

MAINE STATE LEGISLATURE

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EIGHTIETH LEGISLATURE

HOUSE

NO. 119

House of Representatives, February 15, 1921.

Referred to Committee on Judiciary and 500 copies ordered printed. Sent up for concurrence.

CLYDE R. CHAPMAN, Clerk.

Presented by Mr. Viles of Augusta.

STATE OF MAINE

IN THE YEAR OF OUR LORD ONE THOUSAND
NINE HUNDRED AND TWENTY-ONE

AN ACT to Amend Chapter Nineteen of the Revised Statutes
of Nineteen Hundred and Sixteen, Relating to Registration
of Undertakers.

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

Sections twenty-five, twenty-six, twenty-seven, twenty-
2 eight, twenty-nine, thirty, thirty-one, thirty-two, thirty-three,
3 thirty-four and thirty-five, of chapter nineteen of the re-
4 vised statutes of nineteen hundred and sixteen are hereby
5 amended by striking out all of said sections, and inserting
6 in place thereof the following:

'Sect. 25. Business of Undertaker and Practice of Em-
2 balming Regulated; Age and Qualification; Examination.
3 Any person wishing to become an undertaker or an em-

4 balmer of dead human bodies, or to engage in the business
5 of caring for and preparing dead human bodies for burial,
6 transportation or cremation, as a regular or permanent busi-
7 ness or profession, shall be at least twenty-one years of
8 age, with not less than a high school education, shall have
9 practiced embalming, caring for and preparing for burial
10 dead human bodies for at least two years under the direc-
11 tion and supervision of a licensed or registered undertaker
12 or embalmer, and shall have taken and completed the pre-
13 scribed course of study of some school or college of em-
14 balming, the standing and requirements of which shall be
15 approved by the board of embalming examiners. Such per-
16 son shall also present to said board a certificate or diploma
17 certifying that he or she has taken and successfully passed
18 the required examination of said school or college of em-
19 balming, and shall have an intelligent comprehension of such
20 rudiments of anatomy, and of the characteristics of, and
21 the dangers from contagious and infectious diseases, and
22 of the actions and uses of disinfectant agencies, as the state
23 board of health may prescribe as necessary for the pro-
24 tection of the living, and shall pass an examination before
25 a board of examiners appointed under the following section,
26 before he or she is permitted to practice said business or
27 profession within the state. Undertakers' assistants, part-
28 ners or members of firms who have not received a license
29 as provided in the following sections shall not be permitted
30 to perform any of the above named acts of embalming,

31 caring for and preparing for burial dead human bodies, or
32 for transportation or cremation of the same, except under
33 the personal supervision of a licensed or registered under-
34 taker and embalmer.

Sect. 26. Board of Examiners; Tenure; Vacancies. The
2 board of examiners shall consist of four members; one of
3 whom shall be the state commissioner of health and the
4 other members shall be licensed undertakers and embalmers,
5 who shall be appointed by the governor, with the advice
6 and consent of the council, at the expiration of the terms
7 of the members now serving and they shall hold office for
8 the term of three years. In case of a vacancy due to death,
9 resignation, or other cause, the vacancy shall be filled by
10 an appointment for the unexpired term, as is provided for
11 original appointments. One of said licensed undertakers
12 and embalmers shall be chosen by said board as secretary
13 of the board.

Sect. 27. Examination for License; Board may Revoke
2 License. Examinations for licenses shall be given by the
3 board at least twice a year, at such times and places as it
4 may determine. The examination papers shall contain such
5 questions relating to the subject of embalming and disin-
6 fecting as the board may deem necessary to determine the
7 qualifications of the applicant, and if found qualified, a cer-
8 tificate of a licensed embalmer shall be issued to the appli-
9 cant, under which he shall have legal authority to perform
10 all acts relating to preparing, embalming, shipping or bury-

11 ing dead human bodies and to do any work coming within
12 the province of said vocation. The board may issue a cer-
13 tificate of license without examination, upon the payment
14 of a fee of five dollars, to any person becoming a perma-
15 nent resident of the state of Maine, who has been registered
16 or licensed as an undertaker or embalmer in another state
17 under laws, which in the opinion of the board, maintain a
18 standard substantially similar to that maintained in this
19 state. The board may revoke for cause, any license issued
20 by it, and failure to comply with the law and the regulations
21 of the state board of health shall be deemed sufficient cause
22 for the revocation of a license.

Sect. 28. Blanks and Forms of Procedure. The state
2 board of health may adopt such blanks and forms of pro-
3 cedure as it may deem necessary to carry out the provisions
4 of sections twenty-five to thirty-four, both inclusive, and
5 shall keep on file a list of all registered and licensed em-
6 balmers and undertakers and a record of examinations, to-
7 gether with the examination papers, all of which shall be
8 open to public inspection.

Sect. 29. Record Kept by Board of Examiners; Report
2 to State Board of Health. The board of examiners shall
3 keep a record, containing the names and residences of all
4 persons licensed hereunder, and a record of all moneys
5 received and disbursed by said board, and said records, or
6 duplicates thereof, shall always be open to inspection in the
7 office of the state commissioner of health during regular

8 office hours. The board of examiners shall report to the
9 state board of health, on or before the first day of May in
10 each year, a full and complete account of all of its official
11 acts during the year, together with a statement of its re-
12 ceipts and disbursements and such comment as may be
13 deemed proper.

Sect. 30. Fees. The fee for examination under section
2 twenty-seven shall be five dollars; for the issuing or renewal
3 of any license under section thirty-one one dollar and for
4 the revival and renewal of any license two dollars. The
5 money thus received shall constitute a permanent fund for
6 carrying on the work of the board; and the expenses for
7 printing, stationery and postage, and all other expenses nec-
8 essarily incurred under sections twenty-five to thirty-four,
9 both inclusive, and the compensation of the members of the
10 board of examiners, shall be paid therefrom.

Sect. 31. Expiration and Renewal of License. All licenses
2 which have been, or may be issued to undertakers by the
3 board of examiners, shall expire on the thirty-first day of
4 December annually, provided, that the licenses hereafter
5 issued shall be valid and shall not expire until the last day
6 of the following year. Any person holding an embalmer's
7 license issued under the provisions of section twenty-seven
8 may have the same renewed by making and filing with the
9 secretary of said board of examiners an application therefor
10 within thirty days preceding the expiration of his or her
11 license, upon blanks prescribed by said board and upon the

12 payment of one dollar renewal fee; provided, however, that
13 any person neglecting or failing to have his or her license
14 renewed as above, may have the same renewed by making
15 application therefor within thirty days after date of expira-
16 tion, and upon the payment of two dollars revival and re-
17 newal fees.

Sect. 32. List of Licensed Embalmers, Supplied to Trans-
2 portation Companies. In the month of January of each
3 year, the secretary of the board of examiners shall supply
4 each licensed embalmer, and the state commissioner of health
5 shall supply the various transportation companies within
6 the state, with a list of all embalmers holding licenses, then
7 in force, giving the names of such persons, their business
8 addresses and the numbers of their licenses.

Sect. 33. Holder of License Shall be Notified of the Ex-
2 piration of Same; Holder of License, not Renewed, Shall
3 be Notified. The secretary of the board of examiners shall,
4 at least forty days prior to the expiration of any license,
5 mail to the holder of any license about to expire a notice,
6 advising him or her to that effect, and enclosing a blank
7 application for renewal thereof. The secretary of said
8 board shall also mail a notice to each holder of a license
9 that has not been renewed in accordance with the foregoing
10 provisions, advising him or her of the expiration of his or
11 her license, and of the penalty of embalming, caring for
12 or preparing for burial, transportation or cremation dead
13 human bodies without holding a license, and the conditions

14 and terms upon which his or her license may be revived
15 and renewed. All notices required to be mailed by pro-
16 visions of this section shall be directed to the last known
17 postoffice address of the person to whom the notice is ad-
18 dressed.

Sect. 34. Injection of Fluid in Case of Accidental or
2 Sudden Death, Regulated. No person shall inject into any
3 cavity or artery of the body of any person who has died
4 from an accidental or sudden death or under suspicious
5 circumstances, any fluid or substance until a legal certificate
6 of the cause of death from the attending physician or a
7 medical examiner has been obtained, nor until a legal in-
8 vestigation has determined the cause of death. If a crim-
9 inal cause of death is alleged or suspected, no fluid or other
10 substance shall be injected into a body until the cause of
11 death is legally established.

Sect. 35. Penalty for Violation. Whoever violates any
2 provision of the ten preceding sections, or any rule or reg-
3 ulation prescribed by the state board of health for the prepa-
4 ration, embalming, shipping or burial of any dead human
5 body shall be punished by a fine of not less than ten dollars,
6 nor more than fifty dollars, or by imprisonment in the county
7 jail for not less than ten days, nor more than sixty days,
8 and the county attorney of the county in which violation
9 occurs shall prosecute all such persons. Municipal and
10 police courts and trial justices shall have original jurisdic-

11 tion, concurrent with the supreme judicial court and superior
12 courts, of any and all prosecutions for violations hereof.'