

MAINE STATE LEGISLATURE

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NEW DRAFT.

Seventy-first Legislature.

HOUSE.

No. 241

STATE OF MAINE.

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

AN ACT to regulate the practice of embalming and the transportation of the 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 portation of the remains of persons who have died of infec-
5 tious diseases, said rules and regulations so far as may be
6 deemed practicable and safe, to be uniform with those which
7 are now in effect, or which may be in effect in the other
8 North American states and provinces.

Section 2. The State Board of Health is also authorized
2 to 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. Every person who shall on the approval 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, 1903, 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, under which he shall
9 have all the privileges of a licensed embalmer.

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

Sect. 5. After the examination has been completed the
2 State Board of Examiners shall judge of the qualification 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 infectious or con-
6 tagious disease for transportation, and to do any work coming
7 within the province of his vocation.

Sect. 6. 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 the
4 State Board of Health shall be deemed sufficient provocation
5 for the revocation of a license.

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

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

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 it shall keep on
4 file a list of all registered and licensed embalmers and a
5 record of examinations, together with the examination papers,
6 all 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 accidental
3 or sudden death or under suspicious circumstances, any fluid
4 or substance until a legal certificate of the cause of death
5 from the attending physician has been obtained, nor until a
6 legal investigation has determined the cause of death. If a
7 criminal cause of death is alleged or suspected, no fluid or
8 other substance shall be injected into a body until the cause
9 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 be
5 open to inspection in the office of the secretary of the State
6 Board of Health during regular office hours. Said board
7 shall annually report to the State Board of Health, on or
8 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
11 and disbursements of the board and such comments as may
12 be deemed proper.

Sect. 12. The fee for 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, for other expenses neces-
7 sarily incurred under the provisions of this act, and for full
8 compensation of the members of the Board of Examiners,
9 shall be paid. The Board of Examiners shall be entitled to
10 five dollars each per day and expenses during session. The
11 clerk of the examining board shall be paid one hundred dol-
12 lars for the first year of his service, and thereafter he shall
13 receive the same compensation as the other members of the

14 board; any balance shall be turned into the treasury of the
15 Board of Examiners. The clerk of the examining board
16 shall act as treasurer of the board, and shall deposit or other-
17 wise care for any money which may be in the treasury as he
18 may be instructed by vote of the Board of Examiners.

Sect. 13. Any person who shall violate any of the provis-
2 ions of this act, shall be guilty of a misdemeanor, and upon
3 conviction thereof shall be subject to a fine of not less than
4 five dollars nor more than one hundred dollars.

Sect. 14. All acts and parts of acts inconsistent with this
2 act are hereby repealed, and this act shall take effect when
3 approved.

STATE OF MAINE.

IN HOUSE OF REPRESENTATIVES,

AUGUSTA, March 4, 1903.

Reported by Mr. WEEKS of Fairfield, from Committee on the
Judiciary, and ordered printed under joint rules.

W. S. COTTON, Clerk.