

# MAINE STATE LEGISLATURE

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# 130th MAINE LEGISLATURE

## FIRST REGULAR SESSION-2021

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Legislative Document

No. 1225

S.P. 398

In Senate, March 24, 2021

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**An Act To Provide Dignity for Fetal Remains by Requiring Their  
Interment or Cremation**

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Received by the Secretary of the Senate on March 22, 2021. Referred to the Committee on Judiciary 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 CYRWAY of Kennebec.  
Cosponsored by Representative ALLEY of Beals and  
Senators: DAVIS of Piscataquis, POULIOT of Kennebec, Representatives: BRADSTREET of  
Vassalboro, DRINKWATER of Milford, LANDRY of Farmington, McCREA of Fort Fairfield,  
NADEAU of Winslow.

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

2 **Sec. 1. 22 MRSA §1593-A** is enacted to read:

3 **§1593-A. Fetal remains**

4 **1. Definitions.** As used in this chapter, unless the context otherwise indicates, the  
5 following terms have the following meanings.

6 A. "Fetal loss" means the expulsion of a fetus from a female body following the  
7 premature death of the fetus due to abortion, as defined under section 1596, subsection  
8 1, paragraph A; miscarriage, as defined under section 1596, subsection 1, paragraph B;  
9 or fetal death, as described under section 2841, regardless of the gestational age of the  
10 fetus.

11 B. "Fetal remains" means the biological material expelled from a female body after a  
12 fetal loss.

13 C. "Health care entity" has the same meaning as in Title 24, section 2502, subsection  
14 1-D.

15 D. "Health care practitioner" has the same meaning as in Title 24, section 2502,  
16 subsection 1-A.

17 E. "Health care professional" has the same meaning as in section 1596, subsection 1,  
18 paragraph C.

19 F. "Health care provider" has the same meaning as in Title 24, section 2502, subsection  
20 2.

21 G. "Physician" has the same meaning as in Title 24, section 2502, subsection 3.

22 **2. Notification.** A woman who suffers a fetal loss must be informed, both orally and  
23 in writing, of her right to choose the final disposition of the fetal remains and the options  
24 of cremation and interment.

25 **3. Right to custody.** A parent has the right to custody of and control over fetal  
26 remains.

27 **4. Collection.** Fetal remains must be collected to the best of the ability of a health  
28 care professional, health care entity, health care practitioner, health care provider or  
29 physician.

30 **5. Election.** A parent may elect to take custody of and control over fetal remains or  
31 to release the fetal remains to the custody and control of the State. A parent, or a parent's  
32 designated representative, shall sign a consent form making the election. A parent who  
33 elects to take custody of and control over fetal remains must be given the fetal remains.

34 **6. Bereavement support.** In the event of a fetal loss, a parent must be provided with  
35 information regarding bereavement support services.

36 **7. Final disposition.** Fetal remains must receive an individual disposition by  
37 cremation or interment except that, in the case of a pregnancy with multiple offspring, the  
38 combined disposition of fetal remains by cremation or interment is permitted.

