

# Memorial Society

66 Marlborough Street

Boston, MA 02116

(617) 859-7990

Fax: (617) 536-5895

---

---

Newsletter

Fall 1995

---

---

## ANNUAL MEETING OF THE MEMORIAL SOCIETY

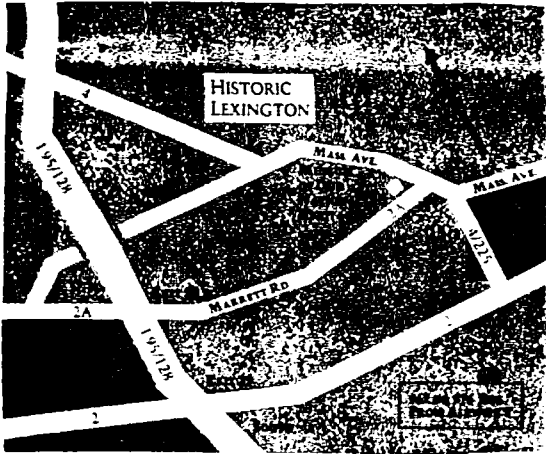
Saturday, October 28, 1994

2 p.m.

at the Museum of Our National Heritage

33 Marrett Road

Lexington, MA 02173



Bus 62 leaves at 1 p.m.

Bus 76 leaves at 1:30 p.m. (takes 20 minutes)

Return buses leave each half hour.

The following is the schedule:

2 p.m. Business Meeting followed by the speaker

Present after our meeting will be several cooperating funeral directors available for you to discuss your concerns with.

Refreshments will be served following the meeting and you are cordially invited to come early or stay after and view the exhibit "Memory and Mourning: American Expressions Grief". A synopsis of the exhibit is in the newsletter.

### Topic for this meeting

#### "Understanding The Funeral Trade"

by Lisa Carlson

Our speaker is the Secretary of our national organization, Funeral and Memorial Societies of America. She is the author of *Caring for Your Own Dead, a Final Act of Love*. Recently she presented on Vermont ETV "Understanding the Tricks of the Funeral Trade, Self-Defense for Consumers" which will be available as a 53 minute cassette at the meeting or from our Society.

### *A Message from the Board of Directors*

---

The Board has continued to meet regularly throughout the year, and we want to remind the members that all meetings are open and that we would welcome anyone who wants to attend. As of this writing we meet once a month at 66 Marlborough Street, Boston, usually on a Thursday noon. A call to Susan Twist at her office (617) 267-6730 can confirm the date.

We have lost a valuable member of the board with the resignation of Marcia Damon-Rey, whose office burned in September. We know that all the members join us in extending sympathy to Marcia and her family.

Volunteers from the board continue to do telephone counseling on a rotating basis. Recently the area covered by our Memorial Society has been extended as far as Worcester, and we are hoping to gather more price information on funeral directors in that area. We are also planning to compile a representative list of cemetery costs, so that we can give members some basis for comparison.

As you may know, Marblehead Representative Douglas Petersen recently introduced a so-called "Death with Dignity Bill" in the Massachusetts legislature. We believe this is an issue that deserves careful examination, and Rep. Petersen and Dr. George Richardson of our board have agreed to hold a dialogue sponsored by the Memorial Society, probably early in 1996. Please watch for a mailing announcing the date and place.

As you will see in the following pages, this year is potentially the biggest year of change in Massachusetts funeral regulations and laws in decades. The State Board of Registration will soon have public hearings on their (as yet secret) major revision of the regulations. They also plan to propose changes to the General Laws. It is important that all our members bring whatever public pressure they can to bear to see that consumer concerns are voiced. (See "What You Can Do to Help")

Our financial condition continues to be healthy, with a moderate surplus for the past fiscal year, but we anticipate increased expenses this year because of the regulatory and legislative concerns mentioned above. We have held our expenses down, but they always exceed our low, one-time membership fee income, and thus we continue to rely on the generosity of our members to underwrite our educational and consumer activities. So once again we ask those members who are able to contribute an annual tax-deductible gift to consider doing so.

---

### ***IT IS LEGAL TO CARE FOR YOUR OWN DEAD IN MASSACHUSETTS***

We have believed for years that you always had to use a funeral director. Jan Buhmann Osnoss asked us at our last annual meeting to try to change the laws to permit caring for your own dead. We looked up the present law and were surprised to see that it is permissive, using the words "undertaker or other person" in each of the relevant statutes. Thus there is no problem under the General Laws of Massachusetts.

There is a regulation issued by the Board of Registration in Embalming and Funeral Directing which says that burial permits shall be issued only to licensed funeral directors. This regulation was found to be unconstitutional by the Supreme Judicial Court in 1909, but the words remain in the regulation to this day. Most boards of health which issue burial permits are aware of the regulation but not of the court decision invalidating it.

The Board of Registration has several other rules that appear to apply to people caring for their own dead, such as a rule requiring use of a vehicle registered as a hearse for transportation. The Board does have authority over funeral directors and embalmers, and can penalize them for violating those rules, but it has no power over ordinary citizens. We asked the counsel to the Board why they hadn't penalized Jan Buhmann Osnoss, who had admitted to transporting her mother's remains in a pickup truck. He admitted that the Board had no authority over her. He did say that the only thing the Board could do is to ask the Attorney General to prosecute her for unauthorized practice of the business of funeral directing. He conceded that it would be awfully hard to succeed with such a prosecution.

---

### ***PROCEDURES FOR CARING FOR YOUR OWN DEAD***

Those who wish to care for their own dead must obtain two official documents, a death certificate and a burial permit. It is the duty of "Every undertaker or other person in charge of a funeral" to obtain the death certificate and return it to the board of health. The death certificate is furnished by the attending physician or the medical examiner's office "to an undertaker or other authorized person or a member of the family of the deceased". Fill out the rest of the information on the death certificate, putting your name as the funeral service provider and your relationship to the deceased (son, friend, etc.) as the funeral establishment number. Make several photocopies of both sides of the completed form. A burial permit is required to bury, cremate, or otherwise dispose of a body or to transport a body outside of the town where the death occurred.

Burial permits are issued by the local board of health to an "undertaker or other person" upon presentation of the death certificate.

We would appreciate hearing from anyone who wishes to try to care for their own dead, and will provide information and support.

---

### ***THE MEMORIAL SOCIETY PETITIONS THE BOARD OF REGISTRATION***

The Memorial Society in April petitioned the Board of Registration to change its regulations conform to its authorizing statute and the laws of the commonwealth. The reason is so that we don't have to educate the boards of health of all 351 cities and towns in the state as to the Supreme Judicial Court decision and the limits to the powers of the Board of Registration. The Board has agreed to hold a public hearing on our petition at the same time as the hearing on changes to regulations proposed by the Board. The date for the public hearing has not been set.

If the Board turns down our proposed changes to their regulations, the next available legal step is to request judicial review. There is a specific procedure in the law for obtaining judicial review of a Rule or Regulation. We will decide later whether to request that judicial review.

---

### ***WHAT YOU CAN DO TO HELP***

You could help by attending the public hearing by the Board of Registration on the rules changes. If you might be willing to do so, please indicate on the reply form and we will notify you when the hearing is scheduled.

You could help by attending some of the regular meetings of the Board of Registration in Boston and taking notes. It helps to let them know that someone is aware of and cares about what they are doing.

You could put your name on a special mailing list of those members interested in our progress and in helping out over the coming year.

We would appreciate it if members could write to us about their experiences (both good and bad) with funeral directors and send us photocopies of actual invoices.

### RECENT PRESS COVERAGE OF FUNERAL ISSUES

*The Boston Globe* on August 27 and 28 published a superb two-part series on the funeral business by Bruce Mohl. It ran to almost four full pages. The biggest surprise in the series was the extent to which the national chains of funeral homes have already invaded Massachusetts.

*Consumers Digest* for October has a feature on fraud in the funeral industry, focusing on pre-paid funeral plans and abuse by cemeteries. They did a survey of funeral costs across the nation which showed that the lowest price for direct cremation in Boston is the most expensive in the country, twice the price in the least-expensive cities.

### POSSIBLE CHANGES TO THE GENERAL LAWS

Many aspects of the present laws governing funeral directing are anti-consumer and serve only the interests of the industry.

Examples are requiring facilities such as a chapel and preparation room, requiring funeral directors to be registered embalmers, etc.

The Board of Registration is proposing changes to the statutes, the contents of which are still secret. If they open up the issue, then we can do so, too.

Increased consumer representation on the Board of Registration would be one goal; now there is just one consumer representative out of five members total. There should be a majority.

### CHANGING ATTITUDES TOWARDS DEATH EXPLORED IN *MEMORY AND MOURNING: AMERICAN EXPRESSIONS OF GRIEF* September 3, 1995 through March 10, 1996

*(Come early to our meeting, or stay after and view the following exhibit)*

Raise the subject of death and watch people's reactions. Some wince. Others crack jokes. Still others prefer to avoid the issue entirely.

The specter of death makes many modern-day Americans uncomfortable. Maybe that's because people live longer and death in the twentieth century is often a shocking intruder.

It hasn't always been this way. In the nineteenth century, parents frequently had the unhappy task of burying their infants and children. Few adults lived past the age of fifty. And though death was rarely a welcome visitor, it was a familiar one. America's changing attitudes towards death and dying are examined in *Memory and Mourning: American Expressions of Grief*. The exhibit features a striking blend of artifacts, interactive stations, images, quotations, and historical analysis that explores the cultural history of grief and its changing outward expression in America since the middle nineteenth century. On display are over two hundred objects—some inspire somber reflection, others may shock modern American sensibilities.

*Memory and Mourning* provides the viewer with a window into vast changes in the assumptions people hold about death. As American culture becomes more secular and less spiritual, we have fewer ritualized behaviors and social rules to guide us in our

We are just starting to think about our legislative agenda. Any members interested in serving on a committee to define that agenda are invited to contact us. Particularly helpful would be someone who understands what it takes to get something through the legislature.

### HOW TO LOOK UP THE STATUTES AND REGULATIONS

Most libraries have a reference books containing the Massachusetts General Laws (M.G.L.) and loose-leaf binders containing the Code of Massachusetts Regulations (CMR).

The duties of the person arranging a funeral are in M.G.L. c. 46, s. 11.

The procedure for issuing death certificates is in M.G.L. c. 46, s. 9.

The procedure for issuing burial permits is in M.G.L. c. 114, s. 45.

The regulation by the Board of Registration forbidding issuance of burial permits to any but licensed undertakers is in 239 CMR 3.11. The regulatory authority cited in the regulations is M.G.L. c. 112, s. 85. When you look up that statute you will find Case Notes citing the Supreme Judicial Court decision that the regulation is unconstitutional.

We can provide photocopies of any or all of the above for those who are interested.

grief. This exhibition shows how real people experience real grief and how they mourn in ways society prescribes.

The exhibit is divided into four major sections. Part one, "Expectations, Experiences, Explanations," contrasts life expectancy, mortality, and causes of death during the nineteenth and twentieth centuries. Evocative artifacts include nineteenth century quarantine signs, a contemporary AIDS poster, and a tri-fold flag and other objects from a military funeral.

A second section, "Coping with Loss," looks at ways past and present that Americans have dealt with the loss of loved ones. This section includes videotaped interviews with individuals from a dozen different ethnic groups, each of whom describes the mourning customs and traditions of his or her *people*.

The third section of the exhibition explores "The Emotions of Grief." Some of the many aspects of grief—shock, longing, denial, anger, guilt, sorrow—are illustrated through first-person quotes and photographs.

The final section of *Memory and Mourning* contains a resource center—a quiet, private space for contemplation and decompression where visitors may wish to share some memories in a notebook provided for the purpose. Visitors are invited to view videos and browse through literature and books.

This exhibit was produced by the Strong Museum, Rochester, New York.

**NOMINATING COMMITTEE REPORT**  
Harry Jacobs, Chair of Nominating Committee

President - John Van Dusen  
Vice President - Harry L. Jacobs  
Vice President - Robert Wolf  
Treasurer - Byron Blanchard  
Clerk - Susan C. Twist

Lawyer, Marblehead  
Retired psychologist/physiologist, Wayland  
Minister, First Parish in Needham  
Electronic engineer, Lexington  
Administrator, First & Second Church, Boston

*Board Members in addition to above:*

Paula Blanchard  
Freda Carnes  
George S. Richardson, M.D.

Writer, Lexington  
Retired teacher, Boston  
Physician, Nahant

---

**P R O X Y**

(Please vote by proxy if you do not plan to attend the Annual Meeting. Complete this form and send it to: The Memorial Society, 66 Marlborough Street, Boston, MA 02116.

**PROXY VOTE:** (Fill in only if you will not attend the Annual Meeting on Saturday, October 28, 1995).

I hereby authorize the Clerk of the society to vote for:

- |  |           |          |
|--|-----------|----------|
| (1) The Slate of Officers as proposed                    | Yes _____ | No _____ |
| (2) Such matters as may lawfully come before the meeting | Yes _____ | No _____ |

Signature of Member: \_\_\_\_\_ Date: \_\_\_\_\_

**VOLUNTARY CONTRIBUTION FORM**

Yes, I would like to support The Memorial Society. The one-time membership fee covers only a portion of the Society's expenses. Your inclusion of a tax-deductible contribution is greatly appreciated.

Contributions: ( ) \$15; ( ) \$25; ( ) \$40; ( ) \$60; ( ) \$100; ( ) Other

Thank you very much for your consideration.

**MAILING LABEL CORRECTIONS**

*Please make any needed corrections on the mailing label so we can update our mailing list. A reply envelope is enclosed.*

I would like to be on your Activist Mailing List to be informed of hearings, ec. (see *What You Can Do to Help* on p. 2)

Yes \_\_\_\_\_ No \_\_\_\_\_