

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES
OF THE
SEVENTY-FIFTH LEGISLATURE

OF THE
STATE OF MAINE.

1911

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PUBLIC LAWS

OF THE

STATE OF MAINE

As Passed by the Seventy-fifth
Legislature

1911

CHAP. 181

Chapter 181.

An Act to regulate the practice of embalming and the transportation of the bodies of persons who have died of Infectious Diseases.

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

Business of undertaker and practice of embalming regulated.

—age and qualification required before commencing to practice.

—examination before board of examiners.

Upon satisfactory examination, certificate shall be issued.

—term of license.

Board may revoke, for cause, any license.

Examinations for license shall be given twice annually.

Board of examiners, how constituted.

Section 1. Any person wishing to become an undertaker, an embalmer of dead human bodies, or to engage in the business of caring for and preparing dead human bodies for burial, transportation or cremation, as a regular and permanent business or profession shall be at least twenty-one years of age with not less than a grammar school education, and shall have practiced embalming dead human bodies for at least twelve months, or shall have had at least one month's practical instruction in embalming and disinfecting under a licensed embalmer, and shall have an intelligent comprehension of such rudiments of anatomy, 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, before he or she is permitted to practice said business or profession within the state, and shall be required to pass an examination before a board of examiners, created and empowered by the eight following sections.

Section 2. After the examination has been completed the state board of examiners, shall judge of the qualification of the applicant, and, if satisfactory, the certificate of a licensed embalmer shall be issued to him or her, under which he or she shall have legal authority to prepare bodies dead of infectious or contagious disease for transportation, and to do any work coming within the province of his or her said vocation. No license shall be issued or renewed for a period exceeding one year.

Section 3. The state board of examiners 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 provocation for the revocation of a license.

Section 4. Examinations for licenses shall be given by the state board of examiners at least twice annually, at such time and place as they may determine. The examination papers shall contain such questions relating to the subject of embalming and disinfecting as the board may deem necessary to determine the qualifications of the applicant for the business, and if found qualified, a certificate, as provided for in section twelve, shall be granted him or her.

Section 5. The board of examiners shall consist of four members made up as follows: Two members of the state

board of health, one of whom shall be the secretary of the state board of health, and who shall be the secretary of the board of examiners, and two practical undertakers and embalmers. Members of this board shall be appointed at the expiration of the terms of the members now serving by the governor by and with the advice and consent of the executive council, and the three members so appointed shall hold office for three years. In case of a vacancy due to death, resignation of other cause, the vacancy shall be filled by an appointment for the unexpired term, as is provided for original appointments.

—appointment of board.

—tenure.

—vacancies, how filled.

Section 6. The state board of health may adopt such blanks and forms of procedure as it may deem necessary and best to carry out the provisions of sections eleven to fourteen inclusive, and it shall keep on file a list of all registered and licensed embalmers and a record of examinations, together with the examination papers, all of which shall be open to public inspection.

Blanks and forms of procedure.

Section 7. The board of examiners shall keep a record, containing the names and residences of all persons licensed hereunder, and a record of all moneys received and disbursed by said board, and said records, or duplicates thereof, shall always be open to inspection in the office of the secretary of the state board of health during regular office hours. Said board of examiners shall report to the state board of health, on or before the first day of May in each year; the report to contain a full and complete account of all its official acts during the year, together with a statement of the receipts and disbursements of the board and such comments as may be deemed proper.

A record of all persons licensed, and all money received and disbursed, shall be kept by board of examiners.

—report to state board of health.

Section 8. The fee for examination under sections eleven to fourteen inclusive, shall be five dollars (\$5.00); for the issuing or renewal of any license one dollar (\$1.00) and for the revival and renewal of any license two dollars (\$2.00). The money thus received by the board of examiners shall constitute a permanent fund for carrying out the work provided in said sections. From the money thus received the expenses for printing, for stationery, for postage, for other expenses necessarily incurred under the provisions of said sections, and for full compensation of the members of the board of examiners, shall be paid. The board of examiners shall be entitled to five dollars (\$5.00) per day and expenses each during session. The secretary of the examining board shall receive the same compensation as the other members of the board and five dollars (\$5.00) additional per day while actually employed in the performance of his said duties; any balance shall be turned into the treasury of the board of examiners. The secretary of the

Fees for examination.

—money received shall constitute a permanent fund.

—compensation.

—compensation of secretary.

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—secretary shall act as treasurer.

examining board shall act as treasurer of the board, and shall deposit or otherwise care for any money which may be in the treasury as he may be instructed by vote of the board of examiners.

Renewal of license.

Section 9. Any person holding an embalmer's license under this act may have the same renewed, for not to exceed one year by making and filing with the secretary of said board of examiners on application therefor within thirty days preceding the expiration of his or her license, upon blanks prescribed by said board and upon payment of one dollar (\$1.00) renewal fee; provided, however, that any person neglecting or failing to have his or her license renewed as above, may have the same renewed by making application therefor within thirty days after date of expiration, and upon payment of two dollars (\$2.00) revival and renewal fees.

—renewal fee.

—proviso.

List of licensed embalmers shall be supplied.

Section 10. In the month of January of each and every year, the secretary of said board of examiners shall supply each licensed embalmer, and the secretary of the state board of health shall supply the various transportation companies within this state, with a list of all embalmers holding licenses, then in force, giving the names of such persons, their business, address and the number of their license.

Holder of license shall be notified of the expiration of same.

Section 11. The secretary of said board of examiners shall, at least ten days prior to the expiration of any license mail a notice to such holder of license about to expire under this act advising him or her to that effect, and enclose him or her therewith a blank application for renewal thereof; the price of which is one dollar (\$1.00). The secretary of said board shall also mail a notice to each holder of a license under this act that has not been renewed in accord with the foregoing provisions, advising him or her of the expiration of his or her license, and the penalty of embalming dead human bodies without holding a license and the condition and terms upon which his or her license may be revived and renewed. All notices required to be mailed by provisions of this act shall be directed to the last known postoffice of the party to whom the notice is sent.

—fee for renewal.

—holder of license, that has not been renewed, shall be notified.

Injection of fluid in case of accidental or sudden death, regulated.

Section 12. 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 coroner 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.

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Section 13. Any person who shall be guilty of the violation of any of the provisions contained in the preceding sections, or who shall violate any rule or regulation prescribed by said board of health for the preparation, embalming, shipping or burial of any dead human body shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than ten dollars nor more than fifty dollars, or imprisonment in the county jail not less than ten days nor more than sixty days, and it shall be the duty of the county attorney of the county in which violation occurs to prosecute all such persons.

Penalty for violation of this act, or rules and regulations of board of health.

Section 14. All acts and parts of acts inconsistent with this act, are hereby repealed.

Inconsistent acts repealed.

Approved March 30, 1911.

Chapter 182.

An Act authorizing the Secretary of State to Prepare and Publish a List of Corporations delinquent in payment of their Franchise Taxes.

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

Section 1. The secretary of state shall prepare a list of all corporations, giving the corporate name, the name of the treasurer last filed in the office of the secretary of state, and the amount of the annual franchise tax due for the year nineteen hundred and nine, except those which have been duly excused as provided by statute or dissolved by decree of court, which have not paid their franchise tax for the year nineteen hundred and nine, which list shall be published three times for three consecutive weeks in the month of August, nineteen hundred and eleven, in three places within the state of Maine, namely, Bangor, Waterville and Portland, in such newspaper in each place as the secretary of state may select. The charter of any corporation so advertised which shall fail to pay said franchise tax, and the expenses of advertising the same on or before the first day of December, in the year of our Lord, nineteen hundred and eleven, shall be suspended, and such corporation shall have no right to use the same. A charter so suspended may be revived by payment of all franchise taxes and expenses of advertising as aforesaid due from the corporation at the time of such payment. Any corporation where the charter shall have become suspended as aforesaid, shall continue liable for its yearly franchise tax, but while its charter is suspended as aforesaid, no notice relating to said franchise tax need be sent to the corporation by any state officer. The data covering the avoinding of said charter, to wit: The fact of the publication of

Secretary of state shall prepare lists of corporations, which have not paid franchise tax for 1909.

—list shall be published.

—when charter shall be suspended if tax is not paid.

—suspended charter, how revived.