

# MAINE STATE LEGISLATURE

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EIGHTY-FIRST LEGISLATURE

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SENATE

NO. 76

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In Senate, Feb. 9, 1923.

Tabled by Mr. Hinckley of Cumberland pending reference to the Committee on Legal Affairs and five hundred copies ordered printed.

L. ERNEST THORNTON, Secretary.

Presented by Mr. Martin of Augusta.

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STATE OF MAINE

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

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

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

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

Section 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  
*7* business or profession, shall be at least twenty-one years of  
*8* age, shall have practiced embalming, caring for and pre-  
*9* paring for burial dead human bodies for at least two years,  
*10* under the direction and supervision of a licensed or regis-  
*11* tered undertaker or embalmer, and shall have taken and  
*12* completed the prescribed course of study of some school or  
*13* college of embalming, the standing and requirements of  
*14* which shall be approved by the board of embalming exam-  
*15* iners. Such person shall also present to said board a certifi-  
*16* cate or diploma certifying that he or she has taken and  
*17* successfully passed the required examination of said school  
*18* or college of embalming, shall have an intelligent compre-  
*19* hension of such rudiments of anatomy, such knowledge of  
*20* proper sanitation and disinfection of dead human bodies,  
*21* including the care and disinfection of clothing, bedding and  
*22* apartments, such knowledge of the characteristics of and  
*23* the dangers attending contagious diseases, and of the actions  
*24* and uses of disinfectant agencies, as the state board of  
*25* health or board of embalming examiners may prescribe as  
*26* necessary for the protection of the living, and shall pass an  
*27* examination before a board of examiners appointed under

28 the following section, before he or she is permitted to  
29 practice said business or profession within the state.

Sect. 26. *Board of Embalming Examiners: Tenure:*  
2 *Vacancies.* The board of embalming examiners shall con-  
3 sist of four members; one of whom shall be the state com-  
4 missioner of health and the other members shall be licensed  
5 undertakers and embalmers, who shall be appointed by the  
6 governor, with the advise and consent of the council, at the  
7 expiration of the terms of the members now serving, and  
8 they shall hold office for the term of three years. In case  
9 of a vacancy due to death, resignation, or other cause, the  
10 vacancy shall be filled by an appointment for the unexpired  
11 term, as is provided for original appointments. The govern-  
12 or shall furnish each person so appointed a certificate of  
13 appointment, and such appointee shall qualify by taking the  
14 usual oath of office before a proper officer authorized by  
15 law to administer oath in this state within ten days after  
16 said appointment has been made, and this fact shall be noted  
17 on the certificate of appointment and shall be filed with said  
18 board. Said board shall elect a president, secretary and  
19 treasurer, and shall have a common seal. It shall be the  
20 duty of said board to prescribe a standard of efficiency as  
21 to the qualifications of persons who may engage in the  
22 practice of embalming and caring for dead human bodies  
23 in this state, and it shall adopt rules and regulations from  
24 time to time not inconsistent with law, or rules and regula-  
25 tions of the state board of health, whereby the performance

26 of all duties of said board and the practice of embalming  
27 or caring for bodies as aforesaid shall be regulated.

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, disinfecting,  
6 burial and disposal of dead human bodies and shipment of  
7 bodies under all conditions, and such other subjects as the  
8 board in its judgment may deem necessary and proper to  
9 determine the qualifications of the applicant, and if found  
10 qualified, a certificate of a licensed embalmer shall be is-  
11 sued to the applicant, under which he shall have legal au-  
12 thority to perform all acts relating to preparing, embalm-  
13 ing, shipping or burying dead human bodies and to do any  
14 work coming within the province of said vocation. The  
15 board may issue a certificate of license without examina-  
16 tion, upon the payment of a fee of five dollars, to any per-  
17 son becoming a permanent resident of the State of Maine,  
18 who has been registered or licensed as an undertaker or  
19 embalmer in another state under laws, which, in the opinion  
20 of the board, maintain a standard substantially similar to  
21 that maintained in this state. The board may revoke for  
22 cause, any license issued by it, and failure to comply with  
23 the law, or the regulations of the state board of health shall  
24 be deemed sufficient cause for the revocation of a license,  
25 providing however that before any certificate shall be re-

26 voked the holder thereof shall be entitled to at least thirty  
27 days' notice in writing of the charge or charges made against  
28 him, and of the time and place of hearing concerning such  
29 changes, in order that he may have the opportunity to appear  
30 and be heard.

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 re-  
5 ceived 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  
10 the board of examiners and expenses of any investigations  
11 required hereunder shall be paid therefrom. The members  
12 of said board, with the exception of its secretary, shall re-  
13 ceive five dollars per day for each day required in attend-  
14 ance upon said examinations, or other necessary meetings  
15 and their necessary travelling expenses. Said secretary shall  
16 receive an annual salary of one hundred and fifty dollars  
17 and necessary travelling expenses, while in attendance upon  
18 said examinations and meetings. All of said expenses or  
19 fees, except as appears in this act, shall in no manner be  
20 an expense to the state.

Sect. 31. *Expiration and Renewal of License.* All li-  
2 censes which have been, or may be issued to undertakers  
3 by the board of examiners, shall expire on the thirty-first  
4 day of December annually, provided that the licenses here-  
5 after issued shall be valid and shall not expire until the last  
6 day of the following year. Any person holding an embalm-  
7 er's license issued under the provisions of section twenty-  
8 seven may have the same renewed by making and filing

9 with the secretary of said board of examiners an applica-  
10 tion therefor within thirty days preceding the expiration of  
11 his or her license, upon blanks prescribed by said board and  
12 upon the payment of one dollar renewal fee; provided, how-  
13 ever, that any person neglecting or failing to have his or  
14 her license renewed as above, may have the same renewed  
15 by making application therefor within thirty days after date  
16 of expiration, and upon the payment of two dollars revival  
17 and renewal 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 embalming examiners  
4 shall supply each licensed and registered undertaker and  
5 embalmer, and the various transportation companies within  
6 the state, a correct list of all licensed and registered under-  
7 takers and embalmers, giving the names of such persons,  
8 their business addresses and the number of their licenses or  
9 registration.

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 to that effect, and enclosing a blank applica-  
7 tion for renewal thereof. The secretary of said board shall  
8 also mail a notice to each holder of a license that has not  
9 been renewed in accordance with the foregoing provisions,



10 advising him of the expiration of his license, and of the  
11 penalty of embalming, caring for or preparing for burial,  
12 transportation or cremation, dead human bodies, without  
13 holding a license, and the conditions and terms upon which  
14 his license may be revived and renewed. All notices re-  
15 quired to be mailed by provisions of this section shall be  
16 directed to the last known postoffice address of the person  
17 to whom the notice is addressed.

Sect. 34. *Injection of Fluid in Case of Accidental or Sudden Death, Regulated.* No person shall inject into any cavity or artery of the body of any person who has died from an accidental or sudden death or under suspicious circumstances, any fluid or substance, until a legal certificate of the cause of death from the attending physician or a medical examiner has been obtained, nor until a legal investigation has determined the cause of death. If a criminal cause of death is alleged or suspected, no fluid or other substance shall be injected into a body until the cause of death is legally established. No person shall employ, for the purpose of undertaking or embalming, any arsenical or other poisonous agent, which by its presence in the viscera may prevent the detection of criminal usage of said poisonous agent before the death of the individual occurred.

Sect. 35. *Penalty for Violation.* Whoever violates any provision of the ten preceding sections, or any rule or regulation prescribed by the state board of health or board of embalming examiners for the preparation, embalming, ship-

5 ping or burial of any dead human body, shall be punished  
6 by a fine of not less than ten dollars, nor more than fifty  
7 dollars, or by imprisonment in the county jail for not less  
8 than ten days, nor more than sixty days, and the county at-  
9 torney of the county in which violation occurs, shall prose-  
10 cute all such persons. Municipal and police courts and trial  
11 justices shall have original jurisdiction, concurrent with the  
12 supreme judicial court and superior courts, of prosecutions  
13 for violations hereof.