

# MAINE STATE LEGISLATURE

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# 120th MAINE LEGISLATURE

## FIRST REGULAR SESSION-2001

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Legislative Document

No. 480

H.P. 378

House of Representatives, February 1, 2001

### **An Act Concerning the State Board of Funeral Service.**

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Reference to the Committee on Business and Economic Development suggested and ordered printed.

*Millicent M. MacFarland*

MILLICENT M. MacFARLAND, Clerk

Presented by Representative PERRY of Bangor.  
Cosponsored by Representatives: MAYO of Bath, MURPHY of Kennebunk, RICHARDSON of Brunswick, Senator: SHOREY of Washington.

Be it enacted by the People of the State of Maine as follows:

2           **Sec. 1. 32 MRSA §1400, sub-§2**, as enacted by PL 1967, c. 253,  
4           §1 and amended by PL 1997, c. 210, §40, is further amended to  
6           read:

8           **2. Burial.** "Burial" includes interment in any form or  
cremation ~~and the transportation of the human remains necessary~~  
10           ~~therefor.~~

12           **Sec. 2. 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  
14           read:

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

24           **Sec. 3. 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  
26           read:

28           **5. Practice of funeral service.** "Practice of funeral  
service" ~~shall mean~~ means the engagement of a person engaged in  
30           ~~the care or disposition of the human remains or in the practice~~  
of disinfecting and preparing by embalming or otherwise the human  
32           remains for the funeral service, or transportation, of human  
remains to the place of burial or cremation, or the practice of  
34           helping to meet the emotions and disposition of the bereaved, or  
in the practice of funeral directing or embalming as presently  
36           known, whether under these titles or designations or otherwise.  
It ~~shall mean a person who makes~~ also means making arrangements  
38           for funeral services or ~~who sells~~ selling funeral supplies to the  
public or ~~who makes~~ making financial arrangements for the  
40           rendering of such services or the sale of such supplies.

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

46           **Sec. 4. 32 MRSA §1451, 2nd ¶**, as amended by PL 1989, c. 450,  
§16, is further amended to read:

48           The board may adopt rules consistent with law governing the  
50           ~~care, preparation, transportation, cremation, burial or~~  
~~disposition of dead human bodies, and governing~~ the practice of

2 funeral service, including licensing or registration, or both, of  
3 practitioner trainees, practitioners of funeral service, funeral  
4 directors, embalmers, funeral attendants, funeral home  
5 establishments and branches. These rules shall do not become  
6 effective unless adopted in conformity with ~~the~~ Maine  
7 Administrative-Procedure-Act, Title 5, chapter 375, subchapter II.

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### SUMMARY

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11 This bill clarifies the jurisdiction of the State Board of  
12 Funeral Service to include only funeral services, excluding  
services provided by cemeteries and crematoriums.