

MAINE STATE LEGISLATURE

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130th MAINE LEGISLATURE

FIRST REGULAR SESSION-2021

Legislative Document

No. 1223

S.P. 396

In Senate, March 24, 2021

**An Act To Allow Crematories Using Chemical Dissolution Processes
in Facilities Other Than Cemeteries**

Received by the Secretary of the Senate on March 22, 2021. Referred to the Committee on Innovation, Development, Economic Advancement and Business pursuant to Joint Rule 308.2 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 CARNEY of Cumberland.

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

2 **Sec. 1. 13 MRSA §1341, sub-§3**, as enacted by PL 1999, c. 620, §1, is repealed
3 and the following enacted in its place:

4 **3. Exceptions.** This section does not apply to:

5 A. A structure containing crypts erected or controlled by a church or religious society
6 used for the remains of the clergy or dignitaries of the church or religious society; or

7 B. A crematory that exclusively uses a chemical dissolution process to dissolve human
8 remains and that is established and operates in accordance with rules adopted by the
9 Department of Professional and Financial Regulation, State Board of Funeral Service
10 pursuant to Title 32, section 1405-B. For the purposes of this paragraph, "chemical
11 dissolution process to dissolve human remains" means a water and alkaline chemical
12 process to reduce human remains to components of liquid and bone fragments without
13 direct flame.

14 **Sec. 2. 32 MRSA §1405-B** is enacted to read:

15 **§1405-B. Crematory using chemical dissolution process to dissolve human remains**

16 The board shall adopt rules for the establishment and operation of crematories that
17 exclusively use a chemical dissolution process to dissolve human remains. For the
18 purposes of this section, "chemical dissolution process to dissolve human remains" has the
19 same meaning as in Title 13, section 1341, subsection 3, paragraph B. Rules adopted
20 pursuant to this section are routine technical rules as defined in Title 5, chapter 375,
21 subchapter 2-A.

22 **Sec. 3. Rulemaking; report.** The Department of Professional and Financial
23 Regulation, State Board of Funeral Service shall adopt rules implementing the Maine
24 Revised Statutes, Title 32, section 1405-B and, by December 1, 2021, submit a report
25 relating to the rulemaking to the Joint Standing Committee on Innovation, Development,
26 Economic Advancement and Business. The report must include the department's
27 recommendations for suggested legislation. The Joint Standing Committee on Innovation,
28 Development, Economic Advancement and Business may report out legislation related to
29 the report to the Second Regular Session of the 130th Legislature.

30 **SUMMARY**

31 This bill exempts crematories that exclusively use a chemical dissolution process to
32 dissolve human remains from the law governing the size and age of cemeteries in which a
33 crematory may be erected. The bill also requires the Department of Professional and
34 Financial Regulation, State Board of Funeral Service to adopt rules for the establishment
35 and operation of crematories that exclusively use a chemical dissolution process to dissolve
36 human remains. It also requires the department to submit a report relating to the rulemaking
37 to the Joint Standing Committee on Innovation, Development, Economic Advancement
38 and Business by December 1, 2021, including the department's recommendations for
39 suggested legislation.