

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

AS PASSED BY THE

Eighty - Third Legislature

OF THE

STATE OF MAINE

1927

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PUBLIC LAWS
OF THE
STATE OF MAINE

As Passed by the Eighty-third Legislature

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son taking the same, in such waters as the commissioner of inland fisheries and game may deem advisable, and under such conditions, rules and regulations as he may establish; and provided, further, that it shall be lawful to catch cusk at any time in waters open to ice fishing with not more than five set lines to each family when fishing through the ice and when under the immediate personal supervision of the person fishing; and provided, further, that it shall be lawful to take suckers with spears, in all the inland waters of the state, during April and May of each year. Provided, further, that the commissioner of inland fisheries and game may grant special permits to take white perch in the inland waters of the state for the purpose of science, propagation or dissemination or for the purpose of ridding any inland waters of white perch, whenever, after investigation, he deems it advisable. Whoever violates any provision of this section shall pay a fine of fifty dollars and costs for each offense.'

Approved April 12, 1927.

Chapter 141.

An Act Relating to the Registration of Undertakers.

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

R. S., c. 19, sec. 25 to 35; relating to registration of undertakers, repealed. 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 revised statutes are hereby amended by striking out all of said sections, and inserting in place thereof the following:

'Sec. 25. Business of undertaker and practice of embalming regulated; age, educational and practical qualifications; course in school of embalming required. Any person wishing to become an undertaker, or an embalmer of dead human bodies for burial, or to engage in the business of preparing dead human bodies for transportation or cremation, as a regular or permanent business or profession, shall be at least twenty-one 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 two years, under the direction and supervision of a licensed or registered undertaker, or embalmer, and shall have taken and completed the prescribed course of study of some school, or college, of embalming, the standing and requirements of which shall be approved by the board of embalming examiners. Such person shall also present to said board a certificate, or diploma, certifying that he, or she, has taken and successfully passed the required examination of said school, or college, of embalming, and shall have an intelligent comprehension of such rudi-

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ments 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, and shall pass an examination before a board of examiners appointed under the following section, before he, or she, is permitted to practice said business or profession within the state, providing, however, that the provisions of this act shall apply only to persons who advertise or hold themselves out to embalm dead human bodies for burial, or to prepare the same for transportation or cremation. Undertakers' 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 undertaker or embalmer.

Sec. 26. State board of examiners; how constituted; qualifications; vacancies. The board of examiners shall consist of four members, one of whom shall be the state commissioner of health, who shall be secretary of said board, and the other members shall be licensed undertakers 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 three 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. 27. Examinations for licenses; subjects of examination; 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 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 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. 28. Blanks and forms of procedure; lists of licenses and examinations to be kept. The state board of health may adopt such blanks and forms of procedure as it may deem necessary to carry out the provisions of sections twenty-five to thirty-six, both inclusive, and shall keep on file a list of all registered and licensed embalmers and undertakers and a record of examinations, together with the examination papers, all of which shall be open to public inspection.

Sec. 29. Record of licensed embalmers to be kept; report of board of examiners. 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 state commissioner of health during regular office hours. The board of examiners shall report to the state board of health, on or before the first day of May in each year, a full and complete account of all of its official acts during the year, together with a statement of its receipts and disbursements and such comment as may be deemed proper.

Sec. 30. Fees; application of moneys collected. The fee for examination under section twenty-seven shall be five dollars; for the issuing or renewal of any license under section thirty-one one dollar and for the revival and renewal of any license two dollars. The money thus received shall constitute a permanent fund for carrying on the work of the board; and the expenses for printing, stationery and postage, and all other expenses necessarily incurred under sections twenty-five to thirty-six, both inclusive, and the compensation of the members of the board of examiners shall be paid therefrom.

Sec. 31. Expiration and renewal of licenses. All licenses which have been, or may be issued to undertakers by the board of examiners, shall expire on the thirty-first day of December annually, provided, that the licenses hereafter issued shall be valid and shall not expire until the last day of the following year. Any person holding an embalmer's license issued under the provisions of section twenty-seven may have the same renewed by making and filing with the secretary of said board of examiners an application therefor within thirty days preceding the expiration of his or her license, upon blanks prescribed by said board and upon the payment of one dollar 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 the payment of two dollars revival and renewal fees.

Sec. 32. List of licensed undertakers and embalmers to be supplied

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to transportation companies. In the month of January of each year, the secretary of the board of examiners shall supply each licensed embalmer, and the various transportation companies within the state, with a list of all registered undertakers and all undertakers and embalmers holding licenses, then in force, giving the names of such persons, their business addresses and the numbers of their licenses.

Sec. 33. Notice of expiration of license to be mailed holder forty days prior to expiration; holders of licenses not renewed to be further notified. The secretary of the board of examiners shall, at least forty days prior to the expiration of any license, mail to the holder of any license about to expire a notice, advising him or her to that effect, and enclosing a blank application for renewal thereof. The secretary of said board shall also mail a notice to each holder of a license that has not been renewed in accordance with the foregoing provisions, advising him or her of the expiration of his or her license, and of the penalty for embalming, caring for or preparing for burial, transportation or cremation of dead human bodies without holding a license, and the conditions and terms upon which his or her license may be revived and renewed. All notices required to be mailed by provisions of this section shall be directed to the last known post office address of the person to whom the notice is addressed.

Sec. 34. In cases of accidental death, embalming fluids not be injected until cause of death be legally determined. 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.

Sec. 35. Penalties; jurisdiction of offenses. 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.

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