

January 2026: Changes and additions highlighted in blue

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| State: | Maine |
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Inquiry 1: How long can I keep the body at home after death and under what conditions?

CMR 10-146-001§6 — TEMPORARY STORAGE OF DEAD BODIES

A. Storage

Storage of dead bodies for eight months or less in vaults or other structures constructed for this purpose is not regarded as final disposition, and removal of such bodies is not disinterment. If a body has been stored for more than eight months, a permit for disinterment must be obtained prior to removal from the vault.

B. Death certificate

When a dead body is to be stored more than 14 days, the death certificate shall show the disposition of the body as "entombment". The date of entombment shall be entered as the date of disposition. The place and location of entombment shall be entered as the name and location of "cemetery or crematory".

C. Permit

1. A burial-transit permit is required when a dead body is to be stored more than 14 days. The municipal clerk or subregistrar shall issue a burial-transit permit for temporary storage at the request of the funeral director or authorized person.

2. The funeral director or authorized person shall present the burial-transit permit to the person in charge of the vault when the body is placed in the vault.

3. The person in charge of the vault shall endorse the burial-transit permit and return it to the funeral director or authorized person to retain for use when the dead body is removed for final disposition as specified in Section 2(B).

D. Transportation

Regulations regarding the transportation of dead bodies shall apply to bodies removed from temporary storage.

Inquiry 2: Does my state require the body to be embalmed? Refrigerated?

Code Me. R. tit. 10-146 Ch. 1,, § 4

Dead bodies transported by common carrier shall be embalmed and placed in a suitable container designed for this purpose and which is acceptable to the carrier.

Inquiry 3: What methods of disposition are legal in my state?

Maine statutes and regulations mention burial, entombment, cremation, natural organic reduction, burial at sea, donation to medical science, and removal from the state.

Inquiry 4: Are there any circumstances under which I would be required to wait before final disposition?

Me. Rev. Stat. Ann. tit. 32, § 1405

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 person, firm or corporation in charge of the disposition has received a certificate from a duly appointed medical examiner or medicolegal death investigator appointed pursuant to Title 22, section 3023-A that the medical examiner or medicolegal death investigator has made personal inquiry into the cause and manner of death and is satisfied that further examination or judicial inquiry concerning the cause and manner of death is not necessary.

Inquiry 5: What do I need to do to get a death certificate?

Maine has an electronic death registration system.

Me. Rev. Stat. Ann. tit. 22, § 2842

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 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.

The funeral director or other authorized person in charge of the disposition of the dead human body or its removal from the State is responsible for filing the certificate. The funeral director or authorized person shall obtain the personal data from the best qualified person or source available.

The medical certification of the cause of death must be completed and signed in a timely manner, as specified by department rule, by a physician, nurse practitioner or physician assistant authorized to practice in the State who has knowledge of the patient's recent medical condition, in accordance with department rules and other laws detailing who can certify and in what time frame, except when the death falls under the jurisdiction of the medical examiner as provided in section 3025.

Me. Rev. Stat. Ann. tit. 22, § 2846

For the purposes of this chapter, “authorized person,” in the context of responsibility for obtaining or filing a permit or certificate, means 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.

Inquiry 6: What do I need to do to get a burial-transit permit? Is there a wait period before I can receive a burial-transit permit?

Me. Rev. Stat. Ann. tit. 22, § 2843

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

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

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

Inquiry 7: Personal Preference Statute

Me. Rev. Stat. Ann. tit. 22, § 2843-A-5

Wishes of subject. If the subject has left written and signed instructions regarding funeral arrangements and disposal of the subject's remains, the person having custody and control shall abide by those wishes to the extent that the subject paid for those arrangements in advance or left resources for the purpose of carrying out those wishes.

Inquiry 8: Designated Agent Statute

Me. Rev. Stat. Ann. tit. 22, § 2843-A-2

Decedent may designate another person to take custody and control of remains in written and signed instructions.

Inquiry 9: Right of Sepulcher Statute

Me. Rev. Stat. Ann. tit. 22, § 2843-A-2

Custody and control generally. The custody and control of the remains of deceased residents of this State, dead bodies or dead human bodies are governed by the following provisions in the following order of priority:

A. If the subject has designated another person to have custody and control in a written and signed document, custody and control belong to that designated person;

B. If the subject has not left a written and signed document designating a person to have custody and control, or if the person designated by the subject refuses custody and control, custody and control belong to the next of kin; and

C. If the next of kin is 2 or more persons with the same relationship to the subject, the majority of the next of kin have custody and control. If the next of kin cannot, by majority vote, make a decision regarding the subject's remains, the court shall make the decision upon petition under subsection 4, paragraph D.

If a person who has the right of custody and control under this subsection does not exercise the rights and responsibilities of custody and control within 4 days after the death of the subject, custody and control belong to a person from the next lower level of priority as established in paragraphs A to C.

If a person who has custody and control under this subsection does not complete decision making regarding final disposition within 30 days after taking custody and control, a funeral director or practitioner of funeral service who has physical possession of the remains or dead body may bury the remains or dead body at the expense of the funeral director or practitioner.

A person who has been charged with murder, as described in Title 17-A, section 201, or manslaughter, as described in Title 17-A, section 203, subsection 1, paragraph B, forfeits the right of custody and control provided

under this subsection; and a funeral director or practitioner of funeral service who is aware of the charges may not release the remains or a dead body to that person who has been charged with murder or manslaughter. If the charges against the person are dismissed or the person is acquitted of the charges before the final disposition takes place, the person regains the right of custody and control in the same position of priority established in this subsection.

The remains or a dead body is considered abandoned if no one takes custody and control of the remains or dead body for a period of 15 days. A funeral director or practitioner of funeral service who has physical possession of abandoned remains or an abandoned dead body may bury, cremate or subject to natural organic reduction the remains or dead body. The funeral director or practitioner of funeral service may embalm or refrigerate abandoned remains or an abandoned dead body without authorization. A certificate of abandonment that indicates the means of disposition must be filed in the municipality where the death occurred.

Me. Rev. Stat. Ann. tit. 22, § 2843-A-1-D

“Next of kin” means a person having the following relationship to the subject, in the following order of priority:

(1) The spouse;

(1-A) A domestic partner. For purposes of this section, “domestic partner” means a registered domestic partner or one of 2 unmarried adults who had been domiciled together under long-term arrangements that evidenced a commitment to remain responsible indefinitely for each other's welfare, including evidence of an emotional, physical or financial relationship with the subject similar to that of a spouse;

(a) to (e) Deleted. Laws 2021, c. 567, § 20, eff. Aug. 8, 2022.

(2) An adult child;

(3) A parent;

(4) An adult sibling;

(5) An adult grandchild;

(6) An adult child of a sibling;

(7) A maternal grandparent;

(8) A paternal grandparent;

(9) An adult sibling of the subject's parent or that sibling's spouse;

(10) An adult first cousin;

(11) Any other adult relative in descending order of blood relationship; or

(12) If the subject is a veteran and has no known living spouse or adult relative, the Adjutant General or the Adjutant General's designee. For purposes of this paragraph, “veteran” has the same meaning as in section 2900, subsection 1, paragraph B.