

MAINE STATE LEGISLATURE

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SEVENTY-FIFTH LEGISLATURE

HOUSE

NO. 405

House of Representatives, Mar. 3, 1911.

Introduced by Mr. Clearwater of Hallowell, who moved its reference to the Committee on Legal Affairs. By Mr. Morse of Belfast tabled for printing pending reference to a committee.

C. C. HARVEY, Clerk.

STATE OF MAINE

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

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 People of the State of Maine, as follows:

Section 1. Any person wishing to become an undertaker,
2 an embalmer of dead human bodies, or to engage in the
3 business of caring for and preparing dead human bodies
4 for burial, transportation or cremation, as a regular and
5 permanent business or profession shall be at least twenty-
6 one years of age with not less than a grammar school edu-
7 cation, and shall have practised embalming dead human
8 bodies for at least twelve months, or shall have had at least
9 twelve months practical instruction in embalming and dis-

10 infecting under a licensed embalmer, and shall have an in-
11 telligent comprehension of such rudiments of anatomy, and
12 of the characteristics of, and the dangers from contagious
13 and infectious diseases, and of the actions and uses of dis-
14 infectant agencies, as the state board of health may pre-
15 scribe as necessary for the protection of the living, before
16 he or she is permitted to practice said business or profes-
17 sion within the state, and shall be required to pass an ex-
18 amination before a board of examiners, created and em-
19 powered by the eight following sections.

Sect. 2. After the examination has been completed the
2 state board of examiners shall judge of the qualification
3 of the applicant, and, if satisfactory, the certificate of a li-
4 censed embalmer shall be issued to him or her, under which
5 he or she shall have legal authority to prepare bodies dead
6 of infectious or contagious disease for transportation, and
7 to do any work coming within the province of his or her
8 said vocation. No license shall be issued or renewed for a
9 period exceeding one year .

Sect. 3. The state board of examiners may revoke, for
2 cause, any license issued by it, and failure to comply with
3 the law and the regulations of the state board of health
4 shall be deemed sufficient provocation for the revocation of
5 a license.

Sect. 4. Examinations for licenses shall be given by
2 the 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
5 of embalming and disinfecting as the board may deem neces-
6 sary to determine the qualifications of the applicant for the
7 business, and if found qualified, a certificate, as provided
8 for in Section twelve, shall be granted him or her.

Sect. 5. 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 secretary of the
5 board of examiners, and two practical undertakers and em-
6 balmers. Three members of said board shall be appointed
7 by the governor by and with the advice and consent of the
8 executive council, and the three members so appointed shall
9 hold office for three years. In case of a vacancy due to death,
10 resignation or other cause, the vacancy shall be filled by an
11 appointment for the unexpired term, as is provided for orig-
12 inal appointments.

Sect. 6. The state board of health may adopt such
2 blanks and forms of procedure as it may deem necessary
3 and best to carry out the provisions of Sections eleven to
4 fourteen inclusive, and it shall keep on file a list of all reg-
5 istered and licensed embalmers and a record of examina-
6 tions, together with the examination papers, all of which
7 shall be open to public inspection.

Sect. 7. The board of examiners shall keep a record,
2 containing the names and residences of all persons licensed
3 hereunder, and a record of all moneys received and dis-

4 bursed by said board, and said records, or duplicates there-
5 of, shall always be open to inspection in the office of the
6 secretary of the state board of health during regular of-
7 fice hours. Said board of examiners shall report to the state
8 board of health, on or before the first day of May in each
9 year; the report to contain a full and complete account of
10 all its official acts during the year, together with a state-
11 ment of the receipts and disbursements of the board and such
12 comments as may be deemed proper.

Sect. 8. The fee for examination under Sections eleven
2 to fourteen inclusive, shall be five dollars (\$5.00); for the
3 issuing or renewal of any license one dollar (\$.00); and
4 for the revival and renewal of any license two dollars
5 (\$2.00). The money thus received by the board of ex-
6 aminers shall constitute a permanent fund for carrying out
7 the work provided in said sections. From the money thus
8 received the expenses for printing, for stationery, for post-
9 age, for other expenses necessarily incurred under the
10 provisions of said sections, and for full compensation of
11 the members of the board of examiners, shall be paid. The
12 board of examiners shall be entitled to five dollars (\$5.00)
13 per day and expenses each during session. The secretary
14 of the examining board shall receive the same compensation
15 as the other members of the board and five dollars (\$5.00)
16 additional per day while actually employed in the per-
17 formance of his said duties; and **balance shall be turned**
18 into the treasury of the board of examiners. The secretary

19 of the examining board shall act as treasurer of the board,
20 and shall deposit or otherwise care for any money which
21 may be in the treasury as he may be instructed by vote of
22 the board of examiners.

Sect. 9. Any person holding an embalmer's license un-
2 der this act may have the same renewed, for not to exceed
3 one year by making and filing with the secretary of said
4 board of examiners on application therefor within thirty
5 days preceding the expiration of his or her license, upon
6 blanks prescribed by said board and upon payment of one
7 dollar (\$1.00) renewal fee; provided, however, that any
8 person neglecting or failing to have his or her license re-
9 newed as above, may have the same renewed by making
10 application therefor within thirty days after date of expir-
11 ation, and upon payment of two dollars (\$2.00) revival and
12 renewal fees.

Sect. 10. In the month of January of each and every
2 year, the secretary of said board of examiners shall supply
3 each licensed embalmer, and the secretary of the state
4 board of health shall notify the various transportation com-
5 panies within this state, with a list of all embalmers hold-
6 ing licenses, then in force, giving the names of such per-
7 sons, their business, address and the number of their license.

Sect. 11. The secretary of said board of examiners
2 shall, at least ten days prior to the expiration of any license
3 mail a notice to such holder of license about to expire un-
4 der this act advising him or her to that effect, and enclose

5 him or her therewith a blank application for renewal there-
6 of; the price of which is one dollar (\$1.00). The secretary
7 of said board shall also mail a notice to each holder of a
8 license under this act that has not been renewed in accord
9 with the foregoing provisions, advising him or her of the
10 expiration of his or her license, and the penalty of embalm-
11 ing dead human bodies without holding a license and the
12 condition and terms upon which his or her license may be
13 revived and renewed. All notices required to be mailed by
14 provisions of this act shall be directed to the last known
15 postoffice of the party to whom the notice is sent.

Sect. 12. 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
4 fluid or substance until a legal certificate of the cause of
5 death from the attending physician or coroner has been ob-
6 tained, nor until a legal investigation has determined the
7 cause of death. If a criminal cause of death is alleged or
8 suspected, no fluid or other substance shall be injected into
9 a body until the cause of death is legally established.

Sect. 13. Any person who shall be guilty of the viola-
2 tion of any of the provisions contained in the preceding sec-
3 tions, or who shall violate any rule or regulation prescribed
4 by said board of health for the preparation, embalming,
5 shipping or burial of any dead human body shall be guilty
6 of a misdemeanor, and upon conviction thereof shall be pun-
7 ished by a fine of not less than \$10.00 nor more than \$50.00,

8 or imprisonment in the county jail not less than less days
9 nor more than sixty days, and it shall be the duty of the
10 county attorney of the county in which violation occurs to
11 prosecute all such persons.

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.