**02-331**

Office of Professional and Occupational Regulation

**STATE BOARD OF FUNERAL SERVICE**

2025-2026 Regulatory Agenda

## AGENCY UMBRELLA-UNIT NUMBER: **02-331**

AGENCY NAME: Department of Professional and Financial Regulation, Office of Professional & Occupational Regulation, **State** **Board of Funeral Service**

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**EMERGENCY RULES ADOPTED SINCE THE LAST REGULATORY AGENDA:** None.

**EXPECTED 2025-2026 RULE-MAKING ACTIVITY:**

Expected rulemaking will be to implement P.L. 2025, c. 203 authorizing funeral practitioners to sell pre-need insurance to fund funeral arrangements with guardrails such as required disclosures and a requirement that the face amount of the policy may not exceed the amount of the goods and services contracted for in the funeral arrangement.

Expected rulemaking will be to implement legislation governing licensure by endorsement and provisional licensure. A review for conformance with statutes and current rules will be conducted and updated as may be necessary, including an update to discontinue the use of the terms “handicap,” “handicapped” and “hearing impaired” pursuant to 36 M.R.S. § 2557, sub-§2.

**CHAPTER 1: Definitions**

## STATUTORY AUTHORITY: 32 M.R.S. §§ 1451, 1501

PURPOSE: This chapter sets forth definitions of terms used in the rules. The board may review and revise its rules that define terms related to the practice of funeral service.

ANTICIPATED SCHEDULE: Within one year, if necessary.

AFFECTED PARTIES: Applicants for licensure, licensees and members of the public.

CONSENSUS-BASED RULE DEVELOPMENT: N/A.

**CHAPTER 2-A: Advisory Rulings**

## STATUTORY AUTHORITY: 5 M.R.S. §§ 8051, 9001(4)

PURPOSE: The board may review and revise its rules that provide for the discretionary issuance of advisory rulings by the board.

ANTICIPATED SCHEDULE FOR ADOPTION: Within one year, if necessary. AFFECTED PARTIES: Licensees and members of the public.

CONSENSUS-BASED RULE DEVELOPMENT: N/A

# CHAPTER 3: Educational Requirements for Licensure

STATUTORY AUTHORITY: 32 M.R.S. §§ 1451, 1501

PURPOSE: The board may review and revise the educational requirements for a person seeking licensure as a practitioner of funeral service in the State of Maine.

ANTICIPATED SCHEDULE: Within one year. AFFECTED PARTIES: Applicants for licensure.

CONSENSUS-BASED RULE DEVELOPMENT: N/A.

# CHAPTER 5: Practitioner Trainees

STATUTORY AUTHORITY: 32 M.R.S. §§ 1451, 1501

PURPOSE: The board may review and revise the requirements completed by practitioner trainees prior to application for licensure as a practitioner of funeral service.

ANTICIPATED SCHEDULE: Within one year, if necessary.

AFFECTED PARTIES: Applicants for trainee status, practitioner trainees, and applicants for licensure.

CONSENSUS-BASED RULE DEVELOPMENT: N/A.

# CHAPTER 6-A: Pathways to Licensure as a Practitioner of Funeral Service

STATUTORY AUTHORITY: 32 M.R.S. §§ 1451, 1501

PURPOSE: The board may review and revise the procedures and requirements for licensure as a practitioner of funeral service.

ANTICIPATED SCHEDULE: Within one year.

AFFECTED PARTIES: Applicants for licensure.

CONSENSUS-BASED RULE DEVELOPMENT: N/A.

# CHAPTER 7: Funeral Establishments

## STATUTORY AUTHORITY: 32 M.R.S. §§ 1451, 1501

PURPOSE: The board may review and revise the licensing requirements for funeral establishments.

ANTICIPATED SCHEDULE: Within one year, if necessary. AFFECTED PARTIES: Applicants for licensure and Licensees.

CONSENSUS-BASED RULE DEVELOPMENT: N/A.

# CHAPTER 8: Safety and Health Standards

## STATUTORY AUTHORITY: 32 M.R.S. §§ 1451, 1501

PURPOSE: The board may review and revise its rules regarding the protection of the safety and health of the general public by setting forth the equipment and health related requirements applicable to licensed funeral establishments.

ANTICIPATED SCHEDULE: Within one year, if necessary.

AFFECTED PARTIES: Licensees and members of the public.

CONSENSUS-BASED RULE DEVELOPMENT: N/A

# CHAPTER 10: General Rules/Scope of Practice

STATUTORY AUTHORITY: 32 M.R.S. §§ 1451, 1501

PURPOSE: The board may review and revise its rules regarding (1) hairdressing and cosmetology; (2) the scope of practice of practitioners of funeral service and funeral attendants; (3) the referral of inquiries to a licensed practitioner; (4) mandatory disclosures; and other topics.

ANTICIPATED SCHEDULE: Within one year, if necessary

AFFECTED PARTIES: Licensees and members of the public.

CONSENSUS-BASED RULE DEVELOPMENT: N/A.

# CHAPTER 11: Annual Renewal; Continuing Education; Inactive Status

STATUTORY AUTHORITY: 32 M.R.S. §§ 1451, 1501 and 1506

PURPOSE: This chapter was amended, effective January 22, 2023, in accordance with 32 M.R.S. § 1506, regarding continuing education requirements for license renewal and sets forth procedures regarding inactive status Licensure.

ANTICIPATED SCHEDULE: Within one year, if necessary.

AFFECTED PARTIES: Licensees.

CONSENSUS-BASED RULE DEVELOPMENT: N/A.

# CHAPTER 12: Transportation of Human Remains

## STATUTORY AUTHORITY: 32 M.R.S. §§ 1451, 1501

PURPOSE: Major substantive rule was provisionally adopted since the last regulatory agenda. Rulemaking repealed and replaced Chapter 12 regarding the transportation of human remains to implement Public Law 2021, c. 268.

ANTICIPATED SCHEDULE: Within one year.

AFFECTED PARTIES: Licensees.

CONSENSUS-BASED RULE DEVELOPMENT: N/A

# CHAPTER 13: Disinterment

## STATUTORY AUTHORITY: 32 M.R.S. §§ 1451, 1501

PURPOSE: The board may review and revise its rules regarding the disinterment of human remains by funeral service licensees.

ANTICIPATED SCHEDULE: Within one year, if necessary.

AFFECTED PARTIES: Licensees and members of the public.

CONSENSUS-BASED RULE DEVELOPMENT: N/A

# CHAPTER 14: Temporary Storage

## STATUTORY AUTHORITY: 32 M.R.S. §§ 1451, 1501

PURPOSE: The board may review and revise its rules regarding the storage of human remains by funeral service licensees.

ANTICIPATED SCHEDULE: Within one year, if necessary.

AFFECTED PARTIES: Licensees and members of the public.

CONSENSUS-BASED RULE DEVELOPMENT: N/A

# CHAPTER 15: Code of Ethics

STATUTORY AUTHORITY: 32 M.R.S.§§ 1451, 1501

PURPOSE: The board may review and revise its rules regarding the established code of ethics for licensees of the Board.

ANTICIPATED SCHEDULE: Within one year, if necessary.

AFFECTED PARTIES: Licensees and members of the public.

CONSENSUS-BASED RULE DEVELOPMENT: N/A

# CHAPTER 16: Prearranged Funerals – Mortuary Trust Agreements

STATUTORY AUTHORITY: 32 M.R.S.§§ 1401(2), 1451, 1501

PURPOSE: The board may review and revise the forms of mortuary trust agreements for use in Maine. The board may propose rulemaking to address the question of funding Mortuary Trust Accounts with proceeds of life insurance policies.

ANTICIPATED SCHEDULE: Within one year, if necessary.

AFFECTED PARTIES: Licensees and members of the public.

CONSENSUS-BASED RULE DEVELOPMENT: N/A

**CHAPTER NUMBER and Title: N/A**

STATUTORY BASIS: 10 M.R.S. § 8003-H, § 8003-5-A(D)(7)

PURPOSE: The Board may adopt rules to establish a process to issue a license by endorsement or to grant provisional licenses to applicants from other jurisdictions.

SCHEDULE FOR ADOPTION: Within the year.

AFFECTED PARTIES: Licensees and members of the public.

CONSENSUS-BASED RULE DEVELOPMENT: N/A