

# MAINE STATE LEGISLATURE

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NEW DRAFT

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**EIGHTY-THIRD LEGISLATURE**

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**House Document**

**No. 569**

H. P. 1243      House of Representatives, Mar. 31, 1927.

Reported by Mr. Dudley from Committee on Judiciary and  
laid on table to be printed under joint rules.

CLYDE R. CHAPMAN, Clerk.

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**STATE OF MAINE**

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

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AN ACT 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-  
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 for burial, or to engage in the  
5 business of preparing dead human bodies for transportation

6 or cremation, as a regular or permanent business or pro-  
7 fession, shall be at least twenty-one years of age, with not  
8 less than a high school education, or its equivalent, shall  
9 have practiced embalming, caring for and preparing for  
10 burial dead human bodies, for at least two years, under the  
11 direction and supervision of a licensed or registered under-  
12 taker, or embalmer, and shall have taken and completed the  
13 prescribed course of study of some school, or college, of  
14 embalming, the standing and requirements of which shall  
15 be approved by the board of embalming examiners. Such  
16 person shall also present to said board a certificate, or di-  
17 ploma, certifying that he, or she, has taken and successfully  
18 passed the required examination of said school, or college,  
19 of embalming, and shall have an intelligent comprehension  
20 of such rudiments of anatomy, and of the characteristics of,  
21 and the dangers from, contagious and infectious diseases,  
22 and of the actions and uses of disinfectant agencies, as the  
23 state board of health may prescribe as necessary for the  
24 protection of the living, and shall pass an examination be-  
25 fore a board of examiners appointed under the following  
26 section, before he, or she, is permitted to practice said busi-  
27 ness or profession within the state, providing, however, that  
28 the provisions of this act shall apply only to persons who  
29 advertise or hold themselves out to embalm dead human  
30 bodies for burial, or to prepare the same for transportation  
31 or cremation. Undertakers' assistants, partners, or mem-  
32 bers of firms, who have not received a license as provided in

33 the following sections shall not engage in the practice of  
34 embalming dead human bodies for burial, transportation, or  
35 cremation, except under the personal supervision of a li-  
36 censed or registered undertaker or 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*  
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. Applicants shall pass an examination upon  
5 their knowledge of embalming, sanitation, preservation of  
6 the dead, disinfection of a deceased person, and the apart-  
7 ments, bedding, clothing, or anything likely to be affected  
8 in the case of death from infectious, or contagious diseases  
9 in accordance with the rules and regulations of the state  
10 board of health. They shall also be conversant with the law  
11 and rules governing the transportation of dead human  
12 bodies, and such other subjects as the board may, from time

13 to time, see fit to name, and if found qualified, a certificate  
14 of a licensed embalmer shall be issued to the applicant,  
15 under which he shall have legal authority to perform all  
16 acts relating to preparing, embalming, shipping or burying  
17 dead human bodies and to do any work coming within the  
18 province of said vocation. The board may revoke for cause,  
19 any license issued by it, and failure to comply with the law  
20 and the regulations of the state board of health shall be  
21 deemed sufficient cause 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-six, 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,  
7 together with the examination papers, all of which shall  
8 be 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 cepts 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  
8 necessarily incurred under sections twenty-five to thirty-six,  
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 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  
6 last day of the following year. Any person holding an em-  
7 balmer’s license issued under the provisions of section twen-  
8 ty-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 her  
14 license 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 Trans-*  
2 *portation Companies.* In the month of January of each year,  
3 the secretary of the board of examiners shall supply each  
4 licensed embalmer, and the various transportation companies  
5 within the state, with a list of all registered undertakers and  
6 all undertakers and embalmers holding licenses, then in  
7 force, giving the names of such persons, their business ad-  
8 dresses and the numbers of their licenses.

‘Sect. 33. *Holder of License Shall Be Notified of the*  
2 *Expiration 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 or embalming, caring for or  
12 preparing for burial, transportation or cremation of dead  
13 human bodies without holding a license, and the conditions  
14 and terms upon which his or her license may be revived and  
15 renewed. All notices required to be mailed by provisions of  
16 this section shall be directed to the last known post office  
17 address of the 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.’