

MAINE STATE LEGISLATURE

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EIGHTY - THIRD LEGISLATURE

House Document

No. 119

H. P. 468 House of Representatives, Feb. 10, 1927.

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

CLYDE R. CHAPMAN, Clerk.

Presented by Mr. Cain of Clinton.

STATE OF MAINE

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

AN ACT Relating to the 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 embalm-
2 ing regulated; age and qualification; examination.* Any per-
3 son wishing to become an undertaker, or an embalmer of
4 dead human bodies, or to engage in the business of caring
5 for and preparing dead human bodies for burial, trans-

6 portation or cremation, as a regular or permanent business
7 or profession, shall be at least twenty-one years of age,
8 with not less than a high school education, or its equivalent,
9 shall have practiced embalming, caring for and preparing
10 for burial dead human bodies, for at least two years, under
11 the direction and supervision of a licensed or registered
12 undertaker, or embalmer, and shall have taken and com-
13 pleted the prescribed course of study of some school, or
14 college, of embalming, the standing and requirements of
15 which shall be approved by the board of embalming exam-
16 iners. Such person shall also present to said board a cer-
17 tificate, or diploma, certifying that he, or she, has taken
18 and successfully passed the required examination of said
19 school, or college, of embalming, and shall have an intelli-
20 gent comprehension of such rudiments of anatomy, and of
21 the characteristics of, and the dangers from, contagious and
22 infectious diseases, and of the actions and uses of disin-
23 fectant agencies, as the state board of health may prescribe
24 as necessary for the protection of the living, and shall pass
25 an examination before a board of examiners appointed
26 under the following section, before he, or she, is permitted
27 to practice said business or profession within the state. Un-
28 dertakers' assistants, partners, or members of firms, who
29 have not received a license as provided in the following
30 sections shall not engage in the practice of any of the above
31 named acts of embalming, caring for, or preparing for burial
32 dead human bodies or for transportation, or cremation, of

33 the same, except under the personal supervision of a licensed
34 or registered undertaker 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, who shall
4 be secretary of said board, and the other members shall be
5 licensed undertakers and embalmers, who shall be appointed
6 by the governor, with the advice and consent of the council,
7 at the expiration of the terms of the members now serving
8 and they shall hold office for the term of three years. In
9 case of a vacancy due to death, resignation, or other cause,
10 the vacancy shall be filled by an appointment for the un-
11 expired term, as is provided for original appointments.

Sect. 27. *Examination for license; board may revoke li-*
2 *cense.* Examinations for licenses shall be given by the board
3 at least twice a year, at such times and places as it may
4 determine. Applicants shall pass an examination upon their
5 knowledge of embalming; sanitation, preservation of the
6 dead, disinfection of a deceased person, and the apartments,
7 bedding, clothing, or anything likely to be affected in the
8 case of death from infectious, or contagious, diseases in
9 accordance with the rules and regulations of the state board
10 of health. They shall also be conversant with the law and
11 rules governing the transportation of dead human bodies,
12 and such other subjects as the board may, from time to
13 time, see fit to name, and if found qualified, a certificate
14 of a licensed embalmer shall be issued to the applicant, un-

15 der which he shall have legal authority to perform all acts
16 relating to preparing, embalming, shipping or burying dead
17 human bodies and to do any work coming within the
18 province of said vocation. The board may revoke for
19 cause, any license issued by it, and failure to comply with
20 the law and the regulations of the state board of health
21 shall be deemed sufficient cause for the revocation of a
22 license.

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

Sect. 29. *Record kept by board of examiners; report to*
2 *state board of health.* The board of examiners shall keep
3 a record, containing the names and residences of all per-
4 sons licensed hereunder, and a record of all moneys received
5 and disbursed by said board, and said records, or duplicates
6 thereof, shall always be open to inspection in the office of
7 the state commissioner of health during regular office hours.
8 The board of examiners shall report to the state board of
9 health, on or before the first day of May in each year, a
10 full and complete account of all of its official acts during

11 the year, together with a statement of its receipts and dis-
12 bursements and such comment as may be deemed proper.

Sect. 30. *Fees.* The fee for examination under section
2 twenty-seven shall be five dollars; for the issuing or re-
3 newal of any license under section thirty-one one dollar
4 and for the revival and renewal of any license two dollars.
5 The money thus received shall constitute a permanent fund
6 for carrying on the work of the board; and the expenses
7 for printing, stationery and postage, and all other expenses
8 necessarily incurred under sections twenty-five to thirty-
9 six, both inclusive, and the compensation of the members
10 of the 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 is-
5 sued shall be valid and shall not expire until the last day of
6 the following year. Any person holding an embalmer's li-
7 cense 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 there-
10 for within thirty days preceding the expiration of his or
11 her license, upon blanks prescribed by said board and upon
12 the payment of one dollar renewal fee; provided, however,
13 that any person neglecting or failing to have his or her li-
14 cense renewed as above, may have the same renewed by
15 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 transportation 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 various transportation com-
5 panies within the state, with a list of all registered under-
6 takers and all undertakers and embalmers holding licenses,
7 then in force, giving the names of such persons, their busi-
8 ness addresses and the numbers of their licenses.

Sect. 33. *Holder of license shall be notified of the expiration of same; holder of license, not renewed, shall be notified.* The secretary of the board of examiners shall, at least
4 forty days prior to the expiration of any license, mail to
5 the holder of any license about to expire a notice, advising
6 him or her to that effect, and enclosing a blank application
7 for renewal thereof. The secretary of said board shall also
8 mail a notice to each holder of a license that has not been
9 renewed in accordance with the foregoing provisions, advis-
10 ing him or her of the expiration of his or her license, and
11 of the penalty of embalming, caring for or preparing for
12 burial, transportation or cremation of dead human bodies
13 without holding a license, and the conditions and terms upon
14 which his or her license may be revived and renewed. All
15 notices required to be mailed by provisions of this section
16 shall be directed to the last known postoffice address of the
17 person 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.

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, for the preparation, embalming, shipping or burial of any dead human body shall be punished by a fine of not less than ten dollars, nor more than fifty dollars, or by imprisonment in the county jail for not less than ten days, nor more than sixty days, and the county attorney of the county in which violation occurs shall prosecute all such persons. Municipal and police courts and trial justices shall have original jurisdiction, concurrent with the supreme judicial court and superior courts, of any and all prosecutions for violations hereof.

Sect. 36. This act shall take effect on the first day of July, in the year of our Lord one thousand nine hundred and twenty-eight.