

MAINE STATE LEGISLATURE

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120th MAINE LEGISLATURE

SECOND REGULAR SESSION-2002

Legislative Document

No. 1935

H.P. 1438

House of Representatives, December 20, 2001

An Act Concerning the State Board of Funeral Service.

Submitted by the Department of Professional and Financial Regulation pursuant to Joint Rule 204.

Received by the Clerk of the House on December 17, 2001. Referred to the Committee on Business and Economic Development pursuant to Joint Rule 308.2 and ordered printed pursuant to Joint Rule 401.

Millicent M. MacFarland

MILLICENT M. MacFARLAND, Clerk

Presented by Representative MAYO of Bath.

Cosponsored by Senator BROMLEY of Cumberland and

Representatives: BRYANT of Dixfield, CARR of Lincoln, CLOUGH of Scarborough, HATCH of Skowhegan, MICHAUD of Fort Kent, PATRICK of Rumford, RICHARDSON of Brunswick, TRAHAN of Waldoboro.

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

4 **Sec. 1. 32 MRSA §1451, 4th ¶**, as amended by PL 1995, c. 397,
§32, is further amended to read:

6 The board shall keep a record of all proceedings, issue all
7 notices, certificates of registration and licenses and may cause
8 inspections to be made ~~at--least--once--every--3--years~~ of all
9 establishments or places of business of any person engaged in the
10 profession of funeral service in the State in order to
11 investigate complaints or suspected violation of this chapter and
12 the rules adopted by the board or as may otherwise be needed. The
13 inspection ~~must~~ may be for the purpose of determining that these
14 establishments and places are maintained in a clean and sanitary
15 manner and that suitable equipment for their proper conduct is
16 maintained and that the laws and the ~~regulations~~ rules of the
17 board ~~and--of--the--Department--of--Human--Services~~ relating to the
18 conduct of these establishments are observed. The inspection may
19 include a review of the financial records to determine compliance
20 with the laws and rules of the board governing prearranged
21 funeral services or plans. The inspection may be made by members
22 of the board upon authorization by the board or by professional
23 technical staff.

24 **SUMMARY**

26 This bill amends the law governing funeral establishments
27 and practitioners of funeral services to eliminate the
28 requirement that a sanitation inspection be conducted every 3
29 years and to instead permit the State Board of Funeral Service to
30 conduct inspections in response to complaints or alleged
31 violations of the board's laws or rules, or as otherwise may be
32 needed in the discretion of the board. The bill also provides
33 the board with the authority to review financial records to
34 determine compliance with the laws and rules applicable to
35 prearranged funeral services or plans, also known as mortuary
36 trust accounts.