

MAINE STATE LEGISLATURE

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122nd MAINE LEGISLATURE

FIRST SPECIAL SESSION-2005

Legislative Document

No. 1549

H.P. 1090

House of Representatives, April 5, 2005

An Act To Require Funeral Establishments To Counsel Next of Kin on Embalming

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

Millicent M. MacFarland
MILLICENT M. MacFARLAND
Clerk

Presented by Representative BRYANT of Windham.
Cosponsored by Senator DIAMOND of Cumberland and
Representatives: CEBRA of Naples, JACKSON of Fort Kent, LUNDEEN of Mars Hill,
RICHARDSON of Carmel, SMITH of Monmouth, WEBSTER of Freeport, WHEELER of
Kittery, Senator: BRYANT of Oxford.

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

4 **Sec. 1. 32 MRSA §1404-B is enacted to read:**

6 **§1404-B. Counseling on embalming required**

8 A funeral establishment or person licensed under this
10 chapter shall provide, orally and in writing, timely counseling
12 on embalming to the next of kin or legal representative of a
14 person who has died in order to enable the next of kin or legal
16 representative to make an informed decision regarding embalming.
18 The counseling required by this section must include, but is not
20 limited to, the fact that embalming is not performed
22 automatically, the implications and consequences of a decision to
24 embalm or not to embalm, including the fact that embalming may be
26 necessary in order to have a funeral with viewing, and the
28 importance of making a timely decision regarding embalming.

30 **SUMMARY**

32 This bill provides that a funeral establishment or person licensed for the practice of funeral service shall provide, orally and in writing, timely counseling on embalming to the next of kin or legal representative of a person who has died in order to enable the next of kin or legal representative to make an informed decision regarding embalming. The counseling required by this bill must include, but is not limited to, the fact that embalming is not performed automatically, the implications and consequences of a decision to embalm or not to embalm, including the fact that embalming may be necessary in order to have a funeral with viewing, and the importance of making a timely decision of whether to embalm.