

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from electronic originals
(may include minor formatting differences from printed original)



131st MAINE LEGISLATURE

FIRST REGULAR SESSION-2023

Legislative Document

No. 838

H.P. 527

House of Representatives, February 21, 2023

An Act to Identify the State's Unidentified Human Remains

Reference to the Committee on Health and Human Services suggested and ordered printed.

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

ROBERT B. HUNT
Clerk

Presented by Representative BOYER of Poland.
Cosponsored by Senator BALDACCI of Penobscot and
Representatives: COLLINGS of Portland, GATTINE of Westbrook, JAVNER of Chester,
MATLACK of St. George, MEYER of Eliot, MILLETT of Waterford, Speaker TALBOT
ROSS of Portland, Senator: President JACKSON of Aroostook.

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

2 **Sec. 1. 22 MRSA §3028-A**, as amended by PL 2017, c. 335, §1, is repealed and the
3 following enacted in its place:

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

6 This section governs the storage, identification, disposition and expenses related to
7 human remains.

8 **1. Storage and disposition of human remains.** Whenever unidentified human
9 remains are recovered, the Chief Medical Examiner may store the remains, release them to
10 an educational institution, inter them in an appropriate resting place or have them cremated
11 in accordance with this section. Ashes of remains cremated may be disposed of in any
12 appropriate manner. Human remains uncovered in a cared-for cemetery or known to be
13 Indian remains are excluded from the operation of this section.

14 The Chief Medical Examiner may assume responsibility for the disposal of identified
15 human remains of a deceased resident of this State that are the subject of a medical
16 examiner case if no one takes custody and control of the human remains for a period of 30
17 days after the Chief Medical Examiner has completed an autopsy or necessary examination
18 of the human remains, made reasonable inquiry under section 3028-D, subsection 1 and
19 satisfied the requirements of subsection 2. Such abandoned remains may be interred or
20 cremated. The Chief Medical Examiner shall file or cause to be filed a certificate of
21 abandonment in the municipality where the human remains were recovered that indicates
22 the means of disposal.

23 In the absence of a responsible party, payment of expenses incurred by the Chief Medical
24 Examiner pursuant to this section must be made pursuant to section 3028-D, subsection 2
25 as if the remains were unidentified. The Chief Medical Examiner may seek to recover costs
26 from the estate or municipality of residence of the deceased.

27 **2. Identification of human remains using DNA.** After the Chief Medical Examiner
28 has had possession of unidentified human remains for 45 days, the Chief Medical Examiner
29 shall test the deoxyribonucleic acid, or DNA, of human remains using forensic genetic
30 genealogy testing. For purposes of this subsection, "forensic genetic genealogy testing"
31 means a DNA analysis of a sample of biological material by a laboratory to develop a
32 profile and search for that profile in a database of personal genomics or using a direct-to-
33 consumer genetic genealogy service.

34 **Sec. 2. Chief Medical Examiner to identify human remains.** The Chief
35 Medical Examiner shall use forensic genetic genealogy testing of the deoxyribonucleic
36 acid, or DNA, of unidentified remains in order of importance as determined by the Chief
37 Medical Examiner to identify any unidentified human remains in the possession of the
38 Chief Medical Examiner as of the effective date of this Act. As used in this section,
39 "forensic genetic genealogy testing" has the same meaning as in the Maine Revised
40 Statutes, Title 22, section 3028-A, subsection 2.

1
2
3
4

SUMMARY

This bill requires the Chief Medical Examiner to use forensic genetic genealogy testing with the deoxyribonucleic acid, or DNA, of the human remains of an unidentified individual after 45 days of having possession of the unidentified human remains.