

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND THIRTY-FIRST LEGISLATURE

SECOND REGULAR SESSION
January 3, 2024 to May 10, 2024

THE GENERAL EFFECTIVE DATE FOR
SECOND REGULAR SESSION
NON-EMERGENCY LAWS IS
AUGUST 9, 2024

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

Augusta, Maine
2024

this section are routine technical rules as defined by Title 5, chapter 375, subchapter 2-A.

Sec. 20. 22 MRSA §2954, sub-§9, as enacted by PL 2007, c. 601, §2, is amended to read:

9. Superior rights. Subject to section 2951, subsection 8 and section 2961, the rights of the person to which a part passes under section 2951 are superior to rights of all others with respect to the part. The person may accept or reject an anatomical gift in whole or in part. Subject to the terms of the document of gift and this chapter, a person that accepts an anatomical gift of an entire body may allow embalming or cremation or natural organic reduction and use of remains in a funeral service. If the gift is of a part, the person to which the part passes under section 2951, upon the death of the donor and before embalming or cremation or natural organic reduction shall cause the part to be removed without unnecessary mutilation. For purposes of this subsection, "natural organic reduction" has the same meaning as in section 2841-A, subsection 1.

Sec. 21. 32 MRSA §1400, sub-§4-A is enacted to read:

4-A. Natural organic reduction. "Natural organic reduction" means the contained accelerated conversion of human remains to soil.

Sec. 22. 32 MRSA §1400, sub-§4-B is enacted to read:

4-B. Natural organic reduction facility. "Natural organic reduction facility" means a building or structure or a room or other space in a building or structure or real property where natural organic reduction is facilitated and occurs.

Sec. 23. 32 MRSA §1400, sub-§5, as amended by PL 2021, c. 183, §1, is further amended to read:

5. Practice of funeral service. "Practice of funeral service" means the engagement of a person in the care or disposition of the human remains or in the practice of disinfecting and preparing by embalming or otherwise the human remains for the funeral service, transportation of human remains to the place of burial or cremation or natural organic reduction, or the practice of helping to meet the emotions and disposition of the bereaved or the practice of funeral directing or embalming as presently known, whether under these titles or designations or otherwise. "Practice of funeral service" also means making arrangements for funeral services or making financial arrangements for the rendering of such services. "Practice of funeral service" does not mean the ownership or operation of a cemetery, crematorium, natural organic reduction facility, mausoleum or columbarium or any other facility used for burial of human remains. "Practice of funeral service" does not include the transportation of human remains by an authorized person. "Practice of funeral service" does not include

the manufacturing or selling of caskets or alternative containers.

A license for the practice of funeral service as used in this chapter is the license given to a person who is engaged in the practice of funeral service as above defined.

Sec. 24. Rulemaking. The Department of Health and Human Services shall amend its rules in order to implement this Act.

See title page for effective date.

CHAPTER 677

H.P. 781 - L.D. 1233

An Act Regarding the Maine State Cemetery Preservation Commission

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

Sec. 1. 5 MRSA §12004-I, sub-§2-H, as enacted by PL 2021, c. 584, §1, is repealed.

Sec. 2. 5 MRSA §12004-J, sub-§21 is enacted to read:

21.

<u>Cemeteries</u>	<u>Maine State Cemetery Preservation Commission</u>	<u>Not Authorized</u>	<u>13 MRSA §1374</u>
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Sec. 3. 13 MRSA §1374, as enacted by PL 2021, c. 584, §2 and amended by PL 2023, c. 369, Pt. A, §4 and affected by §5, is further amended to read:

§1374. Maine State Cemetery Preservation Commission

The Maine State Cemetery Preservation Commission, established by Title 5, section 12004-J, subsection 21 and referred to in this section as "the cemetery preservation commission," is established by Title 5, section 12004-I, subsection 2-H an independent commission created to provide advice and education regarding matters related to local units of government and members of the public on preserving cemeteries and burying grounds.

1. Members. The cemetery preservation commission has the following 10 members:

A. Two members representing a statewide association dedicated to the preservation of neglected cemeteries, appointed by its board of directors;

B. Two members representing a statewide association of cemetery directors and supervisors, appointed by its board of directors;

C. One member representing a statewide association representing municipalities, appointed by its board of directors;

D. One member representing a statewide association of town clerks, appointed by its board of directors;

E. One member representing a statewide association of funeral directors, appointed by its board of directors;

F. The Director of the Maine Bureau of Veterans' Services within the Department of Defense, Veterans and Emergency Management, or the director's designee;

G. One member representing a statewide association of real estate brokers, appointed by its board of directors; and

H. One member representing a statewide historical society, appointed by its board of directors.

2. Optional member. The tribal governments of the Mi'kmaq Nation, the Houlton Band of Maliseet Indians, the Passamaquoddy Tribe at Motahkomikuk, the Passamaquoddy Tribe at Sipayik and the Penobscot Nation may jointly appoint as a member of the ~~cemetery preservation~~ cemetery preservation commission an individual who is a member of a federally recognized Indian nation, tribe or band in the State.

3. Duties. The ~~cemetery preservation~~ cemetery preservation commission may shall:

A. Advise and educate municipalities and property owners about the existence of burying grounds and cemeteries and the laws applicable to burying grounds and cemeteries;

B. Advise and educate municipalities, property owners and owners of burying grounds and cemeteries on the proper care and preservation of graves, gravestones, walls and fences in and around burying grounds and cemeteries; ~~and~~

C. Review statutes applicable to burying grounds and cemeteries and provide information to the Legislature on recommended changes;

D. Investigate violations of the laws governing burying grounds and cemeteries reported to the commission. The commission shall refer information relating to the investigations and recommendations for action on the violations to the appropriate municipal official or enforcement authority;

E. Create a page on the State's publicly accessible website that provides information related to the commission's duties and powers; and

F. Prepare educational materials, which may include links to websites relating to the laws govern-

ing burying grounds and cemeteries, for distribution to municipalities and to officers of associations that have representatives on the commission for distribution to their members.

~~**4. Bureau's duties.** Notwithstanding subsection 3, the duties of the Department of Defense, Veterans and Emergency Management, Maine Bureau of Veterans' Services are limited to arranging for and attending cemetery preservation commission meetings and must be accomplished within existing resources.~~

4-A. Meetings. The commission shall meet not less than 6 times per year at the call of the chair or by request of a majority of members.

5. Bylaws. The ~~members commission~~ commission shall adopt bylaws ~~within one year of the effective date of this section. The bylaws must that~~ provide for matters such as the regulation and management of the affairs of the ~~cemetery preservation~~ cemetery preservation commission and must establish, the terms of office, ~~including staggering the initial terms,~~ the method for selecting a chair and the method for filling a vacancy on the ~~cemetery preservation~~ cemetery preservation commission. The bylaws may be amended at any time by the affirmative vote of a majority of members.

6. Executive director; staff; duties. The commission may select an individual to serve as the executive director of the commission. The executive director may hire appropriate staff to assist in carrying out the duties of the commission.

7. Cemetery Preservation Commission Fund. The Cemetery Preservation Commission Fund, referred to in this section as "the fund," is established as a nonlapsing account into which is deposited, on a quarterly basis, \$5 of the fee established by the Department of Health and Human Services for a permit to transport and dispose of a dead human body. The commission may use the money in the fund to carry out its duties.

8. Budget. The commission shall create a budget on an annual basis that includes its estimate of expenditures and appropriations necessary to enable the commission to perform its duties.

9. Funding. The commission is authorized to receive funds from the Federal Government, from a political subdivision of the State or from an individual, foundation or corporation and may expend these funds for purposes that are consistent with this section.

10. Report. By December 15th of each year, the commission shall submit a report to the joint standing committee of the Legislature having jurisdiction over state and local government matters. The report must include the commission's budget from the preceding fiscal year, an accounting of all income received and expenditures made by the commission, details on the work performed by the commission and the number of staff employed by the commission in the preceding 12-month period.

Sec. 4. Burial-transit permit fee. Notwithstanding any provision of law to the contrary, the Department of Health and Human Services shall, by December 15, 2024, amend its rule Chapter 1: Transportation and Final Disposition of Dead Bodies to increase the fee charged for a burial-transit permit by \$5.

Sec. 5. Appropriations and allocations. The following appropriations and allocations are made.

MAINE STATE CEMETERY PRESERVATION COMMISSION

Cemetery Preservation Fund N498

Initiative: Provides an allocation for the Maine State Cemetery Preservation Commission for the funding received from additional fees collected for the burial-transit permit fee.

OTHER SPECIAL REVENUE FUNDS	2023-24	2024-25
All Other	\$0	\$85,500
OTHER SPECIAL REVENUE FUNDS TOTAL	\$0	\$85,500

See title page for effective date.

CHAPTER 678

S.P. 958 - L.D. 2238

An Act to Address Gun Violence in Maine by Requiring a Waiting Period for Certain Firearm Purchases

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

Sec. 1. 25 MRSA §2015 is enacted to read:

§2015. Waiting period after sale of firearm

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

- A. "Agreement" means an agreement reached between a buyer and a seller for the purchase and the sale of a firearm.
- B. "Buyer" means a person, not including a firearm dealer, who receives possession or ownership of a firearm through an agreement.
- C. "Firearm" has the same meaning as in Title 17-A, section 2, subsection 12-A.
- D. "Firearm dealer" means a person that is licensed as a dealer under 18 United States Code, Section 923(a)(3) or that is required to be licensed as a dealer under that section.

E. "Seller" means a person or firearm dealer that owns a firearm and that is transferring ownership of the firearm to a buyer pursuant to an agreement.

2. Waiting period. A seller may not knowingly deliver a firearm to a buyer pursuant to an agreement sooner than 72 hours after the agreement. The 72-hour waiting period must be concurrent with any waiting period imposed by any background check process required by federal or state law.

3. Penalty. This subsection applies to violations of subsection 2.

A. A seller who violates subsection 2 commits a civil violation for which a fine of not less than \$200 and not more than \$500 may be adjudged.

B. A seller who violates subsection 2 after having previously been adjudicated as violating subsection 2 commits a civil violation for which a fine of not less than \$500 and not more than \$1,000 may be adjudged.

4. Application. This section does not apply to:

A. The sale of a firearm if the seller knows that the person to whom the seller is selling the firearm is:

- (1) A law enforcement officer as defined by Title 17-A, section 2, subsection 17;
- (2) A corrections officer as defined by section 2801-A, subsection 2; or
- (3) A person who is employed by a contract security company or proprietary security organization as defined by Title 32, section 9403 or a person who is licensed as a private security guard under Title 32, chapter 93;

B. The sale of a firearm to a firearm dealer; or

C. The sale of a firearm if:

- (1) The buyer and seller are family members. For purposes of this subparagraph, "family member" means a spouse, domestic partner, parent, stepparent, foster parent, child, stepchild, foster child or person related by consanguinity within the 2nd degree;
- (2) The transaction is for a firearm that is:
 - (a) A curio or relic, as defined in 27 Code of Federal Regulations, Section 478.11, and the sale, transfer or exchange is between collectors, as defined in 18 United States Code, Section 921(a)(13), who each have in their possession a valid collector of curios and relics license issued by the United States Department of Justice, Bureau of Alcohol, Tobacco, Firearms and Explosives; or