

# DATA, RESEARCH, AND VITAL STATISTICS

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## DEATH REGISTRATION PART II AGENDA ITEMS

- Permit for Disposition of Human Remains Form
- The (3) three principal purposes of the permit
- The following persons are authorized to issue the disposition permit:
- Types of Disposition
- Completed Death Certificate (for methods of disposition including burial or temporary storage)
- Registered Death Certificate (for methods of disposition including cremation, removal from State, use by medical science and burial at sea)
- Medical Examiner's Release
- How to Issue the Disposition Permit
- Endorsement
- Permits for Burial in Municipality
- Scanning and Attaching the Endorsed Permit
- Disposition permits must be open to public inspection
- Sub-Registrar
- Authorization for the Burial or Removal of Cremated Remains
- Death Certificate Procedure for Authorized Person ,Issuing the Disposition Permit to an Authorized Person, Transportation of Human Remains by Authorized Person
- Responsibility of Municipal Clerk

## **DISPOSITION OF HUMAN REMAINS (VS-35)**

<http://www.mainelegislature.org/legis/statutes/22/title22sec2843.html>

Department regulations (10-146 CMR Chapter 1 rules) specify the requirements regarding the "Permit for Disposition of Human Remains" (disposition permit) and other documentation.

A funeral director licensed to practice in the State of Maine may transport a body from the place of death to their establishment without a disposition permit or other documentation.



**PERMIT FOR  
DISPOSITION  
OF HUMAN  
REMAINS  
FORM (VS-35)  
CONTINUED**

Each municipality **MUST** maintain a record of any endorsed permit received in the EDRS effective as of **March 17, 2020**. Most funeral directors started attaching the endorsed permits in September of 2019. If a paper copy of the endorsed permit is received by a municipality; it is the clerk's responsibility to ensure the permit is attached in the EDRS.

If the event the EDRS is not available or circumstances prevent the electronic issuance of a disposition permit (or in cases when an authorized person is in charge of the disposition of the dead human body), the funeral director or authorized person makes photocopies from the original disposition permit for filing at the place of death, and place disposition permit issued; an additional copy is made for retention at the place the disposition permit is issued until a copy fully endorsed by the appropriate official is returned to the municipal clerk who issued the disposition permit. The endorsed permit may be scanned and attached in the EDRS at a later date when the system is available.

## THE DISPOSITION PERMIT HAS (3) THREE PRINCIPAL PURPOSES:



- ✓ To ensure that death certificates are properly filed.
- ✓ To notify persons in charge of cemeteries, crematories, or other places of final disposition that all requirements of law have been fulfilled and they may bury, cremate, or entomb a body.
- ✓ To record the actual place and date of final disposition

Those responsible for final disposition of human remains or for transportation of human remains must obtain a disposition permit prior to such action.

## A DISPOSITION PERMIT (VS-35) IS NEEDED FOR:



- Transportation by an authorized person from the place of death to the final disposition facility
- Transportation from the funeral establishment having custody and control of the dead body to the final disposition facility.
- Storage.
- For final disposition of human remains to occur.

## THE FOLLOWING PERSONS ARE AUTHORIZED TO ISSUE THE DISPOSITION PERMIT:



- The municipal clerk of the place of death.
- The municipal clerk of the municipality where the funeral establishment is located.
- The Department.
- Sub-registrars of the State and/or sub-registrars of either municipality. The Department and/or a municipal clerk may appoint one or more **Sub-Registrars** to assist in this function.

(Certain methods of disposition may prevent the issuance of a disposition permit.)

## TYPES OF DISPOSITION

<http://www.mainelegislature.org/legis/statutes/22%20old/title22sec2843.html>

<http://www.mainelegislature.org/legis/statutes/32/title32sec1405.html>

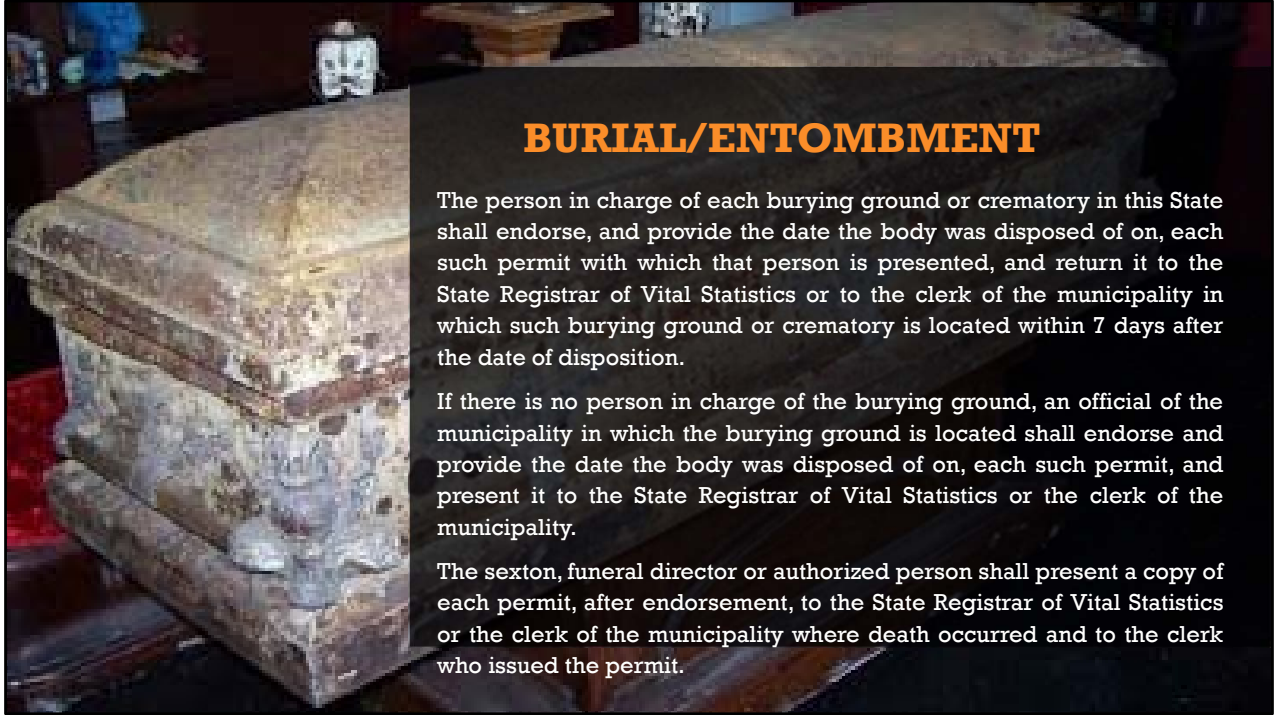
- The disposition permit may be issued for different actions related to the transportation, storage, disposition or other handling of human remains. The type of final disposition must be indicated on the permit and is valid only for the action indicated in "Permission Requested For" box. If another means of disposition is decided upon subsequently, a new disposition permit must be obtained. The only exception to this is "Temporary Storage" which should always be accompanied by an action for final disposition.
- Any changes in the place or date of final disposition do not require a new disposition permit; the actual place and date should be entered in the appropriate section in the lower half of the permit.
- Certain actions require additional certificates, permits, releases or authorizations in addition to the disposition permit itself.



## TEMPORARY STORAGE

There are occasions when it is necessary to place a body in temporary storage for a period of time before the burial. An example of this is storage during the winter months for burial in the spring. **When the storage is to be for more than 14 days, the person in charge of the disposition must request a disposition permit for the purpose of temporary storage.** The funeral director will obtain endorsement from the person in charge of the storage facility, usually a vault, but retain all three copies of the disposition permit until such time as final disposition is completed.

**Bodies may be stored up to eight months in temporary storage without further paperwork. Storage for any period of time longer than eight months is considered final disposition and removal is regarded as disinterment. When this occurs, a new disposition permit is required to complete disposition of the body.**



## **BURIAL/ENTOMBMENT**

The person in charge of each burying ground or crematory 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 or crematory 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 sexton, 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.

## CREMATION/BURIAL AT SEA/USE BY MEDICAL SCIENCE OR REMOVAL FROM STATE

The body of a deceased person may not be cremated within 48 hours after death unless the person died of a contagious or infectious disease, and in no event may the body of a deceased person be cremated, buried at sea, used by medical science or removed from the State until the funeral director or authorized person in charge of the disposition has received a medical examiner's release from a duly appointed medical examiner or medicolegal death investigator.

- The medical examiner's release, a certified copy of the death certificate and a disposition permit when presented by the authorized person is sufficient authority for cremation, burial at sea, use by medical science or removal from the State, and the person, firm or corporation in charge of the disposition may not refuse to cremate or otherwise dispose of the body solely because these documents are presented by such an authorized person.
- Human remains may not be removed, transported or shipped to a crematory unless encased in a casket or other suitable container. Following cremation, the crematory shall label the container containing the cremated remains with the name of the person who was cremated.



## MEDICAL EXAMINERS RELEASE FORM (VS-37)

State of Maine  
Department of Health and Human Services  
**Medical Examiner's Release of Human Remains**

Distribution of Copies:    ◦ Place Permit Issued    ◦ Facility of Final Disposition

Full Name of Deceased (First, middle, last, suffix)	Date of Death (mm/dd/yyyy)
Place of Death (City or town)	Was Body Viewed After Death By Certifier? <input type="checkbox"/> Yes <input type="checkbox"/> No
Type of Disposition: <input type="checkbox"/> Cremation <input type="checkbox"/> Removal from State <input type="checkbox"/> Use by Medical Science <input type="checkbox"/> Burial at Sea	
The information below shall be completed only by a person duly authorized as specified in MRS Title 32 §1405.	
I am a Medical Examiner or Medicolegal Death Investigator for the State of Maine in good standing and have reviewed the death certificate of the above-named decedent and I have determined that (check one):	
<input type="checkbox"/> The death is a reportable case as specified in Title 22 §3025 and is ready for release.	
<input type="checkbox"/> The death is <b>not</b> a reportable case as specified in Title 22 §3025 and is in no way suspicious due to violence, trauma, injury, poisoning, or neglect. The cause and circumstances of death as certified by the health care provider is due solely to natural causes.	
I have made personal inquiry into the cause and circumstances of death. I am satisfied that further examination or judicial inquiry concerning the cause and manner of death is not necessary as specified in Title 32 §1405 and upon the review of (check one):	
<input type="checkbox"/> A signed death certificate as specified in Title 22 §2841 and §2842.	

## DISINTERMENT

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 disposition permit from the Department 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.



## DISPOSITION PERMIT FOR DISINTERMENT

Before a body is disinterred, the funeral director in charge of the disinterment must apply to the municipal clerk of the municipality where the body is buried for a disposition permit. No permit is necessary when the Superior Court has issued an order to exhume a body. Sub-registrars cannot issue the disposition permit for disinterment.

- Before issuing a disposition permit for disinterment, the municipal clerk must receive an application for Disinterment or Removal of Human Remains form, VS-38. The application may be found on the Department's website at <https://www.maine.gov/dhhs/mecdc/public-health-systems/data-research/vital-records/forms/index.shtml>.
- This is an affidavit signed by the next of kin that all family members have been contacted and that there are no quarrels to the disinterment. There are penalties for the applicant if it subsequently appears that it is false. In addition, there may be court action by other members of the family if they disagree, but any such action would not involve the municipality. When the municipal clerk is satisfied that all documents are in order, they may issue the disposition permit for disinterment on a regular disposition permit form, marking the "Disinterment" indication in "Permit Requested For"

## CONDUCT OF DISINTERMENT

- A funeral director must be in charge of the disinterment except for bodies exhumed on order of the Superior Court. The funeral director is responsible for obtaining the disposition permit for disinterment, for making all arrangements for the proper conduct of the disinterment, and for the removal and disposition of the body at its new resting place.
- The person in charge of the cemetery where the disinterment takes place is responsible for requiring a disposition permit before allowing the disinterment to proceed and for proper conduct of the excavation and removal of the body from the grave.
- Disinterred bodies must be enclosed for transportation in a container, which will prevent the escape of fluids or offensive odors.



### **REPORT OF DEATH (VS-36)**

<http://www.mainelegislature.org/legis/statutes/22%20old/title22sec2843.html>

- The report of death form must be completed by a funeral director who is requesting a disposition permit in the event a completed death certificate is not available in time to meet the schedule for burial due to reasons beyond their control. The report of death form may NOT be used by anyone other than a Maine licensed funeral director.
- The report of death provides the funeral director with an additional 21 days to obtain a completed death certificate. If the 21 days have lapsed and a completed death certificate has still not been filed in the Electronic Death Registration System (EDRS), the municipal clerk should contact the funeral director who filed the report of death or The Department for investigation. Once a completed death certificate has been filed, municipal clerks may destroy the report of death.



## REPORT OF DEATH (CONTINUED)

- The report of death identifies the deceased, names the health care provider and contains a statement by the funeral director that he/she has personally contacted the health care provider and has been assured that the provider will certify the death as due to natural causes. If a medical examiner has been contacted, the report of death must name the medical examiner and include the same assurances that the medical examiner has been personally contacted and indicated that the body may be released for burial.
- The checkboxes at the top should be marked to designate the destination of each copy. The municipal clerk who issues the disposition permit retains one signed copy of the report of death form. The original is filed at the place of death, if different.
- Municipal clerks who have appointed sub-registrar(s) within their municipality, should instruct the sub-registrar(s) to turn over all reports of death so that you are aware that a death certificate has not been filed. The Department cannot assist municipal clerks with contacting health care providers or funeral directors that are delinquent in performing their duties without the information contained in the report of death.

Use the Tab Key to go from one field to the next

**Missouri Center for Disease Control and Prevention**  
216 Center Street  
216 State Street, Room 1000  
Jefferson City, Missouri 64501  
Phone: (816) 221-2277  
Fax: (816) 221-1003 TTY: (816) 221-1003

**Report of Death** Revised Form

1. Full Name of Deceased (Print, include, last, middle)				
2. Date of Death (month/day/year)	3. Place of Death (City or town, state)	4. Sex		5. Age (Years)
		<input type="checkbox"/> Male		
		<input type="checkbox"/> Female		
6. Was Body Embalmed?		7. Was Decedent Ever in U.S. Armed Forces?		8. Was Body "Viewed After Death"?
<input type="checkbox"/> Yes <input type="checkbox"/> No		<input type="checkbox"/> Yes <input type="checkbox"/> No		<input type="checkbox"/> Yes <input type="checkbox"/> No
9. Printed Name and Address of Medical Certifier				10. Date Medical Certifier Completed
11. Title of Medical Certifier				
<input type="checkbox"/> Attending Physician <input type="checkbox"/> Nurse Practitioner <input type="checkbox"/> Physician Assistant <input type="checkbox"/> Medical Examiner				
<input type="checkbox"/> I hereby certify that I have been unable to obtain a completed certificate of death for the decedent named above. <input type="checkbox"/> I hereby certify that the medical certifier has been personally contacted and has assured this case will be certified due to natural causes. <input type="checkbox"/> I hereby certify the medical examiner in charge of this case has assumed the body case. He released for entombing or removal with final disposition.				
13. Type of Disposition			14. Date of Disposition	
<input type="checkbox"/> Temporary Storage <input type="checkbox"/> Burial <input type="checkbox"/> Removal from State				
15. Printed Name and Address of Cemetery, Vault, or Other Disposition (Specify)				
16. Printed Name and Address of Funeral Establishment			17. Establishment License Number	
18. Signature of Funeral Practitioner				
19. Printed Name of Funeral Practitioner			20. Date Signed (month/day/year)	
<small>Note: A copy of the Report of Death shall be retained by the issuing authority (county clerk or local health department) for seven (7) days after the disposition permit only has been issued unless the local authority has the usual local authority to extend. The original of the Report of Death, "Report of Death Certificate" will be distributed to the funeral home for sale. The municipality where the death occurred shall require to file the same required by legislation.</small>				
Distribution of Copies: <input type="checkbox"/> Place of Death <input type="checkbox"/> Place Where Issued				

## **COMPLETED DEATH CERTIFICATE (FOR METHODS OF DISPOSITION INCLUDING BURIAL OR TEMPORARY STORAGE)**

- Before a disposition permit may be issued by the Department, a municipal clerk or an appointed sub-registrar, a completed death certificate is required. A completed death certificate must contain the signature/certification of the health care provider or medical examiner and the funeral director or authorized person.
- The death certificate does not need to be registered (assigned a State File Number) for methods of disposition including burial or temporary storage in any cemetery in the State or by the proper authority in another state or foreign country where the death occurred.
- There may be times when a funeral director present a working copy of the death certificate to the Department, the municipality of death, or the municipality where the funeral establishment is located for the issuance of a disposition permit. Municipal clerks must verify that the death certificate (death case) is completed (signed/certified) in the EDRS.
- The status bar on the death certificate (death case) in the EDRS will indicate if the death is signed and certified.

**/Personal Valid/Medical Valid/Signed/Certified/NA**

## **REGISTERED DEATH CERTIFICATE**

**(FOR METHODS OF DISPOSITION INCLUDING CREMATION, REMOVAL FROM STATE, USE BY MEDICAL SCIENCE AND BURIAL AT SEA)**

- Before a disposition permit may be issued by the Department, a municipal clerk or an appointed sub-registrar, a registered death certificate is required. A registered death certificate must contain the signature/certification of the health care provider or medical examiner and the funeral director or authorized person and must be registered with a State File Number for methods of disposition including cremation, removal from State, use by medical science and burial at sea.
- There may be times when a funeral director presents a working copy of the death certificate to the Department, the municipality of death, or the municipality where the funeral establishment is located for the issuance of a disposition permit. Municipal clerks must verify that the death certificate (death case) is registered (assigned a State File Number) in the EDRS.
- The EDRS has built in features to prevent the issuance of any disposition permit in the event the death certificate (death case) is not yet registered for methods of disposition including cremation, removal from State, use by medical science and burial at sea. The status bar on the death certificate (death case) in the EDRS will indicate if the death is registered.

**/Personal Valid/Medical Valid/Registered/Signed/Certified/NA**

## HOW TO ISSUE THE DISPOSITION PERMIT

All disposition permits must be issued from the Electronic Death Registration System (EDRS). A paper disposition permit may be issued in the event the electronic system is down or connection to the internet is lost. It is the funeral director's responsibility to make photocopies of the death certificate, disposition permit, and medical examiner's release form and to present them to the municipal clerk for filing and the issuance of the disposition permit. Funeral establishments without photocopyers must make another arrangement, with a library, post office, commercial copy service, or with the municipal clerk. Municipal clerks charge a \$20.00 fee for this service.

State of Maine Department of Health and Human Services Permit for Disposition of Human Remains			
Distribution of Copies: <input type="checkbox"/> Place of Final Disposition: <input type="checkbox"/> Place Permit Issued: <input type="checkbox"/>		Issue Date: <input type="text"/> Issue Unit: <input type="text"/>	
1. FULL NAME OF DECEASED (Last, First, Middle Initial): <input type="text"/>		2. DATE OF BIRTH (Mo., Day, Year): <input type="text"/>	
3. SEX: <input type="checkbox"/> Male <input type="checkbox"/> Female	4. PLACE OF BIRTH (City or Town): <input type="text"/>	5. PLACE OF DEATH (City or Town): <input type="text"/>	
6. NAME AND ADDRESS OF FACILITY OR AUTHORIZED PERSON: <input type="text"/>			
7. PERMITS REQUESTED (Check all that apply): <input type="checkbox"/> Complete Transfer <input type="checkbox"/> Transfer <input type="checkbox"/> Disposition			
8. AUTHORIZATION (Check all that apply): <input type="checkbox"/> Funeral Home <input type="checkbox"/> Religious Institution <input type="checkbox"/> Other: <input type="text"/>			
9. SIGNATURE OF DECEASED (If Not an Adult): <input type="text"/>			
10. SIGNATURE OF DECEASED'S NEXT OF KIN: <input type="text"/>			
11. SIGNATURE OF DECEASED'S SURVIVING SPOUSE: <input type="text"/>			
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122. SIGNATURE OF MUNICIPAL CLERK: <input type="text"/>			
123. SIGNATURE OF DECEASED'S SURVIVING SPOUSE: <input type="text"/>			
124. SIGNATURE OF DECEASED'S CHILD: <input type="text"/>			
125. SIGNATURE OF DECEASED'S PARENT: <input type="text"/>			
126. SIGNATURE OF DECEASED'S GRANDPARENT: <input type="text"/>			
127. SIGNATURE OF DECEASED'S OTHER RELATIVE: <input type="text"/>			
128. SIGNATURE OF DECEASED'S OTHER AUTHORIZED PERSON: <input type="text"/>			
129. SIGNATURE OF MUNICIPAL CLERK: <input type="text"/>			
130. SIGNATURE OF DECEASED'S SURVIVING SPOUSE: <input type="text"/>			
131. SIGNATURE OF DECEASED'S CHILD: <input type="text"/>			
132. SIGNATURE OF DECEASED'S PARENT: <input type="text"/>			
133. SIGNATURE OF DECEASED'S GRANDPARENT: <input type="text"/>			
134. SIGNATURE OF DECEASED'S OTHER RELATIVE: <input type="text"/>			
135. SIGNATURE OF DECEASED'S OTHER AUTHORIZED PERSON: <input type="text"/>			
136. SIGNATURE OF MUNICIPAL CLERK: <input type="text"/>			
137. SIGNATURE OF DECEASED'S SURVIVING SPOUSE: <input type="text"/>			
138. SIGNATURE OF DECEASED'S CHILD: <input type="text"/>			
139. SIGNATURE OF DECEASED'S PARENT: <input type="text"/>			
140. SIGNATURE OF DECEASED'S GRANDPARENT: <input type="text"/>			
141. SIGNATURE OF DECEASED'S OTHER RELATIVE: <input type="text"/>			
142. SIGNATURE OF DECEASED'S OTHER AUTHORIZED PERSON: <input type="text"/>			
143. SIGNATURE OF MUNICIPAL CLERK: <input type="text"/>			
144. SIGNATURE OF DECEASED'S SURVIVING SPOUSE: <input type="text"/>			
145. SIGNATURE OF DECEASED'S CHILD: <input type="text"/>			
146. SIGNATURE OF DECEASED'S PARENT: <input type="text"/>			
147. SIGNATURE OF DECEASED'S GRANDPARENT: <input type="text"/>			
148. SIGNATURE OF DECEASED'S OTHER RELATIVE: <input type="text"/>			
149. SIGNATURE OF DECEASED'S OTHER AUTHORIZED PERSON: <input type="text"/>			
150. SIGNATURE OF MUNICIPAL CLERK: <input type="text"/>			

The disposition permit will display in a PDF format. Items#1-9 will automatically be populated based on the data/information from the completed death certificate.

## ISSUING CLERK

- **The issuing municipality must complete items 10 – 10c manually and must keep a copy of the issued permit, known as the “Issuing Clerk – Retain Until Endorsement Received” copy and collect the \$20.00 issuance fee prior to issuing the permit.**
- Funeral establishments listed on the death certificate also have the option to print the disposition permit from the death case in the EDRS. That does not mean they have the authority to issue the permit unless they have been appointed as **Sub-Registrar** from your municipality or the Department. Funeral directors may bring the permit to the Department, the municipality of place of death or where their establishment is located to be issued by the proper authority as specified in the paragraph above.

## ENDORSEMENT

- Upon final disposition of the body, the disposition permit must be completed, endorsed and specify the actual date the body was disposed of on each permit presented by the person in charge of the cemetery or crematory, or by the funeral director or authorized person if disposition is by burial at sea, use by medical science or removal from the State.
- If there are any cemeteries located in your municipality that do not have a sexton or a person in charge of the cemetery, the municipal clerk (or appointed municipal official authorized to perform this responsibility in your absence), must endorse the disposition permit for each burial or disinterment that takes place in such cemeteries.
- Endorsement signatures on the disposition permit (item 18) cannot be the same signature as appears as the issuing signature (item 10 or 11). This is a conflict of interest for item 10 or 11 and 18 to contain the same signature unless the funeral director owns the storage facility.

## PERMITS FOR BURIAL IN MUNICIPALITY

(MUNICIPAL LETTERHEAD)

To: (Name of Municipal Official)

You are hereby designated as a municipal official who may endorse the Permit for Disposition of Human Remains pertaining to any burial, which takes place in the (name of municipality) in a cemetery having no person in charge of it, pursuant to 22 M.R.S.A. §2843.

This designation may be terminated at any time by written notice and in any event shall cease at the end of the term of the undersigned as municipal clerk.

\_\_\_\_\_ Signature of Municipal Clerk

\_\_\_\_\_ Date

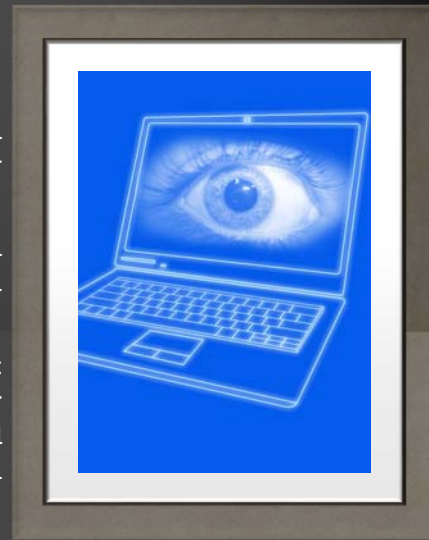
(MUNICIPAL SEAL)

Municipal clerks may designate another elected or appointed municipal official to perform this responsibility in their absence. Such designation must be in writing, as shown in the example below. However, a person you have appointed as sub-registrar may not also be designated as the municipal official with this responsibility.

## SCANNING AND ATTACHING THE ENDORSED PERMIT

<http://www.mainelegislature.org/legis/bills/getpdf.asp?paper=hp1451&item=2&snum=129>

- The completed and endorsed permit must be scanned and attached by funeral establishment or by the issuing municipality to the death case in the EDRS.
- Permits issued for temporary storage may be scanned and attached and replaced (within eight months) until final disposition has occurred.
- Please make sure to view the scanned and attached permit and make sure it is legible prior to discarding the paper permit. Paper disposition permits that have been scanned may be discarded after 48 hours once they have been attached in the EDRS and reviewed after the 48 hours.



If the funeral director or municipal clerk does not have the capability to scan and attach documents, they must present the endorsed permit to the municipality or the Department from where the permit was issued within 7 days. The municipality or the Department will then scan and attach disposition permit in the EDRS. Mr. OLeary has been monitoring to ensure the endorsed permits are attached within 7-10 business days from the date of death by sub-registrars appointed by the State. Municipal clerks should also be monitoring their appointed sub-registrars and any permit received to ensure they are attached to the death case in the EDRS.



## DISPOSITION PERMITS ARE A PUBLIC RECORD



- All endorsed disposition permits received as the place of final disposition, the place of death, or the place of issuance, must be retained as permanent records. They are open to public inspection, and therefore, should be kept in separate books or files.
- If a copy of a disposition permit is needed for a death occurring after March 17, 2020 the copy must be printed from Electronic Death Registration System (EDRS) by a municipal clerk or the funeral establishment listed on the death certificate by viewing the attachment and selecting print.

Scanned disposition permits must be retained in the EDRS after March 17, 2020. Permits prior to that date may continue to be retained as paper.

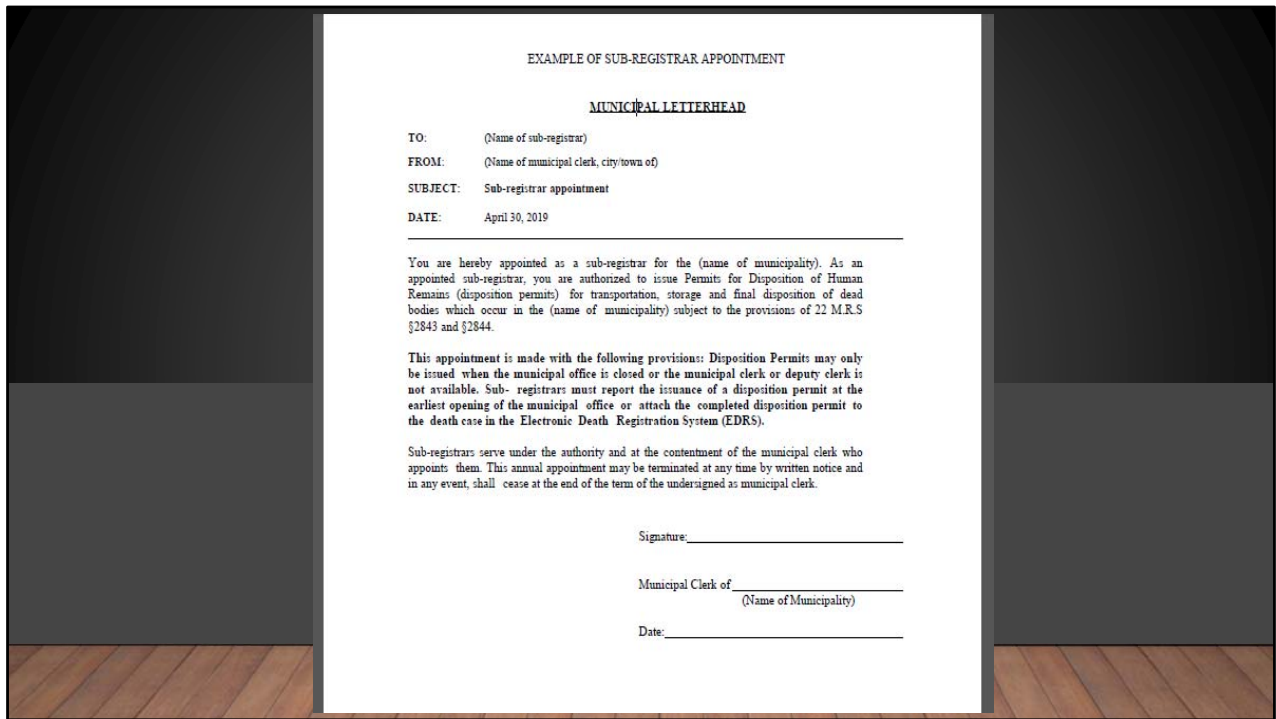
## SUB-REGISTRAR

<http://www.mainelegislature.org/legis/statutes/22/title22sec2844.html>

- ✓ The Department or a municipal clerk may appoint one or more suitable and proper persons in a municipality as sub-registrars, who are authorized to issue permits (Permits for Disposition of Human Remains, VS-35) for transportation and final disposition of dead human bodies.
- ✓ Sub-registrars must be appointed in writing, sworn in, and the annual appointment must be recorded in the office of the Department or the municipal clerk who appointed them.
- ✓ In the event a municipal clerk's term has ended prior to the expiration date of the sub-registrar's annual appointment, the sub-registrar must be reappointed.



Municipal clerks may rescind a sub-registrar appointment at any time for any reason, although it is the responsibility of a municipal clerk to notify a sub-registrar in writing when the appointment has ended or been rescinded.



Appointed sub-registrars may issue a permit only when the municipal office is closed or when the municipal clerk or deputy clerk is not available. Municipal clerks should communicate with their appointed sub-registrars on how payment is received and who will attach the endorsed permits.

## **AUTHORIZATION FOR THE BURIAL OR REMOVAL OF CREMATED REMAINS**

<http://www.mainelegislature.org/legis/statutes/22/title22sec2843.html>

- Cremation is considered final disposition. In September of 2019, the tracking of the burial of cremated remains in a public cemetery became required for purpose of tracking a decedent's place of burial in a public burying ground after cremation occurred.
- Individuals (authorized persons and/or funeral directors) who would like to bury cremated remains in a public burying ground must present authorization to the person in charge of a public burying ground prior to (or during) the burial or removal of the cremated remains.
- **Cremated remains must not be buried in a public burying ground without authorization.** The Authorization for Burial of Cremated Remains (VS50) form and instructions is located in the DAVE under forms, print forms and on the Department's website at <https://www.maine.gov/dhhs/mecdc/public-health-systems/data-research/vital-records/forms/index.shtml> under *Death Forms and Information*.

The authorization form also records the consent of an authorized person or funeral director. Prior to the new law, the tracking of cremated remains was (and still is) provided on the disposition permit as a tribute for those families who wished to have the information documented, although it was not regulated. There is no fee related to authorization for the burial or removal of cremated remains.

## AUTHORIZATION FORM

### Responsibility of Municipal Clerk

In the event the person in charge of the public burying ground is not available to sign the authorization form (or if there is no person in charge of the public burying ground), the responsibility would fall on the official of the municipality where the public burying ground is located. <https://legislature.maine.gov/statutes/13/title13sec1101-A.html>

Department of Health and Human Services  
**Authorization for the Burial or Removal of Cremated Remains**  
*(State Authority Title 22, §2142 Subsection 3,4)*

I hereby provide my consent for the burial or removal of cremated remains for the decedent named below:

1. Signature of Authorized Person or Funeral Director		
2. Authorized Person's or Funeral Director's Printed Name		3. Relationship to Decedent
4. Decedent's Name (First, Middle, Last, Suffix)		5. Date of Death (mm/dd/yyyy) 6. Sex
7. Date of Birth (mm/dd/yyyy)	8. Was Decedent Ever in the U.S. Armed Forces? <input type="checkbox"/> Yes <input type="checkbox"/> No	9. Country or State of Death
10. Name and Location of Public Burying Ground		11. Location (Plot Number)
12. Signature of Person in Charge of Public Burying Ground or Official		13. Date of Burial or Removal (mm/dd/yyyy)
14. Printed Name of Person in Charge of Public Burying Ground or Official		15. Date Filed (mm/dd/yyyy)

**INSTRUCTIONS:** The authorized person is responsible for accurate and complete the decedent's information (items

The official of the municipality would be responsible for endorsing and completing the public burying ground information (items #10 through #15) on the authorization form and confirming the consent for the burial or removal of cremated remains (items # 1 through #9) for the decedent named on the form is properly recorded by the funeral director or authorized person.

The completed authorization form must be provided to the Department within 7 days after the cremated remains were buried or removed. The completed form may be mailed or faxed as specified on the authorization form. A copy of the completed authorization may be retained by the official of the municipality.

## **AUTHORIZED PERSON**

<http://www.mainelegislature.org/legis/statutes/22/title22sec2846.html>

- An authorized person is a person who is acting in lieu of a funeral director. The authorized person is responsible for obtaining and filing a certificate of death, a permit for disposition and in some cases, a medical examiner's release. Authorized persons must be next of kin, have written authorization from the next of kin, or have written authorization from the decedent.

<http://www.mainelegislature.org/legis/statutes/22/title22sec2843-A.html>

- Instructions, pamphlets, process and required documents for making final arrangements by an authorized person may be found on the Department's website at <https://www.maine.gov/dhhs/mecdc/public-health-systems/data-research/vital-records/forms/index.shtml>.

## DEATH CERTIFICATE PROCEDURE FOR AUTHORIZED PERSON

- The authorized person must obtain a paper death record from health care provider. (VS-3 or drop to paper as discussed in Tuesday's webinar.)
- The medical information must be completed and signed (*certified*) by the health care provider and presented to the authorized person.
- The authorized person must sign and complete the demographic (*personal*) information on the death record (items 1-30). (*The only items that may remain blank on the death record are the middle name and suffix.*)
- The completed death record must be presented to the Department in person or via fax at (207) 287-2681.
- The Department will review the completed death record for completion, legibility, and accuracy and will follow up with the authorized person if any information is missing.
- If the death record is complete and accurate, the Department will enter the personal information into the EDRS and register the death record. Certified copies may then be issued by the Department, the municipality of the place of death and/or residence.

Municipal clerks may also check to see if a death case has been started in the EDRS and scan and attach the completed death record to the death case. Please call to let the Department know that the death certificate has been scanned and attached to the death case.

Municipal clerks may issue a disposition permit upon the completed death certificate for burial or temp storage and all other methods of disposition when a ME release has been obtained.

## ISSUING THE PERMIT TO AN AUTHORIZED PERSON

State of Maine  
Department of Health and Human Services  
**Permit for Disposition of Human Remains**

Distribution of Copies:  Place of Final Disposition  Place Permit Issued  
 Place of Death  Municipal Clerk - Retain Until Endorsement Received

1. FULL NAME OF DECEASED (First, Middle, Last, Jr., etc.)		2. DATE OF DEATH (Mo., Day, Yr.)	
3. SEX	4. AGE	5. WAS DECEDENT EVER IN U.S. ARMED FORCES? Yes <input type="checkbox"/> No <input type="checkbox"/>	6. PLACE OF DEATH (City or Town) (State)
7a. NAME AND ADDRESS OF FACILITY OR AUTHORIZED PERSON		7b. FEDERAL ESTABLISHMENT LICENSE NUMBER	
8. PERMISSION REQUESTED FOR: (Check All That Apply) <input type="checkbox"/> Temporary Storage <input type="checkbox"/> Burial <input type="checkbox"/> Cremation <input type="checkbox"/> Disinterment <input type="checkbox"/> Removal from State <input type="checkbox"/> Burial at Sea <input type="checkbox"/> Use by Medical Science			
9. AUTHORIZATION FOR PERMIT <input type="checkbox"/> Completed Death Certificate <input type="checkbox"/> Report of Death (Funeral Director) (Mo., Day, Yr.) <input type="checkbox"/> Medical Examiner's Release for Cremation, Removal from State, Burial at Sea, Use by Medical Science <input type="checkbox"/> Application of Court Order for Disinterment <input type="checkbox"/> Facility/Physician letter for disposition of fetal remains less than 20 weeks gestation or product of induced abortion of any gestation			
<b>PERMISSION IS HEREBY GRANTED TO REMOVE AND DISPOSE OF THE HUMAN REMAINS IDENTIFIED ABOVE</b>			
10. SIGNATURE OF CLERK OF DEATH		10b. DATE SIGNED (Mo., Day, Yr.)	
11. SIGNATURE OF SUB-REGISTRAR		11b. DATE SIGNED (Mo., Day, Yr.)	
<b>DISPOSITION</b>			
<input type="checkbox"/> REMAINS WERE PLACED IN TEMPORARY STORAGE		12. NAME OF CEMETERY OR VAULT	
14. SIGNATURE OF PERSON IN CHARGE OR MUNICIPAL OFFICIAL		15. DATE (Mo., Day, Yr.)	
REMAINS WERE: <input type="checkbox"/> BURIED <input type="checkbox"/> CREMATED <input type="checkbox"/> ENTOMBMENT <input type="checkbox"/> BURIED AT SEA <input type="checkbox"/> MEDICAL USE		16. NAME OF CEMETERY, CREMATORY, MEDICAL SCHOOL, OR OTHER DESTINATION	
18. SIGNATURE OF PERSON IN CHARGE, MUNICIPAL OFFICIAL, FUNERAL DIRECTOR, OR OTHER AUTHORIZED PERSON		19. DATE (Mo., Day, Yr.)	
<input type="checkbox"/> REMOVED FROM STATE		20. NAME OF CEMETERY, OR OTHER DESTINATION	
22. SIGNATURE OF PERSON IN CHARGE, MUNICIPAL OFFICIAL, FUNERAL DIRECTOR, OR OTHER AUTHORIZED PERSON		23. DATE (Mo., Day, Yr.)	
DISPOSITION OF CREMATED REMAINS: <input type="checkbox"/> Buried <input type="checkbox"/> To Family <input type="checkbox"/> Scattered		25. NAME OF CEMETERY, OTHER LOCATION OR RECIPIENT	
26. SIGNATURE OF PERSON IN CHARGE OR MUNICIPAL OFFICIAL		27. DATE (Mo., Day, Yr.)	
<input type="checkbox"/> REMAINS WERE DISINTERRED		28. NAME OF CEMETERY OR VAULT	
30. SIGNATURE OF PERSON IN CHARGE OR MUNICIPAL OFFICIAL		31. DATE (Mo., Day, Yr.)	

Directions: The person responsible for the disposition must present four copies of this form to the municipal clerk or sub-registrar for signature. The permit is not valid until it has been signed by the clerk or sub-registrar.

1. The municipality of place of death, the Department, and/or appointed sub-registrars must complete the top portion of the disposition permit matching the decedent's information exactly as listed on the paper-based death record (or the EDRS death record) and make three photocopies of the disposition permit prior to endorsing the permit (*items 10 or 11*). Check the boxes at the top of the permit for distribution.
2. If the permission requested for (box 8) is checked for use by medical science (donation), removal from State, burial at sea, or cremation, a medical examiner's release must accompany the completed death record prior to issuing the disposition permit and checked in item #9.
3. The municipal clerk of the place of death or the state registrar of the Department may sign the permit (*item 10*) and provide the date the permit was issued on all copies of the disposition permit.
4. The municipal clerk of the place of death or the Department collects the issuance fee for the disposition permit and retains the "Issuing Clerk-Retain Until Endorsement Received" copy of the disposition permit (*and a copy of the Medical Examiner's Release when applicable*) and presents all other copies of the disposition permit (*and original Medical Examiner's Release when applicable*) to the authorized person.
5. Once the permit has been issued, the authorized person may transport the dead human body to the place of final disposition. (*See Authorized Person's Pamphlet*)



6. It is the authorized person's responsibility to obtain the final disposition information on all permits issued, such as the name and location, as well as the signatures and date of final disposition from the place of final disposition facility.
7. The endorsed permit must be presented to the municipality of place of death, place permit issued and place of final disposition (*check boxes at the top of the permit*) within 7 days after final disposition has occurred.
8. The municipality or the Department who issued the permit must replace the "Issuing Clerk-Retain Until Endorsement Received" copy of the disposition permit with the endorsed copy.
9. The municipality or the Department who issued the permit must scan and attach the endorsed permit to the decedent's death record in the EDRS case.



**TRANSPORTATION  
OF HUMAN  
REMAINS BY  
AUTHORIZED  
PERSON**

- **Only licensed funeral directors and ambulance/rescue units may transport dead bodies without a disposition permit.** No one may transport a body out of the State or into the State without a disposition permit.
- Authorized persons with a disposition permit may transport bodies in private vehicles. When they do so, they must use an enclosed vehicle and conceal the body from public view. The body must be in a casket, box, or body bag for transportation.
- Regulations of the Department of Health and Human Services further require that if the body is to be shipped on a common carrier (railroad, commercial airline, motor freight service, etc.), it must be embalmed and placed in a sound casket, which is enclosed in a strong outside shipping case. If the body cannot be embalmed, it must be enclosed in a container, which is airtight and watertight to prevent the escape of fluids or odors.

## **RESPONSIBILITY OF MUNICIPAL CLERK**

It is not the responsibility of municipal clerks to enforce funeral service licensing laws. Municipal clerks need only to ensure that the person who presents themselves as an authorized person has proper authorization under the law (i.e., either is a member of the immediate family of the deceased, has written authorization from a member of the immediate family or is a domestic partner of the deceased). If a municipal clerk has reason to believe that an individual may actually be practicing funeral service, because of repeated incidents or some other reason, please notify the Board of Funeral Service at the following address:

Board of Funeral Service  
Department of Professional and Financial Regulation  
35 State House Station  
Augusta, Maine 04333-0035



### **PRIVATE (FAMILY) BURYING GROUNDS**

<https://legislature.maine.gov/statutes/13/title13sec1142.html>

- **Individuals wishing to establish a family burying ground may do so by setting aside a piece of land no larger than ¼ acre, fencing it or marking the boundaries in some permanent manner, and recording a description with the municipal clerk of the municipality where the private burial ground is located and/or with the Registrar of Deeds.** It is recommended to record it with both since a burying ground is set aside forever once a body is buried and it cannot be conveyed when the land around it is sold.
- Private burying grounds are subject to the same restrictions as other cemeteries and cannot be located within 100 ft. of a neighbor's house or 200 feet of their well if the neighbor protests in writing. Individuals wishing to establish a family burying ground should consult with neighbors and with municipal officials concerning local ordinances.

<https://www.maine.gov/dhhs/mecdc/environmental-health/plumb/burial/index.htm>

<http://mainecemetery.org/>

QUESTIONS?



