

## 125th MAINE LEGISLATURE

## FIRST REGULAR SESSION-2011

Legislative Document

No. 586

H.P. 444

House of Representatives, February 15, 2011

An Act To Include the Record of Emergency Data Form as an Acceptable Instrument for the Disposition of Remains of a Service Member

(EMERGENCY)

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

Heather J.R. PRIEST

Clerk

Presented by Representative FOSSEL of Alna.

1 2	<b>Emergency preamble. Whereas,</b> acts and resolves of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and
3 4 5	<b>Whereas,</b> a person in the United States Armed Forces completes a United States Department of Defense record of emergency data form to designate a person to be responsible for disposition of the person's remains; and
6 7	<b>Whereas,</b> the form is not always taken into account when a determination is made in who has final responsibility of the person's remains; and
8 9 10	Whereas, it would clarify the current law to include the form as an acceptable written and signed document that may be used to determine who has custody and control of the remains; and
11 12 13 14	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,
15	Be it enacted by the People of the State of Maine as follows:
16 17	<b>Sec. 1. 22 MRSA §2843-A, sub-§2, ¶A,</b> as enacted by PL 1993, c. 609, §1, is amended to read:
18 19 20	A. If the subject has designated a person to have custody and control in a written and signed document, <u>including a United States Department of Defense record of emergency data form</u> , custody and control belong to that person.
21 22	<b>Emergency clause.</b> In view of the emergency cited in the preamble, this legislation takes effect when approved.
23	SUMMARY
24 25 26	This bill clarifies that a United States Department of Defense record of emergency data form, which is currently identified as "DD Form 93," is an acceptable document to use to determine who has custody and control of the remains of a service member.