

# MAINE STATE LEGISLATURE

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# 126th MAINE LEGISLATURE

## FIRST REGULAR SESSION-2013

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Legislative Document

No. 634

S.P. 224

In Senate, February 21, 2013

### **An Act Regarding Permits for Final Disposition of Dead Human Bodies**

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Submitted by the Department of Health and Human Services pursuant to Joint Rule 204.  
Reference to the Committee on Health and Human Services suggested and ordered printed.

A handwritten signature in black ink, appearing to read 'D M Grant'.

DAREK M. GRANT  
Secretary of the Senate

Presented by Senator CRAVEN of Androscoggin.  
Cosponsored by Representative SANDERSON of Chelsea.

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

2 **Sec. 1. 22 MRSA §2843, sub-§§2 and 3**, as amended by PL 2009, c. 601, §27,  
3 are further amended to read:

4 **2. Permit for disinterment or removal.** A dead human body may not be disinterred  
5 or removed from any vault or tomb until the person in charge of the disinterment or  
6 removal has obtained a permit from the State Registrar of Vital Statistics or from the  
7 clerk of the municipality where the dead human body is buried or entombed. The permit  
8 must be issued upon receipt of a notarized application signed by the next of kin of the  
9 deceased who verifies that the signer is the closest surviving known relative and, ~~where~~  
10 when any other family member of equal or greater legal or blood relationship or a  
11 domestic partner of the decedent also survives, that all such persons are aware of, and do  
12 not object to, the disinterment or removal. ~~Nothing contained in this~~ This subsection  
13 ~~precludes~~ does not preclude a court of competent jurisdiction from ordering or enjoining  
14 disinterment or removal pursuant to section 3029 or in other appropriate circumstances.  
15 For purposes of this subsection, "domestic partner" means one of 2 unmarried adults who  
16 are domiciled together under long-term arrangements that evidence a commitment to  
17 remain responsible indefinitely for each other's welfare.

18 **3. Permit for burial.** The person in charge of each burying ground or crematory in  
19 this State shall endorse, and provide the date the body was disposed of on, each such  
20 permit with which that person is presented, and return it to the State Registrar of Vital  
21 Statistics or to the clerk of the municipality in which such burying ground or crematory is  
22 located within 7 days after the date of disposition. If there is no person in charge of the  
23 burying ground, an official of the municipality in which the burying ground is located  
24 shall endorse, and provide the date the body was disposed of on, each such permit, and  
25 present it to the State Registrar of Vital Statistics or the clerk of the municipality. The  
26 funeral director or authorized person shall present a copy of each permit, after  
27 endorsement, to the State Registrar of Vital Statistics or the clerk of the municipality  
28 where death occurred and to the clerk who issued the permit.

29 **SUMMARY**

30 This bill adds the State Registrar of Vital Statistics as a source for obtaining the  
31 disposition permit required for transportation, burial, cremation or other disposal of a  
32 dead human body after a body is disinterred or removed from a vault or tomb. Currently,  
33 the law allows only municipal clerks to issue disposition permits when a body is  
34 disinterred or removed. The bill also requires a person in charge of burial grounds or a  
35 crematory to add the date that body was disposed of on the disposition permit and return  
36 the permit to the registrar or the clerk of the municipality.