

HOUSE No. 3746

By Mr. Cantwell of Marshfield, a petition (subject to Joint Rule 12) of James M. Cantwell relative to cremation. Public Health.

The Commonwealth of Massachusetts

In the Year Two Thousand Eleven

An Act to permit the scattering of unclaimed human body cremated remains at sea..

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 Section 43M of chapter 114 of the General Laws, as appearing in the 2008 Official
2 Edition, is hereby amended by striking the section in its entirety and replacing it with the
3 following new section:-

4 Except as otherwise provided by law, or in case of a dead body being right fully carried
5 through or removed from the commonwealth for the purpose of burial or disposition elsewhere,
6 every dead body of a human being dying within the commonwealth, and the remains of any body
7 after dissection therein, shall be decently buried, entombed in a mausoleum, vault or tomb or
8 cremated within a reasonable time after death. The permanent disposition of such bodies or
9 remains shall be by interment in the earth or deposit in a chamber, vault or tomb of a cemetery
10 owned, maintained and operated in accordance with the laws of this commonwealth, by deposit
11 in a crypt of a mausoleum, or by cremation. The remains of a human body after cremation may
12 be deposited in a niche of a columbarium or a crypt of a mausoleum, buried or disposed of in any
13 manner not contrary to law. Notwithstanding any general or special law to the contrary, a funeral

14 establishment in possession of the cremated remains of a human body which is not claimed by a
15 next-of-kin or duly authorized representative within 12 months after the date of cremation may
16 have the remains interred or placed in a common grave, niche, or crypt in a cemetery, or
17 scattered in an area of the cemetery designated for that purpose, or at sea; provided, however,
18 that if the deceased is a veteran of the United States Forces the deceased shall be interred at a
19 veterans' cemetery. Each cemetery and funeral establishment shall maintain permanent records of
20 such disposition. There shall be no liability for a funeral establishment shall maintain permanent
21 records of such disposition. There shall be no liability for a funeral establishment, cemetery or
22 crematory, or any employee or agent thereof that disposes of unclaimed cremated remains in
23 accordance with this section. Each municipality or crematory corporation shall maintain records
24 which identify the same, if known, of the dead human body or remains in each burial lot, tomb or
25 vault under its control. No deposit of the bodies or remains of the human dead shall be made in a
26 single chamber, vault or tomb wholly or partly above the natural surface of the ground unless the
27 part thereof below such surface is of a permanent character, constructed of materials capable of
28 withstanding extreme climactic conditions, waterproof and air tight, and capable of being sealed
29 permanently to prevent all escape of effluvia, and unless the part thereof above the natural
30 surface of the ground is constructed of natural stone of a standard not less than that required by
31 the United States government for monuments erected in national cemeteries, of durability
32 sufficient to withstand all conditions of weather.