

MAINE STATE LEGISLATURE

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120th MAINE LEGISLATURE

FIRST REGULAR SESSION-2001

Legislative Document

No. 1521

H.P. 1135

House of Representatives, March 8, 2001

An Act to Broaden the Crime of Abuse of a Corpse.

Reported by Representative POVICH for the Criminal Law Advisory Commission pursuant to Maine Revised Statutes, Title 17-A, section 1354, subsection 2.

Reference to the Joint Standing Committee on Criminal Justice suggested and printing ordered under Joint Rule 218.

Millicent M. MacFarland

MILLICENT M. MacFARLAND, Clerk

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

4 **Sec. 1. 17-A MRSA §508, sub-§1**, as enacted by PL 1975, c. 499,
§1, is repealed and the following enacted in its place:

6 1. A person is guilty of abuse of corpse if, except as
authorized by law, that person:

8 A. Intentionally disinters, digs up, removes, conceals,
10 mutilates or destroys a human corpse, or any part or the
ashes of a human corpse; or

12 B. Treats a human corpse, or any part or the ashes of a
14 human corpse, in a way that the person knows would outrage
16 reasonable sensibilities of the family of the deceased or
reasonable community sensibilities.

18 **Sec. 2. 17-A MRSA §508, sub-§2**, as enacted by PL 1975, c. 499,
§1, is repealed.

20

22 **SUMMARY**

24 This bill amends the laws governing the crime of abuse of
corpse. It criminalizes conduct relative to a corpse that would
26 outrage reasonable family sensibilities if the actor is aware
that the actor's conduct would outrage any reasonable family
28 member of the deceased. It also criminalizes conduct relative to
a corpse that would outrage reasonable community sensibilities if
30 the actor is aware that the actor's conduct would outrage any
reasonable community member despite the lack of a personal
32 relationship with the deceased.

34 The bill replaces the current defense provision with a more
generalized provision for a person who is acting as authorized by
36 law.