

MAINE STATE LEGISLATURE

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123rd MAINE LEGISLATURE

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No. 1289

H.P. 907

House of Representatives, March 9, 2007

An Act To Provide Oversight for Crematoriums

Reference to the Committee on Business, Research and Economic Development suggested and ordered printed.

Millicent M. MacFarland
MILLICENT M. MacFARLAND
Clerk

Presented by Representative HANLEY of Gardiner.
Cosponsored by Senator McCORMICK of Kennebec and
Representatives: HILL of York, PLUMMER of Windham.

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

2 **Sec. 1. 32 MRSA §1400, sub-§3**, as amended by PL 2001, c. 169, §1, is further
3 amended to read:

4 **3. Funeral establishment.** "Funeral establishment" means every place or premises
5 devoted to or used in the care and preparation for the funeral and burial or cremation of
6 human remains or maintained for the convenience of the bereaved for viewing or other
7 services in connection with the human remains or as the office or place for carrying on
8 the profession of funeral service.

9 **Sec. 2. 32 MRSA §1400, sub-§5**, as amended by PL 2001, c. 169, §2, is further
10 amended to read:

11 **5. Practice of funeral service.** "Practice of funeral service" means the engagement
12 of a person in the care or disposition of the human remains, including cremation, or in the
13 practice of disinfecting and preparing by embalming or otherwise the human remains for
14 the funeral service, transportation of human remains to the place of burial or cremation,
15 cremation or the practice of helping to meet the emotions and disposition of the bereaved
16 or the practice of funeral directing or embalming as presently known, whether under these
17 titles or designations or otherwise. "Practice of funeral service" also means making
18 arrangements for funeral services or selling funeral supplies to the public or making
19 financial arrangements for the rendering of such services or the sale of such supplies.
20 "Practice of funeral service" does not mean the ownership or operation of a cemetery,
21 ~~crematorium~~, mausoleum or columbarium or any other facility used for burial of human
22 remains. "Practice of funeral service" does not include the transportation of human
23 remains by an authorized person.

24 A license for the practice of funeral service as used in this chapter is the license given to a
25 person who is engaged in the practice of funeral service as above defined.

26 **Sec. 3. 32 MRSA §1405**, as amended by PL 1985, c. 611, §§11 and 12 and PL
27 1997, c. 210, §40 and PL 2003, c. 689, Pt. B, §6, is further amended to read:

28 **§1405. Cremation**

29 ~~Any~~ A person, firm or corporation within the State, with the approval of the
30 ~~Department of Health and Human Services~~ commissioner may establish and maintain
31 suitable buildings and appliances for the cremation of bodies of the dead and, subject to
32 the ~~regulations~~ rules of the ~~department~~ Department of Professional and Financial
33 Regulation, may cremate such bodies and dispose of the ashes of the same.

34 The body of a deceased person ~~shall~~ may not be cremated within 48 hours after ~~his~~
35 ~~decease~~ death unless ~~he~~ the person died of a contagious or infectious disease, and in no
36 event ~~shall~~ may the body of a deceased person be cremated, buried at sea, used by
37 medical science or removed from the State until the person, firm or corporation in charge
38 of the disposition has received a certificate from a duly appointed medical examiner that
39 ~~he~~ the medical examiner has made personal inquiry into the cause and manner of death
40 and is satisfied that ~~no~~ further examination or judicial inquiry concerning the ~~same~~ cause

1 and manner of death is not necessary. This certificate, a certified copy of the death
2 certificate and a burial transit permit when presented by the authorized person as defined
3 in Title 22, section 2846, ~~shall be~~ is sufficient authority for cremation, burial at sea, use
4 by medical science or removal from the State, and the person, firm or corporation in
5 charge of the disposition ~~shall~~ may not refuse to cremate or otherwise dispose of the body
6 solely because these documents are presented by such an authorized person. The
7 certificate ~~shall~~ must be retained by the person, firm or corporation in charge of the
8 cremation or disposition for a period of 15 years. For the certificate, the medical examiner
9 ~~shall~~ must receive a fee of \$15 payable by the person requesting ~~same~~ the certificate.

10 ~~No human~~ Human remains ~~shall~~ may not be removed, transported or shipped to ~~any~~ a
11 crematory unless encased in a casket or other suitable container.

12 SUMMARY

13 This bill transfers licensing and regulation responsibility for crematoriums from the
14 Department of Health and Human Services to the Department of Professional and
15 Financial Regulation and allows a licensed funeral home to conduct cremations.