

MAINE STATE LEGISLATURE

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114th MAINE LEGISLATURE

FIRST REGULAR SESSION - 1989

Legislative Document

No. 236

H.P. 171

House of Representatives, February 16, 1989

Submitted by the Department of Corrections pursuant to Joint Rule 24.
Reference to the Committee on Human Resources suggested and ordered printed.

A handwritten signature in cursive script that reads "Ed Pert".

EDWIN H. PERT, Clerk

Presented by Representative STROUT of Windham.

Cosponsored by Representative MELENDY of Rockland, Senator RANDALL of Washington and Senator MATTHEWS of Kennebec.

STATE OF MAINE

IN THE YEAR OF OUR LORD
NINETEEN HUNDRED AND EIGHTY-NINE

An Act to Amend the Law Governing Disposition of the Bodies of
Persons Who Die in State Correctional Facilities.



1 **Be it enacted by the People of the State of Maine as follows:**

3 **22 MRSA §2883**, as amended by PL 1981, c. 493, §2, is
5 further amended to read:

7 **§2883. Deaths in almshouses, prisons and institutions**

9 All public officers, agents and servants of any and every
11 county and municipality, and of any and every almshouse, prison,
13 morgue, hospital or any other public institution having charge or
15 control over dead human bodies required to be buried at the
17 public expense are required to notify immediately the said board
19 of distribution, or such the person or persons as may from time
21 to time be designated by said the board, or its duly authorized
23 officer or agent, whenever any such body or bodies come into his
25 or her possession, charge or control, and shall, without fee or
27 reward, deliver such the body or bodies to said the board or its
29 duly authorized officer or agent, and permit and suffer the said
31 board or its agents, or the physicians and surgeons from time to
33 time designated by it or them, who comply with this chapter, to
35 take and remove any and all such bodies to be used within the
37 State for the advancement of medical education. No such notice
39 need be given and no such body shall be delivered if any person,
41 satisfying the authorities in charge of said the body that he-
43 or she the person is a member of the family or next of kin to the
45 deceased, shall claim the body for burial, but it shall be
47 surrendered to ~~him-or-her~~ the person for interment, and no notice
49 shall may be given and no body delivered to said the board or its
agents if such the deceased person was a traveler and not a
vagabond, who died suddenly, in which case the said body shall be
buried. No notice may be given and no body delivered to the board
or its agents by the Department of Corrections if, at its option,
the department assumes responsibility for the expenses of
burial. The option may be exercised by the Department of
Corrections regardless of whether the body is claimed by a member
of the family or next of kin, but in such a case it may only be
exercised with the agreement of the person making the claim. The
superintendents and medical staffs of the Augusta Mental Health
Institute, the Bangor Mental Health Institute and Pineland
Center, having charge or control over dead human bodies required
to be buried at public expense, when no person satisfies the
superintendent of either hospital for the mentally ill or the
Pineland Center, and the Department of Mental Health and
~~Corrections~~ Mental Retardation that he-~~or~~-she the person is a
member of the family of, or has some family connection or is next
of kin to the deceased, and wishes to claim the body for burial,
may for the advancement of science hold an autopsy and examine
the body of such the deceased person, notwithstanding any
provisions of this chapter.

1 Notwithstanding the availability of lump sum death benefits
2 under the Federal United States Social Security Act, the term
3 "buried at public expense" as written in this section shall be
4 deemed to include the unclaimed dead bodies of all indigent
5 persons otherwise within the intendment of this section.

7
8
9 **STATEMENT OF FACT**

11 Currently, if a prisoner in a correctional facility expires
12 and no family member or next of kin claims the body, it must be
13 turned over to the proper authorities to be used for the
14 advancement of medical education. There are also times when a
15 family member or next of kin claims the body, but has no funds to
16 provide for burial. This bill allows the Department of
17 Corrections to pay for the expense.