

MAINE STATE LEGISLATURE

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E I G H T Y - N I N T H L E G I S L A T U R E

Legislative Document

No. 856

H. P. 1666

House of Representatives, February 14, 1939.

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

HARVEY R. PEASE, Clerk.

Presented by Mr. Stilphen of Dresden.

S T A T E O F M A I N E

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
THIRTY-NINE

**AN ACT Amending the Law Relating to Embalmers and Funeral
Directors.**

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

Sec. 1. P. L., 1933, c. 1, § 21, amended. Section 21 of chapter 1 of the public laws of 1933 is hereby repealed and the following enacted in lieu thereof:

‘Sec. 21. Business of funeral director and practice of embalming regulated; qualifications. Any person wishing to become an embalmer of dead human bodies for burial, shall be at least 21 years of age, with not less than a high school education or its equivalent, shall have practiced embalming, caring for and preparing for burial, dead human bodies, for at least 2 years, under the direction and supervision of a licensed embalmer and shall have taken and completed at least a 9 months’ course of study of some school, or college of embalming, the requirements and standards of which said school or college shall meet or equal the requirements and standards established by the Conference of Embalmer’s Examining Boards of the United States, Incorporated, and shall have had the approval of the board of embalming examiners. Such person shall also present to said board a certificate or diploma, certifying that he has taken and successfully passed the required examination of said school or college of embalming,

and shall have an intelligent comprehension of such rudiments of anatomy, pathology, bacteriology, hygiene, and of the characteristics of, and the dangers from, contagious and infectious diseases, and of the actions and uses of disinfectant agencies as the state board of health may prescribe as necessary for the protection of the living, and shall pass an examination before a board of examiners appointed under the following section before he is permitted to practice said profession within the state, providing, however, that the provisions of this act shall apply only to persons who hold themselves out to embalm dead human bodies for burial, or to prepare the same for transportation or cremation. Embalmer's assistants, partners, or members of firms who have not received a license as provided in the following sections shall not engage in the practice of embalming dead human bodies for burial, transportation, or cremation, except under the personal supervision of a licensed or registered embalmer.

Any person wishing to become a funeral director and to engage in the business or profession of funeral directing, and of preparing other than, by embalming, or disposing of dead human bodies by any means whatever in this state shall be at least 21 years of age, a citizen of the United States and of this state, be of good moral character, with not less than a high school education or its equivalent, shall have practised funeral directing for at least 2 years, under the direction and supervision of a licensed funeral director and shall have an intelligent comprehension of the dangers from contagious and infectious diseases and of the actions and uses of disinfectant agencies as the state board of health may prescribe as necessary for the protection of the living, and shall pass an examination before a board of examiners as appointed under the following section.'

Sec. 2. P. L., 1933, c. 1, § 22, amended. Section 22 of chapter 1 of the public laws of 1933 is hereby amended to read as follows :

'Sec. 22. State board of examiners. The board of examiners shall consist of 5 members, 1 of whom shall be the director of health, who shall be secretary of said board, and the other members shall be licensed ~~undertakers~~ funeral directors and embalmers, who shall be appointed by the governor, with the advice and consent of the council, at the expiration of the terms of the members now serving, and they shall hold office for the term of 3 4 years. In case of a vacancy due to death, resignation, or other cause, the vacancy shall be filled by an appointment for the unexpired term, as is provided for original appointments.'

Sec. 3. P. L., 1933, c. 1, § 23, amended. Section 23 of chapter 1 of the

public laws of 1933 is hereby repealed and the following enacted in lieu thereof:

‘Sec. 23. Examinations for licenses; board may revoke licenses. Examinations for licenses shall be given by the board at least twice a year, at such times and places as it may determine. Applicants for embalmers’ license shall pass an examination upon their knowledge of embalming, sanitation, preservation of the dead, disinfection of a deceased person, and the apartments, bedding, clothing, or anything likely to be affected in the case of death from infectious or contagious diseases, in accordance with the rules and regulations of the state board of health. They shall also be conversant with the law and rules governing the transportation of dead human bodies, and such other subjects as the board may, from time to time, see fit to name, and if found qualified, a certificate of a licensed embalmer shall be issued to the applicant under which he shall have legal authority to perform all acts relating to preparing, embalming, shipping or burying dead human bodies, and to do work coming within the province of said vocation.

Applicants for funeral director’s license shall pass an examination upon their knowledge of sanitation, disinfection of the apartments, bedding, clothing or anything likely to be affected in the case of death from infectious or contagious diseases in accordance with the rules and regulations of the state board of health. They shall also be conversant with the law and rules governing the transportation of dead human bodies, and such other subjects as the board may, from time to time, see fit to name, and if found qualified, a certificate of a licensed funeral director shall be issued to the applicant under which he shall have legal authority to engage in the business or profession of funeral directing and of preparing other than by embalming, or disposing of dead human bodies by any means whatever, and to do any work coming within the province of said vocation.

The board may revoke for cause, any license issued by it, and failure to comply with the law and the regulations of the state board of health shall be deemed sufficient cause for the revocation of a license.’

Sec. 4. P. L., 1933, c. 1, § 24, amended. Section 24 of chapter 1 of the public laws of 1933 is hereby amended to read as follows:

‘Sec. 24. Blanks and forms of procedure; lists of licenses and examinations to be kept. The department may adopt such blanks and forms of procedure as it may deem necessary to carry out the provisions of sections 21 to 31, both inclusive, and shall keep on file a list of all registered and

licensed embalmers and ~~undertakers~~ **funeral directors** and a record of examinations, together with the examination papers, all of which shall be open to public inspection.'

Sec. 5. P. L., 1933, c. 1, § 26, amended. Section 26 of chapter 1 of the public laws of 1933 is hereby amended to read as follows:

'Sec. 26. Fees; expiration and renewal of licenses. The fee for examinations under section 23 shall be \$5, and all licenses and certificates of registration which have been, or may be issued to ~~undertakers~~ **funeral directors** and embalmers by the board of examiners, shall expire on the 31st day of December, annually, provided that the licenses and certificates of registration hereafter issued, shall be valid and shall not expire until the last day of the following year. Any person holding an embalmer's license or certificate of registration, **or funeral director's license**, issued under the provisions of this or any other law, may have the same renewed by making and filing with the secretary of said board of examiners an application therefor within 30 days preceding the expiration of his, or her, license or certificate of registration, upon blanks prescribed by said board, and upon the payment of a renewal fee of ~~\$2~~ **\$3 for an embalmer's or funeral director's license, and \$1 for an apprentice's license**, provided however, that any person neglecting or failing to have his, or her, license or certificate of registration, renewed as above, may have the same renewed by making application therefor within 30 days after the date of such expiration, and upon the payment of \$4, revival and renewal fee.'

Sec. 6. P. L., 1933, c. 1, § 27, amended. Section 27 of chapter 1 of the public laws of 1933 is hereby amended to read as follows:

'Sec. 27. Application of moneys collected. The money thus received shall constitute a permanent fund for carrying on the work of the board and the compensation of its members, and for such expenses as may be necessarily incurred from time to time by said board on account of investigations which said board may be required to make by reason of the provisions of sections 21 to 31, inclusive; and for such educational purposes as said board may deem for the best interests and advantage to the embalmers and ~~undertakers~~ **funeral directors** of the state of Maine; provided always, that none of the expenses designated hereunder shall reduce the fund hereby created under the sum of \$1000.'

Sec. 7. P. L., 1933, c. 1, § 28, amended. Section 28 of chapter 1 of the public laws of 1933 is hereby amended to read as follows:

'Sec. 28. List of licensed funeral directors and embalmers to be supplied to transportation companies. In the month of January of each year,

the secretary of the board of examiners shall supply each licensed embalmer and funeral director, and the various transportation companies within the state, with a list of all registered ~~undertakers~~ funeral directors and all ~~undertakers~~ funeral directors and embalmers holding licenses, then in force, giving the names of such persons, their business addresses, and the numbers of their licenses.'

Sec. 8. P. L., 1933, c. 1, § 31, amended. Section 31 of chapter 1 of the public laws of 1933 is hereby amended by adding thereto the following paragraph:

'(a) No applicant for an embalmer's license shall present to the board of examiners of embalmers any written statement, signed either by himself or any other person, which is misleading or untrue. (b) No licensed funeral director or licensed embalmer shall, directly or indirectly, offer to give any money or other valuable consideration to any person who is not a licensed funeral director, a licensed embalmer or a student embalmer for soliciting, suggesting, advising, requesting or inducing any person to employ him as a funeral director or embalmer. (c) No person shall receive, directly or indirectly, any money or other valuable consideration for soliciting, suggesting, advising, requesting or inducing any person to engage, employ or arrange with any licensed funeral director or licensed embalmer for the funeral of any person or burial of any deceased body. (d) No person, except a licensed funeral director or licensed embalmer, shall advertise on any billhead, sign or card, or orally, or in any other manner, that he is competent, willing or desirous to arrange for or to conduct funerals. (e) No licensed funeral director or licensed embalmer shall advertise in any manner which shall be deceptive, misleading, improbable or unethical. (f) Any person who shall violate any provision of this section shall be fined not more than \$100 for each offense.'

Sec. 9. P. L., 1933, c. 1, additional. Chapter 1 of the public laws of 1933 is hereby amended by adding the following section to be numbered 31-A after section 31, to read as follows:

'Sec. 31-A. Provision for persons engaged in embalming and funeral directing and for assistants. Any person actively engaged as a funeral director within the state, from January 1, 1938, to the effective date of this act, shall be entitled to a funeral director's certificate of registration, upon filing with the board an affidavit setting forth his or her, name and address; no fee being required.

Any person in the possession of an embalmer's certificate or embalmer's license, issued in this state, shall be entitled to a certificate of registration

as a funeral director upon the filing with the board, an affidavit setting forth his or her name, address, and number of his original license; no fee required.'