

# MAINE STATE LEGISLATURE

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**BUSINESS AND ECONOMIC DEVELOPMENT**

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**STATE OF MAINE  
HOUSE OF REPRESENTATIVES  
120TH LEGISLATURE  
FIRST REGULAR SESSION**

COMMITTEE AMENDMENT "A" to H.P. 378, L.D. 480, Bill, "An Act Concerning the State Board of Funeral Service"

Amend the bill by striking out everything after the enacting clause and before the summary and inserting in its place the following:

**Sec. 1. 32 MRSA §1400, sub-§3**, as enacted by PL 1967, c. 253, §1 and amended by PL 1997, c. 210, §40, is further amended to read:

**3. Funeral establishment.** "Funeral establishment" means every place or ~~premise~~ premises devoted to or used in the care and preparation for the funeral and burial of human remains or maintained for the convenience of the bereaved for viewing or other services in connection with the human remains or as the office or place for carrying on the profession of funeral service.

**Sec. 2. 32 MRSA §1400, sub-§5**, as enacted by PL 1967, c. 253, §1 and amended by PL 1997, c. 210, §40, is further amended to read:

**5. Practice of funeral service.** "Practice of funeral service" ~~shall-mean~~ means the engagement of a person engaged in the care or disposition of the human remains or in the practice of disinfecting and preparing by embalming or otherwise the human remains for the funeral service, transportation, of human remains to the place of burial or cremation, or the practice of helping to meet the emotions and disposition of the bereaved, or ~~in~~ the

**COMMITTEE AMENDMENT**

2 practice of funeral directing or embalming as presently known,  
3 whether under these titles or designations or otherwise. ~~It shall~~  
4 ~~mean a person who makes~~ "Practice of funeral service" also means  
5 ~~making~~ arrangements for funeral services or ~~who sells~~ selling  
6 funeral supplies to the public or ~~who makes~~ making financial  
7 arrangements for the rendering of such services or the sale of  
8 such supplies. "Practice of funeral service" does not mean the  
9 ownership or operation of a cemetery, crematorium, mausoleum or  
10 columbarium or any other facility used for burial of human  
11 remains. "Practice of funeral service" does not include the  
12 transportation of human remains by an authorized person.

13 A license for the practice of funeral service as used in this  
14 chapter ~~shall be~~ is the license given to a person who is engaged  
15 in the practice of funeral service as above defined.

16 **Sec. 3. 32 MRSA §1451, 2nd ¶**, as amended by PL 1989, c. 450,  
17 §16, is further amended to read:

18 The board may adopt rules consistent with law governing the  
19 ~~care, preparation, transportation, cremation, burial or~~  
20 ~~disposition of dead human bodies, and governing the practice of~~  
21 funeral service, including but not limited to licensing or  
22 registration, or both, of practitioner trainees, practitioners of  
23 funeral service, funeral directors, embalmers, funeral  
24 attendants, funeral home establishments and branches. These  
25 rules shall do not become effective unless adopted in conformity  
26 with ~~the Maine Administrative Procedure Act~~, Title 5, chapter  
27 375, subchapter II.'

## 32 SUMMARY

33 This amendment clarifies the jurisdiction of the State Board  
34 of Funeral Service to include only funeral services, excluding  
35 services provided by cemeteries and crematoriums.  
36