

MAINE STATE LEGISLATURE

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131st MAINE LEGISLATURE

FIRST REGULAR SESSION-2023

Legislative Document

No. 584

S.P. 252

In Senate, February 13, 2023

An Act to Permit the Conduct of Open Air Cremation at Designated Sites

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 VITELLI of Sagadahoc.
Cosponsored by Senators: DAUGHTRY of Cumberland, President JACKSON of Aroostook,
LAWRENCE of York, Representative: JAUCH of Topsham.

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

2 **Sec. 1. 32 MRSA §1408** is enacted to read:

3 **§1408. Open air cremation**

4 Notwithstanding the provisions of this chapter, Title 13, chapter 83 or Title 22, chapter
5 707 to the contrary, a nonprofit corporation may conduct an open air cremation by pyre if
6 it meets the requirements of this section.

7 **1. Municipal approval.** A nonprofit corporation must receive approval from the
8 municipality in which it is located for the location and site and construction of a pyre to
9 conduct open air cremation. Fire trucks must have access to the location of the pyre. A
10 nonprofit corporation must receive authorization under Title 12, section 9321 for the day
11 of an open air cremation by pyre.

12 **2. Training required.** The board shall implement training for nonprofit corporations
13 intending to conduct open air cremation by pyre. The board must solicit training from an
14 out-of-state organization that regularly conducts open air cremation by pyre until training
15 may be conducted proficiently by a nonprofit corporation in this State.

16 **3. Probation; number of cremations per month.** A nonprofit corporation approved
17 for open air cremation by pyre under this section must be under a probationary period for
18 one year, during which time the number of cremations performed by the corporation may
19 not exceed one per month. After the probationary period, the number of cremations
20 performed by the corporation may not exceed 6 per month.

21 **4. Maximum number and required distance.** The maximum number of nonprofit
22 corporations conducting open air cremation by pyre in the State may not exceed 6, and a
23 nonprofit corporation conducting open air cremation by pyre must be at least 40 miles from
24 any other nonprofit corporation conducting open air cremation by pyre.

25 **5. Required size of land; number of cremations on site.** An open air cremation by
26 pyre must be conducted on property owned or possessed by the nonprofit corporation that
27 is at least 20 acres in size. The property may have only one pyre. Only one open air
28 cremation may be conducted by the corporation at a time.

29 **6. Disposition of ashes.** The ashes constituting the remains of a deceased person who
30 is cremated under this section may be scattered on the property or otherwise disposed of
31 pursuant to law.

32 The board shall adopt routine technical rules as defined in Title 5, chapter 375,
33 subchapter 2-A to carry out the purposes of this section.

34 **SUMMARY**

35 This bill allows a nonprofit corporation to conduct open air cremations by pyre if it
36 meets certain requirements.