

**STATE OF MAINE**  
**BOARD OF FUNERAL SERVICE**

*Minutes of September 14, 2021, Board Meeting*

**Members Present:** Chad Poitras, Chair; Bethel Shields, Robert Barnes, John Brennan, Brian Mays, and Peter Arsenault

**Others Present:** Elizabeth Stivers, AAG; Tammy Reed, Board Clerk; Candice Wright, Consumer Assistance and Hearing Coordinator

**Members Absent:**

**CALL TO ORDER**

Chad Poitras, Board Chair, called the meeting to order at 9:02 a.m.

**MINUTES REVIEW AND APPROVAL**

Robert Barnes made a motion to approve the minutes from the July 13, 2021 meeting. Bethel Shields seconded the motion.

**Vote: 6 in favor**

**DRAFT REMOTE PARTICIPATION POLICY PRESENTATION**

Bethel Shields made a motion accept the policy. Brian Mays seconded the motion.

**Vote: 6 in favor**

**COMPLAINT PRESENTATION(S)**

**2021-FUN-17545**

Robert Barnes made a motion to table and request additional information. Chad Poitras seconded the motion.

**Vote: 5 in favor (1 abstained – Brian Mays)**

**2021-FUN-17505**

Robert Barnes made a motion to offer a consent agreement to revoke the Funeral Practitioner and Funeral Home license citing violations of 10 M.R.S. §§ 8003(5-A)(A)(4) and (5) for violation of 32 M.R.S. § 1455-B(9) (prohibition of abusive or disrespectful handling of human remains) and 02-331 ch. 15 § 5 (for not treating the handling and preparation of human remains with respect, dignity, and courtesy); Bethel Shields seconded the motion.

**Vote: 5 in favor (1 abstained – Brian Mays)**

**2021-FUN-17508**

Robert Barnes made a motion to offer a consent agreement to revoke the Funeral Practitioner and Funeral Home license citing violations of 10 M.R.S. §§ 8003(5-A)(A)(4) and (5) for violation of 32 M.R.S. § 1455-B(9) (prohibition of abusive or disrespectful handling of human remains) and 02-331 ch. 15 § 5 (for not treating the handling and preparation of human remains with respect, dignity, and courtesy); a violation of 22 M.R.S. § 2845,

32 M.R.S § 1455-B(8), and 10-146 C.M.R. ch. 5-A (which collectively requires the filing of death certificates within 5 days of death by funeral practitioner). Additionally the Board voted a violation of 32 M.R.S. § 1455-B(7) (refusal to promptly surrender custody of human remains). Bethel Shields seconded the motion.

**Vote: 5 in favor (1 abstained – Brian Mays)**

**2021-FUN-17517**

Robert Barnes made a motion to offer a consent agreement to revoke the Funeral Practitioner and Funeral Home license citing violations of 10 M.R.S. §§ 8003(5-A)(A)(4) and (5) for violation of 32 M.R.S. § 1455-B(9) (prohibition of abusive or disrespectful handling of human remains) and 02-331 ch. 15 § 5 (for not treating the handling and preparation of human remains with respect, dignity, and courtesy); a violation of 22 M.R.S. § 2845, 32 M.R.S § 1455-B(8), and 10-146 C.M.R. ch. 5-A (which collectively requires the filing of death certificates within 5 days of death by funeral practitioner). Additionally the Board voted a violation of 32 M.R.S. § 1455-B(7) (refusal to promptly surrender custody of human remains). Bethel Shields seconded the motion.

**Vote: 5 in favor (1 abstained – Brian Mays)**

**2021-FUN-17534**

Chad Poitras made a motion to offer a consent agreement to revoke the Funeral Practitioner and Funeral Home license citing violations of 10 M.R.S. §§ 8003(5-A)(A)(4) and (5) for violation of 32 M.R.S. 1455-B(9) (prohibition of abusive or disrespectful handling of human remains) and 02-331 ch. 15 § 5 (for not treating the handling and preparation of human remains with respect, dignity, and courtesy); the Board also voted violations of 02-331 ch. 15 § 1 (for not providing accurate and precise information regarding funeral functions and services) and 02-331 ch. 15 § 3 (for not conducting themselves according to a standard of total honesty); Peter Arsenault seconded the motion.

**Vote: 5 in favor (1 abstained – Brian Mays)**

**2021-FUN-17537**

Chad Poitras made a motion to offer a consent agreement to revoke the Funeral Practitioner and Funeral Home license citing violations of 10 M.R.S. 8003(5-A)(A)(4) and (5) for violation of 32 M.R.S. 1455-B(9) (prohibition of abusive or disrespectful handling of human remains) and 02-331 ch. 15 § 5 (for not treating the handling and preparation of human remains with respect, dignity, and courtesy); the Board also voted violations of 02-331 ch. 15 § 1 (for not providing accurate and precise information regarding funeral functions and services) and 02-331 ch. 15 § 3 (for not conducting themselves according to a standard of total honesty); Robert Barnes seconded the motion.

**Vote: 5 in favor (1 abstained – Brian Mays)**

**2021-FUN-17538**

Peter Arsenault made a motion to offer a consent agreement to revoke the Funeral Practitioner and Funeral Home license citing violations of 10 M.R.S. 8003(5-A)(A)(4) and (5) for violation of 32 M.R.S. 1455-B(9) (prohibition of abusive or disrespectful handling of human remains) and 02-331 ch. 15 § 5 (for not treating the handling and preparation of human remains with respect, dignity, and courtesy); the Board also voted violations of 02-331 ch. 15 § 1 (for not providing accurate and precise information regarding funeral functions and services) and 02-331 ch. 15 § 3 (for not conducting themselves according to a standard of total honesty); Chad Poitras seconded the motion.

**Vote: 5 in favor (1 abstained – Brian Mays)**

#### **2021-FUN-17547**

Robert Barnes made a motion to offer a consent agreement to revoke the Funeral Practitioner and Funeral Home license citing violations of 10 M.R.S. 8003(5-A)(A)(5) for violation of 02-331 ch. 15 §§ 1 and 3 (failure to provide accurate and precise information regarding funeral functions and services and violating the standard of total honesty). Bethel Shields seconded the motion.

**Vote: 5 in favor (1 abstained – Brian Mays)**

#### **2021-FUN-17549**

Robert Barnes made a motion to offer a consent agreement to revoke the Funeral Practitioner and Funeral Home license citing violations of 10 M.R.S. 8003(5-A)(A)(5) for violation of 02-331 ch. 15 §1 (for not providing accurate and precise information regarding funeral functions and services); and 02-331 ch. 15 § 7 (failure to respect and abide by the wishes of persons responsible of the deceased). Peter Arsenault seconded the motion.

**Vote: 5 in favor (1 abstained – Brian Mays)**

#### **2021-FUN-17550**

Peter Arsenault made a motion to offer a consent agreement to revoke the Funeral Practitioner and Funeral Home license citing violations of 10 M.R.S. 8003(5-A)(A)(4) and (5) for violation of 32 M.R.S. 1455-B(9) (prohibition of abusive or disrespectful handling of human remains), 02-331 ch. 15 § 5 (for not treating the handling and preparation of human remains with respect, dignity, and courtesy); 02-331 ch. 14 § 4 (for failing to comply with this section which requires that unembalmed human remains be placed in a sealed casket or container for temporary storage until final disposition occurs); 02-331 ch. 15 § 1 (for not providing accurate and precise information regarding funeral functions and services); and 02-331 ch. 15 § 3 (for not conducting themselves according to a standard of total honesty); John Brennan seconded the motion.

**Vote: 5 in favor (1 abstained – Brian Mays)**

#### **2021-FUN-17556**

Robert Barnes made a motion to offer a consent agreement to revoke the Funeral Practitioner and Funeral Home license citing violations of 10 M.R.S. §§ 8003(5-A)(A)(4) and (5) for violation of 32 M.R.S. 1455-B(9) (prohibition of abusive or disrespectful handling of human remains) and 02-331 ch. 15 § 5 (for not treating the handling and preparation of human remains with respect, dignity, and courtesy); the Board also voted violations of 02-331 ch. 15 § 1 (for not providing accurate and precise information regarding funeral functions and services); 02-331 ch. 15 § 3 (for not conducting themselves according to a standard of total honesty); 02-331 ch. 15 § 7 (for failing to respect and abide by the wishes of persons responsible of the deceased); and 22 M.R.S. 2843-A(5) (which requires licensees to respect and abide by the wishes and requests of persons responsible for the deceased). Bethel Shields seconded the motion.

**Vote: 5 in favor (1 abstained – Brian Mays)**

### **2021-FUN-17558**

Bethel Shields made a motion to offer a consent agreement to revoke the Funeral Practitioner and Funeral Home license citing violations of 10 M.R.S. §§ 8003(5-A)(A)(4) and (5) for violation of 32 M.R.S. 1455-B(9) (prohibition of abusive or disrespectful handling of human remains) and 02-331 ch. 15 § 5 (for not treating the handling and preparation of human remains with respect, dignity, and courtesy); violation of 32 M.R.S. § 1455-B(7) (refusal to promptly surrender custody of human remains); and violation of 02-331 ch. 15 § 1 (for not providing accurate and precise information regarding funeral functions and services); John Brennan seconded the motion.

**Vote: 5 in favor (1 abstained – Brian Mays)**

### **2021-FUN-17562**

Peter Arsenault made a motion to offer a consent agreement to revoke the Funeral Practitioner and Funeral Home license citing violations of 10 M.R.S. §§ 8003(5-A)(A)(4) and (5) for violation of 32 M.R.S. 1455-B(9) (prohibition of abusive or disrespectful handling of human remains) and 02-331 ch. 15 § 5 (for not treating the handling and preparation of human remains with respect, dignity, and courtesy); 02-331 ch. 15 § 1 (for not providing accurate and precise information regarding funeral functions and services); and 02-331 ch. 15 § 3 (for not conducting themselves according to a standard of total honesty); Robert Barnes seconded the motion.

**Vote: 5 in favor (1 abstained – Brian Mays)**

### **2021-FUN-17582**

Robert Barnes made a motion to offer a consent agreement to revoke the Funeral Practitioner and Funeral Home license citing violations of 10 M.R.S. §§ 8003(5-A)(A)(4) and (5) for violation of 32 M.R.S. 1455-B(9) (prohibition of abusive or disrespectful handling of human remains) and 02-331 ch. 15 § 5 (for not treating the handling and preparation of human remains with respect, dignity, and courtesy); the Board also voted violations of 02-331 ch. 15 § 1 (for not providing accurate and precise information regarding funeral functions and services); 02-331 ch. 15 § 3 (for not conducting themselves according to a standard of total honesty); 02-331 ch. 15 § 7 (for failing to respect and abide by the wishes of persons responsible of the deceased); and 22 M.R.S. 2843-A(5) (which requires licensees to respect and abide by the wishes and requests of persons responsible for the deceased). Bethel Shields seconded the motion.

**Vote: 5 in favor (1 abstained – Brian Mays)**

### **2021-FUN-17589**

Robert Barnes made a motion to offer a consent agreement to revoke the Funeral Practitioner and Funeral Home license citing violations of 10 M.R.S. §§ 8003(5-A)(A)(4) and (5) for violation of 32 M.R.S. 1455-B(9) (prohibition of abusive or disrespectful handling of human remains) and 02-331 ch. 15 § 5 (for not treating the handling and preparation of human remains with respect, dignity, and courtesy); the Board also voted violations of 02-331 ch. 15 § 1 (for not providing accurate and precise information regarding funeral functions and services); 02-331 ch. 15 § 3 (for not conducting themselves according to a standard of total honesty); 02-331 ch. 15 § 7 (for failing to respect and abide by the wishes of persons responsible of the deceased); and 22 M.R.S. 2843-A(5) (which requires licensees to respect and abide by the wishes and requests of persons responsible for the deceased). Bethel Shields seconded the motion.

**Vote: 5 in favor (1 abstained – Brian Mays)**

**COMPLAINT DISCUSSION AND BOARD ACTION**  
**2021-FUN-17358, 2021-FUN-17375, 2021-FUN-17376**

Robert Barnes made a motion to consolidate and resolve all matters without an adjudicatory hearing, would offer a consent agreement to revoke the Funeral Practitioner and Funeral Home licenses. Bethel Shields seconded the motion.

**Vote: 5 in favor (1 recused – Brian Mays)**

**ADMINISTRATOR’S REPORT**

None

**ADJOURN**

Robert Barnes made a motion to adjourn at 10:43 a.m. Brian Mays seconded the motion.

**Vote: 6 in favor**