

CHAPTER 709**DISPOSAL OF DEAD BODIES****§2881. Delivery to physician for scientific purposes**

If any resident of the State requests or consents that after death the resident's body may be delivered to a regular physician or surgeon for the advancement of anatomical science, it may be used for that purpose, unless some kindred or family connection makes objection. [RR 2021, c. 2, Pt. B, §145 (COR).]

SECTION HISTORY

RR 2021, c. 2, Pt. B, §145 (COR).

§2882. Collection, distribution and delivery

The professors of anatomy, the professors of surgery and the demonstrators of anatomy in the medical schools of the State which are now or may hereafter become incorporated by Act of the Legislature shall be and are constituted a board for the collection, distribution and delivery of dead human bodies to and among such persons as under this chapter are entitled thereto. When no medical schools of the State are in active operation, the Superintendent of the Dorothea Dix Psychiatric Center, the Superintendent of the Riverview Psychiatric Center, the Superintendent of the Eastern Maine Medical Center, the Superintendent of the Maine Medical Center and the Superintendent of the Central Maine Medical Center shall constitute the board. The said board shall have full power to establish rules and regulations for its government and to appoint and remove officers, and shall keep full and complete minutes of its transactions. Records shall be kept under its direction of all bodies received and distributed by said board and of the persons to whom the same are distributed. The minutes and records shall be open at all times to the inspection of each member of said board, the Attorney General and the district attorney of any county within the State. [PL 1981, c. 470, Pt. A, §95 (AMD); PL 2005, c. 236, §§3, 4 (REV).]

SECTION HISTORY

P&SL 1973, c. 53 (AMD). PL 1973, c. 567, §20 (AMD). PL 1981, c. 470, §A95 (AMD). PL 2005, c. 236, §§3,4 (REV).

§2883. Deaths in almshouses, prisons and institutions

All public officers, agents and servants of any and every county and municipality, and of any and every almshouse, prison, morgue, hospital or any other public institution having charge or control over dead human bodies required to be buried at the public expense are required to notify immediately the board of distribution, or the person or persons as may from time to time be designated by the board, or its duly authorized officer or agent, whenever any body or bodies come into their possession, charge or control, and shall, without fee or reward, deliver the body or bodies to the board or its duly authorized officer or agent, and permit and suffer the board or its agents, or the physicians and surgeons from time to time designated by it or them, who comply with this chapter, to take and remove any and all bodies to be used within the State for the advancement of medical education. No notice need be given and no body must be delivered if any person, satisfying the authorities in charge of the body that the person is a member of the family or next of kin to the deceased, shall claim the body for burial, but it must be surrendered to the person for interment, and no notice may be given and no body delivered to the board or its agents if the deceased person was a traveler and not a vagabond, who died suddenly, in which case the body must be buried. No notice may be given and no body delivered to the board or its agents by the Department of Corrections if, at its option, the department assumes responsibility for the expenses of burial. The option may be exercised by the Department of Corrections regardless of

whether the body is claimed by a member of the family or next of kin, but in such a case it may only be exercised with the agreement of the person making the claim. The superintendents and medical staffs of the Riverview Psychiatric Center and the Dorothea Dix Psychiatric Center, having charge or control over dead human bodies required to be buried at public expense, when no person satisfies the superintendent of either hospital for the mentally ill, and the department that the person is a member of the family of, or has some family connection or is next of kin to the deceased, and wishes to claim the body for burial, may for the advancement of science hold an autopsy and examine the body of the deceased person, notwithstanding any provisions of this chapter. [PL 1995, c. 395, Pt. G, §7 (AMD); PL 2005, c. 236, §§3,4 (REV).]

Notwithstanding the availability of lump sum death benefits under the United States Social Security Act, the term "buried at public expense" as written in this section shall be deemed to include the unclaimed dead bodies of all indigent persons otherwise within the intendment of this section. [PL 1989, c. 56 (AMD).]

As used in this section, "burial" includes cremation or natural organic reduction as defined in section 2841-A, subsection 1 and burial of the remains of the body. [PL 2023, c. 676, §16 (AMD).]

SECTION HISTORY

P&SL 1973, c. 53 (AMD). PL 1981, c. 493, §2 (AMD). PL 1989, c. 56 (AMD). PL 1995, c. 395, §G7 (AMD). PL 1995, c. 395, §G20 (AFF). PL 1995, c. 560, §K82 (AMD). PL 1995, c. 560, §K83 (AFF). PL 2001, c. 354, §3 (AMD). PL 2001, c. 386, §5 (AMD). PL 2003, c. 689, §B6 (REV). PL 2005, c. 236, §§3,4 (REV). PL 2023, c. 676, §16 (AMD).

§2884. Distribution of bodies

The board or its duly authorized agent may take and receive such bodies, so delivered, and shall upon receiving them after 7 days from the date of decease distribute and deliver them to or among the schools, physicians and surgeons in the following manner: Those schools needing bodies for lectures and demonstrations shall first be supplied as fast as practicable, the number assigned to each to be based upon the number of students in actual attendance, which number shall be returned to the board at such times as it shall direct. The board of distribution may from time to time designate physicians or surgeons who shall receive said bodies, applications to be considered in the order of their receipt by said board. Subject to this chapter, it shall be lawful for the University of Maine System, Colby College, Bates College and Bowdoin College or any recognized medical school in New England to receive such bodies for the promotion of medical education, which shall be construed to include nursing training and premedical education. [PL 1985, c. 778, §62 (AMD).]

SECTION HISTORY

PL 1985, c. 779, §62 (AMD).

§2885. Enclosed from public view; carriers to obtain receipts

The board established pursuant to section 2882 may employ a carrier or carriers for the conveyance of bodies, and the bodies must be well enclosed within a suitable encasement and carefully deposited free from public observation. The carrier shall obtain receipts by name or, if the deceased is unknown, by a description for each body delivered by the carrier, and that receipt must state the source from which the body was received; the carrier shall deposit the receipts with the secretary of the board. [RR 2021, c. 2, Pt. B, §146 (COR).]

SECTION HISTORY

RR 2021, c. 2, Pt. B, §146 (COR).

§2886. Bond for proper disposal; trafficking outside of State

A school, college, university, recognized medical school in New England or physician or surgeon may not receive a body until a bond is given to the Treasurer of State by the physician or surgeon, or by and in behalf of the school, college, university or recognized medical school in New England, to be approved by a justice of a court of record in and for the county in which the physician or surgeon resides or in which the school, college, university or recognized medical school in New England is situated. The bond must be in the penal sum of \$1,000, conditioned that all bodies that the physician or surgeon or the school, college, university or recognized medical school in New England receives thereafter are used only for the promotion within the State of medical education, which includes nursing training and premedical education, and, when no longer needed for such educational purposes, are decently buried, cremated or subjected to natural organic reduction. The bond must be examined annually in the month of December by the Treasurer of State and the Treasurer of State shall certify in writing upon each bond in the Treasurer of State's possession approval of the bond. If a bond is not approved by the Treasurer of State, the Treasurer of State shall immediately notify the party giving the bond, who shall forthwith file a new bond. A person that sells or buys a body or in any way trafficks in the same, transmits or conveys a body to any place outside of the State or causes the same to be done, except as provided in section 2884, must be punished by a fine of not more than \$200 or by imprisonment for not more than 11 months. [PL 2023, c. 676, §17 (AMD).]

SECTION HISTORY

RR 2021, c. 2, Pt. B, §147 (COR). PL 2023, c. 676, §17 (AMD).

§2887. Expenses

Neither the State nor any county or municipality, nor any officer, agent or servant thereof shall be at any expense by reason of the delivery or distribution of any such body, but all the expenses thereof, and of said board of distribution, shall be paid by those receiving the bodies in such manner as shall be specified by said board of distribution.

§2888. Neglect to discharge duties

Any person having duties enjoined upon the person by this chapter who neglects, refuses or omits to perform a duty required by this chapter must, on conviction thereof, be punished by a fine of not less than \$100 nor more than \$500, for each offense. [RR 2021, c. 2, Pt. B, §148 (COR).]

SECTION HISTORY

RR 2021, c. 2, Pt. B, §148 (COR).

§2889. Disposal of eyes after death

(REPEALED)

SECTION HISTORY

PL 1971, c. 544, §78 (RP).

§2900. Cremated remains of a veteran

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

- A. "National cemetery" means a cemetery under the control of the United States Department of Veterans Affairs, National Cemetery Administration. [PL 2011, c. 318, §1 (NEW).]
- B. "Veteran" means a person who served in and was honorably discharged from active duty:
 - (1) In the Armed Forces of the United States;
 - (2) In the Army or Air Force National Guard in a full-time status; or
 - (3) As a reservist in the Armed Forces of the United States. [PL 2011, c. 318, §1 (NEW).]

C. "Veterans' service organization" means an association, corporation or other entity that qualifies under Section 501(c)(3) or Section 501(c)(19) of the United States Internal Revenue Code of 1986, as amended, as a tax-exempt organization that has been organized for the benefit of veterans and recognized or chartered by the United States Congress or a nonprofit corporation, association or entity that specifically assists in facilitating the identification and interment of unclaimed remains of veterans. [PL 2011, c. 318, §1 (NEW).]

D. "Cremate" means subject to the process of cremation or natural organic reduction as defined in section 2841-A, subsection 1. [PL 2023, c. 676, §18 (NEW).]
[PL 2023, c. 676, §18 (AMD).]

2. Cremated remains of veterans. A funeral director or other authorized person who has held in the funeral director's or other authorized person's possession the cremated remains of a veteran for more than one year from the date of cremation may determine pursuant to the provisions of this section if the cremated remains are those of a veteran and, if the funeral director or other authorized person determines that the cremated remains are those of a veteran, the funeral director or other authorized person may dispose of the remains pursuant to this section.
[PL 2011, c. 318, §1 (NEW).]

3. Sharing information. Notwithstanding any other provision of law, a funeral director, the Adjutant General or other authorized person under subsection 2 may share information concerning cremated remains in the funeral director's or other authorized person's possession with the United States Department of Veterans Affairs, the Adjutant General, a veterans' service organization or a national cemetery to determine whether the cremated remains are those of a veteran.
[PL 2015, c. 208, §2 (AMD).]

4. Disposition of veterans' remains. If a funeral director or other authorized person determines that cremated remains in the funeral director's or other authorized person's possession are those of a veteran pursuant to this section and the funeral director or other authorized person has not received instructions as to the final disposition of the cremated remains from the person lawfully in control of the final disposition of the cremated remains, the funeral director or other authorized person may dispose of the cremated remains or relinquish possession of the cremated remains to a veterans' service organization pursuant to section 2843 and this subsection. The cremated remains of a veteran disposed of or relinquished pursuant to this subsection must be finally disposed of in a national cemetery or other government-owned or government-operated veterans' cemetery or in a cemetery or with a cemetery corporation under Title 13, chapter 83 where veterans' graves are memorialized by a veterans' marker or that has a veterans' section.
[PL 2011, c. 318, §1 (NEW).]

5. Release from liability. A funeral director, other authorized person or veterans' service organization is not liable and is released from any legal obligation other than a legal obligation imposed under this section regarding the release or sharing of information or the disposing of or relinquishing of the remains of a veteran, except in the case of gross negligence or willful misconduct.
[PL 2011, c. 318, §1 (NEW).]

6. Reimbursement. The estate of a veteran whose remains are the subject of disposition under this section is responsible for reimbursing a funeral director, other authorized person or veterans' service organization for all reasonable expenses incurred in activities conducted under this section.
[PL 2011, c. 318, §1 (NEW).]

7. Record. A funeral director or other authorized person shall maintain a record identifying a veterans' service organization that receives a veteran's remains from the funeral director or other authorized person under this section and of the site designated for final disposition of the veteran's remains relinquished or disposed of by the funeral director or other authorized person under this section.
[PL 2011, c. 318, §1 (NEW).]

8. Duty of funeral director or other authorized person. This section does not require a funeral director or other authorized person to determine the veteran status of cremated remains in the funeral director's or other authorized person's possession or to relinquish or dispose of a veteran's remains in the funeral director's or other authorized person's possession pursuant to this section if the funeral director or other authorized person has a reasonable belief or is instructed by the person in lawful control of the disposition of the veteran's remains that the veteran did not desire a funeral, burial-related services or ceremonies recognizing the veteran as a veteran.

[PL 2011, c. 318, §1 (NEW).]

SECTION HISTORY

PL 2011, c. 318, §1 (NEW). PL 2015, c. 208, §2 (AMD). PL 2023, c. 676, §18 (AMD).

§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. [PL 2023, c. 676, §19 (NEW).]

B. "Natural organic reduction facility" has the same meaning as in section 2841-A, subsection 2. [PL 2023, c. 676, §19 (NEW).]

[PL 2023, c. 676, §19 (NEW).]

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.

[PL 2023, c. 676, §19 (NEW).]

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:

A. A list of the directors, employees and certificate holders of the cemetery corporation; [PL 2023, c. 676, §19 (NEW).]

B. A certified survey of the site and location within the State the natural organic reduction facility will be situated; [PL 2023, c. 676, §19 (NEW).]

C. A business plan for the operation of the natural organic reduction facility, including but not limited to the number of bodies expected to be subjected to natural organic reduction each year, the number of sites within the natural organic reduction facility for subjecting bodies to natural organic reduction and the manufacturing costs, capital costs, financing, anticipated number of employees and types of services provided and pricing of those services; [PL 2023, c. 676, §19 (NEW).]

D. A description of any anticipated effect the natural organic reduction facility will have within the State; [PL 2023, c. 676, §19 (NEW).]

E. Plans, designs and costs of any structures to be built or retrofitted for the natural organic reduction facility; and [PL 2023, c. 676, §19 (NEW).]

F. A description of any approvals or permits required to build or retrofit the natural organic reduction facility required under state laws and local ordinances and documentation showing that the approvals or permits have been obtained. [PL 2023, c. 676, §19 (NEW).]

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

[PL 2023, c. 676, §19 (NEW).]

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

[PL 2023, c. 676, §19 (NEW).]

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

A. Subject the body of a deceased person to natural organic reduction; [PL 2023, c. 676, §19 (NEW).]

B. Meet with members of the public to arrange and provide for natural organic reduction; [PL 2023, c. 676, §19 (NEW).]

C. Enter into contracts for the provision of disposition by natural organic reduction, except that the natural organic reduction facility may not enter into pre-need agreements under Title 13, section 1264; [PL 2023, c. 676, §19 (NEW).]

D. Arrange, direct or perform the removal or transportation of the body of a deceased person; and [PL 2023, c. 676, §19 (NEW).]

E. Secure and file all necessary certificates, permits, forms or other documents. [PL 2023, c. 676, §19 (NEW).]

[PL 2023, c. 676, §19 (NEW).]

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

[PL 2023, c. 676, §19 (NEW).]

7. Facility requirements. A natural organic reduction facility shall:

A. Maintain the facility in a clean, orderly and sanitary manner; [PL 2023, c. 676, §19 (NEW).]

B. Have adequate ventilation; [PL 2023, c. 676, §19 (NEW).]

C. Have a temporary storage area to store the remains of human bodies that is not accessible to the general public; and [PL 2023, c. 676, §19 (NEW).]

D. Structure the facility in a manner that protects privacy, including by having tightly closed and rigid doors, covered windows and locked and secured entrances. [PL 2023, c. 676, §19 (NEW).]

[PL 2023, c. 676, §19 (NEW).]

8. Certificate from medical examiner or medicolegal death investigator. The body of a deceased person may not be subjected to natural organic reduction within 48 hours after death unless the person died of a contagious or infectious disease, and in no event may the body of a deceased person be subjected to natural organic reduction until the natural organic reduction facility in charge of the disposition has received a certificate from a duly appointed medical examiner or medicolegal death investigator appointed pursuant to Title 22, section 3023-A that the medical examiner or medicolegal death investigator has made personal inquiry into the cause and manner of death and is satisfied that further examination or judicial inquiry concerning the cause and manner of death is not necessary. This certificate, a certified copy of the death certificate and a burial transit permit, if necessary, when presented by the authorized person as defined in Title 22, section 2846 is sufficient authority for the body to be subjected to natural organic reduction, and the natural organic reduction facility in charge of the disposition may not refuse to subject the body to natural organic reduction solely because these

documents are presented by such an authorized person. The certificate must be retained for a period of 15 years by the natural organic reduction facility in charge of subjecting the body to natural organic reduction. For the certificate, the medical examiner must receive a fee of \$25 payable by the person requesting the certificate. This fee may be waived at the discretion of the Chief Medical Examiner. [PL 2023, c. 676, §19 (NEW).]

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

- A. A licensed funeral director; [PL 2023, c. 676, §19 (NEW).]
- B. A student of the practice of funeral services; [PL 2023, c. 676, §19 (NEW).]
- C. Officers or trustees of the cemetery corporation operating the natural organic reduction facility; [PL 2023, c. 676, §19 (NEW).]
- D. Designated employees or agents of the natural organic reduction facility; [PL 2023, c. 676, §19 (NEW).]
- E. State or municipal employees acting within the scope of their duties; [PL 2023, c. 676, §19 (NEW).]
- F. Designated instructors of the practice of funeral services; [PL 2023, c. 676, §19 (NEW).]
- G. Licensed physicians or nurses; and [PL 2023, c. 676, §19 (NEW).]
- H. Members of the immediate family of the deceased person or their agents. [PL 2023, c. 676, §19 (NEW).]

[PL 2023, c. 676, §19 (NEW).]

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

[PL 2023, c. 676, §19 (NEW).]

11. Container requirements. Upon delivery to the natural organic reduction facility, the body of a deceased person must be in a container or wrapped in a manner sufficient to contain the body and fully decompose through natural organic reduction. If the container or wrappings are not able to be naturally organically reduced, the natural organic reduction facility shall timely notify the person making the funeral arrangements that the body of the deceased person will be transferred to an alternative container and the person making the funeral arrangements shall sign an acknowledgement that this timely notification was made. This record must be maintained by the natural organic reduction facility. The body of the deceased person may then be transferred to an alternative container by a licensed funeral director.

[PL 2023, c. 676, §19 (NEW).]

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

[PL 2023, c. 676, §19 (NEW).]

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

[PL 2023, c. 676, §19 (NEW).]

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

A. Shall thoroughly clean the interior of the container used for natural organic reduction; [PL 2023, c. 676, §19 (NEW).]

B. Shall place the remains of the body in an individual container that is sufficient to hold the remains and does not contain other remains unless authorized pursuant to subsection 13; [PL 2023, c. 676, §19 (NEW).]

C. Shall label the container of the remains of the body with the name of the deceased person whose body was subjected to natural organic reduction; [PL 2023, c. 676, §19 (NEW).]

D. May use a magnet and sieve or other appropriate method to separate the human remains from any foreign material. The foreign material must be disposed of in accordance with department rules; and [PL 2023, c. 676, §19 (NEW).]

E. Shall pulverize the remains of the body until no single fragment is recognizable as skeletal tissue. [PL 2023, c. 676, §19 (NEW).]

[PL 2023, c. 676, §19 (NEW).]

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

[PL 2023, c. 676, §19 (NEW).]

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

[PL 2023, c. 676, §19 (NEW).]

SECTION HISTORY

PL 2023, c. 676, §19 (NEW).

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