

PLEASE NOTE: Legislative Information **cannot** perform research, provide legal advice, or interpret Maine law. For legal assistance, please contact a qualified attorney.

## An Act To Provide Oversight for Crematoriums

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

**Sec. 1. 32 MRSA §1400, sub-§3**, as amended by PL 2001, c. 169, §1, is further amended to read:

**3. Funeral establishment.** "Funeral establishment" means every place or premises devoted to or used in the care and preparation for the funeral and burial or cremation of human remains or maintained for the convenience of the bereaved for viewing or other services in connection with the human remains or as the office or place for carrying on the profession of funeral service.

**Sec. 2. 32 MRSA §1400, sub-§5**, as amended by PL 2001, c. 169, §2, 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, including cremation, 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, cremation 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 selling funeral supplies to the public or making financial arrangements for the rendering of such services or the sale of such supplies. "Practice of funeral service" does not mean the ownership or operation of a cemetery, ~~crematorium~~, 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.

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. 3. 32 MRSA §1405**, as amended by PL 1985, c. 611, §§11 and 12 and PL 1997, c. 210, §40 and PL 2003, c. 689, Pt. B, §6, is further amended to read:

### § 1405. Cremation

~~Any~~A person, firm or corporation within the State; with the approval of the ~~Department of Health and Human Services~~commissioner may establish and maintain suitable buildings and appliances for the cremation of bodies of the dead and, subject to the ~~regulations~~rules of the ~~department~~Department of Professional and Financial Regulation, may cremate such bodies and dispose of the ashes of the same.

The body of a deceased person ~~shall~~may not be cremated within 48 hours after his ~~deceased~~death unless ~~he~~the person died of a contagious or infectious disease, and in no event ~~shall~~may the body of a deceased person be cremated, buried at sea, used by medical science or removed from the State until the person, firm or corporation in charge of the disposition has received a certificate from a duly appointed

medical examiner that ~~he~~the medical examiner has made personal inquiry into the cause and manner of death and is satisfied that ~~no~~ further examination or judicial inquiry concerning the ~~same~~cause and manner of death is not necessary. This certificate, a certified copy of the death certificate and a burial transit permit when presented by the authorized person as defined in Title 22, section 2846, ~~shall be~~is sufficient authority for cremation, burial at sea, use by medical science or removal from the State, and the person, firm or corporation in charge of the disposition ~~shall~~may not refuse to cremate or otherwise dispose of the body solely because these documents are presented by such an authorized person. The certificate ~~shall~~must be retained by the person, firm or corporation in charge of the cremation or disposition for a period of 15 years. For the certificate, the medical examiner ~~shall~~must receive a fee of \$15 payable by the person requesting ~~same~~the certificate.

~~No human~~Human remains ~~shall~~may not be removed, transported or shipped to ~~any~~a crematory unless encased in a casket or other suitable container.

## SUMMARY

This bill transfers licensing and regulation responsibility for crematoriums from the Department of Health and Human Services to the Department of Professional and Financial Regulation and allows a licensed funeral home to conduct cremations.