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An Act To Require a Municipality To Move a Body Buried in the Wrong Grave

Emergency preamble. Whereas, acts and resolves of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, this legislation needs to take effect before the expiration of the 90-day period in order to provide for timely interments; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

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

Sec. 1. 30-A MRS §3108 is enacted to read:

§ 3108. Interment in improper location

If a dead human body or human remains are interred in an improper location by a municipality or an agent of a municipality, under the direction of a municipality or in reliance upon the advice of a municipality, that municipality shall exhume that dead human body or human remains and reinter them or cause them to be reinterred in a proper location at the expense of that municipality.

Sec. 2. Retroactivity. This Act applies retroactively to January 1, 1998.

Emergency clause. In view of the emergency cited in the preamble, this legislation takes effect when approved.

SUMMARY

This bill provides that if a dead human body or human remains are interred in an improper location by a municipality or an agent of a municipality, under the direction of a municipality or in reliance upon the advice of a municipality, that municipality shall exhume that dead human body or human remains and reinter them or cause them to be reinterred in a proper location at the expense of that municipality.