



**Office of Professional and Occupational
Regulation**

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Memorandum

To: Senator Ned Claxton, Senate Chair
Representative Michele Meyer, House Chair
Joint Standing Committee on Health and Human Services

From: Jennifer Hawk, Board Administrator

Date: May 3, 2021

RE: Crematoria Bills

The Committee requested information about the Sunrise Review Process in reference to the public hearing on LD 1074. The Sunrise Review Process is set forth in [Title 5, section 12013, subsection 3](#) and [32 MRS § 60-J](#). Both statutory references are hyperlinked for your convenience.

The Sunrise review process is only relevant to LD 1074 bill (and LD 1223) if regulatory oversight is moved from DHHS, Division of Environmental Health, to the Board of Funeral Services since that would be a substantial expansion of the Funeral Board's regulatory authority. (Of note, the third bill related to crematoria, LD 1535, keeps oversight with DHHS.)

As we noted at the public hearing, crematoria are currently regulated by DHHS, Division of Environmental Health. They have existing subject matter and technical expertise. The Board of Funeral Service has no jurisdiction or expertise in crematoria.

It appears as though placing crematoria regulatory oversight on the Funeral Board was a drafting choice as opposed to an intentional policy decision to shift regulatory oversight. We have emailed with the sponsors of LD 1074 and 1223, both of whom indicated to us that they had not intended to shift regulatory responsibility from DHHS to DPF. To our knowledge, there were no suggestions made at the public hearing indicating that DHHS was not regulating crematoria appropriately and with integrity.

We take no position on the substance of either bill but urge the committee to keep regulatory oversight with DHHS and their subject matter experts. I will be available to answer any other questions at the work session on May 6, 2021.