

MAINE STATE LEGISLATURE

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128th MAINE LEGISLATURE

SECOND REGULAR SESSION-2018

Legislative Document

No. 1717

H.P. 1197

House of Representatives, December 22, 2017

**An Act To Clarify the Authority of the Chief Medical Examiner To
Properly Dispose of Abandoned Human Remains**

Submitted by the Department of the Attorney General pursuant to Joint Rule 203.
Received by the Clerk of the House on December 19, 2017. Referred to the Committee on
Judiciary pursuant to Joint Rule 308.2 and ordered printed pursuant to Joint Rule 401.

A handwritten signature in cursive script that reads "Robert B. Hunt".

ROBERT B. HUNT
Clerk

Presented by Representative MOONEN of Portland.
Cosponsored by Senator HILL of York and
Representatives: LONGSTAFF of Waterville, McCREIGHT of Harpswell, Senators: KATZ of
Kennebec, VITELLI of Sagadahoc.

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

2 **Sec. 1. 22 MRSA §3028-A**, as enacted by PL 1985, c. 611, §8, is amended to
3 read:

4 **§3028-A. Disposal of unidentified remains and abandoned human remains**

5 Whenever unidentified human ~~skeletal~~ remains are recovered, the Chief Medical
6 Examiner may store the remains, release them to an educational institution, inter them in
7 an appropriate resting place or have them cremated. Ashes of remains cremated may be
8 disposed of in any appropriate manner. Human ~~skeletal~~ remains uncovered in a cared-for
9 cemetery or known to be Indian remains are excluded from the operation of this section.

10 The Chief Medical Examiner may assume responsibility for the disposal of human
11 remains that are the subject of a medical examiner case if no one takes custody and
12 control of the human remains for a period of 30 days after the Chief Medical Examiner
13 has both completed an autopsy or necessary examination of the human remains and made
14 reasonable inquiry under section 3028. The Chief Medical Examiner shall file or cause to
15 be filed a certificate of abandonment in the municipality where the human remains were
16 recovered that indicates the means of disposal.

17 Payment of expenses incurred by the Chief Medical Examiner pursuant to this section
18 must be made pursuant to section 3028-D, subsection 2.

19 **Sec. 2. 22 MRSA §3035, sub-§1, ¶B**, as amended by PL 2017, c. 284, Pt. FFF,
20 §1, is further amended to read:

21 B. For histological slides, the fees are as follows:

- 22 (1) For each slide, \$12.50;
23 (2) A handling fee per case, \$25; and
24 (3) For 21 slides or more, an additional handling fee, \$25; ~~and~~

25 **Sec. 3. 22 MRSA §3035, sub-§1, ¶C**, as corrected by RR 2015, c. 2, §11, is
26 further amended to read:

27 C. For other items and services such as photographs and transparencies, additional
28 tests relating to toxicology or specimens and videotaping:

- 29 (1) A handling fee per case, \$20; and
30 (2) Anticipated costs of providing the item or service, including shipping
31 charges; ~~and~~

32 **Sec. 4. 22 MRSA §3035, sub-§1, ¶D** is enacted to read:

33 D. For forensic preservation of body fragments and body fluids beyond the period
34 established by the policy of the Office of Chief Medical Examiner, a fee not to
35 exceed \$100 per year, per case.

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SUMMARY

This bill authorizes the Chief Medical Examiner to assume responsibility for the disposal of abandoned human remains that are the subject of a medical examiner case if no one takes custody and control of them 30 days after an autopsy or necessary examination has taken place. It also directs the Office of Chief Medical Examiner to charge \$100 per year, per case for forensic preservation of body fragments and fluids.