LEGISLATURE

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1 (New Draft of S.P. 736, L.D. 1889)
2 (New Title)
3 SECOND REGULAR SESSION
4

5 ONE HUNDRED AND TWELFTH LEGISLATURE
6

7 Legislative Document

No. 2138

9 S.P. 846

In Senate, March 5, 1986

10 Reported by Senator Chalmers of Knox from the Committee on Judiciary
11 and printed under Joint Rule 2. Original bill sponsored by Senator Maybury
12 of Penobscot. Cosponsored by Senator Stover of Sagadahoc, Representative
Wentworth of Wells and Representative Hale of Sanford.

JOY J. O'BRIEN, Secretary of the Senate

13
14 STATE OF MAINE
15

16 IN THE YEAR OF OUR LORD
17 NINETEEN HUNDRED AND EIGHTY-SIX
18

19 AN ACT to Clarify the Law Relating to
20 Authorization for Disinterment or
21 Removal.
22

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

25 22 MRSA §2843, sub-§2 is repealed and the follow-
26 ing enacted in its place:

27 2. Permit for disinterment or removal. No dead
28 human body may be disinterred or removed from any
29 vault or tomb until the person in charge of the dis-
30 interment or removal has obtained a permit from the
31 clerk of the municipality where the dead human body
32 is buried or entombed. The permit shall be issued
33 upon receipt of a notarized application signed by the
34 next of kin of the deceased who shall verify that he
35 is the closest surviving known relative and, where
36 other family members of equal or greater legal or

1 blood relationship also survive, that they are aware
2 of, and do not object to, the disinterment or remov-
3 al. Nothing contained in this subsection precludes a
4 court of competent jurisdiction from ordering or en-
5 joining disinterment or removal pursuant to section
6 3029 or in other appropriate circumstances.

7 STATEMENT OF FACT

8 The purpose of this new draft is to clear up am-
9 biguities in disinterring or removing a dead human
10 body from any vault or tomb and to protect the peace
11 of mind of family members who may be affected by dis-
12 interment or removal of deceased loved ones without
13 family authorization. This new draft authorizes a
14 municipal clerk to issue a permit for disinterment or
15 removal upon receipt of a notarized application
16 signed by the next of kin of the deceased. The ap-
17 plication verifies that the applicant is the closest
18 surviving known relative of the deceased or, if other
19 equally close or closer surviving relatives are known
20 about, asserts that these relatives do not object to
21 the disinterment or removal. The new draft does not
22 preclude a court from ordering or enjoining a disin-
23 terment or removal in appropriate circumstances.

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