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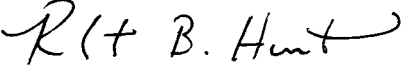
No. 536

H.P. 341

House of Representatives, February 9, 2023

An Act to Provide Natural Organic Reduction Facilities for Maine Residents for the Conversion of Human Remains to Soil

Reference to the Committee on Health and Human Services suggested and ordered printed.


ROBERT B. HUNT
Clerk

Presented by Representative DOUDERA of Camden.
Cosponsored by Representatives: SARGENT of York, ZEIGLER of Montville, Senator HICKMAN of Kennebec and
Representatives: CRAVEN of Lewiston, JAUCH of Topsham, MATLACK of St. George,
Senator: BRENNER of Cumberland.

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

2 **Sec. 1. 13 MRSA §1031-A** is enacted to read:

3 **§1031-A. Definitions**

4 As used in this chapter, unless the context otherwise indicates, the following terms
5 have the following meanings.

6 **1. Natural organic reduction.** "Natural organic reduction" means the contained
7 accelerated conversion of human remains to soil.

8 **2. Natural organic reduction facility.** "Natural organic reduction facility" means a
9 building or structure or a room or other space in a building or structure or real property
10 where natural organic reduction is facilitated and occurs.

11 **Sec. 2. 13 MRSA §1032** is amended to read:

12 **§1032. Disposal of bodies**

13 Except as otherwise provided by law, or in case of a dead body being rightfully carried
14 through or removed from the State for the purpose of burial or disposition elsewhere, every
15 dead body of a human being dying within the State and the remains of any body after
16 dissection therein ~~shall~~ must be decently buried, entombed in a mausoleum, vault or tomb,
17 ~~or cremated or subjected to natural organic reduction~~ within a reasonable time after death.
18 The permanent disposition of such bodies or remains ~~shall~~ must be by interment in the
19 earth, or deposit in a chamber, vault or tomb of a cemetery owned, maintained and operated
20 in accordance with the laws of this State, by deposit in a crypt of a mausoleum, or by
21 cremation or natural organic reduction. The remains of a human body after cremation or
22 natural organic reduction may be deposited in a niche of a columbarium or a crypt of a
23 mausoleum, ~~scattered in an area of a cemetery~~, buried or disposed of in any manner not
24 contrary to law. ~~Not~~ A deposit of the bodies or remains of the human dead ~~shall~~ may not
25 be made in a single chamber, vault or tomb partly above and partly below the natural
26 surface of the ground, unless the part thereof below such surface is of a permanent
27 character, constructed of materials capable of withstanding extreme climatic conditions,
28 waterproof and ~~air-tight~~ airtight, and capable of being sealed permanently to prevent all
29 escape of effluvia, and unless the part thereof above the natural surface of the ground is
30 constructed of natural stone of a standard not less than that required by the United States
31 Government for monuments erected in national cemeteries, or durability sufficient to
32 withstand all conditions of weather.

33 **Sec. 3. 13 MRSA §1035**, as amended by PL 2019, c. 113, Pt. C, §25, is further
34 amended to read:

35 **§1035. Penalties**

36 Except as otherwise provided in this chapter, a person who fails to comply with or
37 violates any of the provisions of this chapter in respect to the establishment, maintenance
38 or operation of a cemetery, community mausoleum, crematory, natural organic reduction
39 facility or columbarium or to the disposal of dead human bodies commits a Class E crime
40 except that, notwithstanding Title 17-A, sections 1704 and 1705, the fine may not be less
41 than \$100 or more than \$500.

1 **Sec. 4. 13 MRSA §1101-A, sub-§2**, as enacted by PL 2003, c. 421, §1, is amended
2 to read:

3 **2. Columbarium.** "Columbarium" means a structure or room or space in a mausoleum
4 or other building containing niches or recesses for disposition of cremated human remains
5 or human remains that have been subjected to natural organic reduction.

6 **Sec. 5. 13 MRSA §1265**, as enacted by PL 1995, c. 474, §1, is amended to read:

7 **§1265. Tangible personal property**

8 Upon written request and payment of any reasonable out-of-pocket expenses, a
9 cemetery ~~or~~, crematory or natural organic reduction facility shall deliver to a person, the
10 person's attorney-in-fact or the person's personal representative any item of tangible
11 personal property purchased by that person but remaining in the possession of the cemetery
12 ~~or~~, crematory or natural organic reduction facility.

13 **Sec. 6. 13 MRSA §1266**, as enacted by PL 1995, c. 474, §1, is amended to read:

14 **§1266. Solicitation of cemetery or crematory or other services or property**

15 Uninvited telephone or door-to-door solicitations for crematory ~~or~~, cemetery or natural
16 organic reduction facility services or property are prohibited. This section may not be
17 construed to limit the raising of funds for capital improvements as long as those funds are
18 not raised through the purchase of cemetery ~~or~~, crematory or natural organic reduction
19 facility services or property. Uninvited solicitations may not be construed to include
20 solicitations resulting from uninvited good-faith personal referrals from individuals
21 purchasing services or property from a cemetery ~~or~~, crematory or natural organic reduction
22 facility.

23 **Sec. 7. 13 MRSA §1303, 2nd ¶** is amended to read:

24 Every such cemetery ~~shall~~ must be located in accordance with statutes already in force
25 and effect, and only after consent for such location has been obtained from the municipality
26 or other political subdivision where the same is proposed to be located, as well as from the
27 ~~Bureau of Health~~ Department of Health and Human Services. ~~No~~ A cemetery, community
28 mausoleum, crematory, natural organic reduction facility or columbarium hereafter
29 established ~~shall~~ may not be maintained or operated for the purpose of private profit or
30 gain, either directly or indirectly, to any director, officer or member of the cemetery
31 association or other agency owning, maintaining or operating the same, or of any holding
32 company or development company employed to develop, build and dispose of the same.
33 A cemetery lawfully established prior to July 24, 1937 may continue to be owned,
34 maintained and operated under the form of organization adopted therefor. Any corporation
35 organized prior to July 24, 1937 ~~which~~ that is authorized or empowered to own, construct,
36 maintain or operate cemeteries or burial grounds may lawfully own, construct, maintain or
37 operate mausoleums, crematories or columbaria in connection therewith, in accordance
38 with the laws existing and effective up to the time of July 24, 1937.

39 **Sec. 8. 13 MRSA §1304** is amended to read:

40 **§1304. Sales for speculation or investment**

41 The sale of cemetery lots and plots, or the sale of crypts in a community mausoleum or
42 niches in a columbarium for speculative or financial investment purposes, or the

1 conveyance of any portion of a cemetery already dedicated to burial purposes as security
2 for debt, is prohibited. Every such conveyance, whether made by a person or by a cemetery
3 association, or by a company or association owning and operating a community
4 mausoleum, crematory, natural organic reduction facility or columbarium, or by any
5 holding, development or subsidiary company, ~~shall be is~~ void and of no effect. Whoever
6 makes or attempts to make a sale or conveyance contrary to this section ~~shall be guilty of~~
7 ~~a misdemeanor and must be~~ punished as provided in section 1035.

8 **Sec. 9. 22 MRSA §2841-A** is enacted to read:

9 **§2841-A. Definitions**

10 As used in this chapter, unless the context otherwise indicates, the following terms
11 have the following meanings.

12 **1. Natural organic reduction.** "Natural organic reduction" means the contained
13 accelerated conversion of human remains to soil.

14 **2. Natural organic reduction facility.** "Natural organic reduction facility" means a
15 building or structure or a room or other space in a building or structure or real property
16 where natural organic reduction is facilitated and occurs.

17 **Sec. 10. 22 MRSA §2843, first ¶**, as amended by PL 2009, c. 601, §27, is further
18 amended to read:

19 Except as authorized by the department, a dead human body may not be buried,
20 cremated, subjected to natural organic reduction or otherwise disposed of or removed from
21 the State until a funeral director or other authorized person in charge of the disposition of
22 the dead human body or its removal from the State has obtained a permit from the State
23 Registrar of Vital Statistics or the clerk of the municipality where death occurred or where
24 the establishment of a funeral director having custody of the dead human body is located
25 as specified by department rule. The permit is sufficient authority for final disposition in
26 any place where dead human bodies are disposed of in this State, as long as the
27 requirements of Title 32, ~~section~~ sections 1405 and 1405-B are met in appropriate cases.
28 The permit may not be issued to anyone other than a funeral director until the state registrar
29 or the clerk of the municipality receives a medical certificate that has been signed by a
30 physician or a medical examiner that indicates that the physician or medical examiner has
31 personally examined the body after death. A permit must also be issued if a nurse
32 practitioner or physician assistant has signed the medical certificate indicating that the
33 nurse practitioner or physician assistant has knowledge of the deceased's recent medical
34 condition or was in charge of the deceased's care and that the nurse practitioner or physician
35 assistant has personally examined the body after death. The authorized person may
36 transport a dead human body only upon receipt of this permit.

37 **Sec. 11. 22 MRSA §2843, 2nd ¶**, as amended by PL 2009, c. 601, §27, is further
38 amended to read:

39 The State Registrar of Vital Statistics or a municipal clerk may issue a permit for final
40 disposition by cremation, burial at sea, use by medical science, natural organic reduction
41 or removal from the State only upon receipt of a certificate ~~of release~~ by a duly appointed
42 medicolegal death investigator or medical examiner as specified in Title 32, section 1405
43 or section 1405-B, subsection 6.

1 **Sec. 12. 22 MRSA §2843, sub-§3**, as amended by PL 2013, c. 20, §1, is further
2 amended to read:

3 **3. Permit for burial.** The person in charge of each burying ground ~~or~~, crematory or
4 natural organic reduction facility in this State shall endorse, and provide the date the body
5 was disposed of on, each such permit with which that person is presented, and return it to
6 the State Registrar of Vital Statistics or to the clerk of the municipality in which such
7 burying ground ~~or~~, crematory or facility is located within 7 days after the date of
8 disposition. If there is no person in charge of the burying ground, an official of the
9 municipality in which the burying ground is located shall endorse, and provide the date the
10 body was disposed of on, each such permit, and present it to the State Registrar of Vital
11 Statistics or the clerk of the municipality. The funeral director or authorized person shall
12 present a copy of each permit, after endorsement, to the State Registrar of Vital Statistics
13 or the clerk of the municipality where death occurred and to the clerk who issued the permit.

14 **Sec. 13. 22 MRSA §2843, sub-§3-A**, as amended by PL 2019, c. 257, §1, is further
15 amended to read:

16 **3-A. Authorization for burial of cremated or other remains in public burying**
17 **ground.** The State Registrar of Vital Statistics shall provide an authorization to be used
18 for the purposes of this subsection. If ~~cremated~~ human remains that have been cremated or
19 subjected to natural organic reduction are buried in a public burying ground in the State,
20 the person in charge of the public burying ground shall endorse and record the date the
21 ~~cremated~~ remains were buried on an authorization for the remains and return the
22 authorization to the State Registrar of Vital Statistics or to the clerk of the municipality in
23 which the public burying ground is located within 7 days after the ~~cremated~~ remains were
24 buried. If there is no person in charge of the public burying ground, an official of the
25 municipality in which the public burying ground is located shall endorse and record the
26 date the ~~cremated~~ remains were buried on the authorization and present the authorization
27 to the State Registrar of Vital Statistics or the clerk of the municipality. If an authorization
28 is not returned to the State Registrar of Vital Statistics within 7 days after ~~cremated~~ remains
29 were buried, the funeral director or authorized person may present a copy of the
30 authorization, if the authorization has been endorsed, to the State Registrar of Vital
31 Statistics or the clerk of the municipality where death occurred and to the clerk who issued
32 the authorization.

33 For purposes of this subsection, unless the context otherwise indicates, the following terms
34 have the following meanings.

35 A. "Authorization" means the form or electronic process prescribed and furnished by
36 the State Registrar of Vital Statistics for the purpose of recording the consent of an
37 authorized person for the burial or removal of ~~cremated~~ human remains that have been
38 cremated or subjected to natural organic reduction in a public burying ground as
39 specified by department rule.

40 B. "Burial" means all manner of dispersal or deposit in or on the ground or in a
41 structure.

42 C. "Public burying ground" has the same meaning as in Title 13, section 1101-A,
43 subsection 4.

1 **Sec. 14. 22 MRSA §2843-A, sub-§2**, as repealed and replaced by PL 2017, c. 475,
2 Pt. A, §31, is amended by amending the 4th blocked paragraph to read:

3 The remains or a dead body is considered abandoned if no one takes custody and control
4 of the remains or dead body for a period of 15 days. A funeral director or practitioner of
5 funeral service who has physical possession of abandoned remains or an abandoned dead
6 body may bury ~~or~~, cremate or subject to natural organic reduction the remains or dead body.
7 The funeral director or practitioner of funeral service may embalm or refrigerate abandoned
8 remains or an abandoned dead body without authorization. A certificate of abandonment
9 that indicates the means of disposition must be filed in the municipality where the death
10 occurred.

11 **Sec. 15. 22 MRSA §2843-A, sub-§10**, as amended by PL 2017, c. 101, §3, is
12 further amended to read:

13 **10. Funeral director or practitioner of funeral service.** The following provisions
14 apply to the actions and liability of a funeral director or practitioner of funeral service,
15 cemeteries ~~and~~, crematories and natural organic reduction facilities and their employees.

16 A. If there is a dispute regarding custody and control, a funeral director or practitioner
17 of funeral service may refuse to accept the remains or dead body, inter or otherwise
18 dispose of the remains or dead body or complete funeral arrangements until the funeral
19 director or practitioner of funeral service is provided with a court order under
20 subsection 4 or a written agreement of the person who has custody and control.

21 B. If there is a dispute regarding custody and control, pending a court determination
22 under subsection 4 a funeral director or practitioner of funeral service who has physical
23 possession of the remains or a dead body may embalm or refrigerate and shelter the
24 remains or a dead body and may bill the estate of the subject for those costs, plus
25 attorney's fees and court costs.

26 C. A person who signs a statement of funeral goods and services; or a cremation or
27 natural organic reduction authorization form or other authorization for disposition of
28 the remains or a dead body is deemed to warrant the truthfulness of the facts set forth
29 in the document, including but not limited to the existence of custody and control and
30 the identity of the subject.

31 D. A funeral director or practitioner of funeral service, cemetery, natural organic
32 reduction facility or crematory may rely on a statement of funeral goods and services;
33 or a cremation or natural organic reduction authorization form or other authorization
34 signed by a person who has custody and control of the remains or a dead body and may
35 carry out the instructions provided for in the statement of funeral goods and services
36 or on the form or authorization unless the funeral director or practitioner of funeral
37 service, cemetery, natural organic reduction facility or crematory knows of objections
38 from another person.

39 E. A funeral director or practitioner of funeral service, cemetery, natural organic
40 reduction facility or crematory is not required to independently investigate custody and
41 control of the remains or a dead body or who is next of kin.

42 F. Upon cremation or natural organic reduction of the remains or dead body, the
43 crematory or natural organic reduction facility shall prepare a certificate of cremation
44 or natural organic reduction signed and dated by the person in charge of the cremation

1 or natural organic reduction indicating the date of cremation or natural organic
2 reduction and the identity of the ~~cremated~~ remains or dead body as identified by the
3 funeral director or practitioner of funeral service or the cremation or natural organic
4 reduction authorization form, including the deceased person's full name, date and place
5 of death, gender and veteran status. The crematory or natural organic reduction facility
6 shall provide the certificate of cremation or natural organic reduction to the funeral
7 director or practitioner of funeral service or the person who has custody and control of
8 the remains or dead body.

9 **Sec. 16. 22 MRSA §2883, 3rd ¶**, as enacted by PL 2001, c. 386, §5, is amended to
10 read:

11 As used in this section, "burial" includes cremation or natural organic reduction as
12 defined in section 2841-A, subsection 1 and burial of the ~~cremated~~ remains of the body.

13 **Sec. 17. 22 MRSA §2886**, as corrected by RR 2021, c. 2, Pt. B, §147, is amended
14 to read:

15 **§2886. Bond for proper disposal; ~~traffie~~ trafficking outside of State**

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

35 **Sec. 18. 22 MRSA §2900, sub-§1, ¶D** is enacted to read:

36 D. "Cremate" means subject to the process of cremation or natural organic reduction
37 as defined in section 2841-A, subsection 1.

38 **Sec. 19. 22 MRSA §2954, sub-§9**, as enacted by PL 2007, c. 601, §2, is amended
39 to read:

40 **9. Superior rights.** Subject to section 2951, subsection 8 and section 2961, the rights
41 of the person to which a part passes under section 2951 are superior to rights of all others
42 with respect to the part. The person may accept or reject an anatomical gift in whole or in
43 part. Subject to the terms of the document of gift and this chapter, a person that accepts an
44 anatomical gift of an entire body may allow embalming ~~or~~, cremation or natural organic

1 reduction and use of remains in a funeral service. If the gift is of a part, the person to which
2 the part passes under section 2951, upon the death of the donor and before embalming or
3 cremation; or natural organic reduction shall cause the part to be removed without
4 unnecessary mutilation. For purposes of this subsection, "natural organic reduction" has
5 the same meaning as in section 2841-A, subsection 1.

6 **Sec. 20. 32 MRSA §1400, sub-§4-A** is enacted to read:

7 **4-A. Natural organic reduction.** "Natural organic reduction" means the contained
8 accelerated conversion of human remains to soil.

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

10 **4-B. Natural organic reduction facility.** "Natural organic reduction facility" means
11 a building or structure or a room or other space in a building or structure or real property
12 where natural organic reduction is facilitated and occurs.

13 **Sec. 22. 32 MRSA §1400, sub-§5,** as amended by PL 2021, c. 183, §1, is further
14 amended to read:

15 **5. Practice of funeral service.** "Practice of funeral service" means the engagement
16 of a person in the care or disposition of the human remains or in the practice of disinfecting
17 and preparing by embalming or otherwise the human remains for the funeral service,
18 transportation of human remains to the place of burial or cremation or natural organic
19 reduction, or the practice of helping to meet the emotions and disposition of the bereaved
20 or the practice of funeral directing or embalming as presently known, whether under these
21 titles or designations or otherwise. "Practice of funeral service" also means making
22 arrangements for funeral services or making financial arrangements for the rendering of
23 such services. "Practice of funeral service" does not mean the ownership or operation of a
24 cemetery, crematorium, natural organic reduction facility, mausoleum or columbarium or
25 any other facility used for burial of human remains. "Practice of funeral service" does not
26 include the transportation of human remains by an authorized person. "Practice of funeral
27 service" does not include the manufacturing or selling of caskets or alternative containers.

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

30 **Sec. 23. 32 MRSA §1405-B** is enacted to read:

31 **§1405-B. Natural organic reduction**

32 A cemetery corporation operating within the State, after obtaining a license from the
33 Department of Health and Human Services, referred to in this section as "the department,"
34 and meeting the requirements of this section, may establish and maintain suitable buildings
35 and appliances for subjecting the body of a deceased person to natural organic reduction
36 and, in accordance with this section and the rules of the department, may subject the body
37 to natural organic reduction and dispose of the remains of the body.

38 **1. Application for licensure.** A cemetery corporation operating within the State
39 seeking to establish a natural organic reduction facility shall submit the following
40 information to the department in application for licensure:

41 A. A list of the directors, employees and certificate holders of the cemetery corporation;

1 B. A certified survey of the site and location within the State the natural organic
2 reduction facility will be situated;

3 C. A business plan for the operation of the natural organic reduction facility, including
4 but not limited to the number of bodies expected to be subjected to natural organic
5 reduction each year, the number of sites within the natural organic reduction facility
6 for subjecting bodies to natural organic reduction and the manufacturing costs, capital
7 costs, financing, anticipated number of employees and types of services provided and
8 pricing of those services;

9 D. A description of any anticipated effect the natural organic reduction facility will
10 have within the State;

11 E. Plans, designs and costs of any structures to be built or retrofitted for the natural
12 organic reduction facility; and

13 F. A description of any approvals or permits required to build or retrofit the natural
14 organic reduction facility required under state laws and local ordinances and
15 documentation showing that the approvals or permits have been obtained.

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

18 **2. Timeline for processing application; notification of results.** The department shall
19 approve or deny an application for licensure submitted under subsection 1 within 90 days
20 of receiving a complete application. The department shall provide, by registered or
21 certified mail addressed to the cemetery corporation at its principal office, written notice
22 of its determination to the cemetery corporation and, if the application is denied, the reasons
23 for denying the application.

24 **3. Authority.** A natural organic reduction facility licensed under this section may:

25 A. Subject the body of a deceased person to natural organic reduction;

26 B. Meet with members of the public to arrange and provide for natural organic
27 reduction;

28 C. Enter into contracts for the provision of disposition by natural organic reduction,
29 except that the natural organic reduction facility may not enter into pre-need contracts
30 under Title 13, section 1264;

31 D. Arrange, direct or perform the removal or transportation of a deceased person; and

32 E. Secure and file all necessary certificates, permits, forms or other documents.

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

37 **5. Facility requirements.** A natural organic reduction facility shall:

38 A. Maintain the facility in a clean, orderly and sanitary manner;

39 B. Have adequate ventilation;

40 C. Have a temporary storage area to store the remains of human bodies that is not
41 accessible to the general public; and

1 D. Structure the facility in a manner that protects privacy, including by having tightly
2 closed and rigid doors, covered windows and locked and secured entrances.

3 **6. Certificate from medical examiner or medicolegal death investigator.** The body
4 of a deceased person may not be subjected to natural organic reduction within 48 hours
5 after death unless the person died of a contagious or infectious disease, and in no event may
6 the body of a deceased person be subjected to natural organic reduction until the natural
7 organic reduction facility in charge of the disposition has received a certificate from a duly
8 appointed medical examiner or medicolegal death investigator appointed pursuant to Title
9 22, section 3023-A that the medical examiner or medicolegal death investigator has made
10 personal inquiry into the cause and manner of death and is satisfied that further examination
11 or judicial inquiry concerning the cause and manner of death is not necessary. This
12 certificate, a certified copy of the death certificate and a burial transit permit, if necessary,
13 when presented by the authorized person as defined in Title 22, section 2846 is sufficient
14 authority for the body to be subjected to natural organic reduction, and the natural organic
15 reduction facility in charge of the disposition may not refuse to subject the body to natural
16 organic reduction solely because these documents are presented by such an authorized
17 person. The certificate must be retained by the natural organic reduction facility in charge
18 of subjecting the body to natural organic reduction for a period of 15 years. For the
19 certificate, the medical examiner must receive a fee of \$25 payable by the person requesting
20 the certificate. This fee may be waived at the discretion of the Chief Medical Examiner.

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

26 A. A licensed funeral director;

27 B. A student of the practice of funeral services;

28 C. Officers or trustees of the cemetery corporation operating the natural organic
29 reduction facility;

30 D. Designated employees or agents of the natural organic reduction facility;

31 E. State or municipal employees acting within the scope of their duties;

32 F. Designated instructors of the practice of funeral services;

33 G. Licensed physicians or nurses; and

34 H. Members of the immediate family of the deceased person or their agents.

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

38 **9. Container requirements.** Upon delivery to the natural organic reduction facility,
39 the body of a deceased person must be in a container or wrapped in a manner sufficient to
40 contain the body and fully decompose through natural organic reduction. If the container
41 or wrappings are not able to be naturally organically reduced, the natural organic reduction
42 facility shall timely notify the person making the funeral arrangements that the body of the
43 deceased person will be transferred to an alternative container and the person making the

1 funeral arrangements shall sign an acknowledgement that this timely notification was
2 made. This record must be maintained by the natural organic reduction facility. The body
3 of the deceased person may then be transferred to an alternative container by a licensed
4 funeral director.

5 **10. Opening container prohibited; exceptions.** The container or wrappings required
6 in subsection 9 may not be opened or removed unless by a licensed funeral director in the
7 presence of a witness if good cause exists to confirm the identity of the deceased person,
8 to ensure that devices identified in subsection 8 are not present or upon reasonable demand
9 by the person's next of kin or agent. If the container or wrappings are opened or removed,
10 the natural organic reduction facility must document in its records the reason, the name of
11 the person who authorized the opening of the container or removal of the wrappings, the
12 name of the person who opened the container or removed the wrappings and the name of
13 the witness.

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

19 **12. Treatment of remains after natural organic reduction.** Following the natural
20 organic reduction of the body of a deceased person, a natural organic reduction facility:

21 A. Shall thoroughly clean the interior of the container used for natural organic
22 reduction;

23 B. Shall place the remains of the body in an individual container that is sufficient to
24 hold the remains and does not contain other remains unless authorized pursuant to
25 subsection 11;

26 C. Shall label the container of the remains of the body with the name of the deceased
27 person whose body was subjected to natural organic reduction;

28 D. May use a magnet and sieve or other appropriate method to separate the human
29 remains from any foreign material. The foreign material must be disposed of in
30 accordance with department rules; and

31 E. Shall pulverize the remains of the body until no single fragment is recognizable as
32 skeletal tissue.

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

36 **14. Rulemaking.** The department shall adopt rules to implement this section. Rules
37 adopted pursuant to this section are routine technical rules as defined by Title 5, chapter
38 375, subchapter 2-A.

39 **Sec. 24. 32 MRSA §1455-B, sub-§6,** as enacted by PL 2007, c. 402, Pt. J, §7, is
40 amended to read:

41 **6. Unauthorized commission; crematory, natural organic reduction facility,**
42 **mausoleum or cemetery.** Solicitation or acceptance by a licensee of any commission,

1 bonus or rebate in consideration of recommending or causing human remains to be
2 disposed of in any crematory, natural organic reduction facility, mausoleum or cemetery;

3 **Sec. 25. Rulemaking.** The Department of Health and Human Services and the
4 Department of Professional and Financial Regulation shall amend their rules in order to
5 implement this Act.

6 **SUMMARY**

7 This bill provides for the treatment of human remains by natural organic reduction as
8 an alternative to burial in a casket or cremation. Natural organic reduction is the contained
9 accelerated conversion of human remains to soil.