

MAINE STATE LEGISLATURE

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Date 5-12-2023

Majority

L D 536
(Filing No H-129)

HEALTH AND HUMAN SERVICES

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**STATE OF MAINE
HOUSE OF REPRESENTATIVES
131ST LEGISLATURE
FIRST SPECIAL SESSION**

COMMITTEE AMENDMENT "A" to HP 341, L D 536, "An Act to Provide Natural Organic Reduction Facilities for Maine Residents for the Conversion of Human Remains to Soil"

Amend the bill in section 10 in the first indented paragraph in the 9th line (page 3, line 27 in L D) by striking out the following "1405-B" and inserting the following '2900-A'

Amend the bill in section 11 in the 2nd indented paragraph in the last line (page 3, line 43 in L D) by striking out the following "1405-B, subsection 6" and inserting the following '2900-A, subsection 8'

Amend the bill by inserting after section 18 the following

'Sec. 19. 22 MRSA §2900-A is enacted to read

§2900-A. Natural organic reduction

1. Definitions. As used in this section, unless the context otherwise indicates, the following terms have the following meanings

A "Natural organic reduction" has the same meaning as in section 2841-A, subsection 1

B "Natural organic reduction facility" has the same meaning as in section 2841-A, subsection 2

2. Natural organic reduction permitted. A cemetery corporation operating within the State, after obtaining a license from the department and meeting the requirements of this section, may establish and maintain suitable buildings and appliances for subjecting the body of a deceased person to natural organic reduction and, in accordance with this section and the rules of the department, may subject the body to natural organic reduction and dispose of the remains of the body

3. Application for licensure. A cemetery corporation operating within the State seeking to establish a natural organic reduction facility shall submit the following information to the department in application for licensure

COMMITTEE AMENDMENT

- 1 A A list of the directors, employees and certificate holders of the cemetery corporation.
- 2 B A certified survey of the site and location within the State the natural organic
- 3 reduction facility will be situated.
- 4 C A business plan for the operation of the natural organic reduction facility, including
- 5 but not limited to the number of bodies expected to be subjected to natural organic
- 6 reduction each year, the number of sites within the natural organic reduction facility
- 7 for subjecting bodies to natural organic reduction and the manufacturing costs, capital
- 8 costs, financing, anticipated number of employees and types of services provided and
- 9 pricing of those services.
- 10 D A description of any anticipated effect the natural organic reduction facility will
- 11 have within the State.
- 12 E Plans, designs and costs of any structures to be built or retrofitted for the natural
- 13 organic reduction facility, and
- 14 F A description of any approvals or permits required to build or retrofit the natural
- 15 organic reduction facility required under state laws and local ordinances and
- 16 documentation showing that the approvals or permits have been obtained

17 Within 35 days of receiving an application pursuant to this subsection, the department may
 18 request any other information the department considers necessary

19 **4. Timeline for processing application; notification of results.** The department shall
 20 approve or deny an application for licensure submitted under subsection 3 within 90 days
 21 of receiving a complete application The department shall provide, by registered or
 22 certified mail addressed to the cemetery corporation at its principal office, written notice
 23 of its determination to the cemetery corporation and, if the application is denied, the reasons
 24 for denying the application

25 **5. Authority.** A natural organic reduction facility licensed under this section may

- 26 A. Subject the body of a deceased person to natural organic reduction.
- 27 B Meet with members of the public to arrange and provide for natural organic
- 28 reduction.
- 29 C Enter into contracts for the provision of disposition by natural organic reduction,
- 30 except that the natural organic reduction facility may not enter into pre-need
- 31 agreements under Title 13, section 1264.
- 32 D Arrange, direct or perform the removal or transportation of the body of a deceased
- 33 person, and
- 34 E Secure and file all necessary certificates, permits, forms or other documents

35 **6. Certification required.** An employee of a natural organic reduction facility who is
 36 responsible for the daily operations of natural organic reduction must be certified by the
 37 department within one year of the employee's beginning employment Renewal of the
 38 employee's certification must occur every 5 years

39 **7. Facility requirements.** A natural organic reduction facility shall

- 40 A Maintain the facility in a clean, orderly and sanitary manner.
- 41 B Have adequate ventilation.

1 C Have a temporary storage area to store the remains of human bodies that is not
 2 accessible to the general public, and

3 D Structure the facility in a manner that protects privacy, including by having tightly
 4 closed and rigid doors, covered windows and locked and secured entrances

5 **8. Certificate from medical examiner or medicolegal death investigator.** The body
 6 of a deceased person may not be subjected to natural organic reduction within 48 hours
 7 after death unless the person died of a contagious or infectious disease, and in no event may
 8 the body of a deceased person be subjected to natural organic reduction until the natural
 9 organic reduction facility in charge of the disposition has received a certificate from a duly
 10 appointed medical examiner or medicolegal death investigator appointed pursuant to Title
 11 22, section 3023-A that the medical examiner or medicolegal death investigator has made
 12 personal inquiry into the cause and manner of death and is satisfied that further examination
 13 or judicial inquiry concerning the cause and manner of death is not necessary. This
 14 certificate, a certified copy of the death certificate and a burial transit permit, if necessary,
 15 when presented by the authorized person as defined in Title 22, section 2846 is sufficient
 16 authority for the body to be subjected to natural organic reduction, and the natural organic
 17 reduction facility in charge of the disposition may not refuse to subject the body to natural
 18 organic reduction solely because these documents are presented by such an authorized
 19 person. The certificate must be retained for a period of 15 years by the natural organic
 20 reduction facility in charge of subjecting the body to natural organic reduction. For the
 21 certificate, the medical examiner must receive a fee of \$25 payable by the person requesting
 22 the certificate. This fee may be waived at the discretion of the Chief Medical Examiner.

23 **9. Privacy of human remains.** A natural organic reduction facility shall adopt policies
 24 to ensure that the privacy of human remains is respected. The facility shall restrict access
 25 to the storage area where human remains are stored or being subjected to natural organic
 26 reduction, except to an authorized person. For the purposes of this subsection, "authorized
 27 person" means

- 28 A A licensed funeral director,
- 29 B A student of the practice of funeral services,
- 30 C Officers or trustees of the cemetery corporation operating the natural organic
 31 reduction facility,
- 32 D Designated employees or agents of the natural organic reduction facility,
- 33 E State or municipal employees acting within the scope of their duties,
- 34 F Designated instructors of the practice of funeral services,
- 35 G Licensed physicians or nurses, and
- 36 H Members of the immediate family of the deceased person or their agents

37 **10. Statement regarding condition of body.** The next of kin of the deceased person
 38 or other authorized person shall attest that the body of the deceased person does not contain
 39 a battery, battery pack, power cell, radioactive implant or radioactive device

40 **11. Container requirements.** Upon delivery to the natural organic reduction facility,
 41 the body of a deceased person must be in a container or wrapped in a manner sufficient to
 42 contain the body and fully decompose through natural organic reduction. If the container

1 or wrappings are not able to be naturally organically reduced, the natural organic reduction
 2 facility shall timely notify the person making the funeral arrangements that the body of the
 3 deceased person will be transferred to an alternative container and the person making the
 4 funeral arrangements shall sign an acknowledgement that this timely notification was
 5 made. This record must be maintained by the natural organic reduction facility. The body
 6 of the deceased person may then be transferred to an alternative container by a licensed
 7 funeral director.

8 **12. Opening container prohibited; exceptions.** The container or wrappings required
 9 in subsection 11 may not be opened or removed unless by a licensed funeral director in the
 10 presence of a witness if good cause exists to confirm the identity of the deceased person,
 11 to ensure that devices identified in subsection 10 are not present or upon reasonable demand
 12 by the person's next of kin or agent. If the container or wrappings are opened or removed,
 13 the natural organic reduction facility must document in its records the reason, the name of
 14 the person who authorized the opening of the container or removal of the wrappings, the
 15 name of the person who opened the container or removed the wrappings and the name of
 16 the witness.

17 **13. Multiple deceased persons.** A natural organic reduction facility may not subject
 18 more than one deceased person's body to natural organic reduction in the same container at
 19 one time unless the facility receives explicit, signed authorization by the person making
 20 funeral arrangements. This record must be maintained by the natural organic reduction
 21 facility.

22 **14. Treatment of remains after natural organic reduction.** Following the natural
 23 organic reduction of the body of a deceased person, a natural organic reduction facility

24 A. Shall thoroughly clean the interior of the container used for natural organic
 25 reduction,

26 B. Shall place the remains of the body in an individual container that is sufficient to
 27 hold the remains and does not contain other remains unless authorized pursuant to
 28 subsection 13,

29 C. Shall label the container of the remains of the body with the name of the deceased
 30 person whose body was subjected to natural organic reduction,

31 D. May use a magnet and sieve or other appropriate method to separate the human
 32 remains from any foreign material. The foreign material must be disposed of in
 33 accordance with department rules, and

34 E. Shall pulverize the remains of the body until no single fragment is recognizable as
 35 skeletal tissue.

36 **15. Inspection.** Upon inspection of a natural organic reduction facility, the department
 37 may require the facility to produce records of the facility's operation and maintenance,
 38 including authorizations for the disposition of bodies of deceased persons.

39 **16. Rulemaking.** The department shall adopt rules to implement this section. Rules
 40 adopted pursuant to this section are routine technical rules as defined by Title 5, chapter
 41 375, subchapter 2-A.'

42 Amend the bill by striking out all of sections 23 and 24

1 Amend the bill in section 25 in the first and 2nd lines (page 11, lines 3 and 4 in L D)
2 by striking out the following "and the Department of Professional and Financial
3 Regulation"

4 Amend the bill in section 25 in the 2nd line (page 11, line 4 in L D) by striking out the
5 following "their" and inserting the following 'its'

6 Amend the bill by inserting after section 25 the following

7 **'Sec. 26. Appropriations and allocations.** The following appropriations and
8 allocations are made

9 **HEALTH AND HUMAN SERVICES, DEPARTMENT OF**

10 **Maine Center for Disease Control and Prevention 0143**

11 Initiative Provides funding for one Environmental Specialist III position to handle new
12 administrative oversight responsibilities

13	GENERAL FUND	2023-24	2024-25
14	POSITIONS - LEGISLATIVE COUNT	1 000	1 000
15	Personal Services	\$91,436	\$94,495
16	All Other	\$6,537	\$6,537
17			
18	GENERAL FUND TOTAL	<u>\$97,973</u>	<u>\$101,032</u>

19
20 Amend the bill by relettering or renumbering any nonconsecutive Part letter or section
21 number to read consecutively

22 **SUMMARY**

23 This amendment removes from the bill any references to the Department of
24 Professional and Financial Regulation and makes it clear that authority for oversight of
25 natural organic reduction facilities lies with the Department of Health and Human Services
26 The amendment also adds an appropriations and allocations section

27 **FISCAL NOTE REQUIRED**

28 **(See attached)**



131st MAINE LEGISLATURE

LD 536

LR 540(02)

An Act to Provide Natural Organic Reduction Facilities for Maine Residents for the Conversion of Human Remains to Soil

Fiscal Note for Bill as Amended by Committee Amendment "A" (H-129)
 Committee: Health and Human Services
 Fiscal Note Required: Yes

Fiscal Note

	FY 2023-24	FY 2024-25	Projections FY 2025-26	Projections FY 2026-27
Net Cost (Savings)				
General Fund	\$97,973	\$101,032	\$103,675	\$106,086
Appropriations/Allocations				
General Fund	\$97,973	\$101,032	\$103,675	\$106,086

Correctional and Judicial Impact Statements

The net effect on the Judicial Branch workload will be minimal and can be absorbed within existing budgeted resources

The net effect on the collection of fines on General Fund or other dedicated revenue will be insignificant

Fiscal Detail and Notes

The bill includes General Fund appropriations to the Department of Health and Human Services of \$97,973 in fiscal year 2023-24 and \$101,032 in fiscal year 2024-25 for one Environmental Specialist III position to handle new administrative oversight responsibilities