

MAINE STATE LEGISLATURE

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MS

L.D. 1696

DATE: 5-7-01

(Filing No. H-340)

JUDICIARY

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
120TH LEGISLATURE
FIRST REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 1248, L.D. 1696, Bill, "An Act to Allow the Chief Medical Examiner to Assume the Responsibility for the Disposition of Certain Dead Bodies"

Amend the bill by striking out the title and substituting the following:

'An Act to Allow the Chief Medical Examiner to Assume the Responsibility for the Disposition of Human Remains'

Further amend the bill by striking out everything after the enacting clause and before the summary and inserting in its place the following:

'Sec. 1. 22 MRSA §3028-D is enacted to read:

§3028-D. Disposal of identified human remains without connection to State and unidentified human remains

1. Assumption of responsibility. The Chief Medical Examiner may assume responsibility for proper disposition of the identified human remains of a deceased nonresident of this State or unidentified human remains that are the subject of a medical examiner case if the Chief Medical Examiner has made reasonable inquiry and is unable to locate:

A. Next of kin or a person or governmental unit legally responsible for the human remains; or

B. A person or governmental unit otherwise willing to assume responsibility for the human remains.

COMMITTEE AMENDMENT

2 2. Necessary expenses. The expenses incurred by the Chief
3 Medical Examiner must be paid as follows.

4 A. The department shall pay any necessary expenses incurred
5 by the Chief Medical Examiner as to:

6 (1) Unidentified human remains that, after reasonable
7 inquiry, the Chief Medical Examiner has determined not
8 to be the human remains of an illegal alien; and

9 (2) A deceased nonresident other than an illegal alien.

10
11 B. The Department of the Attorney General shall pay any
12 necessary expenses incurred by the Chief Medical Examiner as
13 to:

14 (1) A deceased nonresident who is an illegal alien; and

15 (2) Unidentified human remains that, after reasonable
16 inquiry, the Chief Medical Examiner has determined to
17 be the human remains of an illegal alien.'

18
19 Further amend the bill by inserting at the end before the
20 summary the following:

21
22
23 **FISCAL NOTE**

24
25 The additional costs associated with assuming responsibility
26 for certain dead bodies can be absorbed by the Department of the
27 Attorney General utilizing existing budgeted resources.'

28
29 **SUMMARY**

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31 This amendment replaces the bill and does the following.

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33 1. It clarifies that the Chief Medical Examiner's
34 responsibility for disposition of an identified deceased
35 nonresident or unidentified body is conditioned upon the Chief
36 Medical Examiner, after reasonable inquiry, being unsuccessful in
37 either locating next of kin in the context of a deceased
38 nonresident, another person or a governmental unit legally
39 responsible for disposition or locating another person or
40 governmental unit willing to undertake responsibility
41 notwithstanding the absence of a legal duty.

42
43 2. It specifies that any necessary expenses incurred by the
44 Chief Medical Examiner for proper disposition are the
45 responsibility of the Department of Human Services, except in the
46

COMMITTEE AMENDMENT "A" to H.P. 1248, L.D. 1696

2 event that a deceased nonresident is an illegal alien or the
deceased is not identified but the Chief Medical Examiner, after
reasonable inquiry, determines the deceased is an illegal alien.
4 In those special circumstances, the necessary expenses incurred
by the Chief Medical Examiner for proper disposal are the
6 responsibility of the Department of the Attorney General.

8 3. It adds a fiscal note to the bill.