

§2843. Permits for final disposition of dead human bodies**(CONFLICT)**

Except as authorized by the department, a dead human body may not be buried, cremated, subjected to natural organic reduction or otherwise disposed of or removed from the State until a funeral director or other authorized person in charge of the disposition of the dead human body or its removal from the State has obtained a permit from the State Registrar of Vital Statistics or the clerk of the municipality where death occurred or where the establishment of a funeral director having custody of the dead human body is located as specified by department rule. The permit is sufficient authority for final disposition in any place where dead human bodies are disposed of in this State, as long as the requirements of Title 32, sections 1405 and 2900-A are met in appropriate cases. The permit may not be issued to anyone other than a funeral director until the state registrar or the clerk of the municipality receives a medical certificate that has been signed by a physician or a medical examiner that indicates that the physician or medical examiner has personally examined the body after death. A permit must also be issued if a nurse practitioner or physician assistant has signed the medical certificate indicating that the nurse practitioner or physician assistant has knowledge of the deceased's recent medical condition or was in charge of the deceased's care and that the nurse practitioner or physician assistant has personally examined the body after death. The authorized person may transport a dead human body only upon receipt of this permit. [PL 2023, c. 676, §10 (AMD).]

The State Registrar of Vital Statistics or a municipal clerk may issue a permit for final disposition by cremation, burial at sea, use by medical science, natural organic reduction or removal from the State only upon receipt of a certificate by a duly appointed medicolegal death investigator or medical examiner as specified in Title 32, section 1405 or section 2900-A, subsection 8. [PL 2023, c. 676, §11 (AMD).]

1. Permit for transportation. Each dead human body transported into this State for final disposition must be accompanied by a permit issued by the duly constituted authority at the place of death. Such permit is sufficient authority for final disposition in any place where dead human bodies are disposed of in this State.

[PL 2009, c. 601, §27 (AMD).]

2. Permit for disinterment or removal. A dead human body may not be disinterred or removed from any vault or tomb until the person in charge of the disinterment or removal has obtained a permit from the State Registrar of Vital Statistics or from the clerk of the municipality where the dead human body is buried or entombed. The permit must be issued upon receipt of a notarized application signed by the next of kin of the deceased who verifies that the signer is the closest surviving known relative and, when any other family member of equal or greater legal or blood relationship or a domestic partner of the decedent also survives, that all such persons are aware of, and do not object to, the disinterment or removal. This subsection does not preclude a court of competent jurisdiction from ordering or enjoining disinterment or removal pursuant to section 3029 or in other appropriate circumstances.

[PL 2021, c. 567, §19 (AMD).]

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

[PL 2023, c. 676, §12 (AMD).]

3-A. (CONFLICT: Text as repealed by PL 2023, c. 67, §4) Authorization for burial of cremated remains in public burying ground.

[PL 2023, c. 67, §4 (RP).]

3-A. (CONFLICT: Text as amended by PL 2023, c. 676, §13) Authorization for burial of cremated or other remains in public burying ground. The State Registrar of Vital Statistics shall provide an authorization to be used for the purposes of this subsection. If human remains that have been cremated or subjected to natural organic reduction are buried in a public burying ground in the State, the person in charge of the public burying ground shall endorse and record the date the remains were buried on an authorization for the remains and return the authorization to the State Registrar of Vital Statistics or to the clerk of the municipality in which the public burying ground is located within 7 days after the remains were buried. If there is no person in charge of the public burying ground, an official of the municipality in which the public burying ground is located shall endorse and record the date the remains were buried on the authorization and present the authorization to the State Registrar of Vital Statistics or the clerk of the municipality. If an authorization is not returned to the State Registrar of Vital Statistics within 7 days after remains were buried, the funeral director or authorized person may present a copy of the authorization, if the authorization has been endorsed, to the State Registrar of Vital Statistics or the clerk of the municipality where death occurred and to the clerk who issued the authorization.

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

A. "Authorization" means the form or electronic process prescribed and furnished by the State Registrar of Vital Statistics for the purpose of recording the consent of an authorized person for the burial or removal of human remains that have been cremated or subjected to natural organic reduction in a public burying ground as specified by department rule. [PL 2023, c. 676, §13 (AMD).]

B. "Burial" means all manner of dispersal or deposit in or on the ground or in a structure. [PL 2019, c. 257, §1 (NEW).]

C. "Public burying ground" has the same meaning as in Title 13, section 1101-A, subsection 4. [PL 2019, c. 257, §1 (NEW).]

[PL 2023, c. 676, §13 (AMD).]

4. Records. Each municipality shall maintain a record of any endorsed or electronically affirmed permit received pursuant to subsection 3 in the electronic death registration system described in section 2847. A copy of an endorsed or electronically affirmed permit must be made available to a member of the public upon a request made to the municipal clerk. The State Registrar of Vital Statistics may adopt routine technical rules pursuant to Title 5, chapter 375, subchapter 2-A to carry out the purposes of this subsection.

[PL 2023, c. 67, §5 (AMD).]

SECTION HISTORY

PL 1977, c. 232, §3 (AMD). PL 1985, c. 44 (AMD). PL 1985, c. 231, §§1-3 (AMD). PL 1985, c. 602 (AMD). PL 2001, c. 574, §28 (AMD). PL 2003, c. 672, §18 (AMD). PL 2005, c. 359, §§3,4 (AMD). PL 2007, c. 56, §§3, 4 (AMD). PL 2009, c. 601, §27 (AMD). PL 2013, c. 20, §1 (AMD). PL 2017, c. 101, §§1, 2 (AMD). PL 2017, c. 363, §1 (AMD). PL 2019, c. 257, §1 (AMD). PL 2019, c. 611, §1 (AMD). PL 2021, c. 567, §19 (AMD). PL 2023, c. 67, §§1-5 (AMD). PL 2023, c. 676, §§10-13 (AMD).

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