

D DEATHS D

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DEFINITIONS

- A. Authorized Person.** A person other than a funeral director who demonstrates authorization for final disposition of a dead body as required by Title 22 M.R.S. §2846.
- B. Dead Body.** A human body or parts of a human body, other than a fetus, from the condition of which it reasonably can be concluded that death occurred.
- C. Death Certificate.** The certificate of death as furnished by the State Registrar for the purpose of registering deaths, which occur in Maine, including the medical certification of the cause of death and personal data pertaining to the decedent.
- D. Department.** The State of Maine, Department of Health and Human Services, Maine Center for Disease Control and Prevention, Office of Data, Research, and Vital Statistics (DRVS).
- E. Disinterment.** The exhumation and/or removal of a dead body from or within a cemetery.
- F. Disposition Permit / Burial Transit Permit.** A dead human body may not be buried, cremated 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, Title 22 M.R.S. § 2843.
- G. Entombment.** Placement of a dead body in a receiving vault or other structure constructed for this purpose, prior to final disposition.
- H. Fetus.** A product of conception dead prior to the complete expulsion or extraction from its mother; the fetus shows no signs of life such as beating of the heart, pulsation of the umbilical cord, or definite movement of voluntary muscles.
- I. Final Disposition.** The burial, cremation, burial at sea, use by medical science, removal from the state, or other authorized disposition of a dead body or fetus.
- J. Funeral Director.** A person licensed for the practice of funeral service in Maine, or their agent.
- K. Health Care Provider.** A physician authorized to practice in this State, certified nurse practitioner or physician assistant.
- L. Institution.** Any establishment, public, or private, which provides in-patient medical, surgical, or diagnostic care or treatment, custodial or domiciliary care, or to which persons are committed by law.

- M. Issuing fee.** The fee paid by a funeral director or authorized person (Title 22 M.R.S. §2846) for creating/issuing a Disposition of Human Remains Permit (Disposition Permit) to the municipal clerk(s) listed in place of death, issuing clerk municipality, or municipality of sub-registrar on the disposition permit.
- N. Life-Sustaining Procedure.** As specified in Title 22 M.R.S. §2842, any medical procedure or intervention that, when administered to a qualified patient, will serve only to prolong the dying process and shall not include nutrition and hydration.
- O. Medical Certification.** The information on the cause(s) of death and the time, date, manner, and circumstances of death.
- P. Medical Examiner's Release.** A certificate from a duly appointed medical examiner or medicolegal death investigator that has made personal inquiry into the cause and manner of death and is satisfied that no further examination or judicial inquiry is necessary, as specified by Title 22 M.R.S. §2842.
- Q. Municipal Clerk.** The duly elected or appointed clerk of the city, town, or plantation where death occurred, where the death certificate is required to be filed by Title 22 M.R.S. §2847, or where an establishment of the funeral director having custody of the dead body is located.
- R. Official of a Municipality.** The municipal clerk or, in the case of a municipality without a fulltime clerk, another elected or appointed municipal official designated in writing by the municipal clerk to endorse the disposition permit pertaining to each burial, cremation or disinterment which takes place in the municipality. A person who has been appointed by the municipal clerk as a sub-registrar may not be designated as an official of the municipality for the purpose of Title 22 M.R.S. §2843.
- S. Registration.** The filing of a death certificate in the Electronic Death Registration System (EDRS) as required by law. Registration is complete when the funeral director electronically signs and the health care provider electronically certifies the death certificate. The EDRS will then register the death automatically and assign a State File Number (SFN). Municipal clerks may issue copies of death certificate directly from the system after registration occurs.
- T. Report of Death.** A statement from a funeral director, as specified by Title 22 M.R.S. §2843, that the funeral director has been unable to obtain the medical certification of the cause(s) of death. The report of death must name the health care provider and include assurances that the health care provider has been contacted and will certify the death as due to natural cause. When a medical examiner is required to determine the cause of death, the report of death must name the medical examiner and include assurances that the medical examiner has been contacted and has indicated that the body can be released for embalming and final disposition.

- U. **Sub-registrar.** A person appointed by the municipal clerk of the city, town, or plantation where the death occurred, where the death certificate is required to be filed by Title 22 M.R.S. §2847, or where an establishment of the funeral director having custody and control of the dead body is located or a person appointed by the Department as a sub-registrar.

- V. **Suitable Container.** A sound receptacle made of material such as wood, fiberboard, or other rigid material, or canvas to contain a dead body.

- W. **Terminally Ill Patient.** A patient who has been diagnosed as having an incurable or irreversible condition that, without the administration of life-sustaining procedures, will, in the opinion of the health care provider, result in death within a short time, as specified by Title 22 M.R.S. §2842.

REGISTRATION OF DEATHS

Electronic Death Registration System (EDRS)

<http://www.mainelegislature.org/legis/statutes/22/title22sec2847.html>

When a person dies in the State of Maine, the death certificate must be filed and registered in the Electronic Death Registration System (EDRS) maintained by the State Registrar of Vital Statistics. The EDRS currently encompasses all deaths from January of 2011 to present.

Death Certificate Form

<http://www.mainelegislature.org/legis/statutes/22/title22sec2701-A.html>

If the event the EDRS is not available or circumstances prevent electronic filing, (or in cases when an authorized person is in charge of the disposition of the dead human body), the Maine death certificate* must be filed on the legal-size death certificate form (8.5x14) created to replace the former original standard and medical examiner forms. The death certificate (VS-3) form is printed on white legal-size (8.5x14) regular photocopy (20 LB) paper. Health care providers, funeral directors and municipal clerks may obtain the death certificate form and instructions for completion under “Forms, Print Forms” in the Database Application for Vital Events (DAVE) system or by contacting the Department directly at (207) 287-3771.

*In January of 2012, the Maine death certificate underwent a total redesign and the new certificate was released to be in compliance with the national standard certificate provided by the National Center for Health Statistics (NCHS). Instead of the previous multi-copy form, the death certificate (VS-3) is now a single legal-size page. The new certificate was designed with contemplation of the EDRS, to make better use of modern technology, streamline procedures and increase efficiency.

Printing forms on-site: All forms, certificates, electronic data files, and reports used in the system of vital statistics are the property of the Department and must be surrendered to the state registrar upon demand. The forms prescribed and distributed by the state registrar for reporting vital statistics shall be used only for official purposes. Only those forms furnished or approved by the state registrar shall be used in the reporting of vital statistics or in making copies of records. Electronic data records will be accepted only when they have been produced by software provided or approved by the state registrar and when standards set by the state registrar are met.

Filing of Paper-based Death Certificates

1. Except as authorized by the Department, a certificate of each death that occurs in this State must be filed with the State Registrar of Vital Statistics or clerk of the municipality where the death occurred within a reasonable period of time, as specified by Department rule, after the day on which death occurred and prior to the removal of the body from the State.
2. Only a Maine licensed funeral director or an authorized person may file a death certificate.
3. Paper death certificates only exist when completed by an **Authorized Person** (in lieu of a funeral director) and are to be filed directly with the Department.
4. All signature areas on the death certificate must be signed and certified (signature of the funeral director or authorized person and the signature of the health care provider). Paper death certificates must be completed in BLACK ink, contain no cross outs and the cause of death must be typed or legibly hand printed. No cursive.
5. The Department or municipal clerk at the place of death must review all paper death certificates for completion, any obvious errors or incomplete information prior to issuing a disposition permit.
6. Should any noticeable errors or incomplete information become apparent upon reviewing the *personal information* on the death certificate, the municipal clerk at the place of death may return the death certificate to the funeral director or authorized person for correction or completion. In the event the correction or completion is done by the municipal clerk of the place of death, the funeral director or authorized person must be present and in agreement that the information is wrong before any changes are done. The municipal clerk must make a notation on the back of the death certificate of the items corrected and the date the correction or completion was done before the death record is accepted for filing. After a death certificate has been accepted for filing (registered), it may not be changed in any way at the municipal level. Corrections or completions must be made using the VS-7 correction form presented directly to the Department with the appropriate documentation and required fee, if applicable.
7. Should any noticeable errors or incomplete information become apparent upon reviewing the *medical information* (date of death, place of death, facility name, county of death, and city or town of death, and was autopsy performed, autopsy findings available prior to completion of cause of death, manner of death, injury at work, date of injury, time of injury, how injury occurred, place of injury, location and cause of death) on a death certificate, a supplemental certificate of death (SCOD) must be completed by the health care provider who certified the death and presented to the Department. A VS-7 correction form cannot correct medical information on a death certificate. If the death certificate is paper-based, the death certificate will then become a two-page death certificate. When certified copies are made, both pages (death certificate and SCOD) are to be copied onto blank safety paper (VS-31) and certified; this is considered one certificate. If the death

certificate is electronic, the death certificate will be only one page with a notation of the medical items corrected or completed on the bottom of the electronic death certificate.

8. A “method of disposition” must be checked on the death certificate. This will determine if a medical examiner’s release form (VS-37) is needed to accompany the completed death certificate or report of death prior to issuing a disposition permit.
 - a) Methods of disposition that **require** a medical examiner’s release include **cremation, burial at sea, use by medical science, and removal from state**. A copy of the signed medical examiner’s release must be retained permanently by the municipal clerk who issues the disposition permit. If the death is electronic (2011 to present), the medical examiner’s release form may be scanned and attached to the death case in the Electronic Death Registration System (EDRS).
 - b) Methods of disposition that **do not require** a medical release are **temporary storage and burial**.

9. Issuing the “Permit for Disposition of Human Remains” (VS-35). The only persons authorized to issue the Disposition of Human Remains permit are:
 - a) The Department,
 - b) The municipal clerk at place of death,
 - c) The municipal clerk of the municipality where the funeral establishment is located. (If a Maine licensed funeral director) and/or
 - d) Appointed sub-registrars (see page 32) of either municipality or the Department.

10. The funeral director or authorized person applying for a disposition permit must present a **Completed Death Certificate** (for methods of disposition including burial or temporary storage) or a **Report of Death (VS-36)** and a medical examiner’s release, if applicable (see #8), prior to the issuance of a disposition permit.

11. The Department, municipal clerk, appointed sub-registrar or the funeral director applying for the disposition permit must ensure items #1 through #9 on the permit are completed and match the death certificate (paper or electronic) or the report of death exactly. The disposition permit is not valid until the Department, municipal clerk or appointed sub-registrar has signed the permit (item #10 or #11 on the permit).

12. On occasion, there may be more than one copy of the disposition permit depending on who is issuing the permit. The Department, issuing clerk or sub-registrar must ensure all copies are completed and signed and retain the “Issuing Clerk-Retain Until Endorsement Received” until the endorsed copy is received following final disposition (may be scanned and attached to the death case in the EDRS). The other copies of the disposition permit are distributed to the municipal clerks at the place of final disposition, place of death, and place permit issued as indicated at the top of the VS-35 form (or scanned and attached to the death case in the EDRS). Municipal clerks may search and view all death cases in the EDRS (2011 to present) and may view and print any scanned attachments, if or when needed.

13. If an endorsed copy of a disposition permit for final disposition is not returned to the municipal clerk or sub-registrar who issued it within 21 days after the date of death, the issuing authority shall report the matter to the Department and the Board of Funeral Service for investigation.

Disposition Permit Cheat Sheet

- ✓ The municipality listed in 10b or 11b on the Disposition Permit collects the \$20.00 issuing fee.
- ✓ The issuing clerk or sub-registrar cannot sign as person in charge of final disposition on the disposition permit unless the remains were placed in temporary storage and the funeral director owns the storage facility specified.
- ✓ The place of death municipality, the place the permit issued municipality and/or the Department, and place of final disposition municipality is where the endorsed disposition permit is filed (unless scanned and attached in the EDRS).
- ✓ Deaths occurring at the United States Department of Veteran's Affairs (also known as Togus) are filed directly with the Department and the disposition permit must be issued by the Department or an appointed sub-registrar of the Department. The Department collects the \$25.00 issuing fee.

Paper Death Certificates to be filed in EDRS

Once both the personal data/information and medical certification have been completed and certified/signed by the funeral director/authorized person and the health care provider on the paper death certificate, the certificate must be presented directly to the Department. The Department will enter the data/information exactly as it appears on the paper death certificate into the Electronic Death Registration System (EDRS) making the certificate available to the place of death municipality and the decedent's resident municipality so that certified copies may be issued. The paper-based death certificate will be scanned and attached to the death case in the EDRS.

Time Requirements

<https://www.maine.gov/sos/cec/rules/10/chaps10.htm#146>

Department regulations (10-146 CMR Chapter 5 rules) specify the registration time requirements for completing the death certificate depending on who initiates the certificate. The funeral director or authorized person must ensure that a completed death certificate is registered within **five days** after the day on which death occurred, unless there are unusual extenuating circumstances. The death certificate is considered "registered" once both the funeral director and health care provider have completed and signed/certified and the record has been assigned a State File Number. Certified copies of the death certificate may then be issued by the Department, the municipality where the death occurred and/or the municipality where the decedent resided in Maine.

Responsibility of Funeral Director or Authorized Person

The death certificate (or death case) may be initiated by a health care provider or a funeral director. The funeral director or authorized person in charge of the disposition of the dead human body or its removal from the State is responsible for filing the death certificate and obtaining all the personal data from the best qualified person or source available. The funeral director or authorized person must personally contact the health care provider and ascertain that he/she can and will certify the death and that the cause of death is not such as to bring the case under the jurisdiction of a medical examiner. A report of death is evidence of such contact and ascertainment.

The personal data/information must be completed and signed within 24-48 hours* after death by a funeral director or authorized person from the best qualified person or source available, known as the informant. The funeral director, authorized person and/or the informant are the only ones with the authority to make a change (correction or amendment) to the death certificate after the death has been registered, unless a court order is presented directly to the Department.

(*Funeral directors typically will enter a comment on the death case in the EDRS if a death certificate is not completed within the five days.)

Responsibility of Health Care Provider

The death certificate (or death case) may be initiated by a health care provider or a funeral director. The medical certification of the cause of death must be completed and certified within 24-48 hours* after death by a health care provider authorized to practice in the State who has knowledge of the decedent's medical condition except when the death falls under the jurisdiction of the medical examiner. In the absence of the standard health care provider or with his or her approval, the death certificate may be completed and certified by a health care provider associated with the standard health care provider in practice or covering for him/her during his/her absence. A health care provider designated for this purpose by the standard health care provider or by OCME must be permitted access to the recent medical history if due to natural causes.

In the event a health care provider cannot adequately determine the cause of death until laboratory or autopsy studies, or referral to records not immediately available within the time prescribed for the certificate, the death shall be reported to the Office of the Chief Medical Examiner (OCME). Deaths due to natural cases may be referred back to the health care provider by OCME for medical certification as specified in Title 22 M.R.S. §3025.

Nursing Home Deaths

If the decedent was a resident of a nursing home* at the time of death and the health care provider in charge of the decedent's care or another health care provider designated by the health care provider in charge must examine the body prior to completing the certification of death process unless the health care provider had examined the decedent within 48 hours prior to death or examined the decedent within two weeks prior to death in the case of a terminally ill patient.

*Any health care provider who fails to complete the medical certification of the cause of death fully, in a timely manner, or who fails to examine the body of a nursing home resident prior to certifying cause of death must be reported to the Board of Licensure in Medicine, the Board of Osteopathic Licensure or the State Board of Nursing, whichever is appropriate, by the State Registrar of Vital Statistics of the Department of Health and Human Services as specified in 22 M.R.S. 2842.(2).

Small Communities or Unorganized Towns

The Department maintains a listing of unorganized towns/townships where the records of events occurring in these locations or communities are to be filed. The Electronic Death Registration System (EDRS) has built in error messages when the place of death city/town is not a legal municipality and may prevent a health care provider from certifying the case unless the error message is saved and overwritten. The Department encourages health care providers to select a legal municipality from the municipality lookup.

Small communities within a municipality may be entered in the decedent's resident municipality field at the discretion of that municipality. Examples of deaths for small communities within a municipality are Deering Oaks, when the legal municipality is the City of Portland; South China, China Village and Weeks Mills is really the Town of China; Belgrade Lakes is really Belgrade.

The Department is working with municipal clerks to maintain a current listing and preferences of each municipality. The legal municipality is always preferred for filing, registration and issuing purposes as well as the data purposes. It is equally as important when filing the electronic process vs paper process.

Death Certificate Delays and Incomplete Certifications

<http://www.mainelegislature.org/legis/statutes/22/title22sec2842.html>

The law requires prompt completion of the death certificate so families may proceed with final disposition. There are occasions, however, when this cannot be done; usually because the health care provider or medical examiner is unable or unwilling to complete the medical certification promptly.

In some cases, a funeral director may use a **Report of Death (VS-36)** when they are unable to obtain a signed death certificate from the health care provider before the body is buried or removed from the state.

Delays in preparation of death certificates need not result in delays in burial unless a medical examiner or law enforcement authorities require additional time to complete an investigation. When the cause of death cannot be determined until autopsy results become available, the health care provider may, if satisfied that death is due to natural causes, complete as much of the cause of death section as possible and indicate that autopsy results are pending. The death certificate may then be filed, and a disposition permit may be issued. The Department will query the health care provider for information to complete the death certificate.

Such “pending” death certificates are then finalized by means of the Supplemental Cause of Death (SCOD) form furnished by the State Registrar. SCOD’s must be submitted (paper or electronically) by the health care provider or medical examiner who certified the original death certificate unless circumstances that make it a medical examiner case (see below) or when inquiry as to the cause of death is required by law, the medical examiner or the Office of Chief Medical Examiner shall complete and sign the SCOD as specified by department rule. A certification need not be completed before the remains are ready for release.

The Department will work with funeral directors and health care providers who are chronically delinquent in filing death certificates in order to obtain better reporting and notify the appropriate board of licensure or registration when necessary

Medical Examiner Cases

<http://www.mainelegislature.org/legis/statutes/22/title22sec3025.html>

The medical examiner or the Office of Chief Medical Examiner (OCME) is responsible for the identity of the deceased and the time, date, place, cause, manner and circumstances of death on the death certificate.

When death was due to an accident, violence, burns, fractures, falls, poisoning, suicide, or suspected homicide, and in certain cases when the decedent was not under the care of a medical certifier, a medical examiner must determine the cause and manner of death and complete the medical certification on the death certificate.

The death certificate must be completed and signed within 24 hours of the time the medical examiner was notified of the death, unless the remains must be held longer for study or investigation. Details on the causes, manner and circumstances may be left “pending” or “pending further study” if further study is needed as stated above.

In a medical examiner case, the body may not be embalmed, disposed of or removed from the State until the medical examiner has completed the investigation and signed the death certificate or has given written or verbal consent and a medical examiners release. These requirements are

discussed further in the section of **Cremation/Burial at Sea/Use by Medical Science or Removal from State**.

Specifically, the circumstances of death which require investigation by a medical examiner are as follows:

- A death due to burns, fractures, or falls.
- A death due to violence or poisoning.
- A sudden death of a person in apparent good health.
- A death occurring during medical procedures indicating gross negligence or when due to trauma or poisoning unrelated to the ordinary risks of the procedure.
- A death that occurs in a mental health facility or nursing home not due to natural causes.
- A death that occurs in police custody or when incarcerated in an institution and not due to natural causes.
- A death due to diseases, which are a threat to public health.
- A death where there is reason to believe that the cause of death has not been properly certified.
- A death due to Sudden Infant Death Syndrome and other deaths of children under 18 unless clearly due to natural causes.
- A death when the body is to be cremated.

Referral of Cases

<http://www.mainelegislature.org/legis/statutes/22/title22sec3025.html>

Any person, who becomes aware of a death in circumstances that appear to require an investigation by a medical examiner, must report the death to the Office of Chief Medical Examiner (OCME), a medical examiner or law enforcement officer. In most instances, referral of cases to OCME or medical examiners will be made by law enforcement officers, health care providers who are called to the scene of death, or by funeral directors who are usually familiar with their reporting responsibility.

The EDRS has built in edits and the functionality to identify when a case may need to be reported to the OCME and referrals may be submitted electronically by The Department or the funeral establishment listed on the death certificate (case).

Some cases referred to the OCME (or medical examiner) for review and investigation may not be accepted by OCME. These types of cases will be referred back to the health care provider (or appropriate substitute) for certification. This provision has been in effect since July 1986. Examples of such cases are:

- A death due to the consequences of long-term alcohol use.
- A death due to long-term exposure to environmental or occupational toxins.
- A death due to long-term exposure to cancer-causing materials.
- A sudden natural death of an elderly person who had not had previous specific symptoms or been under treatment for the specific cause of death.
- A death with any cervical injury recorded in the cause of death.
- A case number assigned by the Office of the Chief Medical Examiner (Title 22 M.R.S.A. §2842 sub-§2-A effective September 13, 2003).

Presumptive Death

<http://www.mainelegislature.org/legis/statutes/22/title22sec2848.html>

The Department registers deaths when the fact of death is established by the presence of a dead body. Occasionally, persons are washed overboard at sea, or lost in other circumstances under which one might reasonably conclude they are dead, but there is no body. Normally, the Department does not file a death certificate if there is no body, but there are occasions where a death certificate is filed upon court order.

The presumption of death in these situations is a judicial issue involved in the distribution of the estate of the person presumed dead. The Probate Court may hear evidence and may declare that the person is dead if the evidence warrants and may then proceed to probate the estate. Upon declaration of death from a Probate Court, a death certificate may be created through the Office of the Chief Medical Examiner (OCME).

Refer persons who ask about death certificates in these cases to their attorney or to the Probate Court.

Death certificates must be filed with the Probate Court in the county where the death occurred (per Medical Examiner's Office and the Department, August 1999).

Death Occurring on Vessels or Aircraft on the High Seas

When a death occurs on the high seas, whether in an aircraft or on a vessel, the record is usually filed at the next port of call. The distance from shore over three miles becomes International Waters.

Copies of Death Certificate

Department regulations (10-146 CMR Chapter 11 rules) specifies the requirements for preparation of certificates and the minimum content that must appear on certified copies of vital records.

Before the issuance of any death certificate, the municipal clerk must ensure the decedent was either a resident of their municipality or the death occurred in their municipality and the death certificate is registered.

Municipal clerks must also ensure the applicant who is requesting the death record is entitled to it by law. <http://www.mainelegislature.org/legis/statutes/22/title22sec2706.html>

Depending on the date of event on the record, certified or non-certified copies of death records must be issued as specified below:

- **Deaths records prior to January 2011** must be issued by photocopying the original death record in your files to the blank VS-31 safety paper. Municipal clerks may need to reduce the size on the photocopier to make the death record correctly fit to the safety paper.
- **Records of death in municipal ledger books** that cannot be removed to photocopied must be made by typing a death abstract, form VS-30. The fillable form may be found under “Forms, Print Forms” in the Database Application for Vital Events (DAVE) system or by contacting the Department directly at (207) 287-3771.
- **Death records prior to 1892** must NOT be issued on safety paper, the law requires municipalities to issue the death on municipal letterhead or as a non-certified copy. The non-certified copy must contain the statement “NOT TO BE USED AS A LEGAL DOCUMENT”.
- **Deaths records from January 2011 to present** must be issued from the Database Application for Vital Events, known as DAVE. Municipal clerks must make sure that the safety paper numbers have been added to DAVE prior to issuing any vital record from the system. Instructions on how to assign safety paper numbers may be found under the Forms, Print Forms tab in DAVE or in the General Section of this handbook.)

Redacting Data or Information on Death Certificates

On occasion, applicants applying for a certified copy of a death certificate have requested the Department or a municipality to “leave off or mask” the cause of death section or the social security number on a death record. These types of requests from entitled individuals are reviewed on a case by case basis and are done only by typing an abstract (VS-10, VS-20 or VS-30). Municipal clerks may provide this service to entitled individuals requesting the redaction of certain data or information provided the following regulations specified in 10-146 C.M.R. Chapter 11, Section 5 (E) are met:

- ✓ The process, paper, and approval of all forms, formats and procedures used to issue certified copies or *abstracts* must be provided and approved by the state registrar. The approved forms are located on DRVS website under the municipal clerk’s restricted forms.
- ✓ The minimum content by record type must appear on all certified abstracts; if it appears on the original vital record. (Please see required content by record type below.)
- ✓ The data or information requested to be left off, masked or redacted on an *abstract* must contain chevrons <<<<<<<<>>>>>>>>>>>> to be consistent with the electronic registration systems, if or when data on a vital record is missing. The abstract must then be copied onto safety paper (VS-31).
- ✓ Each certified copy issued shall be certified as a true copy or *abstract* by the officer in whose custody or possession the record is entrusted and shall include the date the copy is issued, the name (typewritten or printed) of the issuing officer, the issuing officer’s signature or an authorized facsimile thereof, and the seal of the issuing office.

When typing an abstract, please be sure to enter the data or information exactly as it appears on the original vital record. In the event an amendment or correction has been done to a vital record, please remember to include any amendments/correction notations (or deceased watermarks) that appear on the original record as well. Please feel free to contact DRVS with any questions.

All certified copies of a vital record must include at a minimum the following information, if it appears on the original record.

Death
Certificate or SFN number (if applicable)
Given name(s)
Surname
Generational identifier
Date of death
Date of birth or age
Place of death
Sex
Date of filing

How to Issue a Non-Certified Copy (Working Copy) from DAVE

Working copies of death records cannot be used to issue certified copies.

1. Login to the DAVE application with your username and password at https://gateway.maine.gov/EVRS_PROD_WEB/Logon.aspx
2. From the Home page, select the Death Search link or you can also go to Life Events on the top navigation menu of any page.
3. Search by last name is recommended. Type in the last name in the field on right. Select Search or Soundex to find the record. A list of possible matches will appear in the Search Results screen.
4. To go to the death record you need to print, select the Name link in blue.
5. Once you select that record, the case will be displayed. Notice that the left-hand navigation menu has changed to reflect the actual data values that are obtained by the medical certifier and/or funeral director for completion of an electronic case.
6. Before printing a working copy of the case, please ensure the status of the case states Registered, located in the status line at the top of the case.
7. On the left-hand navigation menu, select Print Forms under Other Links.
8. The Print Forms available to you will be displayed. Select Working Copy.
9. A PDF version of the case searched will be displayed. Click open to print the PDF. Notice the watermark stating Working Copy is displayed across the case.

Municipal Clerks may print the Working Copy:

- To maintain within their files if they choose to do so. In the event the internet service is down, clerks may issue certified abstracts of the case, but only after verification has occurred at the State level to ensure that amendments have not been made to the case.
- To print to provide to the funeral director listed on a death case for final disposition if the municipal clerk is to issue a disposition permit.

How to Issue a Certified Copy of a Death Certificate from DAVE

1. Login to the DAVE application with your username and password at https://gateway.maine.gov/EVRS_PROD_WEB/Logon.aspx
2. From the Home page, select Order Processing on the top navigation menu.
3. Select Death Fast Order.
4. **Under Applicant:** Input the name and address of the person applying for the record. Check the personal ID of the person applying for the death certificate and indicate the ID type of the applicant.

(If the applicant is a Facility/Agency, you would need to select Organization. Select the magnifying glass to search and populate the applicant name and address of the facility. Click on the blue Select Link and the application form will be prepopulated with the facility name.)
5. If the shipping or contact information is different or more detail is needed, select the blue Shipping Information or Contact Information links to make changes as needed.
6. **Eligibility:** The applicant relationship is a required field. Select a relationship from the drop-down menu. If the appropriate applicant relationship is not provided for you as a selection in the dropdown, please select Other Specify to indicate the type of relationship.
7. **Event:** Searching for the record by first and last name in the registrant fields is best. Select Search or Soundex for those names that are hard to spell. The search results will be displayed.
8. Select the radio button next to the decedent's name and continue to Service.
9. **Service:** Enter the correct information from the dropdown menu for Source, Priority, and Delivery. Select the check box for the service being requested (death certified copy etc.) More than one service may be selected if needed. Enter the Quantity needed for the service requested and indicate the Request Reason from the drop-down box.
10. Click on the Calculate Fees button under the list of services. The fees will automatically calculate the amount due and the balance due will be indicated in red under the Payments section.
11. **Payments:** Select Method of Payment (cash or check/money order). If the applicant is paying by cash, upon selection of the Cash check box, the amount due will populate to zero. If paying by check/money order, a check number and the amount of the check will need to be entered. (At this time, credit card is not an option for municipal clerks and will not work unless your municipality has worked with the vendor to set this up. Please indicate if the person or organization is paying by cash or check/money order.)

12. Please review your order under Event Requested to ensure the order is complete and select the Save and Validate button in the bottom right hand corner.

If you have any overrides: The Save and Validate button will run all validation and error rules checks. Any error results will be displayed at the bottom of the order for your review. Please check the override box for the error listed, and then select Save Overrides. Select save and validate again. Please read the error messages and decide if the error (s) can be overridden. If you have any questions about any error results, please contact the DAVE help desk for assistance at 1-888-664-9491 option 7.

13. Select the blue Issue link.

There are three final steps that municipal clerks must perform to ensure that the order is complete.

Step One: Print Records (Load your safety paper in the printer.)

1. If you are ready to print, you may now select the blue All link which will place a checkbox next to the orders displayed. You may also individually check all the boxes.
2. Select the blue Print link located under Actions.
3. Click open to view the PDF copy of the death case to be printed and select the printer icon located at the top left of the PDF death certificate copy. No adjusting or minimizing is required.
4. Close the PDF death certificate after printing.

The Department suggests that municipal clerks designate a printer within their municipality solely to issue certified copies of death cases from the EDRS DAVE system if possible.

Step Two: Enter Safety Paper Numbers

EDRS tracks safety paper usage. Municipal clerks are required to input the safety paper numbers used into the DAVE system as described below (numbers are located on the back of the safety paper).

1. Select the blue All link which will place a checkbox next to the orders displayed. You may also individually check all the boxes.
2. Enter the beginning number of the safety paper located under Numbering (example: 0073552). Select the blue Auto Number Ascending link or Auto Number Descending link depending upon the order that the safety paper is in.
3. The Security paper Number column will automatically populate with the safety paper numbers. Select the Save button located on the bottom right corner of the screen.

If you have entered a duplicate safety paper number or have not assigned part of your safety paper range to the DAVE system, please finalize this step under Security Paper Management, or contact the DAVE Application Support line to help you assign the safety paper to your municipality.

Step Three: Complete the Order

1. Select the blue All link which will place a checkbox next to the orders displayed. You may also individually check all the boxes.
2. Select the blue Complete link located in the Actions section (bottom left of the screen).

The screen will return to the Order Summary page or a new Death Fast Order page.

At this time, municipal clerks may choose to print a receipt, mailing envelope, or label from the Order Summary main screen under Event Requested.

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) or 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

The Permit for Disposition of Human Remains (disposition permit), Form VS-35 was revised in October of 2017. The form is a single page rather than a multi-copy and may be printed directly from the Electronic Death Registration System (EDRS). Please see below for instructions on **How to Issue the Disposition Permit**.

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. Please see section below regarding **Scanning and attaching the endorsed permit**.

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:

1. To ensure that death certificates are properly filed.
2. 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.
3. 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 or 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. Please see the types of disposition and requirements below.

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, as listed below.

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 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.

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.

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.

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

In addition to the registered death certificate, a Medical Examiner's Release must be obtained by the Office of Chief Medical Examiner (OCME) or a medical examiner for methods of disposition including cremation, removal from State, use by medical science and burial at sea.

Medical Examiner's Release (VS-37)

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

Before final disposition of a body may be made in a manner which will prevent further examination or judicial inquiry, a release must be obtained from a medical examiner, whether the death was a medical examiner case or not. **Methods of disposition (as indicated on the disposition permit) requiring a release include:**

- Cremation
- Burial at sea
- Use by medical science
- Removal from the State

The medical examiners release is required in addition to the disposition permit and a registered death certificate (or report of death*) and authorizes cremation, burial at sea, use by medical science, or transportation of the body outside of the State for final disposition to occur. The Office of Chief Medical Examiner (OCME) maintains a listing of medical examiners authorized to issue and sign a medical examiner's release.

Municipal clerks must ensure both the registered death certificate and the medical examiner's release are presented to them before issuing a disposition permit.

The medical examiner's release must be scanned and attached* to the death certificate (death case) in the EDRS when presented to a municipality to demonstrate the authority for the issuance of the permit. Medical examiner's releases must be retained for a period up to 15 years.

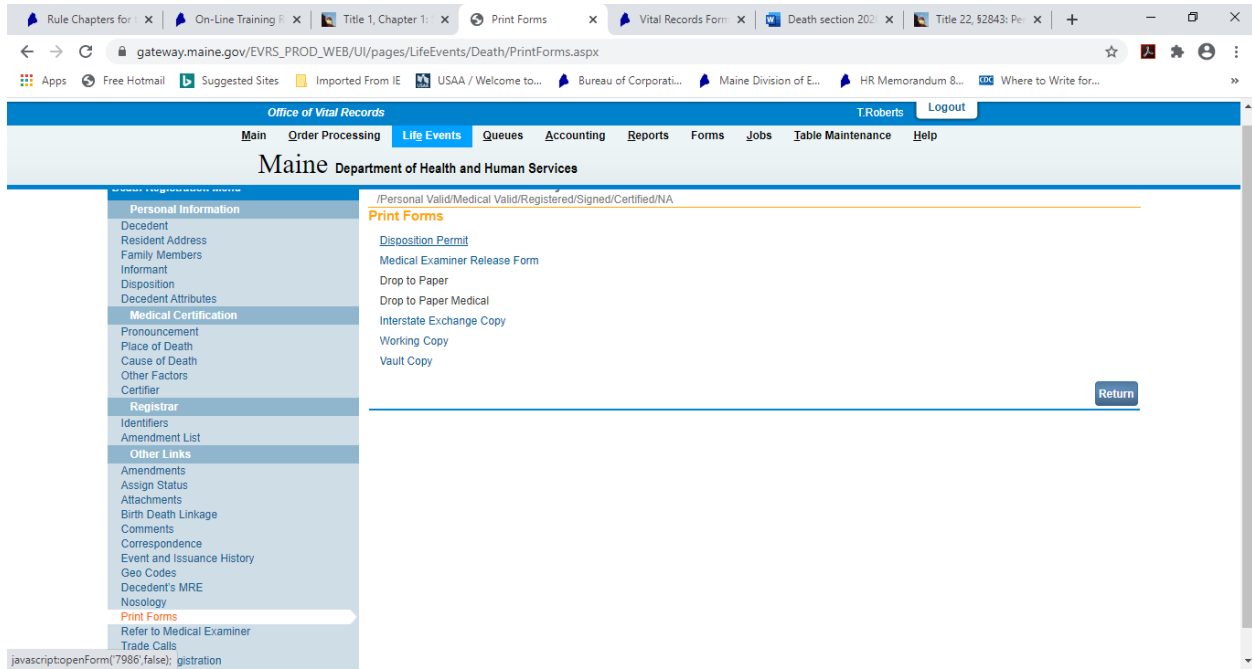
*For instructions on how to scan and attach a document in the EDRS (DAVE system) please visit the Department's website at <https://www.maine.gov/dhhs/mecdc/public-health-systems/data-research/vital-records/edrs/clerks.html>.

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 photocopiers must make another arrangement, with a library, post office, commercial copy service, or with the municipal clerk. Municipal clerks may charge for this service

The Department, municipal clerks and appointed sub-registrars who have access to the EDRS, must search and locate the death certificate (death case) and select "Print Forms" from the left-hand navigation menu. Select the "disposition permit" form from the print form screen as shown

below.



The disposition permit will display in a PDF format as shown below. Items#1-9 will automatically be populated on the permit based on the data/information on the completed death certificate. Select the print icon to print the permit.

The screenshot shows a PDF form for a disposition permit. The form is titled 'DispositionPermit 081920567'. It contains the following information:

3. SEX Male	4. AGE 80 Years	5. WAS DECEDENT EVER IN U.S. ARMED FORCES? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	6. PLACE OF DEATH (City or Town) (State) Boothbay, Maine
7a. NAME AND ADDRESS OF FACILITY OR AUTHORIZED PERSON Hall Funeral Home - Boothbay 975 Wiscasset Rd Boothbay, Maine 04537		7b. FUNERAL ESTABLISHMENT LICENSE NUMBER HO9133	
8. PERMISSION REQUESTED FOR: (Check All That Apply) <input type="checkbox"/> Temporary Storage <input type="checkbox"/> Burial <input checked="" type="checkbox"/> Cremation <input type="checkbox"/> Entombment <input type="checkbox"/> Removal From State <input type="checkbox"/> Burial at Sea <input type="checkbox"/> Use by Medical Science <input type="checkbox"/> Disinterment			
9. AUTHORIZATION FOR PERMIT <input type="checkbox"/> Completed Death Certificate <input type="checkbox"/> Report of Death (Funeral Directors Only) <input checked="" type="checkbox"/> Medical Examiner's Release for Cremation, Removal from State, Burial At Sea, Use by Medical Science <input type="checkbox"/> Application or 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			
PERMISSION IS HEREBY GRANTED TO REMOVE AND DISPOSE OF THE HUMAN REMAINS IDENTIFIED ABOVE			
10. SIGNATURE OF CLERK OR (see #11) →		10b. CITY OR TOWN	10c. DATE SIGNED (Mo., Day, Yr.)
11. SIGNATURE OF SUBREGISTRAR →		11b. SUBREGISTRAR OF (List Municipality appointed by):	11c. DATE SIGNED (Mo., Day, Yr.)
DISPOSITION			
<input type="checkbox"/> REMAINS WERE PLACED IN TEMPORARY STORAGE	12. NAME OF CEMETERY OR VAULT		13. LOCATION (City or Town) (State)
	14. SIGNATURE OF PERSON IN CHARGE OR MUNICIPAL OFFICIAL →		15. DATE (Mo., Day, Yr.)

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.

The copy must be scanned and attached to the death case in the EDRS. Municipal clerks who do not have the capability to scan and attach documents must fax (or mail) the permit to the Department to attach to the death certificate (death case) in the EDRS. It is suggested to keep a paper copy on file until municipalities have verified the permit has been successfully attached and is legible.

Funeral establishments listed on the death certificate also have the option to print the disposition permit from the death case in the EDRS as municipal clerks do. 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 cremation, 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 other specific individual in charge of them, 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.

*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.

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)

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 to ensure they are there.

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. The Department will monitor and verify that completed and endorsed permits have been attached within 7-10 business days from the date of death.

Disposition permits must be open to public inspection

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.

Communicable Diseases

<https://legislature.maine.gov/legis/statutes/22%20OLD/title22sec822.html>

When death was due to an acute communicable disease, municipal clerks should consult the municipal health officer before issuing a disposition permit to an authorized person.

Dead bodies are not usually a public health problem, but in the case of certain communicable diseases, regulations of the Department of Health and Human Services forbid public funerals. In other instances, the health officer may wish to instruct the individuals on how to protect themselves while handling the body. Funeral directors are trained and experienced in this area, but most other people are not.

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. (An example of a written appointment has been provided below.)

Sub-registrars must issue disposition permits in the same manner as is required of a municipal clerk as specified in Title 22 §2843; except for issuing a permit for disinterment. A person who has been appointed as a sub-registrar may not be designated as an "official of the municipality" for the purpose of endorsing disposition permits for burials or disinterment; which take place within the municipality.

Department rules, 10-146 C.M.R., Chapter 1, regulate the transportation, storage and final disposition of dead human bodies. A disposition permit may be issued by a sub-registrar only if

the appointment was made in the municipality where the death occurred or in the municipality where the funeral establishment having custody and control of the dead human body is located.

- ✓ Before a permit is issued, sub-registrars must be presented with a completed death certificate or a report of death. If final disposition is to be cremation, burial at sea, use by medical science or removal from State a medical examiners release (VS-37) form is needed in addition to the completed death certificate.
- ✓ A permit may be issued by a sub-registrar only when the municipal office is closed, or the municipal clerk or deputy clerk is not available. Sub-registrars must scan and attach the completed disposition permit, after endorsement, to the death case in the Electronic Death Registration System (EDRS). A copy of the permit issued by a sub-registrar and the \$20.00 issuance fee must be transmitted to the clerk who appointed the sub-registrar at the earliest opening of the municipal office after the date of issue.

EXAMPLE OF SUB-REGISTRAR APPOINTMENT

MUNICIPAL LETTERHEAD

TO: (Name of sub-registrar)
FROM: (Name of municipal clerk, city/town of)
SUBJECT: **Sub-registrar appointment**
DATE: April 30, 2019

You are hereby appointed as a sub-registrar for the (name of municipality). As an appointed sub-registrar, you are authorized to issue Permits for Disposition of Human Remains (disposition permits) for transportation, storage and final disposition of dead bodies which occur in the (name of municipality) subject to the provisions of 22 M.R.S §2843 and §2844.

This appointment is made with the following provisions: Disposition Permits may only be issued when the municipal office is closed or the municipal clerk or deputy clerk is not available. Sub-registrars must report the issuance of a disposition permit at the earliest opening of the municipal office or attach the completed disposition permit to the death case in the Electronic Death Registration System (EDRS).

Sub-registrars serve under the authority and at the contentment of the municipal clerk who appoints them. This annual appointment 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: _____

Municipal Clerk of _____
(Name of Municipality)

Date: _____

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 has occurred and recording 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.

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*. There is no fee related to authorization for the burial or removal of cremated remains.

State of Maine
Department of Health and Human Services
Authorization for the Burial or Removal of Cremated Remains
(Statute Authority Title 22 §2843 Subsection 3-A)

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 endorsing and completing the decedent's information. (Items

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>

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.

If authorization is not returned to the State Registrar within 7 days after cremated remains were buried, the funeral director or authorized person may present a copy of the endorsed authorization. The State Registrar may request authorizations not received to be completed by the authorized person, funeral director, person in charge of the public ground or official of the municipality in which the public burying ground is located.

Responsibility of Authorized Person/Funeral Director

The "authorized person" is typically a member of the immediate family of the deceased, the domestic partner of the deceased, a person authorized in writing by a member of the immediate family of the deceased if no member of the immediate family of the deceased wishes to assume the responsibility or by the domestic partner of the deceased if the domestic partner does not wish to assume the responsibility or, in the absence of immediate family or a known domestic partner, a person authorized in writing by the deceased. A "domestic partner" means one of 2 unmarried adults who are domiciled together under long-term arrangements that evidence a commitment to remain responsible indefinitely for each other's welfare.

The authorized person and/or funeral director is responsible for obtaining the authorization form (as specified in question #3), completing the decedent's information (items #2 through #9) and endorsing (item #1) on the authorization form and presenting the form to the person in charge of the public burying ground prior to or during the burial or removal of the cremated remains. If there is no person in charge of the public burying ground, the authorization form must be presented to an official of the municipality in which the public burying ground is located prior to or during the burial or removal of the cremated remains.

Responsibility of Department

The Department will scan and enter the completed authorization forms and information into the designated imaging system until enhancements have been made to the DAVE system. The Department will pull data out of imaging system (frequency to be determined) and make available to municipalities through an online portal system on the Department's website; like the death and marriage index currently in place. Instructions will be forthcoming.

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, process and documents required 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

1. The authorized person must obtain a paper death record from health care provider.
2. The health care provider must complete the medical certification information on the death record. The death record may be in two formats; a paper-based VS-3 or a dropped to paper medical death record issued from the Electronic Death Registration System (EDRS). The medical information must be completed and signed (*certified*) by the health care provider and presented to the authorized person.
3. The authorized person must complete the demographic (*personal*) information on the death record (items 1-30). The personal information must be completed and signed by the authorized person. (*The only items that may remain blank on the death record are the middle name and suffix.*)
4. The completed death record must be presented to the Department in person or via fax at (207) 287-2681. 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.
5. 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.
6. If the death record is complete and accurate, the Department will enter the personal information into the EDRS and register the death record. (Department staff may have to drop to paper medical if a paper-based VS-3 was issued). Certified copies may then be issued by the Department, the municipality of the place of death and/or residence.

Issuing the Disposition Permit to an Authorized Person

1. The municipality of place of death or the Department must complete the top portion of the disposition permit matching the decedent's information 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*).

2. If the method of disposition is 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.
3. The municipal clerk of the place of death or the state registrar of the Department may sign the permit (*items 10 or 11*) 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.

Authorized persons cannot accept money for their services. The acceptance of money may constitute the practice of funeral service without a license.

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.

The Division of Environmental Health is responsible for the oversight of new and expanded burial grounds, cemeteries, mausolea, and crematoria. For more information, please contact the Division of Environmental Health at (207) 287-5695 or visit their website at: <https://www.maine.gov/dhhs/mecdc/environmental-health/plumb/burial/index.htm>.

The Maine Cemetery Association may be contacted for information on requirements for burial grounds at 1-800-585-6589. Private burial grounds are regulated by the same requirements as any public burial grounds. Please feel free to visit the Maine Cemetery Association's website at <http://mainecemetery.org/>.

Certificate of Abandonment

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

In the event that fifteen days (15) have lapsed from date of death and the funeral establishment has notified the person(s) responsible or is unable to locate the person(s) responsible for the interment of remains of a deceased now in their custody; the funeral director may apply to the municipal clerk in the municipality where the death occurred.

The Certificate of Abandonment form and instructions required to authorize the burial or cremation of the dead human body in custody of the funeral establishment may be found under “Forms, Print Forms” in the Database Application for Vital Events (DAVE) system or by contacting the Department directly at (207) 287-3771.

Errors on Death Certificates

Only the funeral director, authorized person or the informant listed on the death record may apply to correct the personal information on a death certificate.

Only the health care provider or medical examiner listed on the death record may apply to correct the medical information on a death certificate.

Most amendments to death certificates are done electronically in the EDRS for deaths occurring after January of 2011 by the health care provider, medical examiner or funeral director listed on the death certificate.

Corrections or completions to the personal information on death certificates made by the informant OR on death records filed prior to January of 2011, must be made by completing the by completing the VS-7 form. The form, instructions, documentation requirements and the fee for correcting or completing a vital record 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>.

- If an error is found on a death record and it has been **less than 90 days since the date of filing**, the **applicant** may correct the error by completing the VS-7 and having their signature notarized on the front of the VS-7. There is no fee for the correction, although applicants must pay the fee for the copy after correction.
- If the error is found on a death record **90 days or more after the date of filing**, the **applicant** may correct the error by completing the VS-7, having their signature notarized on the VS-7, pay the required \$60.00 fee and present two forms of supporting documentation. The VS-7 form provides examples of documentation applicants may use to support the change.

Corrections or completions to the medical information on death certificates made by the health care provider or medical examiners on death certificates filed prior to January of 2011 must be made by completing the Supplemental Certificate of Death (SCOD) form. The form and instructions are located in DAVE under forms, print forms or by calling the Department at (207) 287-5451.

REGISTRATION OF FETAL DEATHS

<http://www.mainelegislature.org/legis/statutes/22/title22sec2841.html>

When a fetus* of 20 or more weeks of gestation dies in the State of Maine, a certificate of fetal death must be filed directly with the Department prior to removal of the fetus from the State. The Department will send a copy of the registered fetal death to the clerk of the municipality where the delivery occurred within 14 days.

*Fetus means a product of conception dead prior to the complete expulsion or extraction from its mother; the fetus shows no signs of life such as beating of the heart, pulsation of the umbilical cord, or definite movement of voluntary muscles.

A fetal death may range in size from a small product of conception to a full-term baby. The fetus may have died before labor, during labor, or during delivery. The parent(s) make the decision for the disposition of the fetal remains regardless of the length of gestation. The parents may retain a funeral director or other authorized person for this purpose; they may choose to handle the disposition themselves, or the disposition may be handled directly by the birthing facility. Disposition by the birthing facility may be requested regardless of the gestational age of the fetus. If the fetal remains are disposed of by the facility, no disposition permit is required.

Fetal Death Certificate Form

When a woman gives birth to a non-vital fetus at or after the 20th week of gestation, the completed Certificate of Fetal Death (VS-4) must be filed directly with the Department. The fetal death certificate form is printed on white legal-size (8.5x14) regular photocopy (20 LB) paper. Health care providers, funeral directors and municipal clerks may obtain the fetal death certificate form and instructions for completion under “Forms, Print Forms” in the Database Application for Vital Events (DAVE) system or by contacting the Department directly at (207) 287-3771. Fetal Deaths are NOT entered into the Electronic Death Registration System (EDRS).

Once the fetal death certificate is reviewed and accepted for filing, an attested copy of the fetal death certificate will be prepared and sent to the municipal clerk in the place of death for filing and issuing purposes within 14 days.

Time Requirements

The funeral director or other authorized person in charge of the disposition of the dead fetus or its removal from the State is responsible for filing the certificate. In the absence of such a person, the physician or other person in attendance at or after the delivery is responsible for filing the certificate. The funeral director or authorized person or physician or other person in attendance at or after delivery must obtain the personal data from the best qualified person or source available and present the certificate to the person responsible for completing the medical certification of the cause of death.

The medical certification shall be completed and signed within 5 days after delivery by the physician in attendance at or after the delivery, except when an inquiry as to the cause of fetal death is required by law.

When the fetal death occurs without medical attendance upon the mother at or after delivery, or when inquiry as to the cause of fetal death is required by law, the medical examiner shall complete and sign the medical certification within 5 days after delivery. A certificate need not be completed before the remains are ready for release.

When the fetal death occurs in a hospital or an institution, the person in charge of the hospital or institution or the person authorized to obtain the medical data must prepare the certificate, certify by signature that the fetal death occurred at the place and time and on the date stated and file the certificate as directed in this section.

Disposition of Fetal Deaths

Disposition by the birthing facility may be requested regardless of the gestational age of the fetus. If the fetal remains are disposed of by the facility, no Permit for Disposition of Human Remains form VS-35 (disposition permit) is required.

Removal of Fetal Remains from the Birthing Facility

- ✓ Fetal remains may be removed from the birthing facility by a funeral director without presentation of a disposition permit or other document.
- ✓ Removal of the fetal remains by anyone other than a funeral director requires that person to present a valid disposition permit.

Persons Authorized to Issue Disposition Permits for Fetal Deaths

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. See page 32.

Requirements for Issuing the Disposition Permit

The following requirements must be met prior to issuance of the disposition permit;

1. A copy of the completed fetal death certificate presented to the Department for filing must be provided to the issuing authority (first page only). The copy of the completed fetal death certificate presented to the issuing authority must contain signatures of both (1) the health care provider and (2) the funeral director or authorized person. A report of death may be presented to the Department if a fetal death certificate is not available.
2. A medical examiner release form when the method of disposition on the fetal death certificate indicates **cremation, burial at sea, use by medical science, and/or removal from the State.**
3. Issuing fee. The fee is to be paid at the time the permit is issued unless issuing as a sub-register, then the fee is to be paid when the “place permit issued” copy of the disposition permit is mailed, or on the next opening business day.

Procedures for Using the Permit for Disposition of Human Remains

Photocopies are made from the original disposition permit for distribution to:

- ✓ Place of death
- ✓ Place permit issued
- ✓ Issuing Clerk-Retain until Endorsement is Received.

The photocopies are made by the funeral director or authorized person and presented to the Department, municipal clerk, or sub-registrar who is issuing the disposition permit.

1. The funeral director or authorized person must check the boxes located at the top of each disposition permit for proper distribution; “Place of Final Disposition”, “Place of Death”, “Place Permit Issued”, and “Issuing Clerk- Retain until Endorsement Received”.
2. The funeral director or authorized person presents all copies of the disposition permit to the issuing authority (municipal clerk at the place of death, the municipal clerk at the place

the funeral home is located, DRVS, or appointed sub-registrar) for approval and issuance of the disposition permit and pays the disposition permit issuance fee.

3. The issuing authority reviews the disposition permit for accuracy and determines the completeness of the supporting documentation before granting permission for disposition by signing all copies of the disposition permit. The disposition permit is not valid until the municipal clerk, deputy/state registrar, or appointed sub-registrar has signed.
4. The place where the permit is issued keeps the “Issuing Clerk-Retain until Endorsement Received” copy until the endorsed copy is returned.
5. Disposition permits are endorsed by the place of final disposition facility. The funeral director in charge of the final disposition must distribute the endorsed copies of the disposition permit to the place of final disposition, the place of death, and the place permit issued.

Appropriate documentary evidence for the issuance of the disposition permit include: a copy of the certificate of fetal death (first page only) presented for filing directly to DRVS; or a report of fetal death, with the medical examiner’s release (if needed). The copy of the completed fetal death certificate must contain both the signatures of (1) the health care provider authorized to certify deaths and (2) the funeral director or authorized person.

ABORTIONS & MISCARRIAGES

<http://www.mainelegislature.org/legis/statutes/22%20OLD/title22sec1596.html>

Abortions

Induced abortions at any gestational age must be reported on the Report of Induced Abortion form, VS-4A. Health care providers and funeral directors may obtain the abortion form and instructions for completion under “Forms, Print Forms” in the Database Application for Vital Events (DAVE) system or by contacting the Department directly at (207) 287-3771. Abortion reports do not identify the woman. The report contains only limited data for use in preparing statistical reports. The physician or certified nurse practitioner mails the reports directly to the Department. Municipalities do not receive reports of abortions.

Miscarriages

When a pregnant woman has a miscarriage (spontaneous abortion) before the 20th week of pregnancy, the attending physician or certified nurse practitioner must file a report directly with the Department, using the Report of Miscarriage form, VS-4B. Health care providers and funeral directors may obtain the miscarriage form and instructions for completion under “Forms, Print Forms” in the Database Application for Vital Events (DAVE) system or by contacting the Department directly at (207) 287-3771. Municipalities do not receive reports of abortions or miscarriages.

Disposition of a Fetus less than 20 weeks gestation (or product of induced abortion of any gestation):

- ✓ If the parents wish the facility to dispose of the remains, no further action is required after the miscarriage or induced abortion report has been filed.
- ✓ If the parents wish to handle the disposition (authorized person), or obtain a funeral director for this purpose, the attending physician, certified nurse practitioner, or facility must do the following:
 1. Complete a miscarriage or induced abortion report, as appropriate, and file it with the Department.
 2. Prepare a letter (example provided below) stating that the proper report has been filed and names the person the parents have chosen to handle the disposition (e.g., parents, a funeral director, etc.). The letter must contain the signature of the person responsible for the disposition.
 3. Present the letter to the funeral director, parent, or authorized person to obtain a disposition permit from the Department or the municipal clerk of the municipality in which the abortion or miscarriage occurred.

(Letter to be on institution/facility letterhead)

TO: Municipal Clerk
FROM: Facility, Physician, or Certified Nurse Practitioner
DATE:
RE: Permit for Disposition of Fetus of Less than 20 Weeks Gestation or Product of Induced Abortion of Any Gestation

This letter concerns the remains of a dead fetus or product of induced abortion delivered on_____. The parent(s) have expressed their wish to remove the remains for disposition outside this facility and have designated_____ for this purpose.

This letter is required for disposition of the remains of a fetus less than 20 weeks gestation, or the product of an induced abortion of any gestation, if the fetal remains are to be buried in a cemetery, disposed of in a crematorium, buried at sea, used by medical science, or removed from the State. The miscarriage or induced abortion report must be filed with the Department before the disposition permit may be issued.

Signature of person responsible for disposition:

_____ (Date) _____

Maine State Law requires specific forms to be completed in the event of neonatal or fetal demise or stillborn delivery. The documentation required depends on the *gestational* age, method of delivery, and if **NOT** born alive. The table below outlines the appropriate definitions to follow, the method for disposition of the human remains and the necessary institutional and State of Maine forms to complete.

NOTE: Any delivery that results in a live birth as defined by Maine Law, **CANNOT** be disposed of at the facility/institution. All live births require disposition to be outside of the hospital/birthing facility.

Abortion/Fetal Death Chart

DEFINITIONS	DISPOSITION	FORMS REQUIRED
<u>Neonatal Death</u> – Infant born alive, who Dies before completing 28 days of life.	Burial Cremation Temporary Storage Use by Medical Science Entombment Removal from State Burial at Sea	Birth Certificate (VS-2) (Electronic Registration to be transmitted within 48 hours from time of delivery). Death Certificate (VS-3) (Electronic Registration to be transmitted within 24-48 hours after date of death).
<u>Stillborn</u> – Death of a fetus prior to delivery. Gestational age of fetus must be at 20 weeks or greater.	Burial/Cremation	Fetal Death Certificate (VS-4) (Electronic Registration to be transmitted within 24-48 hours after date of death).
<u>Miscarriage</u> – Death of a fetus prior to delivery with a gestational age of <u>LESS</u> than 20 weeks.	Hospital Pathology Burial/Cremation	Monthly Miscarriage Report Register (VS-48A)
<u>Induced Abortion</u> – (delivered dead) The intentional interruption of a pregnancy by the application or ingestion of chemical or physical agents with the intention other than to produce a live birth.	Hospital Pathology Burial/Cremation	Report of Induced Abortion Letter on Hospital letterhead or birthing facility letterhead (stating word for word example from training Packet), which allows the disposition permit to be issued for disposition of human remains.
<u>Induced Abortion</u> – (Born alive, unexpected and fleeting). The <u>complete delivery of an infant of any gestational age</u> , who shows any evidence of life. This includes breathing, beating of the heart, pulsation of the umbilical cord, or definitive movement of voluntary muscles, even if only momentary.	<u>HOSPITAL PATHOLOGY CANNOT OCCUR!</u> Burial/Cremation	Birth Certificate (VS-2) (Electronic Registration to be transmitted within 48 hours from time of delivery). Death Certificate (VS-3) (Electronic Registration to be transmitted within 24-48 hours after date of death).
<u>Induced Abortion</u> – Inducing labor to deliver a dead fetus. <ul style="list-style-type: none"> • If gestational age is 20 weeks or greater. • If gestational age is less than 20 weeks 	Hospital Pathology Burial/Cremation	Fetal Death Certificate (VS-4) if gestational age is 20 weeks or greater. Monthly Miscarriage Report Register (VS-48A) if gestational age is less than 20 weeks.

NOTE: Regardless of age of gestation, if a family member decides to do the burial or cremation, a disposition permit must be obtained from the Department or municipality of death and presented to hospital staff prior to the human remains being released to the parent(s) for final disposition. The family member assuming the responsibility of the funeral director completes the disposition permit, which provides a record of final disposition.