

Written Testimony before the State of Maine Legislature

LD 1223 – An act to Allow Crematories using Chemical Dissolution Processes in Facilities other than Cemeteries

Sponsor: Sen. Anne Carney

Good afternoon Co-Chairs Senator Curry, Rep. Roberts, and the Members of the Innovation, Development, Economic Development and Business Committee. My name is Jim Fernald CFSP and I am a fifth generation funeral practitioner, spokesperson for Maine Funeral Directors Association, and owner and operator of Brookings-Smith Funeral Homes and Pine Grove Crematorium located in the Bangor Region.

Maine Funeral Directors Association is in opposition to this bill for multiple reasons. We believe that as a matter of the public trust when handling deceased remains and serving the surviving family that all aspects of this industry need to be regulated to the same degree of oversight as other services in the death care industry. As funeral directors we help guide families at what can be the worst time of their life and having honorable processes in place for final disposition is of the highest importance of the public trust.

First, I believe that it needs to be defined what the name is of this process. In this bill it is called a Chemical Dissolution Process, it is also called Alkaline Hydrolysis, some call it liquid cremation, and is marketed as Green Cremation. This process is not cremation by definition. This industry uses this phrasing because they heat the fluid that processes the tissue as part of the process. The fluid after the process goes into the drain leaving bone fragments. Cremation particles go up the stack leaving bone fragments. In both cases the remaining bones are pulverized into ashes. They call it green where it uses less BTU's than a standard crematorium – but it is not cremation. My understanding is that the correct phrasing should be the Alkaline Hydrolysis but the name is not a good marketing name. No matter the name, regulations for this industry called final disposition of deceased remains should be under the same oversight which is now the Department of Health and Human Services. Cemeteries and crematories are now regulated by DHHS and so should this industry as a form of final disposition.

In 2009, I was part of a work group that developed rules and regulations that all crematories have to adhere to. It is called "Rules for Establishment and Operation of Crematoria – Chapter 22 – DHHS. It goes into detail how to apply for a license from DHHS, rules to operate by, how operators are certified, what information is needed to label cremated remains, and many other definitions and rules that govern the cremation industry. This is all done for the public trust. The work group was started when a crematory in New Hampshire was found to be cremating two human bodies at the same time which is called comingling and is not allowed. Where cremation practices are permanent and irreversible it is a priority that there is strict oversight.

There is a small part of our population that want such a procedure completed as a form of final disposition. Over the last 16 years operating Pine Grove Crematorium there have been some practices that are seldom used that the public can accomplish. We cremate a little more than 1000 remains a year. There may be 1 out of a 1000 that would like to build their own cremation container. There may be 1 in 1000 that want to transport, get their own paperwork and arrange for their own loved one's cremation. We also offer that if a family would like to be present as part of a family's grief process, they

can be part of what we call a witness to the cremation. We may have 1 in 25 families that want to be present. We strive to exceed the standards by guideline in case there is a unique situation and we may be asked to provide a meaningful experience for a surviving family.

To summarize our opposition to LD 1223. We believe that final disposition of human remains needs to be accomplished in a cemetery, there are already licensing and operating rules in place by DHHS that can be used, to determine and define the name of this process where it is not a form of cremation, and that it is important to have a final disposition in a location that is dignified for the public good.