

Honorable Thomas J. S. Waxter, Director, Department of Public Works (cont'd)

The legislative Act upon which you seek an interpretation, Chapter 669, Laws of Maryland 1949, adds a new sub-title, "Anatomy Board" to Article 43 of the Annotated Code of Maryland, entitled "Health", the provisions of this sub-title being contained in Sections 161A through 161D. There was no previous public general law in effect on this subject but the disposition of unclaimed dead bodies was covered by sections 390 and 391 of the Baltimore City Charter, 1938 Edition, Article 4, Public Local Laws of Maryland. Article 43, section 161B (a) provides that -

"any public officer of the State, of Baltimore City, or of any County or other political sub-division of the State, having charge or control over the bodies of deceased persons required to be buried at public expense or at the expense of any institution supported by the State, by Baltimore City" -

etc. \* \* \* shall notify the Board immediately after death. The Act goes on to provide for the storage of dead bodies and removal to a morgue, and in Section 161B, sub D, provides that at the expiration of forty-eight hours, the dead bodies shall be under the exclusive control of the Board and shall be properly embalmed, but directs that,

"any relative or friend of the deceased person may claim the body for the purpose of interment and shall receive it upon payment to the Board of the costs of transportation and embalming."

Section 161C provides for distribution of bodies and Section 161D provides that any public officer who shall neglect or refuses to comply shall be guilty of a misdemeanor, punishable by a fine of not less than \$50.00 nor more than \$100.00.

The Director of Public Welfare is a public officer (Opinions of Attorney General, Volume 21, page 223) and would thus be subject to the provision of the Act. However, nothing contained in Article 70A, nor any other enactment concerning the Department of Public Welfare, deprives a recipient of public assistance of the ordinary right to burial. The spirit of all welfare legislation seems to be that no citizen shall be deprived by lack of funds of his right to live like other citizens - or his right to die like other citizens.