

# MAINE STATE LEGISLATURE

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# 116th MAINE LEGISLATURE

FIRST REGULAR SESSION-1993

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Legislative Document

No. 268

H.P. 206

House of Representatives, February 2, 1993

**An Act to Facilitate the Transport of Bodies Out of State by Funeral Directors.**

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Reference to the Committee on Human Resources suggested and ordered printed.

A handwritten signature in cursive script that reads "Joseph W. Mayo".

JOSEPH W. MAYO, Clerk

Presented by Representative MURPHY of Berwick.  
Cosponsored by Representatives: LEMONT of Kittery, VIGUE of Winslow, Senator:  
CARPENTER of York.

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

2  
3 Sec. 1. 22 MRSA §2843, 2nd ¶, as enacted by PL 1985, c. 231,  
4 §1, is amended to read:

6 A municipal clerk may issue a permit for final disposition  
7 by cremation, burial at sea, use by medical science or removal  
8 from the State only upon receipt of a certificate of release by a  
9 duly appointed medical examiner as specified in Title 32, section  
10 1405, except that a certificate of release by a medical examiner  
11 is not required if the permit is being issued to a funeral  
12 director for removal from the State and all other requirements of  
13 this section have been met.

14 Sec. 2. 32 MRSA §1407 is enacted to read:

16 §1407. Exceptions; removal of body from State

18 Notwithstanding section 1405, a body may be removed from the  
19 State by a funeral director without review or certification by a  
20 medical examiner if the funeral director has received a permit  
21 for final disposition pursuant to Title 22, section 2843.

24 STATEMENT OF FACT

26 Currently, before a body is removed from the State, a  
27 medical examiner must issue a certificate. This sometimes  
28 results in a delay that creates a hardship for families. In  
29 border communities, families that have arrangements with funeral  
30 homes in New Hampshire can not have the body of a family member  
31 moved until a medical examiner's certification is received.

34 This bill makes an exception to the required medical  
35 examiner's certification if the body is being transported by a  
36 funeral director. The funeral director still needs to meet all  
37 other requirements to receive a permit, except that the medical  
38 examiner's signature is not necessary. The exception does not  
39 apply to homicides, poisonings or suspicious deaths; those remain  
40 medical examiner cases pursuant to the Maine Revised Statutes,  
Title 22, section 3025.