

# MAINE STATE LEGISLATURE

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**LAWS**  
**OF THE**  
**STATE OF MAINE**

**AS PASSED BY THE**

**ONE HUNDRED AND TWENTY-EIGHTH LEGISLATURE**

**FIRST REGULAR SESSION**  
**December 7, 2016 to August 2, 2017**

**THE GENERAL EFFECTIVE DATE FOR**  
**FIRST REGULAR SESSION**  
**NON-EMERGENCY LAWS IS**  
**NOVEMBER 1, 2017**

**PUBLISHED BY THE REVISOR OF STATUTES**  
**IN ACCORDANCE WITH THE MAINE REVISED STATUTES ANNOTATED,**  
**TITLE 3, SECTION 163-A, SUBSECTION 4.**

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**Augusta, Maine**  
**2017**

B. In the case of a policy renewal, if a change has been made in the regulated insurance entity's information practices, the notice must be provided no later than the policy renewal date, unless:

- (1) Personal information is collected only from the policyholder or from public records; or
- (2) A notice meeting the requirements of this section has been given within the previous 24 months.

C. In the case of a policy reinstatement or change in insurance benefits, if a change has been made in the regulated insurance entity's information practices, the notice must be provided no later than the time the request for reinstatement or change in benefits is received by the carrier, unless personal information is collected only from the policyholder or from public records.

See title page for effective date.

## CHAPTER 37

### H.P. 139 - L.D. 183

#### An Act Requiring the Use of the Electronic Death Registration System

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

**Sec. 1. 22 MRSA §2847**, as enacted by PL 2011, c. 371, §2, is amended to read:

#### **§2847. Electronic death registration system**

~~Beginning July 1, 2012, a certificate of death required to be filed by any A person authorized under to complete or file a certificate of death pursuant to section 2842 pursuant to this chapter may be filed using shall use the electronic death registration system maintained by the State Registrar of Vital Statistics. This section does not apply to an authorized person under section 2846. The State Registrar of Vital Statistics shall adopt rules to carry out the purposes of this section. Rules adopted pursuant to this section are routine technical rules pursuant to Title 5, chapter 375, subsection 2-A.~~

**Sec. 2. Effective date.** This Act takes effect July 1, 2018.

Effective July 1, 2018.

## CHAPTER 38

### S.P. 69 - L.D. 223

#### An Act To Ensure the Timely Final Disposition of Human Remains

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

**Sec. 1. 22 MRSA §2843-A, sub-§2**, as amended by PL 2011, c. 387, §1, is further amended to read:

**2. Custody and control generally.** The custody and control of the remains of deceased residents of this State, dead bodies or dead human bodies are governed by the following provisions in the following order of priority:

- A. If the subject has designated another person to have custody and control in a written and signed document, custody and control belong to that designated person;
- B. If the subject has not left a written and signed document designating a person to have custody and control, or if the person designated by the subject refuses custody and control, custody and control belong to the next of kin; and
- C. If the next of kin is 2 or more persons with the same relationship to the subject, the majority of the next of kin have custody and control. If the next of kin can not, by majority vote, make a decision regarding the subject's remains, the court shall make the decision upon petition under subsection 4, paragraph D.

If a person who has the right of custody and control under this subsection does not exercise the rights and responsibilities of custody and control within 4 days after the death of the subject, custody and control belong to a person from the next lower level of priority as established in paragraphs A to C.

If a person who has custody and control under this subsection does not complete decision making regarding final disposition within 30 days after taking custody and control, a funeral director or practitioner of funeral service who has physical possession of the remains or dead body may bury the remains or dead body at the expense of the funeral director or practitioner.

A person who has been charged with murder, as described in Title 17-A, section 201, or manslaughter, as described in Title 17-A, section 203, subsection 1, paragraph B, forfeits the right of custody and control provided under this subsection; and a funeral director or practitioner of funeral service who is aware of the charges may not release the remains or a dead body to that person who has been charged with murder or

manslaughter. If the charges against the person are dismissed or the person is acquitted of the charges before the final disposition takes place, the person regains the right of custody and control in the same position of priority established in this subsection.

The remains or a dead body is considered abandoned if no one takes custody and control of the remains or dead body for a period of 15 days. A funeral director or practitioner of funeral service who has physical possession of abandoned remains or an abandoned dead body may bury the remains or dead body. The funeral director or practitioner of funeral service may embalm or refrigerate abandoned remains or an abandoned dead body without authorization. A certificate of abandonment that indicates the means of disposition must be filed in the municipality where the death occurred.

See title page for effective date.

**CHAPTER 39**  
**H.P. 245 - L.D. 331**

**An Act To Correct the Maine  
Uniform Trust Code  
Concerning Certain  
Beneficiaries**

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

**Sec. 1. 18-B MRSA §110, sub-§1, ¶C**, as enacted by PL 2005, c. 184, §7, is amended to read:

C. Would be a distributee or permissible distributee of trust income or principal if the trust terminated on that date.

See title page for effective date.

**CHAPTER 40**  
**H.P. 284 - L.D. 393**

**An Act To Clarify That the  
Department of Transportation  
Is Exempt from Property  
Assessment Liabilities When  
Acquiring Property by  
Condemnation**

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

**Sec. 1. 23 MRSA §161, sub-§1**, as amended by PL 1971, c. 593, §22, is further amended to read:

**1. Reimbursement.** When the department acquires real or personal property for transportation pur-

poses, the department is not required to pay any taxes or assessments on that property. The department, as soon as practicable after the date of payment of just compensation, shall reimburse the owner from whom ~~land or rights in land were~~ the property has been acquired for highway transportation purposes, to the extent the department deems fair and reasonable, for expenses ~~such~~ the owner necessarily incurred for:

A. Recording fees, transfer taxes and similar expenses, if any, incidental to conveying such property to the State;

B. Penalty costs for prepayment of any preexisting recorded mortgage entered into in good faith encumbering such real property; and

C. The pro rata portion of real property taxes paid which are allowable to a period subsequent to the date of vesting title in the State, or the effective date of possession of such real property by the State, whichever is earlier.

See title page for effective date.

**CHAPTER 41**  
**H.P. 312 - L.D. 432**

**An Act To Designate a Maine  
Community Litter Cleanup  
Day**

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

**Sec. 1. 1 MRSA §150-N** is enacted to read:

**§150-N. Maine Community Litter Cleanup Day**

The first Saturday in May is designated Maine Community Litter Cleanup Day, and the Governor shall annually issue a proclamation inviting and urging the citizens of the State to observe this day through appropriate activities such as removing litter from roads.

See title page for effective date.

**CHAPTER 42**  
**H.P. 22 - L.D. 21**

**An Act To Amend the Law  
Regarding the Execution of  
Temporary Powers of Attorney**

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

**Sec. 1. 18-A MRSA §5-104, sub-§(c), ¶(4)**, as enacted by PL 2015, c. 467, §2, is amended to read:

(4). An organization, other than an organization whose primary purpose is to provide free legal