

MAINE STATE LEGISLATURE

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Seventieth Legislature.

SENATE.

No. 42

STATE OF MAINE.

IN THE YEAR OF OUR LORD ONE THOUSAND NINE
HUNDRED AND ONE.

AN ACT to regulate the practice of embalming and the transportation of the dead bodies of persons who have died of infectious diseases.

Be it enacted by the Senate and House of Representatives in Legislature assembled, as follows:

Section 1. For the preservation of the public health the
2 State Board of Health is empowered to make such rules and
3 regulations as it may deem necessary, relating to the trans-
4 portations of the remains of persons who have died of
5 infectious diseases, said rules and regulations, so far as may
6 be deemed practicable and safe, to be uniform with those
7 which are now in effect, or which may be in effect in the
8 other North American states and provinces.

Sect. 2. The State Board of Health is also authorized to
2 make, alter, or amend rules and regulations governing the

3 preparation and transportation by rail or otherwise of all
4 bodies dead of an infectious, contagious, or other disease.

Sect. 3. Any person wishing to become an undertaker,
2 an embalmer of dead bodies, or in any way engage in the
3 business of caring for and preparing dead human bodies for
4 burial, transportation or cremation, as a regular and per-
5 manent business or profession, shall be, and hereby is
6 obliged to have an intelligent comprehension of the art of
7 embalming, and of such rudiments of anatomy, and of
8 the causes, characteristics of, and the dangers from the con-
9 tagious and infectious diseases, and of the action and uses of
10 disinfectant agencies, as the State Board of Health may
11 prescribe as necessary for the protection of the living, before
12 he is permitted to practice said business or profession within
13 this State, and shall also be and is hereby required to pass an
14 examination before a board of examiners created and
15 empowered by this act.

Sect. 4. After the examination has been completed, the
2 State board of examiners shall judge of the competence of
3 the applicant and, if satisfactory, the certificate of a licensed
4 embalmer shall be issued to him, under which he shall have
5 legal authority to prepare bodies dead of contagious or
6 infectious disease for transportation, and to do any work
7 coming within the province of his vocation.

Sect. 5. The State board of examiners has authority under
2 the law to revoke, for cause, any license it may issue, and
3 the failure to comply with the law and the regulations of
4 the State Board of Health shall be deemed sufficient provo-
5 cation for the revocation of a license.

Sect. 6. Every person who shall, on the passage of this
2 act, be engaged in the business of undertaking and practice
3 of embalming human bodies in this State and shall desire to
4 continue in that business, must, before the first day of Sep-

5 tember, 1901, register his name, age, length of time in the
6 business, and place of residence, with the State board of
7 examiners, and shall receive a certificate certifying that he
8 is a registered undertaker and embalmer.

Sect. 7. Examinations for licenses shall be given by the
2 State board of examiners at least twice annually, at such time
3 and place as they may determine, and they shall be in writ-
4 ing and in English. The examination papers shall contain
5 such questions relating to the subject of embalming as the
6 State board of examiners may deem necessary to determine
7 the qualifications of the applicant for the business, and if
8 found qualified, a certificate, as provided for in section 4 of
9 this act shall be granted him or her.

Sect. 8. The board of examiners shall consist of four mem-
2 bers made up as follows: Two members of the State Board
3 of Health, one of whom shall be secretary of the State Board
4 of Health, and who shall be the clerk of the board, and two
5 practical undertakers and embalmers. The board of exam-
6 iners shall be appointed by the State Board of Health and
7 the three appointive members shall hold office for one, two
8 and three years respectively, and until others are appointed
9 to fill their places. At the expiration of the first term of
10 office of each member, future appointments shall be made for
11 three years. In case of vacancy due to death, resignation,
12 or other cause, the vacancy shall be filled by an appointment
13 for the unexpired term, as is provided for original appoint-
14 ments.

Sect. 9. The State Board of Health may adopt such blanks
2 and forms of procedure as it may deem necessary and best
3 to carry out the provisions of this act, and shall keep on file
4 a list of all registered and licensed embalmers and a record
5 of examinations, together with the examination papers, all
6 of which shall be open to public inspection.

Sect. 10. No person shall inject into any cavity or artery
2 of the body of any person who has died from an unknown
3 cause, any fluid or substance until a legal certificate of the
4 cause of death from the attending physician has been
5 obtained, nor until a legal investigation has determined the
6 cause of death. If a criminal cause of death is alleged or
7 suspected, no fluid or other substance shall be injected into
8 a body until the cause of death is legally established.

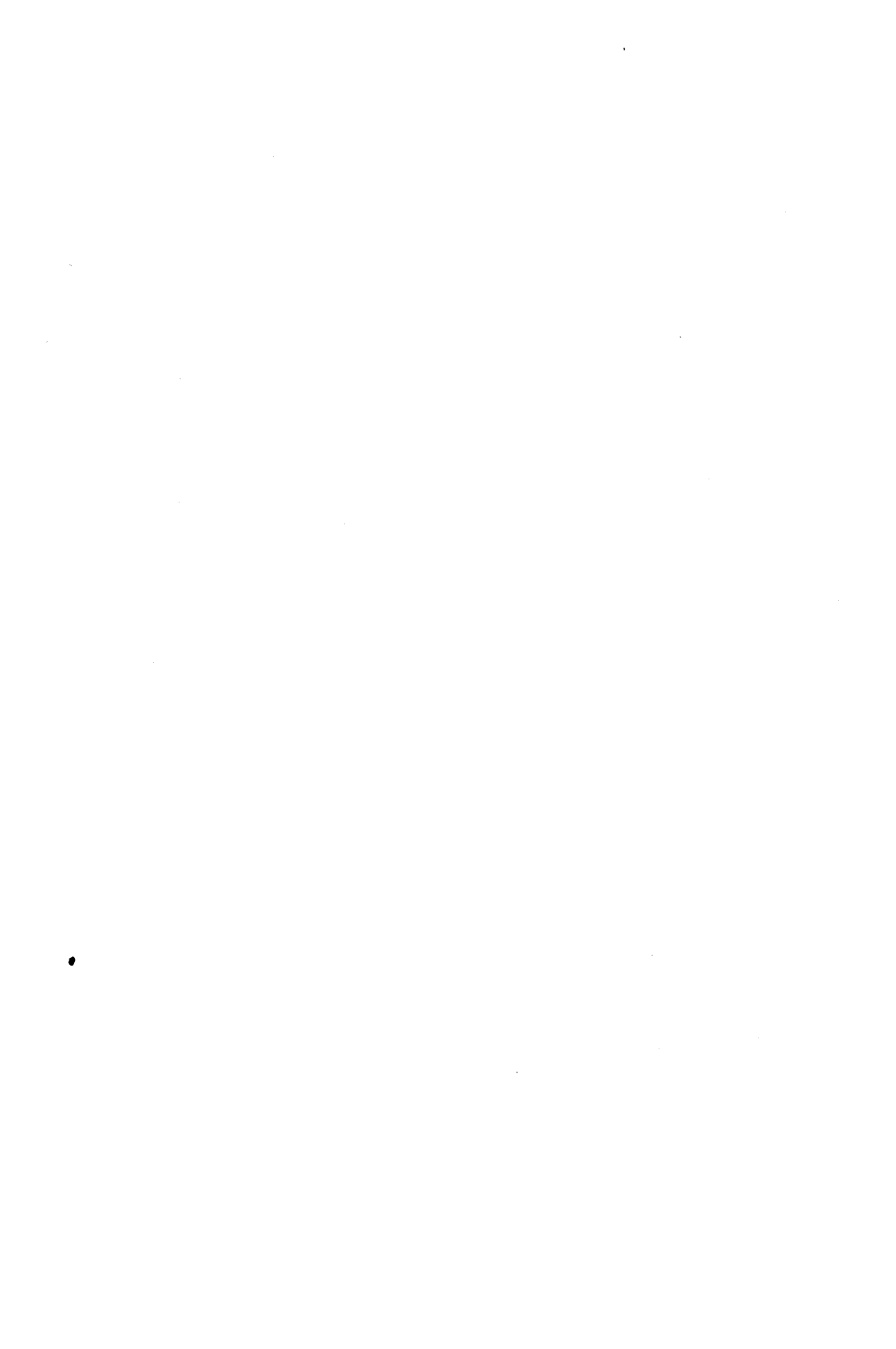
Sect. 11. The board shall keep a record, containing the
2 names and residences of all persons registered hereunder,
3 and a record of all moneys received and disbursed by said
4 board, and said records, or duplicates thereof, shall always
5 be open to inspection in the office of the secretary of the
6 State Board of Health during regular office hours. Said
7 board shall annually report to the State Board of Health, on
8 or before the first day of January in each year; the report to
9 contain a full and complete account of all its official acts
10 during the year together with a statement of the receipts and
11 disbursements of the board and such comments as may be
12 deemed proper.

Sect. 12. The fee of registration under this act shall be
2 one dollar, and for examination five dollars. The money
3 thus received by the board of examiners shall constitute a
4 permanent fund for carrying out the work provided in this
5 act. From the money thus received the expenses for print-
6 ing, for stationery, for postage, and for other expenses neces-
7 sarily incurred under the provisions of this act, shall be paid.
8 The board of examiners shall be entitled to five dollars each
9 per day and the expenses during the session. The clerk of
10 the examining board shall be paid one hundred dollars for
11 the first year of his services, and thereafter he shall receive
12 the same compensation as the other members of the board;
13 any balance shall be turned into the treasury of the board of

14 examiners. The clerk of the examining board shall act as
15 treasurer of the board, and shall deposit or otherwise care
16 for the money which may be in the treasury as he may be
17 instructed by vote of the board of examiners.

Sect. 13. Any person who shall violate any of the provis-
2 ions of this act, or any of the rules and regulations made
3 and promulgated by the State Board of Health under this act,
4 shall be guilty of a misdemeanor, and, upon conviction
5 thereof shall be subject to a fine of not less than five dollars,
6 nor more than one hundred dollars; and when the state
7 board of health knows or has reasons to believe that any
8 penalty or forfeiture has been incurred by reason of neglect
9 to comply with said rules and regulations, it shall, at its dis-
10 cretion, give notice thereof, in writing, to the county attorney
11 of the county in which said penalty or forfeiture has
12 occurred, and upon receipt of such notice, the county attor-
13 ney shall prosecute the defaulting person or persons.

Sect. 14. All acts and parts of acts inconsistent with this
2 act are hereby repealed.



STATE OF MAINE.

IN SENATE, February 6, 1901.

On motion by Mr. BUCK of Hancock, laid on table to be printed,
pending reference to Committee on the Judiciary in concurrence.

KENDALL M. DUNBAR, *Secretary*.