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Circular No. 36

1946

HEALTH LAWS OF THE
STATE OF MAINE



Department of Health and Welfare .
Bureau of Health
Roscoe L. Mitchell, M. D., Director

Maine. Laws, Statutes, etc.

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HEALTH LAWS OF THE STATE OF MAINE

I. Laws Pertaining to State Department of Health and Welfare

A. Organization of Department

R. S. 1944, c. 22, § 1. **Organization of department; commissioner; powers; bureau chiefs and qualifications; compensation; employees.** The department of health and welfare, as heretofore established, shall consist of 2 bureaus, as follows: the bureau of health and the bureau of social welfare, the heads of which shall be called "directors".

The head of the department shall be the commissioner of health and welfare who shall be appointed by the governor with the advice and consent of the council to serve for 3 years, or during the pleasure of the said governor and council. Any vacancy shall be filled by appointment as above for a like term. He may employ, with the approval of the governor and council, such bureau chiefs as may be necessary to carry out the work of the department; and they shall be under the immediate supervision, direction, and control of the commissioner. The compensation of the commissioner and his bureau chiefs shall be fixed by the governor and council. The commissioner may also employ such deputies, assistants, and employees as may be necessary, subject to the provisions of the personnel law.

In the event of a vacancy in the office of the commissioner because of death, resignation, removal, or other cause, the various bureau chiefs, deputies, and assistants in said department shall continue in office and perform such duties as have been prescribed for or assigned to them, until said vacancy has been filled by the appointment and qualification of a new commissioner.

The director of health shall be a physician who is schooled in sanitary science and experienced in the organization and administration of public health work.

The director of social welfare shall be a person who has been trained in a school for social work or in equivalent college or university courses in the social sciences, or who has had satisfactory experience in the direction of organized social welfare work of a comparable nature.

R. S. 1944, c. 22, § 6. **Definitions.** Wherever in this chapter the word "department" appears it shall mean "department of health and welfare" and the word "commissioner" shall mean "commissioner of health and welfare". Wherever in this chapter the word "chapter" appears without definite reference to a particular place, it refers to this chapter; if the chapter is given a number, it refers to the chapter

so numbered in the revised statutes. Wherever in this chapter the word "section" appears without reference to a numbered chapter, it refers to a section of this chapter.

B. Duties and Functions of Department

R. S. 1944, c. 2, § 2. (P. L. 1945, c. 195, § 1). Duties of department. The department shall have the general supervision of the interests of health and life of the citizens of the state. It shall study the vital statistics of the state, and endeavor to make intelligent and profitable use of the collected records of deaths and of sickness among the people; it shall make sanitary investigations and inquiries respecting the causes of disease and especially of communicable diseases and epidemics, the causes of mortality, and the effects of localities, employments, conditions, ingesta, habits, and circumstances on the health of the people; it shall investigate the causes of disease occurring among the stock and domestic animals in the state, and the methods of remedying the same; it shall gather such information in respect to all these matters as it may deem proper for diffusion among the people; it shall, when required or when it shall deem it best, advise officers of the government, or other boards within the state, in regard to the location, drainage, water supply, disposal of excreta, heating, and ventilation of any public institution or building; it shall from time to time examine and report upon works on the subject of hygiene for the use of the schools of the state; it shall have general oversight and direction of the enforcement of the statutes respecting the preservation of health; and it may direct any officer or employee of the department to assist in the study, suppression, or prevention of disease in any part of the state. The department shall administer all state funds and appropriations for the aid of private institutions and agencies doing health and welfare work in the state.

R. S. 1944, c. 22, § 5. Distribution of functions by commissioner. The commissioner shall have the power to distribute the functions and duties outlined in this chapter among the various bureaus so as to integrate the work properly and to promote the most economical and efficient administration of the department.

Wherever in this chapter powers and duties are given to the department these may be and shall be assumed and carried out by such of the bureaus as the commissioner shall designate from time to time, and these powers and duties so delegated may in turn be delegated to subordinates by the said bureau directors with the approval of the commissioner.

R. S. 1944, c. 22, § 9. Rules and regulations of department. The department shall prepare such rules and regulations for the consideration of the advisory council as it shall think necessary and proper for the protection of life, health, and welfare, and the successful operation of the health and welfare laws. The said rules and regulations shall be published in such manner as the department may direct. The department shall make and enforce reasonable rules and regulations governing the custody, use, and preservation of the records, papers, files, and communications of the department, and especially those which pertain to the granting of public assistance. The use of such records, papers, files, and communications by any other agency or department of government to which they may be furnished shall be limited to the purposes for which they are furnished and by the provisions of the law under which they may be furnished. It shall be unlawful for any person, except for purposes directly connected with the administration of public assistance and in accordance with the rules and regulations of the department, to solicit, disclose, receive, make use of, or authorize, knowingly permit, participate in, or acquiesce in the use of, any list of or names of, or any information concerning, persons applying for or receiving such assistance, directly or indirectly derived from the records, papers, files, or communications of the state or subdivisions or agencies thereof, or acquired in the course of the performance of official duties. Any person violating any provision of this section shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not more than \$500, or by imprisonment for not more than 11 months, or by both such fine and imprisonment.

R. S. 1944, c. 22, § 10. Additional duties. In addition to the specified functions and duties of the department as outlined by the provisions of this chapter the department shall perform such other functions for the care, custody, treatment, and relief of the sick, dependent, defective, and delinquent as may be consistent with the general purposes therein defined and not otherwise contrary to law.

R. S. 1944, c. 22, § 20. Commissioner to report. The commissioner as soon as practicable after the close of the fiscal year which is indicated by an even number shall report to the governor and council the activities of the department during the biennial period just ended with such suggestions as to legislative action as he deems necessary or important.

R. S. 1944, c. 22, § 21. Penalties and jurisdiction. Whoever hinders, obstructs, or interferes with any officer, inspector, or duly

authorized agent of the department while in the performance of his duties shall be punished by a fine of not less than \$5, nor more than \$50, or by imprisonment for not less than 10 days, nor more than 30 days. Whoever violates any order, rule, or regulation of the department or the advisory council made for the protection of life or health under the provisions of law shall be punished by a fine of not less than \$10, nor more than \$100, for each offense. Whoever violates any provision of this chapter or wilfully fails, neglects, or refuses to perform any of the duties imposed upon him by the provisions of this chapter shall be punished by a fine of not more than \$500, or by imprisonment for not more than 6 months, unless specific penalties are elsewhere provided for. Trial justices shall have jurisdiction of all offenses under this section.

R. S. 1944, c. 22, § 25. Purposes; acceptance of provisions of federal law; federal grants. The department, through its bureau of health, is authorized to administer a program to extend and improve its services for promoting the general public health.

The department is authorized to :

I. Apply for federal aid under the provisions of Title VI of the Federal Social Security Act (Public No. 271, 74th Congress);

II. Cooperate with the federal government through the United States public health service in matters of mutual concern pertaining to general public health, including such methods of administration as are found to be necessary for the efficient operation of the plan for such aid;

III. Make such reports in such form and containing such information as the surgeon-general of the United States public health service may require, and comply with such provisions as said surgeon-general may find necessary to assure the correctness and verification of such reports.

The treasurer of state shall be the appropriate fiscal officer of the state to receive federal grants on account of general public health services as contemplated by Title VI of the Federal Social Security Act, and the state controller shall authorize expenditures therefrom as approved by the department.

Note: For sections 25-A and 25-B see Hospitals and Related Institutions (II N).

R. S. 1944, c. 22, § 26. System of inspection. The more effectually to protect the public health, the department may establish such systems of inspection as in its judgment may be necessary to ascertain

the actual or threatened presence of the infection of Asiatic cholera, smallpox, diphtheria, scarlet fever, plague, typhoid fever, or other dangerous, infectious, or contagious disease; and any duly authorized agent or inspector of said department may enter any building, vessel, railroad car, or other public vehicle to inspect the same and to remove therefrom any person affected by said diseases; and for this purpose he may require the person in charge of any vessel or public vehicle other than a railroad car to stop such vessel or vehicle at any place, and he may require the conductor of any railroad train to stop his train at any station or upon any sidetrack and there detain it for a reasonable time; provided that no conductor shall be required to stop his train when telegraphic communication with the dispatcher's office cannot be obtained or at such times or under such circumstances as may endanger the safety of the train and passengers; and provided further, that any such agent or inspector may cause any car which he may think may be infected with any of said diseases to be sidetracked at any suitable place and there be cleansed, fumigated, and disinfected. The department may from time to time make, alter, modify, or revoke rules and regulations for guarding against the introduction of any infectious or contagious diseases into the state, including rabies or hydrophobia of animals and men; for the control and suppression thereof if within the state; for the quarantine and disinfection of persons, localities, and things infected or suspected of being infected by such diseases; for guarding against the transmission of infectious and contagious diseases through the medium of common towels, common drinking cups, and other articles which may carry infection from person to person; for the sanitation of railroad service and that of other common carriers; for the transportation of dead bodies; for the speedy and private interment of the bodies of persons who have died from said diseases; and, in emergency, for providing those sick with said diseases with necessary medical aid and with temporary hospitals for their accommodation and for the accommodation of their nurses and attendants. The department may declare any and all of its rules and regulations made in accordance with the provisions of this section to be in force within the whole state, or within any specified part thereof, and to apply to any person or persons, family, camp, building, vessel, railroad car, or public vehicle of any kind.

R. S. 1944, c. 22, § 27. Rules must be approved by advisory council; publication; supersede all local rules. Any rules and regulations adopted by the department under the provisions of the preceding section shall be immediately submitted by it to the advisory council

of health and welfare, and unless disapproved in writing by the advisory council such rules and regulations shall remain effective. Such rules and regulations, if of general application, shall be published in the state paper; but whenever in the judgment of the department it shall be necessary to do so, special rules and regulations, or orders relating to said diseases may be made for any town, village, or city without such publication, and the service of copies of such rules, regulations, or orders upon such town, village, or city through the officers thereof shall be a sufficient notice thereto; and the rules, regulations, or orders of the department made in accordance with the provisions of this section shall, for the time being and until the same are revoked, supersede all local rules, regulations, by-laws, or ordinances that may be inconsistent or in conflict therewith.

R. S. 1944, c. 22, § 28. Penalty for refusing to obey rules. All health officers, municipal officers, sheriffs, constables, police officers, and marshals shall enforce the rules and regulations of the department made as provided in the 2 preceding sections in every particular affecting their respective localities and duties; and any person who shall neglect or refuse to obey the said rules and regulations, or who shall wilfully obstruct or hinder the execution thereof, shall be punished by a fine of not more than \$500, or by imprisonment for a period of not more than 6 months, or by both such fine and imprisonment. All authorities of every county, city, town, and village corporation, all health officers, and all officers and persons in charge of the institutions, buildings, and vehicles mentioned in section 26 shall cooperate with the department in carrying out the provisions of this section and the 2 preceding sections; and in case such cooperation be refused, withheld, or neglected, the said department may execute its orders and directions by agents of its own appointment; and all expenses incurred by members of the department or by duly appointed agents of said department under the provisions of this section shall be paid by the town.

R. S. 1944, c. 22, § 30. Individual to select own physician. Nothing in this chapter shall be construed to empower or authorize the department or its representative to interfere in any manner with the right of any individual to select the physician or mode of treatment of his choice, providing that sanitary laws, rules, and regulations are complied with.

R. S. 1944, c. 22, § 31. Powers in emergency or threatened epidemics. In case of emergency or threatened epidemic of disease which may affect more than one city, town, or plantation, the said

department, if it shall appear to it necessary and proper for the protection of life and health, may make such further orders and regulations as in its opinion the public exigency may require and which shall become effective immediately on their promulgation.

R. S. 1944, c. 22, § 33. Information to department upon request. In order to afford the department better advantages for obtaining knowledge important to be incorporated with that collected through special investigations and from other sources, all officers of the state, the physicians of all incorporated companies and the president or agent of any company chartered, organized, or transacting business under the laws of this state, as far as practicable, shall furnish to the department any information bearing upon public health which may be requested by said department for the purpose of enabling it better to perform its duties of collecting and distributing useful knowledge on this subject.

C. Advisory Council of Health and Welfare

R. S. 1944, c. 22, § 7. Advisory council of health and welfare. There shall be an advisory council of health and welfare in connection with the department, which shall consist of 7 members, at least two of whom shall be members of the minority party and at least one of whom shall be a woman, and the commissioner serving ex officio. Six members shall be appointed by the governor and council for overlapping terms of 6 years each. The members of said council, other than the commissioner, shall serve without compensation, but they may be allowed actual and necessary expenses for attendance at all meetings. Said council shall hold regular meetings 4 times a year and at such other times as the commissioner may deem necessary.

R. S. 1944, c. 22, § 8. Powers and duties of advisory council. The advisory council of health and welfare shall have authority :

I. To make such investigation of the social problems of the state, with the aid of the departmental staff, as the commissioner may request ;

II. To advise the commissioner with reference to the policy of the department and other matters falling within the jurisdiction of said department ;

III. To recommend to the commissioner the enactment of such laws as may be deemed necessary relative to the activities of the department ;

IV. To make such rules and regulations as may be deemed necessary to carry out the intent of the public health and welfare laws of the state.

II. Laws Pertaining to Activities of State Bureau of Health

A. District Health Officers

R. S. 1944, c. 22, § 29. **District health officers, appointment, duties, qualifications.** The commissioner, with the advice of the director of health, shall from time to time divide the state into three or more health districts and shall appoint and may remove district health officers for each district. The district health officers shall not be engaged in any other occupation and shall give their entire time to the performance of their duties. The department may order two or more of said district health officers to work in one district in order to study, suppress, or prevent disease. Each district health officer shall, under the direction of the department, perform such duties as may be prescribed by the department and shall act as the representative of the department and under its direction shall secure the enforcement within his district of the public health laws and regulations. Said district health officers shall be graduates of an incorporated medical school and admitted to practice medicine in this state, or shall have been certified in public health by a reputable institution of collegiate grade.

B. Local Health Officers

R. S. 1944, c. 22, § 34. (P. L. 1945, c. 351, § 1). **Appointment of local health officers.** Every city, town and organized plantation in the state shall employ an official who shall be known as the local health officer who shall be appointed by the municipal officers of such city, town or organized plantation. The local health officer shall be appointed for a term of 3 years and until his successor is appointed, provided that on expiration of the term of office the municipal officers shall appoint a successor within 30 days of such resignation or expiration. The municipal officers or clerk of all municipalities shall within 10 days notify the department in writing of the appointment of a health officer, stating the health officer's name, age, address, and the dates of appointment and beginning of 3-year term. The health officer in towns or plantations contiguous to unorganized territory shall perform the duties of health officer in such territory; provided, however, that the director of the bureau of health may appoint, subject to the approval of the commissioner,

health officers in remote unorganized territory whenever he shall deem it advisable, and the compensation of such health officers shall be determined and paid by the department.

In the event of incapacity or absence of the local health officer, the municipal officers shall appoint a person to act as health officer during such incapacity or absence. Failing such appointment, the chairman of the municipal officers shall perform the duties of local health officer until the regular health officer is returned to duty or appointment of another person has been made.

In municipalities with a manager form of government, when the charter so provides, the appointments provided for in this section may be made by the said manager and the duty prescribed for the chairman of the municipal officers during incapacity or absence of the health officer shall be performed by the manager.

R. S. 1944, c. 22, § 35. (P. L. 1945, c. 351, § 2). Compensation of local health officers. Health officers may be employed to devote a part or all of their time to the duties of the office. When employed to devote their entire time to their duties, and if they possess the qualifications required of a district health officer as stated in section 29, the department is authorized and directed to pay from money appropriated to said department for district health services not to exceed 1/3 of the total salary of said official, but not more than \$800 per annum, payment to be made direct by the state to the town by which said local health officer is employed.

No city, town or organized plantation employing a health officer to devote his entire time to the duties of his office shall receive any payment from the state as provided in this section unless the appointment of said health officer has been approved by the commissioner or his duly authorized agent.

The offices of local health officer and town or school physician shall be combined when in the opinion of the municipal officers the health needs of the people would be better served. Such combination must be approved by the commissioner when the state contributes to the salary of such office.

Note: For section 29 see District Health Officers (II A).

R. S. 1944, c. 22, § 35-A. (P. L. 1945, c. 351, § 3). Boards of health. Any municipality may appoint, in addition to the local health officer, a board of health consisting of 3 members besides the local health officer, one of whom shall be a physician if available in the community, and one a woman. When first appointed members of the board shall be appointed one for 1 year, one for 2 years, and one for 3 years. Subsequent appointments shall be for 3-year terms.

The local health officer shall be secretary ex officio of said board and keep a record of all proceedings. The local board of health shall constitute an advisory body to the local health officer.

***R. S. 1944, c. 22, § 36. Duties of local health officer.** The local health officer shall, in a book kept for that purpose, make and keep a record of all the proceedings and of all the transactions, doings, orders, and regulations of himself as health officer. Said local health officers shall assist in the reporting, prevention, and suppression of diseases and all conditions dangerous to health, and shall be subject to the supervision and direction of the department.

The local health officer shall guard against the introduction of contagious and infectious diseases, by the exercise of proper and vigilant medical inspection and control of all persons and things coming within the limits of his jurisdiction from infected places, or which for any cause are liable to communicate contagion; give public notice of infected places by displaying red flags or by posting placards on the entrances of the premises; require the isolation of all persons and things that are infected with, or have been exposed to, contagious or infectious diseases, and provide suitable places for the reception of the same; and furnish medical treatment and care for persons sick with such diseases who cannot otherwise be provided for; prohibit and prevent all intercourse and communication with, or use of, infected premises, places, and things, and require and, if necessary, provide the means for the thorough cleansing and disinfection of the same before general intercourse therewith, or use thereof, shall be allowed. He shall report to the department, promptly, facts which relate to infectious and epidemic diseases occurring within the limits of his jurisdiction, and shall report to said department every case of such infectious or contagious diseases as the rules and regulations of said department shall require. Those diseases which the rules and regulations of the department may require to be reported shall be known, under the terms of this chapter, as notifiable diseases. Diseases which the department may promulgate as those which shall be quarantined or isolated shall be known as quarantinable diseases.

The local health officer shall receive and examine into the nature of complaints made by any of the inhabitants concerning nuisances dangerous to life and health within the limits of his jurisdiction; enter upon or within any place or premises where nuisances or conditions dangerous to life and health are known or believed to exist,

**For penalty, see Penalties and Forfeitures (II R).*

and personally, or by appointed agents, inspect and examine the same; and all owners, agents, and occupants shall permit such sanitary examinations; and every such health officer shall order the suppression and removal of nuisances and conditions detrimental to life and health found to exist within the limits of his jurisdiction.

***R. S. 1944, c. 22, § 37. Reports to department.** The health officer, at least once in each year, shall report to the department his proceedings and such other facts required, on blanks and in accordance with instructions received from said department. He shall also make special reports whenever required to do so by the department.

***R. S. 1944, c. 22, § 38. Municipalities may combine into districts; state aid.** Subject to the approval of the commissioner, several towns, cities, or organized plantations may unite in employing the same local health officer, who shall possess the qualifications enumerated in section 29 or be approved by the commissioner on the basis of experience in public health administration. He shall devote his entire time to the performance of his duties, and shall receive 1/3 of his salary, but not more than \$800 a year, from the state.

R. S. 1944, c. 22, § 311-A. (P. L. 1945, c. 264, § 1). Health officers provided for. A tribal physician or nurse for each of the reservations of the Penobscot and Passamaquoddy tribes of Indians shall be appointed by the director of the bureau of health, subject to the approval of the commissioner. Such tribal physician or nurse shall be a physician or other person approved because of training and experience in public health work and shall serve for a term of 3 years and until his successor is appointed and approved; compensation to be determined by the commissioner.

C. Communicable Disease Control

1. Reporting of Cases

***R. S. 1944, c. 22, § 39. Notice of existence of any infectious disease.** Whenever any householder knows or has reason to believe that any person within his family or household has smallpox, diphtheria, scarlet fever, cholera, typhus or typhoid fever, cerebrospinal meningitis, measles, membranous croup, so called, whooping-cough, or any other disease which is made notifiable by the rules and regulations of the department, he shall, within 24 hours, give notice thereof to the health officer of the town in which he resides, and

**For penalty, see Penalties and Forfeitures (II R).*

such notice shall be given either at the office of the health officer, or by letter or telephone, the communication to be mailed or delivered to him within the time above specified, and in case there is no health officer, to the department, either at its office or by communication as aforesaid.

***R. S. 1944, c. 22, § 61. (P. L. 1945, c. 295). Physician shall give notice of existence of contagious disease; proceedings in cases of violation.** Whenever any physician knows or has reason to believe that any person whom he is called upon to visit has or is infected with any of the notifiable diseases, such physician shall forthwith give notice thereof to the local health officer of the town in which such person lives, except that venereal diseases shall be reported in the manner set forth in section 90. Any local health officer in the state, who shall have knowledge of any violation of the provisions of this section occurring within the jurisdiction of his town, shall forthwith give notice thereof in writing and of all facts within his knowledge in relation thereto, to the county attorney of the county in which such violation has occurred, and said county attorney shall thereupon examine into the case and take such action in the matter as the circumstances of the case require.

Note: For section 90 see Venereal Disease Control (II E 2).

R. S. 1944, c. 64, § 12. (P. L. 1945, c. 313, § 2). Certain laws applicable to osteopathic physicians. All laws, rules, or regulations now in force in this state, or which shall hereafter be enacted, for the purpose of regulating the reporting of contagious diseases, deaths, or births to the proper authorities, signing certificates for committing persons to state institutions, and to which physicians of other schools of medicine are subject, shall apply equally to osteopathic physicians, and all reports and health certificates made by osteopathic physicians shall be accepted by the officers of the departments to which the same are made equally with the reports and health certificates of physicians of other schools of medicine.

R. S. 1944, c. 65, § 11. Laws regarding reporting contagious diseases and deaths applicable. All laws, rules, and regulations now in force in this state or which shall hereafter be enacted, for the purpose of regulating the reporting of contagious diseases and deaths to the proper authorities and to which the registered practitioner of medicine is subject, shall apply equally to the practitioner of chiropractic.

**For penalty, see Penalties and Forfeitures (II R).*

2. Control of Cases and Contacts

*R. S. 1944, c. 22, § 42. **Children, affected, shall not attend school, etc.** No parent, guardian, or other person shall carelessly carry about children or others affected with infectious diseases, or knowingly or wilfully introduce infectious persons into other persons' houses, or permit such children under his care to attend any school, theatre, church, or any public place.

*R. S. 1944, c. 22, § 43. **Persons affected with smallpox, etc., shall not mingle with the public.** No person afflicted with smallpox, scarlet fever, diphtheria, pulmonary tuberculosis, or any infectious or communicable disease so defined under the rules and regulations of the bureau of health, shall mingle with the general public until such time as such person has become non-infectious or has complied with the regulations of the department for control of the disease with which such person may be afflicted.

Any person who is or has been in direct contact with a person afflicted with any disease as above stated shall comply with the rules and regulations of the department, now in effect or hereafter adopted, concerning quarantine or necessary measures to render such contacts non-infectious. Nothing herein shall be construed to affect the provisions of section 30.

Note: For section 30 see Duties and Functions of Department (I B).

*R. S. 1944, c. 22, § 44. **Convalescents and nurses not to leave premises without certificate from local health officer.** Persons recovering from smallpox, scarlet fever, diphtheria, or other diseases for which disinfection may be required by the department, and nurses who have been in attendance on any person suffering from any such disease shall not leave the premises until they have received from the local health officer a certificate that they have taken such precautions as to their persons, clothing, and all other things which they propose bringing from the premises as are necessary to insure the immunity from infection of other persons with whom they may come in contact, and no such person shall expose himself in any public place, shop, street, inn, or public conveyance without having first adopted such precautions.

*R. S. 1944, c. 22, § 46. **Persons infected not to be allowed to enter any conveyance without notice to owner.** No person having smallpox, diphtheria, scarlet fever, cholera, or other disease dangerous to public health shall enter, nor shall any person allow any one

**For penalty, see Penalties and Forfeitures (II R).*

under his charge who has any such disease to enter, any conveyance without having previously notified the owner or person in charge of such conveyance of the fact of his having such disease.

***R. S. 1944, c. 22, § 47.** When such conveyance has been so used, it shall be disinfected. The owner or person in charge of any such conveyance shall not, after the entry of any person so infected into his conveyance, allow any other person to enter it, without having sufficiently disinfected it under the direction of the local health officer.

3. Removal of Cases

***R. S. 1944, c. 22, § 41.** Infected person shall not be removed without permission of local health officer. No householder in whose dwelling there occurs any of the notifiable diseases shall permit any person suffering from any such disease or any clothing or other property to be removed from his house without the consent of the local health officer, and the said health officer shall prescribe the conditions of removal.

R. S. 1944, c. 22, § 48. Precautions against infected persons. When any person is or has recently been infected with any disease or sickness dangerous to the public health, the local health officer of the town where he is shall provide for the safety of the inhabitants, as he thinks best, by removing him to a separate house, if it can be done without great danger to his health, and by providing nurses and other assistants and necessaries, at his charge or that of his parents, if able.

****R. S. 1944, c. 22, § 134.** Process for removal or separate accommodations of infected persons. Upon complaint made to any trial justice or judge of a municipal court, such trial justice or judge of a municipal court may issue a warrant, directed to a proper officer, requiring him to remove any person infected with contagious sickness, under the direction of the local health officer of the town where he is; or to impress and take convenient houses, lodgings, nurses, attendants, and other necessaries for the accommodation, safety, and relief of the sick, or for the protection of the public health.

****R. S. 1944, c. 22, § 140.** Removal of infected prisoners from places of confinement. When any person in a jail, house of correction, or workhouse is attacked with a disease which the local health officer of his town, by medical advice, considers dangerous to the

**For penalty, see Penalties and Forfeitures (II R).*

***For forfeitures, see Penalties and Forfeitures (II R).*

safety and health of other prisoners, or of the inhabitants of the town, he shall, by his order in writing, direct his removal to some place of safety, there to be securely kept and provided for until his further order; and if he recovers from such disease, he shall be returned to his place of confinement.

****R. S. 1944, c. 22, § 141. Order for removal, how returned; such removal, not an escape.** If any person was committed under the provisions of the preceding section by an order of court or judicial process, the order for his removal, or a copy thereof attested by the local health officer, shall be returned by him with the doings thereon into the office of the clerk of the court from which such order or process was issued. No such removal shall be deemed an escape.

4. Town Communicable Disease Hospitals

****R. S. 1944, c. 88, § 1. Hospitals may be established.** A town may establish therein one or more hospitals for the reception of persons having smallpox or other disease dangerous to the public health; or its local health officer may license any building therein as a hospital, which shall be under the control of said local health officer.

****R. S. 1944, c. 88, § 2. Physicians and others subject to hospital regulations.** When a hospital is so established or licensed, the physicians, the persons who are infected, infectious, or sick therein, the nurses, attendants, and all who come within its limits, and all furniture or other articles used or brought there shall be subject to the regulations made by the local health officer.

****R. S. 1944, c. 88, § 3. Hospital to be provided, on breaking out of infectious diseases; regulations.** When smallpox or other disease dangerous to the public health breaks out in a town, the local health officer shall immediately provide such hospital or place of reception for the sick and infected as he judges best for the accommodation and safety of the inhabitants; such hospitals and places are subject to his regulations the same as established hospitals; and he shall cause such sick and infected to be removed thereto, unless their condition will not permit it without imminent danger; in which case, the house or place where the sick are shall be deemed a hospital for every purpose aforesaid; and all persons residing in or in any way concerned with it are subject to hospital regulations.

***For forfeiture, see Penalties and Forfeitures (II R).*

****R. S. 1944, c. 88, § 4. Precautions to prevent the spread of such diseases.** When any disease dangerous to the public health exists in a town, the municipal officers shall use all possible care to prevent its spread and shall give public notice of infected places to travelers by displaying red flags at proper distances and by all other means most effectual, in their judgment, for the common safety.

****R. S. 1944, c. 88, § 5. Penalty for violation of hospital regulations by persons subject thereto.** If any physician or other person in such hospitals or places of reception, attending, approaching, or concerned therewith violates any lawful regulation in relation thereto, with respect to himself or his or another's property, he forfeits not less than \$10, nor more than \$100, for each offense.

R. S. 1944, c. 88, § 7. Sanatorium or hospital for infectious diseases, prohibited unless approved; penalty. No person, firm, or corporation shall establish or maintain within the populous districts of any city or town in this state any sanatorium or hospital designed for the treatment of persons suffering from tuberculosis or other infectious or contagious disease, unless approval has been obtained from the municipal officers of the city or town in question and from the department of health and welfare. Any person, firm, or corporation found guilty of violating the provisions of this section shall be punished by a fine of not more than \$1,000, or by imprisonment for not more than 11 months; and jurisdiction in equity to enjoin threatened violations of the provisions of this section is conferred upon the supreme judicial and superior courts.

Note: See also Hospitals and Related Institutions (II N).

5. Aid to Indigent Cases

R. S. 1944, c. 22, § 40. When indigent resident of another town is quarantined, notice to be sent to responsible town. Whenever the local health officer, or, if there is none, any selectman is informed that a person who is a charge on another town is suspected of having a communicable or infectious disease, he shall notify the town or towns that may be charged with the expenses necessary for his care within 10 days.

R. S. 1944, c. 22, § 49. Local health officer to assist persons placed in quarantine; expenses incurred charged to town. Whenever any person or family is placed in quarantine by a local health officer to protect the public against smallpox, scarlet fever, diphtheria, or any

***For forfeiture, see Penalties and Forfeitures (II R).*

other dangerous or contagious disease, said local health officer shall assist such person or family, if indigent or in a needy condition while in quarantine, in such a manner as in his judgment may be deemed wise and necessary.

All expenses for medical care and medicine, including antitoxin, incurred in carrying out the provisions of this section, or incurred in furnishing families or persons affected with tuberculosis with supplies needed to prevent the spread of infection, shall be deemed a legitimate expenditure for the protection of the public health and shall be charged to the account of incidental expenses of the town, but not to any pauper account, nor shall any person so quarantined and assisted be considered a pauper, or be subject to disfranchisement for that cause, unless such persons are already paupers as defined in the revised statutes. All other expenses may be recovered from the person quarantined, or whose family is quarantined, or from his parents, if able; otherwise from the town in which he has legal settlement. The provisions of this section shall not release the state from the obligations which are imposed upon it by sections 21 to 24, inclusive, of chapter 82.

R. S. 1944, c. 22, § 52. Antitoxin, vaccines, and drugs, in certain cases, to be furnished free. To provide for the control of diphtheria and other contagious diseases, the local health officer shall furnish antitoxin, vaccines, drugs, and necessary medical attention free to all indigent persons suffering from such diseases at the expense of the town, in such manner as the department may direct.

If the health officer fails to furnish the supplies as provided in this section, the state may do so and charge the account to the town.

R. S. 1944, c. 22, § 53. Medical supplies to indigent non-residents. The local health officer in any town furnishing an indigent person, having pauper settlement in another town, antitoxin or other medical supplies shall be reimbursed by the town in which the patient has pauper settlement. The state shall reimburse cities or towns furnishing such supplies to any person having no legal settlement in any city or town within the state.

6. Exclusion from School

***R. S. 1944, c. 22, § 45. Children who have been exposed to contagion shall be excluded from public schools.** Whenever smallpox, diphtheria, scarlet fever, or other contagious disease shall appear in a town, the local health officer shall immediately notify the teachers of

**For penalty, see Penalties and Forfeitures (II R).*

the public schools in the neighborhood of the fact, and all teachers and school officers when thus notified, or when otherwise they shall know or have good reason to believe that any such disease exists in any house in the neighborhood, shall exclude from the schoolhouse all children and other persons living in such infected houses or who have called or visited at such houses, until such time as the local health officer shall certify that such children or other persons may safely be readmitted.

Note: See also Notice of Disease or Defects (III D 3) and Exclusion for Filth or Disease (III D 4).

7. Control of Travelers

****R. S. 1944, c. 22, § 50. Precautions against persons arriving from infected places; restrictions; may be removed if refractory; penalty.** When an infectious or malignant distemper is known to exist in any place out of the state, the local health officer of any town in the state may, by giving such public notice therein as he finds convenient, require any person coming from such place to inform him or the town clerk of his arrival and from what place he came; and if he does not, within 2 hours after arrival, or after actual notice of such requirement, give such information, he forfeits \$100 to the town.

The local health officer may prohibit any such person from going to any part of his town where he thinks that the presence of such person would be unsafe for the inhabitants; and if he does not comply, the health officer may order him, unless disabled by sickness, forthwith to leave the state in the manner and by the road which he directs; and if such person neglects or refuses to do so, any justice of the peace or judge or recorder in the county, on complaint of said local health officer, may issue his warrant to any proper officer or other person named therein, and cause him to be removed from the state; and if during the prevalence of such distemper in the place where such person resides, he returns to any town in the state without the license of its local health officer, he forfeits not more than \$100.

****R. S. 1944, c. 22, § 51. Precautions authorized in border towns; penalty.** The local health officer of any town near or adjoining the state line may, by writing under his hand, appoint suitable persons to attend at any places by which travelers may pass into such town from infected places in other states or provinces, who may examine

***For forfeiture, see Penalties and Forfeitures (II R).*

such passengers as they suspect of bringing with them any infection dangerous to the public health, and if need be, may restrain them from traveling until licensed thereto by said local health officer; and any such passenger who without such license travels in this state, except to return by the most direct way to the state or province whence he came, after he has been cautioned to depart by the persons so appointed, forfeits not more than \$100.

8. Care of Infected Places and Articles

***R. S. 1944, c. 22, § 62. Notice to owner of any infected house, etc., requiring same to be disinfected; failure to comply with notice; penalty.** When any local health officer is of opinion that the cleansing and disinfecting of any house, building, car, vessel, or vehicle, or any part thereof, and of any article therein likely to contain infection, would tend to prevent or check infectious disease, such local health officer shall give notice in writing to the owner, agent, or occupier of such house, building, car, vessel, or vehicle, or part thereof, requiring him to cleanse and disinfect to the satisfaction of the health officer, such house, building, car, vessel, or vehicle, and said articles within a time specified in such notice.

If the person to whom notice is given fails to comply therewith, he shall be punished by a fine of not less than \$5, nor more than \$10, for every day during which he continues to make default; and the local health officer shall cause such house, building, car, vessel, or vehicle, or any part thereof, and articles to be cleansed and disinfected at the expense of the town, and the town may recover the expenses so incurred from the owner, agent, or occupier in default, by an action of special assumpsit.

***R. S. 1944, c. 22, § 63. Schoolhouses, when infected, shall be closed.** When persons from houses or places which are infected with any of the diseases for which disinfection may be required by the department have entered any schoolroom, or when, from any other cause, the schoolroom has probably become infected, the teacher shall dismiss the school, and notify the school officers and local health officer, and no school shall be again held in such school room until the room has been disinfected to the satisfaction of the local health officer, and the school officers and health officer shall cause the room to be disinfected as soon as possible.

Note: See Notice of Disease or Defects (III D 3) and Exclusion for Filth or Disease (III D 4).

**For penalty, see Penalties and Forfeitures (II R).*

***R. S. 1944, c. 22, § 64.** When any cellar, etc., becomes unfit for occupancy, notice to be served on the owner, to cleanse the same; if owner fails, local health officer may cleanse at owner's expense. The local health officer, when satisfied upon due examination, that a cellar, room, tenement, or building in his town, occupied as a dwelling-place, has become, by reason of want of cleanliness, or other cause, unfit for such purpose and a cause of sickness to the occupants or the public, may issue a notice in writing to such occupants, or the owner or his agent, or any one of them, requiring the premises to be put into a proper condition as to cleanliness, or, if they see fit, requiring the occupants to quit the premises within such time as the local health officer may deem reasonable. If the persons so notified, or any of them, neglect or refuse to comply with the terms of the notice, the local health officer may cause the premises to be properly cleansed at the expense of the owner, or may close the premises, and the same shall not be again occupied as a dwelling-place until put in a proper sanitary condition. If the owner thereafter occupies or knowingly permits the same to be occupied without putting the same in proper sanitary condition, he shall forfeit not less than \$10, nor more than \$50.

***R. S. 1944, c. 22, § 65.** Houses to be disinfected, where contagion has existed. No person shall let or hire any house or room in a house in which any of the diseases have existed for which disinfection may be required by the department, without having caused the house and the premises used in connection therewith to be disinfected to the satisfaction of the local health officer.

***R. S. 1944, c. 22, § 66.** Disinfection, excreta, bedding, etc. Nurses and other attendants upon persons sick with smallpox, scarlet fever, diphtheria, or other quarantinable disease shall adopt for the disinfection and disposal of excreta, and for the disinfection of utensils, bedding, clothing, and other things which have been exposed to infection, such measures as may be ordered in writing by the local health officer.

***R. S. 1944, c. 22, § 67.** Use of bedding and clothing until disinfected, prohibited. No person shall give, lend, transmit, sell, or expose any bedding, clothing, furniture, or other article which has been used by persons affected with smallpox, scarlet fever, diphtheria, or other disease for which disinfection may be required by the department, or from rooms which have been occupied by such persons, without first having said articles disinfected to the satisfaction of the local health officer.

**For penalty, see Penalties and Forfeitures (II R).*

***R. S. 1944, c. 22, § 68. Bedding and clothing may be destroyed.** Any local health officer may direct the destruction of any bedding, clothing, or other articles which have been exposed to infection.

***R. S. 1944, c. 22, § 69. Officers not to be obstructed in performance of duty.** Any health officer or other person employed by the local health officer may, when obstructed in the performance of his duty, call to his assistance any constable or other person he thinks fit, and every such constable or person so called upon shall render assistance.

****R. S. 1944, c. 22, § 135. Process for securing infected articles.** When on application of the local health officer of a town it appears to any trial justice or judge of a municipal court that there is just cause to suspect that any baggage, clothing, or goods therein are infected with any malignant contagious distemper, he shall, by a warrant directed to a proper officer, require him to impress so many men as said trial justice or judge thinks necessary, to secure such infected articles, and to post said men as a guard over the place where the articles are lodged, who shall prevent any persons from removing or approaching such articles, until due inquiry is made into the circumstances.

***R. S. 1944, c. 22, § 136. Justice may by warrant require officers to remove them to suitable places.** Any trial justice or judge of a municipal court may by the same warrant, if it appears to him necessary, require said officer, under the direction of the local health officer, to impress and take convenient houses or stores for the safe-keeping of such infected articles, and cause them to be removed thereto, or otherwise detained, until the local health officer thinks that they are free from infection.

****R. S. 1944, c. 22, § 137. Powers of officers in executing such process.** Said officer, if need be, may break open any house, shop, or other place mentioned in the warrant, where infected articles are, and require such aid as is necessary to execute it; and any person who, at the command of any such officer, fails to assist in such execution shall be punished by a fine of not more than \$10.

***R. S. 1944, c. 22, § 138. Expenses, how paid.** The charges for securing such infected articles and of transporting and purifying them shall be paid by the owners thereof, at the price determined by the local health officer.

***R. S. 1944, c. 22, § 139. Compensation for men or property impressed.** When the officer impresses or takes any house, store, lodg-

**For penalty, see Penalties and Forfeitures (II R).*

***For forfeiture, see Penalties and Forfeitures (II R).*

ing, or other necessities, or impresses any man, as herein provided, the parties interested shall have a just compensation therefor, to be paid by the town in which such persons or property were impressed.

9. Quarantine at Seaports

****R. S. 1944, c. 22, § 127. Masters, seamen, or passengers of vessels may be examined on oath in reference to infectious distempers; penalty.** If a master, seaman, or passenger of a vessel in which there is, has lately been, or is suspected to have been any infection, or which has come from a port where any infectious distemper prevails, dangerous to the public health, refuses to answer, on oath, such questions as are asked him relating to such infection or distemper, by the local health officer of the town to which such vessel comes, which oath the said health officer may administer, he shall forfeit not more than \$200, or be imprisoned for not more than 6 months.

****R. S. 1944, c. 22, § 128. Vessels with infected persons to anchor at a distance from towns; penalty.** When a vessel arrives at a port having on board any person infected with a malignant disease, the master, commander, or pilot shall anchor it at some convenient place below the town of such port, at a distance safe for the inhabitants thereof and the persons on board other vessels in said port; and no person or thing on board shall be brought on shore, until the local health officer gives his written permit. For the wilful violation of the provisions of this section, such master or commander forfeits not more than \$200 and the pilot not more than \$50 for each offense.

****R. S. 1944, c. 22, § 129. Local health officer may establish quarantine regulations; penalty.** The local health officer of a seaport town may cause vessels arriving there to perform quarantine at such place and under such regulations as he judges expedient, when he thinks that the safety of the inhabitants requires it; and whoever neglects or refuses to obey such orders and regulations shall forfeit not more than \$500, or be imprisoned for not more than 6 months.

****R. S. 1944, c. 22, § 130. Duty of pilots to give notice thereof; penalty.** When the local health officer thinks it necessary to order all vessels, arriving there from any particular port or ports, to perform quarantine, he shall give notice thereof to the pilots of his port; who shall make it known to the masters of all vessels which they

***For forfeiture, see Penalties and Forfeitures (II R).*

board.* A pilot who neglects to do so, or who contrary thereto pilots any vessels up to said seaport town, forfeits not more than \$100.

****R. S. 1944, c. 22, § 131. Penalty for violation or evasion of quarantine, after notice.** If the master or commander of a vessel takes it up to any seaport town after notice that a quarantine has been so directed for all vessels coming from the port or place whence his vessel sailed; or by false declarations, or otherwise, fraudulently attempts to elude such directions; or lands or suffers to be landed from his vessel any person or thing, without permission of the local health officer, he shall be punished as provided in section 129.

****R. S. 1944, c. 22, § 132. Local health officer to furnish signals; restrictions on persons visiting vessels at quarantine.** The local health officer of every seaport town requiring vessels to perform quarantine shall provide, at the expense of such town, a suitable number of red flags at least 3 yards in length; and the master of every vessel ordered to perform quarantine shall, during the term thereof, cause one of them to be continually kept at the head of the mainmast of his vessel; and no person shall board such vessel during said term unless by permission of said local health officer; if he does, he shall be thereafter held liable to the same regulations and restrictions as those belonging to said vessel; and shall there be detained by force, if necessary, until discharged by said local health officer.

****R. S. 1944, c. 22, § 133. Expenses, how paid.** Expenses incurred on account of any person, vessel, or goods, under quarantine regulations, shall be paid by such person, or the owner of the vessel or goods, as the case may be.

10. Vaccination

R. S. 1944, c. 22, § 54. Free vaccination provided, annually. The local health officer of each city, village, town, and plantation shall annually on the 1st day of March, or oftener if he deems it prudent, provide for the free vaccination with the cowpox, of all the inhabitants, within their respective localities, to be done under the care of skilled practicing physicians, and under such circumstances and restrictions as said authorities adopt therefor.

R. S. 1944, c. 22, § 55. Paper mills not to employ persons not vaccinated. No owner, agent, or superintendent of any paper mill where domestic or foreign rags are used in the manufacturing of paper shall hire or admit any person to work in or about said mill who has

***For forfeiture, see Penalties and Forfeitures (II R).*

not been successfully vaccinated or revaccinated within 2 years, or to the satisfaction of the local health officer.

R. S. 1944, c. 22, § 56. Persons not vaccinated not to work in paper mill. No person shall work in or about any paper mill where rags are used, who has not been successfully vaccinated or revaccinated within 2 years, or to the satisfaction of the local health officer.

R. S. 1944, c. 22, § 57. List of employees to be furnished semi-annually. The owner, agent, and superintendent in every paper mill where rags are used shall every year, in the months of February and September, make out and deliver to the local health officer a list containing the names, ages, kind of work, and places of residence of all persons employed in or about said mill.

R. S. 1944, c. 22, § 58. Employees to be examined semiannually. In the months of March and October, annually, each and every person who is employed in a paper mill shall be examined by the local health officer as to whether he or she is successfully and sufficiently protected by vaccination, and the local health officer shall in all cases be the judge of the sufficiency of the protection by vaccination.

R. S. 1944, c. 22, § 59. Penalty. Whoever violates any provision of the 4 preceding sections shall be punished by a fine of not more than \$50.

R. S. 1944, c. 22, § 60. Enforcement of §§ 55-59. The local health officers within their respective jurisdiction and the department shall enforce the provisions of the 5 preceding sections as far as comes within their power, and when said department knows or has reason to believe that any penalty or forfeiture has been incurred by reason of neglect to comply with said sections, it shall give notice thereof, in writing, to the county attorney of the county in which said penalty or forfeiture has occurred, and upon receipt of such notice the county attorney shall prosecute the defaulting person or persons.

Note: See also Requirements Regarding Vaccination (III D 1).

11. Inspection of Dairy Products

R. S. 1944, c. 22, § 123. Inspector or agent of department may make inspection of dairy buildings. Whenever, in the opinion of any officer or duly authorized inspector or agent of the department, it may be necessary to guard against the spread of any infectious or communicable disease, or to investigate the source of infection of any case or outbreak of said disease, or to facilitate the control of

said disease, said officer, inspector, or agent may at all times enter and inspect premises, rooms, carriages, or other places occupied or used in the production, manufacture, storage, sale, transportation, or distribution of milk, cream, ice cream, or other dairy product, and may inspect all cans and other utensils or things used in, or appertaining to, the work or business.

R. S. 1944, c. 22, § 124. Officer may prohibit sale or transportation of infected products; duty of department. When any officer, inspector, or duly authorized agent of the department has reason to believe that the milk, cream, ice cream, or other dairy product from any farm, home, or other place has been or is contaminated or infected by being handled or otherwise exposed to any person who has infectious or communicable disease, or to any person of whom there is reason to believe that he may be an infection carrier, or that the milk is otherwise infected; said officer, inspector, or agent may issue an order prohibiting the transportation, sale, distribution, or use of such milk or other dairy product from that farm, home, or other place so long as the danger of contamination or infection is believed to exist; but when such order is given, the department shall, so far as possible, determine the time when the danger of transmitting infection has passed, and shall endeavor to shorten the period during which the milk or other dairy product shall be debarred or withheld from transportation, sale, distribution, or use.

R. S. 1944, c. 22, § 125. Officers may take samples to aid in investigation. Any officer or authorized inspector or agent of the department may, upon tendering the market price of a sample of milk, cream, ice cream, or other dairy product, take such sample from any person, firm, corporation, association, or society, when it is believed that such sample may help in any investigations which it may be thought desirable to make.

R. S. 1944, c. 22, § 126. Department may make rules and regulations as to diseases transmitted through milk. The department may make, alter, or modify such rules and regulations as may be thought necessary relating to the diseases which it believes may be carried or transmitted through milk or other dairy products, or relating to the ways and means through which the danger of the spread of infection may be prevented or lessened, and the methods which shall be followed by any officer, inspector, or agent of the department in the performance of his duties in relation thereto.

Note: See also Safeguarding of Milk and Other Dairy Products (III A).

12. Rabies

R. S. 1944, c. 22, § 32. Threatened epidemics of rabies or hydrophobia; impounded dogs killed. The department may, in the case of an emergency or threatened epidemic of rabies or hydrophobia when in its opinion the health and safety of the people in a community are endangered, issue orders to the mayor of any city or the municipal officers of any town or plantation to have killed any dogs found loose in violation of quarantine regulations and impounded for a period of 72 hours without being claimed by their owner.

The mayor of any city or the municipal officers of any town or plantation shall forthwith direct that such dogs be killed by a police officer or constable.

D. Tuberculosis Control

I. Reporting of Cases of Tuberculosis

****R. S. 1944, c. 22, § 74. Tuberculosis declared infectious; duty of physicians and others.** Tuberculosis is declared to be an infectious and communicable disease, dangerous to the public health. Every physician in the state shall report in writing, to the local health officer within 48 hours after the fact comes to the knowledge of said physicians, the name, age, sex, color, occupation, place where last employed, if known, and address, of every person known by said physician to have tuberculosis. Such report shall be made on forms furnished by the department.

The name of the householder, where the tuberculous person lives or boards, and such other facts as may be called for on the blank reports so furnished shall also be included in the report. The chief officer having charge for the time being of any hospital, dispensary, asylum, sanatorium, or other similar private or public institution in the state shall report to the department in like manner the name, age, sex, color, occupation, place where last employed, if known, and previous address of every patient having tuberculosis who comes into his care or under his observation, within 48 hours thereafter. Such physician or chief officer shall also give notice to the department of the change of address of any tuberculous patient who is, or has lately been under his care, if he is able to give such information.

****R. S. 1944, c. 22, § 75. Tuberculous persons registered in department.** The department shall keep a register of all persons in the state who are known to be affected with tuberculosis. The department shall have sole and exclusive control of said register, and shall

***For forfeiture, see Penalties and Forfeitures (II R).*

not permit inspection thereof nor disclose any of its personal particulars, except to its own agents or to local officials when in the interest of the public health and safety it is deemed necessary to do so.

2. Control of Cases of Tuberculosis

****R. S. 1944, c. 22, § 79. Tuberculous persons to exercise care; duty of local health officer.** Any person having tuberculosis, who shall dispose of his sputum, saliva, or other bodily secretion or excretion so as to cause offense or danger to any person or persons in the same room or apartment, house, or part of a house, shall, on complaint of any person or persons subjected to such offense or danger, be deemed guilty of a nuisance; and any person subjected to such a nuisance may make complaint in person or writing to the local health officer of any town where the nuisance complained of is committed. The local health officer upon receiving such complaint shall investigate, and if it appears that the nuisance complained of is such as to cause offense or danger to any person in the same room, apartment, house, or part of a house, he shall serve a notice upon the person so complained of, reciting the alleged cause of offense or danger, and requiring him to dispose of his sputum, saliva, or other bodily secretion or excretion in such manner as to remove all reasonable cause of offense or danger. Any person failing or refusing to comply with orders or regulations of the local health officer of any town, requiring him to cease to commit such nuisance, shall be deemed guilty of a misdemeanor and on conviction thereof shall be punished by a fine of not more than \$10.

****R. S. 1944, c. 22, § 80. Duty of physician.** Any physician attending a patient having tuberculosis shall take all proper precautions and shall give proper instructions to provide for the safety of all individuals occupying the same house or apartment, and if no physician be attending such patient, this duty shall devolve upon the local health officer; all duties imposed upon physicians by the provisions of sections 74 to 84, inclusive, shall be performed by the local health officer in all cases of tuberculosis not attended by a physician, or when the physician fails to perform the duties herein specified, and shall so report.

****R. S. 1944, c. 22, § 81. Precautionary measures; needy patients.** Precautionary measures carried out by physicians, local health officers, and others to prevent the transmission of infection to other persons shall be in accordance with the advice given by the department in its printed circulars, and reports to the department shall in-

***For forfeiture, see Penalties and Forfeitures (II R).*

clude a statement of what procedures and precautions have been taken to prevent the spread of infection. In cases of needy patients, who are not able to provide themselves with proper supplies or material in the opinion of the attending physician needed to prevent the communication of infection, the physician may send a requisition to the local health officer of the town in which the tuberculous patient lives, for such supplies and material to aid him in preventing the spread of the disease, and all local health officers shall honor, so far as possible, any requisition signed by the attending physician, and the bill for these supplies shall be paid by the town.

3. Care of Infected Places and Articles (Tuberculosis)

****R. S. 1944, c. 22, § 76. Notice of vacancy.** Whenever any apartment or premises are vacated by the death or removal therefrom of a person having tuberculosis, the attending physician, or if there be no such physician, or if the physician be absent, the owner, lessee, occupant, or other person having charge of said apartments or premises shall notify the local health officer of the town of said death or removal within 24 hours thereafter, and such apartments or premises so vacated shall not again be occupied until duly disinfected, cleansed, or renovated as hereinafter provided.

****R. S. 1944, c. 22, § 77. Infected articles to be disinfected.** When notified as provided in the preceding section that any apartments or premises have been vacated, the local health officer or his agent shall within 24 hours thereafter visit said apartments or premises, and shall order and direct that, except for the purposes of cleansing or disinfection, no infected article shall be removed therefrom until properly and suitably cleansed or disinfected; and said local health officer shall determine the manner in which such apartments or premises shall be disinfected, cleansed, or renovated in order that they may be rendered safe and suitable for occupancy. If the local health officer determines that disinfection is sufficient to render them safe and suitable for occupancy, such apartments or premises, together with all infected articles therein, shall immediately be disinfected by said health officer at public expense, or if the owner prefers, by the owner at his expense, to the satisfaction of the local health officer; but the methods or processes of disinfection and the material or agencies with which it shall be done shall be those which are advised by the department for work of that kind in connection with tuberculosis.

****For forfeiture, see Penalties and Forfeitures (II R).**

****R. S. 1944, c. 22, § 78.** When orders of local health officer are not obeyed. In case the orders or directions of the local health officer requiring the disinfection, cleansing, or renovation of any apartments or premises or any articles therein, as hereinbefore provided, shall not be complied with within 48 hours after such order or directions shall be given, the health officer may cause a placard in words and form substantially as follows to be placed upon the door of the infected apartments or premises:

"Tuberculosis is a communicable disease. These apartments have been occupied by a consumptive and may be infected. They must not be occupied until the order of the health officer directing their disinfection or renovation has been complied with. This notice must not be removed under penalty of the law except by the local health officer or other duly authorized official."

4. Miscellaneous Laws on Tuberculosis

****R. S. 1944, c. 22, § 82.** Recoveries to be reported. Upon the recovery of any person having tuberculosis, the attending physician shall make a report of this fact to the department, which shall record the same in the records of its office, and shall relieve said person from further liability to any requirements imposed by the 8 preceding sections.

****R. S. 1944, c. 22, § 83.** Penalty. Any person violating any provision of the 9 preceding sections shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished, except as herein otherwise provided, by a fine of not less than \$5, nor more than \$50.

****R. S. 1944, c. 22, § 84.** False statement by physician; penalty. Any physician who shall knowingly report as affected with tuberculosis any person who is not so affected, or who shall wilfully make any false statement concerning the name, age, sex, color, occupation, or other facts called for on the blanks prepared by the department of any person reported as affected with tuberculosis, or who shall certify falsely as to any of the precautions taken to prevent the spread of infection, shall be deemed guilty of a misdemeanor and on conviction thereof shall be punished by a fine of not more than \$100.

R. S. 1944, c. 22, § 85. Investigation of suspected cases of tuberculosis or glanders in domestic animals. Whenever a local health officer has notice of, or suspects the existence of, a case of tuberculosis

***For forfeiture, see Penalties and Forfeitures (II R).*

or glanders in domestic animals, such officer shall forthwith investigate or cause to be investigated the truth of such notification or the grounds of such suspicion; and if there appear to be good grounds for believing that such disease is present, the local health officer shall notify the commissioner of agriculture, reciting in said notification the grounds for his belief or suspicion.

Note: See also Meat or Milk from Diseased Animals (III B 2).

R. S. 1944, c. 22, § 372. Notice of death from tuberculosis. When a town or city clerk receives a certificate of the death of any person who has died of tuberculosis in his town, he shall forthwith send a copy of said certificate to the health officer of his town or city, or where there is no health officer, to the commissioner.

5. Tuberculosis Sanatoriums

R. S. 1944, c. 23, § 166. Establishment and maintenance of one or more sanatoriums. The state shall maintain by building, lease, or by purchase one or more sanatoriums in such districts of the state as shall seem best to serve the needs of the people for the care and treatment of persons affected with tuberculosis. Where lease or purchase is made the state shall have the right to enlarge or otherwise adapt the property to meet the needs of the situation; and such additions or improvements shall be considered permanent. At the expiration of the original lease of any property for use as a tuberculosis sanatorium the state shall have the right of renewal or of purchase.

R. S. 1944, c. 23, § 167. (P. L. 1945, c. 297, § 3). Admittance of patients; charges for treatment. Residents of the state may be admitted to these sanatoriums, if found by any regular practising physician in the state or by the superintendent of any one of the sanatoriums to be suffering from tuberculosis. All patients in said sanatoriums, or relatives liable by law for their support, shall pay to the state for treatment, including board, supplies, and incidentals, the amount determined by the department; provided that the department may, after proper investigation of the financial circumstances of the patient, or relatives liable by law for his or her support, if it finds that such patient or relatives are unable to pay the amount determined as above, in whole or in part, waive such payment or so much thereof as the circumstances appear to warrant; provided further, that if such patient or relatives are unable to pay, the city, town, or plantation in which the patient has a settlement, if any, shall pay to the

institution the sum of \$2 per week so long as the patient remains therein.

All funds collected from this source shall be credited to the general fund of the state. No pauper disabilities shall be created by reason of any aid or assistance given under the provisions of this section.

E. Venereal Disease Control

1. Authorization of Program

R. S. 1944, c. 22, § 87. Venereal diseases, control of; acceptance of provisions of federal law; federal grants, disposal of. The department, through its bureau of health, is authorized to administer a program to extend and improve its services for controlling and eradicating venereal diseases.

The department is authorized to:

I. Apply for federal aid under the provisions of the Venereal Disease Control Act of 1938;

II. Cooperate with the federal government through the United States public health service in matters of mutual concern pertaining to venereal diseases, including such methods of administration as are found to be necessary for the efficient operation of the plan for such aid;

III. Make such reports in such form and containing such information as the surgeon-general of the United States public health service may require, and comply with such provisions as said surgeon-general may find necessary to assure the correctness and verification of such reports.

The treasurer of state shall be the appropriate fiscal officer of the state to receive federal grants on account of venereal disease services as contemplated by the Venereal Disease Control Act of 1938, and the state controller shall authorize expenditures therefrom as approved by the department.

2. Reporting of Cases of Venereal Disease

R. S. 1944, c. 22, § 90. Definition; duties of physicians and officers of institutions; reports of bureau of health. Syphilis, gonorrhoea, chancroid, and lymphogranuloma venereum are declared to be infectious and communicable diseases, dangerous to the public health.

Every physician in the state, within 48 hours of the time the fact comes to the knowledge of said physician, shall report in writing to

the bureau of health any person known by said physician to have any of the above diseases, and shall keep a record of such cases by number, and name and address. Such report shall be made on a form furnished and numbered by the bureau of health, which shall state only the age, sex, and color of the person infected. In case such person having any of the above named diseases fails to observe the necessary precautions indicated in the treatment thereof, or in cases where financial obligations for treatment are incurred by the bureau of health, the name and address of such person shall be submitted at once to the bureau of health.

All information and reports concerning persons suffering with venereal diseases shall be made on forms furnished and numbered by the bureau of health, shall be held confidential, and shall not be available to any person not an agent of the said bureau, or for any other than a public health purpose.

The chief officer having charge for the time being of any hospital, asylum, dispensary, jail, sanatorium, or other similar private or public institution in the state shall report in like manner any cases of the above named diseases which come into his care or under his observation and shall comply with such rules and regulations as are made by the department to prevent the spread of venereal disease.

3. Control of Cases and Suspected Cases of Venereal Disease

R. S. 1944, c. 22, § 91. Bureau of health may require examination; limitation. The bureau of health is empowered to make such investigations as may be necessary to ascertain the source of any infectious or communicable disease. Whenever said bureau has cause to believe that any person is infected with any of the above diseases so as to expose others to the dangers thereof, said bureau by its representative shall petition a judge of the municipal court or a justice of the superior court in the county where said person resides or is found, setting forth said facts and requesting an examination of such person. Said judge or justice may order such notice thereon as he may deem proper for such person to appear and answer thereto. Upon hearing, if said court finds cause to believe that such person is so infected, he may issue an order requiring said person to be examined by a licensed physician, at the expense of the bureau; and use all necessary legal processes to carry its decrees into effect.

R. S. 1944, c. 22, § 92. Bureau to supervise cure of disease. It shall be the duty of said bureau, when the report provided for in section 90 or the examination provided for in section 91 reveals that

such person has any of the above diseases and has not consulted a physician or has not taken the necessary treatment, to place such person immediately under medical treatment in order to effect a cure. Such treatment shall continue until, in the opinion of the attending physician, the cure of said disease has been effected, or is rendered non-infectious.

Nothing in the provisions of sections 90 to 92, inclusive, shall be construed as denying to any person the right to be examined or treated by a licensed physician of his own choice.

R. S. 1944, c. 22, § 93. Any person who violates the provisions of sections 90, 91, and 92 shall be punished by a fine of not more than \$100, or by imprisonment for not more than 11 months, or by both such fine and imprisonment.

4. Laboratory Examination; Treatment

R. S. 1944, c. 22, § 88. Examination and treatment of gonorrhea and syphilis. The department shall provide, at the state laboratory of hygiene or elsewhere, facilities for the free bacteriological examination of discharges for the diagnosis of gonorrheal infections, and shall also provide at cost vaccine or antitoxin for the treatment of such infections. Said department shall make at the expense of the state the Wassermann test or its equivalent for the diagnosis of syphilis; and shall furnish the treatment known as Salvarsan or other accredited specific treatment at cost.

5. Publication of Information

R. S. 1944, c. 22, § 89. Department to include information concerning venereal diseases in bulletins. The department shall include in bulletins and circulars distributed by it, information concerning the diseases covered by the preceding section, provided that nothing shall be contained in such bulletins or circulars which will disclose the identity of the persons suffering from such venereal disease nor the identity of any state-aided, county-aided, or municipally-aided charitable institution in which such persons are treated or cared for.

6. Premarital Medical Examinations

R. S. 1944, c. 22, § 107. Physician's examination and standard test for application for marriage license. Except as herein otherwise provided in sections 108 to 115, inclusive, no application for a marriage license shall be accepted by the town or city clerk unless accompanied by or unless there shall have been previously filed with him a state-

ment or statements signed by a physician duly licensed to practice in the state of Maine, or by a physician duly licensed to practice outside of the state of Maine who is a graduate of a class A medical school, that each applicant has been given a physical examination, including a standard blood test, as required by the bureau of health for the discovery of syphilis, made on a day specified in the statement, which shall not be more than the 30th day prior to that on which the license is applied for, said blood test to be made by the state laboratory or by a hospital laboratory approved by the bureau of health, and that in the opinion of the physician the person therein named is not infected with syphilis, or, if so infected, is not in a stage of that disease whereby it may become communicable. Provided, however, that if it appears from said first test that the applicant is infected with syphilis, every such applicant shall have the right to have a minimum of 3 tests in connection with said application, of which not less than two shall establish the opinion of the physician that such applicant is infected with such venereal disease. Provided further, that in case an application for a marriage license is finally denied, the person making such application may again apply for a marriage license when he or she has reason to believe that the cause for denial no longer exists.

R. S. 1944, c. 22, § 108. Waiver on emergency. Because of emergency or other cause shown by affidavit or other proof, any justice of the superior court, or judge of probate, if satisfied that the public health and welfare will not be injuriously affected thereby, may make an order, in his discretion, on joint application of both of the parties desiring the marriage license, dispensing with the requirements of the preceding section as to either or both of the parties, including the laboratory statement specified below, or, if the statement or statements provided for by such section have been filed, extending the 30-day period following the examination and test to not later than a day specified, which, however, shall be not more than 90 days after the examination and test. The order shall be accompanied by a memorandum in writing of the said justice or judge reciting his reasons for granting the order. Application for such extension may be made before or on the expiration of such 30-day period. The order and the accompanying memorandum shall be filed with the town or city clerk, and he then shall accept and consider application for the marriage license without the production or filing of any of the physician's statements dispensed with by the order, or shall accept and consider the application within any such extended period, as the case may be. The clerk shall hold such memorandum of a judge or justice in absolute confidence.

R. S. 1944, c. 22, § 109. (P. L. 1945, c. 181). Physician's statement and laboratory test. Each physician's statement shall be accompanied by a statement from the person in charge of the laboratory making the test or tests, or from some other person authorized to make such statement, setting forth the name of the test or tests, the date it was completed and the name and address of each person whose blood was tested, but not stating the result of the test or tests. The physician's statement and the laboratory statement shall be on the same form sheet. Upon a separate form a detailed report of the laboratory test or tests, showing the result of the test or tests, shall be transmitted by the laboratory to the physician, who, after examining it, shall file it with the bureau of health, and it shall be held in confidence and shall not be open to public inspection; provided, however, that it may be produced under subpoena in a proceeding upon appeal as provided for in section 114.

R. S. 1944, c. 22, § 110. Free blood test for those unable to pay. A blood sample may be sent to the state laboratory and shall be examined free of charge. An applicant who is unable to pay costs of the physician for taking the blood sample and making required statement may go to any of the established clinics maintained by the state for such examination and certificate or to the town or city physician in the town or city in which said applicant resides, such service to be performed without charge.

R. S. 1944, c. 22, § 111. Exception to the requirement of the physician's certificate. The physician's certificate as to whether either applicant is infected with communicable syphilis at the time of application for marriage license shall not be required for the granting of such license when the woman states that she is pregnant and the license may be granted whether a report has been received from the laboratory or not and irrespective of what that report shows, but a physician's statement must be filed with the town or city clerk stating that a blood sample has been taken from each applicant.

R. S. 1944, c. 22, § 112. All fees and charges of any physician making the necessary examination or examinations of and issuing the necessary certificate to any one party, as provided in sections 107 to 115, inclusive, shall not exceed the sum of \$3 for each person examined.

R. S. 1944, c. 22, § 113. Form sheets, certificates, etc. The bureau of health shall arrange and provide the form sheets and certificates required in sections 107 to 115, inclusive, and shall supply without

charge such form sheets and certificates upon application, to any duly licensed physician in the state.

R. S. 1944, c. 22, § 114. Right to appeal. When an applicant has been refused a marriage license, such applicant shall have the right to appeal to the superior court within 90 days from the date of such refusal. The court may try such appeal without the intervention of a jury upon the evidence provided by the certificate or certificates of the medical examiner or examiners, and the decision of such court shall be final.

R. S. 1944, c. 22, § 115. Penalty for misrepresentation. Any applicant for marriage license, any physician, or any representative of a laboratory who shall misrepresent any of the facts called for by the physician's statement and the laboratory report or statement, or any town or city clerk who shall issue a license without the required certificate, or any officer of the bureau of health or any employee of said department who shall not hold the laboratory record confidential, except as provided in section 109 with respect to its production for evidence on order of the justice or judge of any court, shall be guilty of a misdemeanor, and shall be punished by a fine of not less than \$100, nor more than \$500, or by imprisonment for not less than 30 days, nor more than 90 days, in the county jail.

7. Prenatal Examination

R. S. 1944, c. 22, § 116. Physician to take sample of blood for laboratory test. Every physician attending a woman in the state by reason of her being pregnant during gestation shall in the case of every woman so attended take or cause to be taken with her consent a sample of blood of such woman, and submit such sample for a standard serological test for syphilis to a laboratory of the department or to a laboratory approved for this test by the department. Such laboratory tests as are required by sections 116 to 119, inclusive, shall be made on request without charge by the department.

R. S. 1944, c. 22, § 117. Standard tests to be approved by the department. The department is authorized to approve one or more tests for syphilis which shall be known as standard tests, and may approve and appoint other laboratories in addition to the state laboratory to make such tests.

R. S. 1944, c. 22, § 118. Blood specimens to be accompanied by information blank; report. Blood specimens sent to a laboratory in

compliance with section 116 shall be accompanied by an information blank which shall contain the initials of the person whose blood is submitted or a number or other suitable means of identification, and also the word "Prenatal" to indicate the purpose of the examination.

If the person in question is found to be infected with syphilis, the physician in charge shall make a report to the bureau of health on a regular blank, supplied by the bureau for the reporting of venereal diseases, adding thereto the word "Prenatal" in addition to such other information as may be indicated on said blanks.

Such reports shall be kept in a special file at the bureau and shall not be considered a public record. However, such reports may be produced in any court procedure where they may be material and relevant, on an order of the justice presiding.

R. S. 1944, c. 22, § 119. Civil action not maintainable. No civil action shall be maintainable for failure to comply with the provisions of the 3 preceding sections.

8. Prevention of Blindness

R. S. 1944, c. 22, § 120. (P. L. 1945, c. 180). Duty of physician, midwife, or nurse to prevent blindness; penalty. If one or both eyes of an infant become reddened or inflamed at any time within 4 weeks after birth, the midwife, nurse, or person having charge of said infant shall report the condition of the eyes at once to some legally qualified practitioner of medicine of the town in which the parents of the infant reside. Every physician, midwife, or nurse in charge shall instill or cause to be instilled into the eyes of the infant immediately upon its birth 1 or 2 drops of a prophylactic solution prescribed by the department, and provided without cost by the department. Any failure to comply with the provisions of this section shall be punishable by a fine of not more than \$100, or by imprisonment for not more than 6 months.

F. Occupational Diseases

1. Reporting of Cases

R. S. 1944, c. 22, § 71. Reports from physicians. Every physician attending upon or called to visit a person whom he believes to be suffering from poisoning from lead, phosphorus, arsenic, or mercury, or their compounds, or from anthrax, or from compressed air illness, or any other ailment or disease contracted as a result of such person's occupation or employment shall, within 10 days after his

first attendance upon such person, send to the department a written notice, stating the name, post-office address, and place of employment of such person, the nature of the occupation and the disease or ailment from which, in the opinion of the physician, the person is suffering, with such other specific information as may be required by the department.

R. S. 1944, c. 22, § 72. Lead poisoning. In like manner as is provided in the preceding section, every case of lead poisoning and of suspected lead poisoning, which has resulted from the use of water which contains lead or is suspected of containing lead, shall be reported to the department; and when such reports are received, the said department shall assist, by laboratory work and otherwise, the attending physician to determine whether the case is one of lead poisoning, and if so, the source of the poison.

2. Penalty

R. S. 1944, c. 22, § 73. Penalty; prosecutions. Any physician who fails to perform the duty imposed by the 2 preceding sections within the time therein limited shall be deemed guilty of a misdemeanor, and shall be punished by a fine of not less than \$5, nor more than \$10. The department and the county attorney of the county wherein any such physician resides shall prosecute all violations of said sections which shall come to the knowledge of them or either of them.

G. Diagnostic Laboratory

1. Establishment

R. S. 1944, c. 22, § 23. State laboratory of hygiene. The department may establish and equip with the proper and necessary apparatus, instruments, and supplies a state laboratory of hygiene for the chemical and bacteriological examination of water supplies, milk, and food products, and the examination of cases and suspected cases of diphtheria, typhoid fever, tuberculosis, glanders, and other infectious and contagious diseases.

2. Functions

R. S. 1944, c. 22, § 24. Superintendent; his appointment, duties; services to be free. The department shall appoint a superintendent of such laboratory, who shall hold that position at the pleasure of

the department. He shall keep a record of all specimens sent to him for examination, and examine these specimens without unnecessary delay, and do such other work and make such other investigations relating to the public health as said department may from time to time direct. The services of the laboratory and all investigations therein made shall be free to the people of the state, except that the department subject to the approval of the governor and council may fix charges when deemed advisable or necessary.

H. Sanitary Engineering

1. Eating and Lodging Places

R. S. 1944, c. 22, § 152. Eating and lodging places, recreational and overnight camps to be licensed. No person, corporation, firm, or copartnership shall conduct, control, manage, or operate, directly or indirectly, any eating or lodging place, recreational or overnight camp, unless the same shall be licensed by the department.

R. S. 1944, c. 22, § 153. Definition, "overnight camp." The designation "overnight camp" shall include in addition to the usual interpretation; filling stations, seashore resorts, lakeshore places, picnic and lunch grounds, or other premises where trailers, auto homes, or house cars are permitted to be parked for compensation, either directly or indirectly, and such places shall be subject to the license requirements of the department as now provided by the provisions of sections 152 to 158, inclusive, and to such regulations as may be adopted by the department for regulating the conduct and sanitation of such establishments.

R. S. 1944, c. 22, § 154. Department authorized to license; terms and fees. The department is empowered to license eating and lodging places, recreational and overnight camps. Such licenses shall be issued by the department under such terms and conditions as it deems advisable, and fees for licenses not exceeding \$5 may be charged. The fees thus received shall constitute a permanent fund to carry out the provisions of sections 152 to 158, inclusive.

R. S. 1944, c. 22, § 155. Licenses when, duration of, not transferable. No person, corporation, firm, or copartnership shall engage in the business of conducting an eating or lodging place, recreational camp, or overnight camp without first procuring a license from the department for each eating or lodging place, recreational camp, or overnight camp so conducted or proposed to be conducted, provided that one license shall be sufficient for each combined eating place and

lodging place where both are conducted in the same building and under the same management. Each license shall expire on the 30th day of June next following the issuance and shall not be transferable.

R. S. 1944, c. 22, § 156. Exceptions to license requirements. Private homes shall not be deemed or considered lodging places and subject to a license where not more than 2 rooms are let to other than transient guests, unless they hold themselves in any way as ready to accept or do accept transient guests. Licenses shall not be required from dormitories of charitable, educational, or philanthropic institutions, nor from private homes used in emergencies for the accommodation of persons attending conventions, fairs, or similar public gatherings, nor from temporary eating and lodging places for the same, nor from railroad dining or buffet cars, nor from construction camps, nor from boarding houses and camps conducted in connection with wood cutting and logging operations.

Stores or other establishments where bottled soft drinks and/or ice cream are sold for consumption from the original containers only, and where no tables, chairs, glasses, or other utensils are provided in connection with such sale shall not be considered eating places within the meaning of this section; but at such establishments straws or spoons may be provided to aid in the consumption of such bottled soft drinks or ice cream, provided they shall be supplied in original individual single service sterile packages.

Such establishments and all eating places, subject to license under the provisions of this chapter, shall be subject to such inspections as may be deemed necessary by the department to insure compliance with the rules and regulations of the department relating to sanitation and the prevention of communicable diseases.

R. S. 1944, c. 22, § 157. Revocation of licenses; appeal. The bureau of health shall have the power to issue, renew, suspend, and revoke such licenses and to hold hearings on violations of the provisions of sections 152 to 158, inclusive, and regulations adopted under the provisions of said sections. The director of health, or his duly authorized representative in charge of the hearings, may administer oaths and issue subpoenas for witnesses.

Whenever the commissioner of agriculture informs the bureau of health that a licensee holding a license to operate an eating place in a hotel, restaurant, lunch cart, or lunch counter, or any eating place is not complying with the laws and regulations governing the sale of food, the bureau of health shall revoke the license of the licensee.

The licensee shall have notice in writing of the charge or charges

against him and shall have reasonable opportunity to be heard in his defense. Any license suspended or revoked shall be delivered to any agent of the bureau of health upon demand. Any person whose license has been suspended or revoked may apply to have same reissued and it shall be reissued upon satisfactory evidence that the violations no longer exist. Any person operating an eating or lodging place after such license shall have been revoked shall be considered as operating without a license and liable to all the penalties therefor.

Any person aggrieved by the decision of the bureau of health in revoking or suspending a license or by the refusal of said bureau of health to issue a license may within 10 days thereafter appeal to any justice of the superior court, by presenting to him a petition therefor, in term time or vacation. Such justice shall fix a time and place for hearing, which may be in vacation, and cause notice thereof to be given to the bureau of health; and after hearing, such justice may affirm or reverse the decision of the bureau of health, and the decision of such justice shall be final. Pending judgment of the court, the decision of the bureau of health in revoking or suspending any license shall remain in full force and effect. The bureau shall, within 3 days after notice of such appeal, forward to the said court a certified copy of the proceedings.

R. S. 1944, c. 22, § 158. Penalty. Whoever violates any of the provisions of sections 152 to 158, inclusive, shall be punished by a fine of not less than \$10, nor more than \$100, for each offense.

2. Water

R. S. 1944, c. 22, § 121. Persons selling water for domestic purposes may be required to submit samples for examination; sale may be prohibited if polluted. The department may require any person selling water for domestic purposes to furnish samples thereof for chemical and bacteriological examination, and if said water is found to be contaminated, polluted, and unfit for domestic use, the department may issue an order prohibiting the transporting, sale, distribution, or supplying of such water as long as such contamination, pollution, and unfitness remains.

R. S. 1944, c. 22, § 122. Penalty. Whoever neglects or refuses to furnish such samples of water, or violates or disobeys any order of said department as provided in the preceding section shall be punished by a fine of not less than \$5, nor more than \$50, or by imprisonment for not less than 10 days, nor more than 30 days.

R. S. 1944, c. 124, § 1. **Corrupting water used for domestic or other uses; penalty.** Whoever knowingly and wilfully poisons, defiles, or in any way corrupts the waters of any well, spring, brook, lake, pond, river, or reservoir used for domestic purposes for man or beast, or knowingly corrupts the sources of any public water supply, or the tributaries of said sources of supply in such manner as to affect the purity of the water so supplied, or knowingly defiles such water in any manner, whether the same be frozen or not, or puts the carcass of any dead animal or other offensive material in said waters, or upon the ice thereof, shall be punished by a fine of not more than \$5,000, or by imprisonment for any term of years.

Note: See also Safeguarding of Public Water Supplies (III C).

3. Mosquitoes

R. S. 1944, c. 22, § 144. **Department to use methods for the extermination of mosquitoes; to cooperate with state entomologist in study of mosquito life-history, breeding places, etc.; to spread information concerning mosquitoes.** The department is authorized and directed to use all lawful methods for the extermination of mosquitoes and prevention of their breeding. In cooperation with the state entomologist it is authorized to carry on such investigation of mosquito life-history and control and of the prevalence of mosquito breeding places in this state and particularly in any locality when so requested by the local health officer as will in its judgment furnish information necessary to the successful carrying on of mosquito extermination by any agency within the state. It shall also be the duty of said department to cause to be carried on, by such means as it may deem best, the spread of information concerning the nature and results of mosquito extermination among the people of the state.

R. S. 1944, c. 22, § 145. **Department authorized to enter breeding places and to carry out necessary control methods; may delegate authority to local health officers or other officials.** Representatives of the department shall be authorized to enter upon areas suspected of being breeding places of salt-marsh or fresh-water mosquitoes wheresoever located and to carry out necessary control measures for the abatement of mosquito nuisances and the eradication of such mosquitoes. Said department may delegate authority to carry out such control measures to local health officers or other officials of cities, towns, or plantations in which control work is deemed necessary.

R. S. 1944, c. 22, § 146. Department to have power to expend such money as the legislature may appropriate for the extermination of mosquitoes. For the purpose of carrying into effect the provisions of sections 144 and 145, said department shall have power to expend such amount of money annually as may be appropriated by the legislature.

4. Bedding

R. S. 1944, c. 22, § 147. Second-hand material in mattresses and pillows to be sterilized and mattress and pillow tagged as containing such material. No person shall manufacture for sale, sell, lease, offer to sell or lease, or deliver or consign in sale or lease, or have in his possession with intent to sell, lease, deliver, or consign in sale or lease any mattress or pillow, which in making or remaking has been filled with any material of which prior use has been made, unless since last used such material has been thoroughly sterilized and disinfected by a reasonable process approved by the department, and unless such mattress or pillow shall bear securely attached thereto a substantial cloth tag upon which shall be plainly and indelibly stamped or printed in English, a statement showing that the material so used is second-hand in part or in whole, as the case may be, and that it has been disinfected or sterilized according to law.

R. S. 1944, c. 22, § 148. Department to enforce regulations in regard to the manufacture of bedding. The commissioner, his agents, any local health officer, or any officer qualified to serve civil or criminal processes shall have the power to seize and hold for evidence at a trial for the violations of the provisions of sections 147 to 151, inclusive, any mattress or pillow made, remade, or offered for sale in violation of said section 147; and all places where mattresses or pillows are made, remade, or offered for sale, or where sterilizing or disinfecting is performed under the provisions of said sections, shall be subject to inspection by the commissioner or any of his agents, including local health officers.

R. S. 1944, c. 22, § 149. False statement on or removal of tags to be unlawful. It shall be unlawful to make any false statement on any tag required under the provisions of section 147, or to remove, alter, or deface any such tag placed on any mattress or pillow in accordance with the provisions of said section.

R. S. 1944, c. 22, § 150. Certain persons exempted. Any person making, remaking, or renovating mattresses or pillows not intended

for sale, lease, or consignment in sale or lease, and executors and administrators of estates of decedents shall not be subject to the provisions of the 3 preceding sections.

R. S. 1944, c. 22, § 151. Penalty. Any person violating any provision of sections 147 to 151, inclusive, shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not less than \$10, nor more than \$50, for each offense.

5. Nuisances

****R. S. 1944, c. 22, § 142. May order removal of private nuisances; proceedings; penalty.** When any source of filth, or other cause of sickness is found on private property, the owner or occupant thereof shall, within 24 hours after notice from the local health officer, at his own expense, remove or discontinue it; and if he neglects or unreasonably delays to do so, he forfeits not exceeding \$100; and said local health officer shall cause said nuisance to be removed or discontinued; and all expenses thereof shall be repaid to the town by such owner or occupant, or by the person who caused or permitted it.

****R. S. 1944, c. 22, § 143. Depositing carcass of dead animal where it may cause nuisance forbidden; penalty.** Whoever personally or through the agency of another leaves or deposits the carcass of a dead horse, cow, sheep, hog, or of any other of the larger domestic animals in any place where it may cause a nuisance shall, upon receiving a notice to that effect from the local health officer, promptly remove, bury, or otherwise dispose of such carcass, and if he fails to do so within such time as may be prescribed by the local health officer, and in such manner as may be satisfactory to such health officer, he shall be punished by a fine of not less than \$5, nor more than \$25, or by imprisonment for not more than 1 month.

R. S. 1944, c. 128, § 7. Certain nuisances described. The erection, continuance, or use of any building or place for the exercise of a trade, employment, or manufacture, which, by noxious exhalations, offensive smells, or other annoyances becomes injurious and dangerous to the health, comfort, or property of individuals, or of the public; causing or suffering any offal, filth, or noisome substance to collect, or to remain in any place to the prejudice of others; obstructing or impeding, without legal authority, the passage of any navigable river, harbor, or collection of water; corrupting or rendering unwholesome or impure the water of a river, stream, or pond; unlawfully diverting it from its natural course or state, to the injury or

***For forfeiture, see Penalties and Forfeitures (II R).*

prejudice of others; and the obstructing or encumbering by fences, buildings, or otherwise, of highways, private ways, streets, alleys, commons, common landing places, or burying-grounds are nuisances within the limitations and exceptions hereafter mentioned; and all automobile dumps or automobile graveyards, so called, where old, discarded, worn out, or junked automobiles, or parts thereof, are gathered together, kept, deposited, or allowed to accumulate, in such manner or in such location or situation, either within or without the limits of any highway, as to be unsightly, detracting from the natural scenery and injurious to the comfort and happiness of individuals and the public, and injurious to property rights, are declared to be public nuisances.

R. S. 1944, c. 128, § 8. Town officers may assign places for unwholesome employments. The municipal officers of a town, when they judge it necessary, may assign places therein for the exercise of any trades, employments, or manufactures described in section 7, and may forbid their exercise in other places, under penalty of being deemed public or common nuisances and the liability to be dealt with as such. All such assignments shall be entered in the records of the town, and may be revoked when said officers judge proper.

R. S. 1944, c. 128, § 9. Proceedings, when places so assigned become offensive. When a place or building so assigned becomes a nuisance, offensive to the neighborhood or injurious to the public health, any person may complain thereof to the superior court and if, after notice to the party complained of, the truth of the complaint is admitted by default or made to appear to a jury on trial, the court may revoke such assignment and prohibit the further use of such place or building for such purposes, under a penalty of not more than \$100 for each month's continuance after such prohibition, to the use of said town; and may order it to be abated and issue a warrant therefor, or stay it as hereinafter provided; but if the jury acquit the defendant, he shall recover costs of the complainant.

R. S. 1944, c. 128, § 13. Penalty and abatement of nuisance. Whoever erects, causes, or continues a public or common nuisance, as herein described or at common law, where no other punishment is specially provided, shall be punished by a fine of not more than \$100; and the court with or without such fine may order such nuisance to be discontinued or abated, and issue a warrant therefor as hereinafter provided.

R. S. 1944, c. 128, § 16. Action for damages caused by nuisance. Any person injured in his comfort, property, or the enjoyment of his estate by a common and public or a private nuisance may maintain against the offender an action on the case for his damages, unless otherwise specially provided.

6. Prophylactic Rubber Goods

R. S. 1944, c. 22, § 94. Prevention of disease. No sanitary or prophylactic rubber or other articles for the prevention of venereal diseases shall be sold or otherwise disposed of in this state without a license therefor issued by the bureau of health.

R. S. 1944, c. 22, § 95. Licenses. There shall be 2 kinds of licenses issued by the bureau of health, to wit:

I. Wholesale license;

II. Retail license.

R. S. 1944, c. 22, § 96. Wholesale licenses. Wholesale licenses shall be issued only to wholesale druggists, jobbers, or manufacturers and no licensed wholesaler, jobber, or manufacturer shall sell any rubber or other articles specified in sections 94 to 106, inclusive, to anyone who is not a duly licensed retailer as herein provided.

R. S. 1944, c. 22, § 97. Retail licenses. Retail licenses shall be issued only to retail drug stores regularly registered and licensed by this state.

R. S. 1944, c. 22, § 98. Application for license. A license provided by sections 94 to 106, inclusive, shall be issued by the bureau of health on written application and payment of the license fee therefor for 1 year by an applicant entitled and qualified hereunder to receive the license asked.

R. S. 1944, c. 22, § 99. Fees. The annual fees for licenses under the provisions of sections 94 to 106, inclusive, shall be: wholesale license \$15; retail license \$2. All fees received for licenses under the provisions of this section shall be placed in a separate fund and expended for inspection under, and enforcement of, the provisions of sections 94 to 106, inclusive.

R. S. 1944, c. 22, § 100. Term of license. All licenses issued under the provisions of sections 94 to 106, inclusive, shall begin on the 1st day of July in each year and annual fee therefor shall be fully paid before issuance of any license; except when the application for license, accompanied by 50% of the annual license fee shall be made

by a qualified applicant hereunder between January 1st and July 1st of any year, the bureau of health shall issue to such applicant a license which shall cover the period from the date of application to the next July 1st.

R. S. 1944, c. 22, § 101. Information to be furnished. In addition to such other information as the bureau of health may determine shall be furnished in any application for license under sections 94 to 106, inclusive, the following information shall be given under oath, all of which shall be deemed material:

I. The name of the applicant, and if there be more than one and they be partners, the partnership name, age, and residence of the several persons so applying, and the facts of his or her citizenship, or if said applicant be a corporation, the names of its officers and board of directors and the state under the laws of which it is organized;

II. The business location, street and number, where such business is to be carried on.

R. S. 1944, c. 22, § 102. Licenses not transferable; exception. A license issued to any applicant pursuant to the provisions of sections 94 to 106, inclusive, for certain premises shall not be transferable except on written consent of the bureau of health, and each license issued shall be available only to the person or persons, firm, or corporation therein specified and for the premises licensed and for no other.

R. S. 1944, c. 22, § 103. License for separate locations. Any person, firm, or corporation eligible for license under the provisions of section 94 and who shall operate his business in more than one location shall secure a separate license for each location where the business specified herein shall be conducted.

R. S. 1944, c. 22, § 104. License to be displayed. Every holder of a license under the provisions of section 94 shall at all times keep same on display visible for inspection within the place of business for which same is issued.

R. S. 1944, c. 22, § 105. Penalty. Any person or persons, firm, corporation, or any member of a firm, or any officer, director, or employee of a corporation who violates any provision of sections 94 to 106, inclusive, shall upon conviction be punished by a fine of not more than \$100, or by imprisonment for not less than 30 days, nor more than 90 days.



R. S. 1944, c. 22, § 106. Disposition of fines. When any fines shall be collected from anyone guilty of violating the provisions of sections 94 to 106, inclusive, $\frac{1}{2}$ of any sum collected as such fine shall accrue to the bureau of health and be added to the fund specified in section 99 to be expended for expenses of inspection under, and enforcement of, sections 94 to 106, inclusive.

7. Plumbers and Plumbing

R. S. 1944, c. 22, § 162. Inspectors of plumbing; appointment and tenure. In every city or town where there is a system of water supply or sewerage, the local health officer may, whenever necessary, appoint one or more inspectors of plumbing, who may or may not be residents of the town or city for which they are appointed, and who shall hold office for 1 year.

The appointments of local plumbing inspectors shall be subject to the approval of the commissioner, and any vacancies in their offices not filled subject to the commissioner's approval may be filled by the commissioner for the unexpired term, provided the commissioner may delegate authority to approve appointments of plumbing inspectors to the director of health.

R. S. 1944, c. 22, § 163. Compensation of inspectors; their duties. The compensation of said inspectors shall be determined by the local health officer appointing them, subject to the approval of the municipal officers, and shall be paid from the treasury of their respective cities or towns. Such inspectors shall inspect all plumbing, for which permits are granted, within their respective cities or towns, which is in process of construction, alteration, or repair, and shall report to said health officer all violations of any law, ordinance, by-law, rule, or regulation relative to plumbing; and also perform such other appropriate duties as may be required. The approval of plumbing by any inspector, other than those appointed as provided in the preceding section, shall not be a compliance with the provisions hereof.

R. S. 1944, c. 22, § 164. No inspector shall approve his own work; inspection of work done by regular inspector. No inspector of plumbing shall inspect or approve any plumbing work done by himself, or by any person by whom he is employed, or who is employed by or with him; but in a city or town which is subject to the provisions of the 2 preceding sections, the local health officer shall appoint an additional inspector of plumbing, in the same manner and subject to the same qualifications as the regular inspector of plumbing, who

shall inspect, in the manner herein prescribed, plumbing done by the regular inspector or by any person by whom he is employed, or who is employed by or with him. Said additional inspector may act in case of the absence or inability of the regular inspector, and shall receive for his services the same compensation as the regular inspector for a like duty.

R. S. 1944, c. 22, § 165. Cities and towns may prescribe plumbing regulations, subject to state minimum. Any city or town, may by ordinance or by-law, prescribe regulations for the materials, construction, alteration, and inspection of all pipes, tanks, faucets, valves, and other fixtures by and through which waste or sewage is used and carried, and for the materials and sizes of pipe which carry water to all plumbing fixtures, which regulations shall provide not less than the minimum requirements of the rules and regulations of the department in relation to plumbing work, for the carrying of such waste and sewage and for the materials and sizes of pipe which carry water to all plumbing fixtures, and shall provide that such pipes, tanks, faucets, valves, or other fixtures shall not be placed in any building in such city or town (except to repair leaks or replace an old fixture to be used for the same purpose) except after the issuing of a permit for the installation of such work, issued by the inspector of plumbing in such city or town in accordance with a written description or information on such application blanks as shall be approved and furnished to such cities or towns by the department.

R. S. 1944, c. 22, § 166. Issue of permits, fees; distribution of fees; hearings on regulations. The permit required by the preceding section shall be issued on the payment of a fee of not less than 50c for each such permit but not more than \$1 per fixture, up to a total of 5 fixtures; for over 5 fixtures not less than 10c and not more than 30c shall be charged for each additional fixture, as shall be determined by such ordinance or by-law; 1/3 of the amount of such fees shall be paid through the department to the treasurer of state to be maintained as a permanent fund and used by the department for the carrying out of the provisions of sections 165 to 167, inclusive. The remainder shall be paid to the treasury of the city or town and used exclusively for carrying out the plumbing laws in such cities or towns. Fixtures for the purposes of sections 165 to 167, inclusive, shall be defined as: receptacles intended to receive and discharge water, liquid, or water carried wastes into a drainage system with which they are connected.

The department shall hold hearings on the 1st Tuesdays of February and August of each year or oftener if deemed advisable for the

purpose of considering changes in the rules and regulations pertaining to plumbing.

R. S. 1944, c. 22, § 167. Regulations of department control where no local regulations are made; provision for local inspectors. In any city or town which does not prescribe plumbing regulations as provided for in section 165, the rules and regulations of the department in relation to plumbing work for the carrying of such waste and sewage and for the materials and sizes of pipe which carry water to all plumbing fixtures shall have full force and effect. Permits for the installation of such plumbing in such cities or towns shall be issued by a local inspector appointed or approved by the department on the payment of such fees as shall be determined by that department within the limitations as to amount set forth in section 166. All amounts so received shall be paid into the state fund described in section 166.

R. S. 1944, c. 22, § 168. Annual reports. Inspectors of plumbing and local health officers shall annually, before the 1st day of June, make a full report in detail to their respective cities or towns of all their proceedings during the year under the provisions of the 5 preceding sections.

R. S. 1944, c. 22, § 169. Penalty. Whoever violates any provision of the 7 preceding sections and of section 171, or any ordinance, by-law, or regulation made thereunder, shall be punished by a fine of not less than \$10, nor more than \$50, for each offense. Trial justices shall have jurisdiction of all offenses under said sections.

R. S. 1944, c. 22, § 170. Plumbers. No plumbing shall hereafter be done for compensation, except as hereinafter provided, unless done by a plumber or other person licensed by the plumbers' examining board hereinafter created.

R. S. 1944, c. 22, § 171. Definitions. The following words and phrases when used in sections 170 to 185, inclusive, shall be construed as follows:

I. A "master plumber" shall mean any person, firm, or corporation that as a business, hires or employs a person or persons to do plumbing work, or without hiring any person does such work as a principal business or as auxiliary to a principal business for his or its own account.

II. A "journeyman plumber" shall mean any person who customarily performs the work of installing plumbing and drainage under

the direction of a master plumber, or, not being a master plumber as herein defined, does plumbing repair work as a regular part time occupation.

III. "The board" shall be the plumbers' examining board appointed under the provisions of section 172.

IV. "Apprentice" shall mean any person other than a journeyman plumber or master plumber who is engaged in learning and assisting in the installation of plumbing and drainage.

V. "Plumbing" is the art of installing in buildings the pipes, fixtures, and other apparatus for bringing in the water supply and removing liquid and water-carried wastes.

R. S. 1944, c. 22, § 172. Appointment of plumbers' examining board; vacancies; removal of members; compensation. A plumbers' examining board as heretofore established, and hereinafter in sections 172 to 185, inclusive, called "the board," shall consist of an executive officer who shall be the director of the division of sanitary engineering of the bureau of health and 2 other members, hereinafter called the appointive members, who shall be appointed by the governor with the advice and consent of the council. One of said appointive members shall be a master plumber as defined in section 171, and the other a journeyman plumber as defined in section 171, and who has been engaged in the business of plumbing for at least 2 years. As the terms of said appointive members expire, new appointive members shall be appointed for terms of 2 years. Any vacancy in said board caused by death, resignation, or removal of any member shall be filled by the appointment of a person qualified as aforesaid, to hold office during the unexpired term of the member whose place is thus filled. Any member of said board may be removed from office for cause, by the governor, with the advice and consent of the council. The members of the board shall each be allowed the sum of \$10 per day and their necessary traveling expenses for actual attendance upon any examination of candidates for license, and for any necessary hearings.

R. S. 1944, c. 22, § 173. Employees. The board shall be empowered to appoint and remove such employees as it shall deem necessary and to fix their compensation within the limitations of the funds provided by sections 170 to 185, inclusive.

R. S. 1944, c. 22, § 174. Meetings; rules and regulations. The plumbers' examining board shall hold regular meetings semiannually

and shall hold additional meetings at such other times as they shall determine by their rules, or upon request of the 2 appointive members of their board, or upon request of the director of the division of sanitary engineering. Said board shall keep correct records of all its proceedings and shall be authorized to make such rules and regulations as it shall deem necessary for the holding of examinations and for carrying out the purpose of the provisions of sections 170 to 185, inclusive, and to provide for reciprocity of licensing with similar boards of other states which maintain standards at least equal to this state.

R. S. 1944, c. 22, § 175. Licensing of master plumbers. Any person shall, upon the payment of a fee of \$15, be entitled to examination and, if found qualified by a majority of the members of the board, shall be licensed as a master plumber and shall receive a certificate thereof under the seal of the board and with the signature of the executive officer, which shall state the facts and which must be publicly displayed at the principal place of business of said master plumber as long as said person continues in the business as herein defined. Any person refused a license may be reexamined at any subsequent meeting of said board, within 1 year of the time of such refusal, without additional fee and thereafter may be examined as often as he may desire upon payment of the fee of \$15 for each examination.

R. S. 1944, c. 22, § 176. Licensing of journeymen plumbers. Any person shall, upon payment of a fee of \$3, be entitled to examination and, if found qualified by a majority of the members of the board, shall be licensed as a journeyman plumber and shall receive a certificate thereof under the seal of the board and with the signature of the executive officer, which shall state the facts, and which shall be carried on the person and displayed at any time upon request. Any journeyman plumber refused a license may be reexamined at any subsequent meeting of said board, within 1 year of the time of such refusal, without additional fee and thereafter may be examined as often as he may desire upon payment of a fee of \$3 for each examination.

R. S. 1944, c. 22, § 177. Examinations for license. Each applicant for license shall present to the executive officer of the board on blanks furnished by the board, a written application for examination and license, containing such information as the board may require, accompanied by the fee provided for in sections 175 and 176. Examina-

tions shall be in whole or in part in writing and shall be of a thorough and practical character. They shall cover the theoretical and practical nature of plumbing and such branches thereof as the board may deem necessary.

R. S. 1944, c. 22, § 178. Renewal of licenses; master plumbers. All licenses issued as aforesaid shall expire on the last day of the calendar year in which issued, and they may be renewed thereafter for periods of 1 year without further examination on payment of a fee of \$10 for each year for a master plumber. Any master plumber who fails to renew his license during any fiscal year, in subsequent years may renew his license only after payment of all unpaid renewal fees.

R. S. 1944, c. 22, § 179. Renewal of licenses; journeymen plumbers. All licenses issued as aforesaid shall expire on the last day of the calendar year in which issued, and they may be renewed thereafter for periods of 1 year without further examination on payment of a fee of \$1.50 for each year for a journeyman plumber. Any journeyman plumber who fails to renew his license during any fiscal year, in subsequent years may renew his license only after payment of all unpaid renewal fees.

R. S. 1944, c. 22, § 180. Corporations and partnerships may be licensed. The board may issue its license to corporations and partnerships engaged in the plumbing business and applying therefor, provided that one or more officers or employees of any such corporation directly in charge of the business affairs of such corporation, or the members of such partnership directly in charge of the business affairs, apply for the examinations hereinbefore provided and satisfy the board of their qualifications as master plumbers.

R. S. 1944, c. 22, § 181. Disposal of fees. All fees received by the board shall be paid by the executive officer thereof into the treasury of the state and may be used for carrying out the provisions of sections 170 to 185, inclusive.

R. S. 1944, c. 22, § 182. Investigation of complaints; licenses may be revoked. The board shall investigate all complaints made to it and all cases of non-compliance with or violation of the provisions of sections 170 to 185, inclusive, and shall bring all such cases to the notice of the proper prosecuting officers. The board, after a conviction for crime in the course of plumbing business, of any person, firm,

or corporation to whom a license has been issued by them and after hearing, may by vote of majority of the board revoke the license and cancel the registration of the person, firm, or corporation to whom the same was issued. Said board may also suspend or revoke any license by a majority vote of the board, in any case where such license has been wrongfully obtained or for any fraud connected with the said registration.

R. S. 1944, c. 22, § 183. Records. The board shall keep a record of the name and residences of all persons registered under the provisions of sections 170 to 185, inclusive, and a record of all moneys received and disbursed by it, and said records or duplicates thereof shall be open for inspection during office hours.

R. S. 1944, c. 22, § 184. Exceptions. The provisions of sections 170 to 185, inclusive, shall not apply to regular employees of public utilities as defined in section 15 of chapter 40 when working as such, nor to regular employees of owners or lessees of real property when working as such, nor to persons whose occupation is the doing of miscellaneous jobs of manual labor in the course of which some incidental plumbing repairs or alterations are made by them. The provisions of sections 170 to 185, inclusive, shall not apply in cities, towns, or plantations that have a population of 3,000 people or less. All plumbing installed by any person whatsoever shall comply with the requirements of the rules and regulations of the bureau of health relating to plumbing and to all local plumbing ordinances, but such rules, regulations, and ordinances shall not apply to privately owned premises to which neither public water nor sewerage service is available, provided that neither entertainment, meals, nor lodging be furnished the public thereon and that the disposal of sewerage therefrom may not drain into any stream or body of water designated by the bureau of health as a public water supply.

R. S. 1944, c. 22, § 185. Penalty for violation. Any person who installs any plumbing or drainage without having first obtained a license either as a master plumber or as a journeyman plumber or employing a person to do plumbing who has not such a license, unless he be an apprentice within the meaning of sections 170 to 185, inclusive, or procures any license wrongfully or by fraud, or violates any of the provisions of sections 170 to 185, inclusive, shall be deemed guilty of a misdemeanor and if convicted thereof shall be punished by a fine of not more than \$100, or by imprisonment for not more than 3 months, or by both such fine and imprisonment.

R. S. 1944, c. 22, § 186. Provisions in city charters not affected. The preceding sections 170 to 185, inclusive, shall not prevent the licensing of plumbers licensed hereunder by cities under the provisions of the charters or ordinances thereof.

8. Regulation of Cosmetics

R. S. 1944, c. 22, § 198. Department authorized to issue certificate of registration. The department is authorized to issue and shall issue a certificate of registration to the manufacturer, proprietor, or producer of any cosmetic preparation on the payment of an initial registration fee of 50c per preparation, which certificate shall be renewed annually on or before the 1st day of January in each succeeding year on the payment of a fee of 50c.

The department is authorized to regulate or to refuse the issuance of certificates of registration or to prohibit the sale of cosmetic preparations which in its judgment contain injurious substances in such amounts as to be poisonous, injurious, or detrimental to the person. Temporary certificates of registration may be issued by the department for any preparation pending investigation of the same.

The department is authorized to make such regulations as may be necessary for carrying out the purposes of sections 198 to 204, inclusive, to safeguard the public health.

Fees received under the provisions of said sections shall be used by the department for carrying out the purposes of said sections.

From the refusal of the department to issue a certificate of registration for any cosmetic preparation, appeal shall lie to the superior court in the county of Kennebec or any other county in the state from which the same was offered for registration.

R. S. 1944, c. 22, § 199. Definition, "cosmetic preparations"; exception. "Cosmetic preparations" shall mean tonics, lotions, creams, powders, antiseptics, clays, bleaches, colors, dyes, or other substance used with or without mechanical or electrical apparatus to massage, cleanse, stimulate, manipulate, color, bleach, or otherwise to treat, improve, or to beautify, the scalp, face, neck, shoulders, busts, arms, arm pits, hands, or to manicure the fingernails of any person, or to arrange, dress, curl, wave, cleanse, bleach, color, or similarly treat the hair of any person, and shall include all shampoo preparations. Household and toilet soaps shall not be held to be cosmetic preparations but shall be subject to the provisions of sections 198 to 204, inclusive, if such soaps are represented by the manufacturer or the producer thereof as a preparation for the treatment of disease.

R. S. 1944, c. 22, § 200. Registration of cosmetics. No person, firm, corporation, or copartnership shall hold for sale, sell, or offer for sale in intrastate commerce; or give away or deal in within this state; or supply or apply in the conduct of a beauty shop, barber shop, hairdressing establishment or similar establishment any cosmetic preparation unless the said preparation has been registered with and a certificate of registration secured from the department.

R. S. 1944, c. 22, § 201. Cosmetic preparations kept or deposited for unlawful sale or use in this state are liable to forfeiture. Cosmetic preparations kept or deposited within the state intended for unlawful sale or use, and the vessels in which they are contained, are contraband and are subject to forfeiture to the state unless they have been registered with the said department as prescribed in the preceding sections. Sheriffs, deputy sheriffs, police officers, state police officers, and duly authorized agents of the said department shall have the power to seize the same with or without process. In cases where cosmetic preparations are seized without a warrant, said preparations shall be kept in some safe place for a reasonable time until a warrant can be procured.

R. S. 1944, c. 22, § 202. Duty of officer or duly authorized agent of the department. When cosmetic preparations and vessels are seized as provided in the preceding sections, the officer or duly authorized agent of the department who made such seizure shall immediately file with the magistrate before whom such warrant is returnable, a libel against such preparations and vessels, setting forth the seizure by him describing the cosmetic preparations, their vessels, and the place of seizure, and that they were kept or intended for unlawful sale and use in violation of law, and pray for a decree of forfeiture thereof, and such magistrate shall fix a time for the hearing of such libel and shall issue his monition and notice of the same to all persons interested, citing them to appear at the time and place appointed to show cause why said preparations and vessels in which they are contained should not be declared forfeited, by causing a true and attested copy of said libel and monition to be posted in 2 public and conspicuous places in the town or place where such preparations were seized, 10 days at least before said libel is returnable.

R. S. 1944, c. 22, § 203. Forfeiture in case no claimant appears; proceedings when claimant to be admitted as a party. If no claimant appears, such magistrate shall, on proof of notice as aforesaid, declare the same to be forfeited to the state. If any person appears and

claims such preparations, or any part thereof, as having a right to the possession thereof at the time when the same were seized, he shall file with the magistrate such claim in writing, stating specifically the right so claimed, the foundation thereof, the items so claimed, the time and place of the seizure and the name of the officer or duly authorized agent of the department by whom the same were seized, and in it declare that they were not so kept or deposited for unlawful sale and use, as alleged in said libel and monition, and also state his business and place of residence, and shall sign and make oath to the same before said magistrate. If any person so makes claim, he shall be admitted as a party to the process; and the magistrate shall proceed to determine the truth of the allegations in said claim and libel, and may hear any pertinent evidence offered by the libelant or claimant. If the magistrate, upon hearing, is satisfied that said preparations were not so kept or deposited for unlawful sale or use, and that the claimant is entitled to the custody of any part thereof, he shall give him an order in writing, directed to the officer or duly authorized agent of the department having the same in custody, commanding him to deliver to said claimant the cosmetic preparation to which he is so found to be entitled, within 48 hours after demand. If the magistrate finds the claimant entitled to no part of said preparation, he shall render judgment against him for the libelant for costs, to be taxed as in civil cases before such magistrate, and issue execution thereon, and shall declare said preparation forfeited to the state. The claimants may appeal and shall recognize with sureties as on appeals in civil causes from a magistrate.

R. S. 1944, c. 22, § 204. Penalty. Any person, firm, or corporation that violates any provision of the preceding sections, or regulation made thereunder, shall be punished by a fine of not more than \$100. All fines, forfeitures, and costs collected under the provisions of sections 198 to 204, inclusive, shall be paid to the county.

9. Barbers and Hairdressers

R. S. 1944, c. 22, § 205. State board of barbers and hairdressers; executive secretary; compensation. The state board of barbers and hairdressers, as heretofore established and hereinafter in sections 205 to 222, inclusive, designated as the "board", shall consist of 5 members who shall be citizens of this state, two of whom shall have been engaged in the practice of barbering for at least 5 years prior to their appointment, and two of whom shall have been engaged in the practice of hairdressing and beauty culture in this state for at least 5

years prior to their appointment. The 5th member of the board shall be the director of health, who shall be the executive secretary of the board. Each of the appointive members of the board shall be appointed by the governor with the advice and consent of the council for a term of 2 years and until his successor is appointed and qualified.

The chief clerk of the board shall be paid a salary not in excess of \$500 per year, subject to the approval of the governor and council, to be paid from funds received under the provisions of sections 205 to 222, inclusive.

No person operating or employed by a school of barbering or of hairdressing and beauty culture shall be appointed as a member of the board, and if any member of the board, after appointment, shall affiliate himself in any way with any such school either of barbering or of hairdressing and beauty culture, his membership on the board shall immediately terminate and the vacancy shall be filled by the governor and council in the manner provided for the appointment of new members.

Members shall be appointed in the same manner to fill vacancies caused by death, resignation, or removal, who shall serve during the unexpired term of their predecessors.

Each member of the board shall be allowed the sum of \$10 per day and their necessary traveling expenses for actual attendance upon any examination of candidates for registration, and for any necessary hearings and board meetings.

The executive secretary of said board shall keep a record of all proceedings, issue all notices, certificates of registration, and licenses, attest all such papers and orders as said board shall direct, make sanitary inspections at least once a year of shops and other establishments subject to license under the provisions of sections 205 to 222, inclusive, and perform such other duties as shall be designated by the board.

R. S. 1944, c. 22, § 206. Definitions. The following words and phrases, when used in sections 205 to 222, inclusive, shall be construed as follows:

I. "The practice of barbering" shall mean any one or any combination of the following practices (when done upon the upper part of the human body for cosmetic purposes and not for the treatment of disease or physical or mental ailments and when done for payment either directly or indirectly):

A. Shaving or trimming the beard or cutting the hair;

B. Giving facial and scalp massage or treatments with cosmetic preparations, either by hand or mechanical or electrical appliances ;

C. Singeing, shampooing, or applying cosmetic preparations to the scalp, face, neck, or upper part of the body ;

D. Removing superfluous hair from the face, neck, or upper part of the body.

II. "Apprentice barber" shall mean any person who is engaged in learning and acquiring a knowledge of the practice of barbering under the direction and supervision of a person duly authorized under the provisions of sections 205 to 222, inclusive, to practice barbering.

III. "The practice of hairdressing and beauty culture" shall mean the engaging by any person for hire or reward in any one or more of the following practices: the application of the hands or of mechanical or electrical apparatus with or without cosmetic preparations, tonics, lotions, creams, antiseptics, or clays, to massage, cleanse, stimulate, manipulate, exercise, or otherwise to improve or to beautify the scalp, face, neck, shoulders, arms, hands, or to manicure the finger nails of any person; or to arrange, dress, curl, wave, cleanse, cut, singe, bleach, color, or similarly treat the hair of any person.

IV. "Apprentice" shall mean any person who is engaged in learning and acquiring a knowledge of the practice of hairdressing and beauty culture under the direction and supervision of a person duly authorized under the provisions of sections 205 to 222, inclusive, to practice hairdressing and beauty culture.

R. S. 1944, c. 22, § 207. Rules and regulations. The board shall make rules and regulations not contrary to law to be approved by the bureau of health concerning the proper use of appliances, apparatus, and electrical machines used in any establishment for or in connection with any of the practices defined in section 206, and prescribing the sanitary requirements to be observed by proprietors of shops and other establishments where barbering or hairdressing and/or beauty culture are practiced and by persons engaged in such practice and shall make rules and regulations not contrary to law relative to the applications for licenses and certificates of registration. The board shall cause such rules and regulations to be printed in suitable form and a copy thereof to be sent to the proprietors of such shops and establishments, which shall be kept posted in a conspicuous place in such shops so as to be easily read by customers.

The board shall also make rules and regulations not contrary to law to be approved by the bureau of health, prescribing the requirements for the construction, operation, maintenance, and sanitary requirements of any school of barbering, or of any school of hairdressing and beauty culture, subject to a license under the provisions of sections 205 to 222, inclusive.

Any member of the board shall have power to enter and make reasonable examination of any such shop or establishment during business hours, for the purpose of ascertaining whether or not the rules and regulations are being observed.

No person shall give service in any establishment licensed under the provisions of sections 205 to 222, inclusive, who has a disease in a communicable stage.

The failure of any person to observe the requirements of any rule or regulation made by said board shall be cause for the suspension or revocation of such license, but no license shall be suspended or revoked without a reasonable opportunity being offered to such person to show cause to said board why such license shall not be suspended or revoked. Any such license suspended or revoked shall be delivered to any agent of the board upon demand.

Any such shop or establishment in which tools, appliances, and furnishings in use therein are kept in an unclean and insanitary condition so as to endanger health is declared to be a common nuisance, and the proprietor thereof shall be subject to prosecution and punishment by a fine of not less than \$200, nor more than \$1,000, and in addition thereto by imprisonment for not less than 60 days, nor more than 11 months, and in default of payment of said fine shall be imprisoned for an additional term of not less than 60 days, nor more than 11 months.

The board shall have the right to require the physical examination of any person employed in any barber shop or beauty parlor suspected of having any contagious or infectious disease.

R. S. 1944, c. 22, § 208. Sale or use of apparatus and cosmetics, regulated. No mechanical or electrical apparatus or cosmetic preparation shall be sold or offered for sale to any person or establishment subject to a license under the provisions of sections 205 to 222, inclusive, until after a permit has been secured from the bureau of health. Such apparatus shall not be used for any surgical or medical purpose.

The bureau of health shall have the right to refuse a permit for the sale or offering for sale of any such apparatus or cosmetic prepa-

ration which, in its judgment, shall be dangerous or which shall contain any substances in such amounts as to be poisonous, injurious, or detrimental to the person.

The use of electrolysis for the removal of hairs is prohibited.

No person shall use or keep for use or sale in any shop or establishment licensed under the provisions of sections 205 to 222, inclusive, any electrical or mechanical apparatus or cosmetic preparation for which a permit has not been granted as provided in said sections.

R. S. 1944, c. 22, § 209. Registration and licenses. No person shall practice barbering or hairdressing and beauty culture in this state unless he shall first have obtained a certificate of registration as provided in sections 205 to 222, inclusive, or unless he shall be acting within the scope of his employment as an apprentice.

No apprentice barber may independently practice barbering, but he may, as an apprentice, do any or all acts constituting the practice of barbering under the immediate personal supervision of a registered barber, and only one such apprentice shall be employed in any licensed barber shop.

No person, firm, or corporation shall operate or cause to be operated a shop or establishment where barbering or hairdressing and beauty culture are practiced unless such shop or establishment has been duly licensed. The fee for a license to operate a barber shop shall be \$5 in the first instance and \$3 for each yearly renewal thereof. The license shall run from the 1st day of January in each year for 1 year and the fee shall be payable to the secretary of the board. The fee for a license to operate a beauty shop shall be \$5 in the first instance and \$3 for each yearly renewal thereof. The license shall run from the 1st day of July in each year for 1 year and the fee shall be payable to the secretary of said board.

Booths, attached to or within a beauty shop, that are operated independently thereof, shall be subject to license fees in the same manner as an independent shop.

R. S. 1944, c. 22, § 210. Persons exempted. The prohibitions and penalties of sections 205 to 222, inclusive, shall not apply to the following persons when acting within the scope of their profession or occupation:

I. Persons authorized by law of this state to practice medicine and surgery;

II. Commissioned medical officers of the United States army, navy, or marine hospital service;

III. Registered nurses.

The provisions of sections 205 to 222, inclusive, apply only to those cosmetic preparations and apparatus sold or offered for sale in intrastate commerce.

The provisions of sections 205 to 222, inclusive, shall not apply to the practice of barbering or the conducting of shops or establishments where barbering is practiced in municipalities of the state having a population of 1,000 or less according to the last United States census.

R. S. 1944, c. 22, § 211. Requirements for registration for barbers. Any person shall be eligible to obtain a certificate of registration under the provisions of sections 205 to 222, inclusive, as a barber:

- I. Who is at least 18 years of age;
- II. Who is of good respectable character and temperate habits;
- III. Who has satisfactorily completed a course of instruction in a school of barbering approved by said board, or in lieu thereof has had a total experience in the practice of barbering or as an apprentice of a period of at least 18 months.
- IV. Who has satisfactorily passed an examination conducted by said board to determine his fitness to receive such certificate.

Each applicant for such examination shall make written application therefor on a form prescribed and supplied by said board, which application shall contain satisfactory evidence of the qualifications required of the applicant under the provisions of sections 205 to 222, inclusive, and shall be sworn to by the applicant. Said applications shall be filed with the secretary of said board and shall be accompanied by an examination fee of \$5 which shall include registration, if examination is satisfactory; if not successful, applicant shall have the privilege of taking a second examination without fee at any subsequent examination held by the board within a period of 1 year.

R. S. 1944, c. 22, § 212. Requirements for registration for hair-dressing and beauty culture. Any person shall be eligible to obtain a certificate of registration under the provisions of sections 205 to 222, inclusive, for the practice of hairdressing and beauty culture:

- I. Who is at least 18 years of age;
- II. Who is of good respectable character;
- III. Who has satisfactorily completed a course of instruction in a school of hairdressing and beauty culture approved by said board,

or in lieu thereof has had a total experience in the practice of hair-dressing and beauty culture or as an apprentice of 1,000 hours distributed over a period of at least 6 months;

IV. Who has satisfactorily passed an examination conducted by said board to determine his fitness to receive such certificate.

Each applicant for such examination shall make written application therefor on a form prescribed and supplied by said board, which application shall contain satisfactory evidence of the qualifications required of the applicant under the provisions of sections 205 to 222, inclusive, and shall be sworn to by the applicant. Said applications shall be filed with the secretary of said board and shall be accompanied by an examination fee of \$5 which shall include registration, if examination is satisfactory; if not successful, applicant shall have the privilege of taking a second examination without fee at any subsequent examination held by the board within a period of 1 year.

R. S. 1944, c. 22, § 213. Registration without examination. Any person licensed to practice hairdressing and beauty culture or barbering in another state whose requirements are substantially equal to those specified in sections 205 to 222, inclusive, shall upon the payment of a fee of \$25, be entitled to a certificate of registration without examination, providing that each such state accepts without examination applicants registered in this state for registration or licenses, as the case may be, in a similar manner.

R. S. 1944, c. 22, § 214. Schools of barbering, hairdressing, and beauty culture; approval of; fees. No school of barbering shall be approved by the board until it shall attach to its staff a physician duly licensed to practice medicine in the state where the school is located, nor unless it has a minimum requirement of a continuous course of study of 1,000 hours distributed over a term of not less than 6 months, including practical demonstrations, written or oral tests and theoretical and practical instruction in sanitation, fundamentals for barbering, hygiene, histology of the hair, skin, face, and neck, diseases of the skin, hair, glands, and nails, massaging and manipulating the muscles of the upper body, hair cutting, shaving, and arranging, dressing, coloring, bleaching, tinting the hair, sterilization, and the use of antiseptics, cosmetics, and electrical appliances customarily used in the practice of barbering, which course of study and instruction shall be subject to the approval of said board. No school of barbering shall be an approved school until approval shall be recorded in the records of said board and until it shall receive a certificate of approval issued by said board. The fee for such certificate shall be

\$25 and it shall be good for 1 year from the date when issued, unless sooner suspended. Said certificate may, so long as such school continues to meet the approval of said board, be renewed from year to year upon payment of a fee of \$25 for each renewal. The board may revoke any such certificate at any time for cause; provided, however, that notice shall be given to such school of said proposed action in order that said school may have an opportunity to be heard. No person shall be engaged to instruct in any practice of barbering as defined in section 206 unless said instructor has a certificate to practice barbering under the provisions of sections 205 to 222, inclusive, excepting physicians as specified above.

No school of hairdressing and beauty culture shall be approved by said board until it shall attach to its staff a physician duly licensed to practice medicine in the state where the school is located, and familiar with the installation and use of electrical appliances adapted to hairdressing and beauty culture, nor unless it has a minimum requirement of a continuous course of study of 1,000 hours distributed over a term of not less than 6 months, including practical demonstrations, written or oral tests and theoretical and practical instruction in sanitation, sterilization, and the use of antiseptics, cosmetics, and electrical appliances, which course of study and instruction shall be subject to the approval of said board. No school of hairdressing and beauty culture shall be an approved school until approval shall be recorded in the records of said board and until it shall receive a certificate of approval issued by said board. The fee for such certificate shall be \$25 and it shall be good for 1 year from the date when issued, unless sooner suspended. Said certificate may, so long as such school continues to meet the approval of said board, be renewed from year to year upon payment of a fee of \$25 for each renewal. The board may revoke any such certificate at any time for cause; provided, however, that notice shall be given to such school of said proposed action in order that said school may have an opportunity to be heard. No person shall be engaged to instruct in any of the branches of hairdressing and beauty culture as defined in section 206 unless said instructor has a certificate to practice hairdressing and beauty culture under the provisions of sections 205 to 222, inclusive, excepting physicians as specified above.

R. S. 1944, c. 22, § 215. Apprentices to file statement. Every apprentice barber, in order to avail himself of the provisions of sections 205 to 222, inclusive, shall within 10 days after entering upon his apprenticeship, file with the secretary of the board, on blanks

which shall be provided by said board, the name and place of business of his employer, the date of commencement of such apprenticeship, and the full name and age of said apprentice, which age shall not be less than 17 years, and said blanks shall be accompanied by a registration fee of \$3. Any such apprentice who shall change his place of employment shall promptly notify the board and furnish it with the name and place of business of his new employer and the date of such change.

Every apprentice barber, after serving an apprenticeship of 18 months, shall file application for examination at the next examination held by the board in accordance with the requirements of section 211.

The board shall furnish to each registered apprentice a certificate of registration of said apprenticeship.

Every apprentice, in order to avail himself of the provisions of sections 205 to 222, inclusive, to practice hairdressing and beauty culture, shall within 10 days after entering upon his apprenticeship, file with the secretary of the board the name and place of business of his employer, the date of commencement of such apprenticeship, and the full name and age of said apprentice, which age shall not be less than 17 years. Any such apprentice who shall change his place of employment shall promptly notify the board and furnish it with the name and place of business of his new employer and the date of such change.

Every apprentice, after serving an apprenticeship of 6 months, shall file application for examination at the next examination held by the board in accordance with the requirements of section 212.

R. S. 1944, c. 22, § 216. Examinations by board. The board shall hold 2 public examinations each year, one on the 1st Tuesday of June and one on the 1st Tuesday of December, at such places as it shall designate. Additional examinations may be held at the discretion of the board. Notice of all examinations shall be given by publication at least 10 days before the holding of any such examination in at least 2 daily newspapers printed and published in the county in which such examinations shall be held.

R. S. 1944, c. 22, § 217. Certificate of registration; limited certificate for manicuring, renewal; fees. The board shall furnish to each registered barber a certificate of registration bearing the seal of the board certifying that the holder thereof is entitled to practice barbering in this state, and it shall be the duty of the holder of such certificate of registration to post the same in a conspicuous place where it may be readily seen by all persons whom he may serve.

Said certificate of registration shall be renewed on or before the 1st day of January in each year, and the holder of said certificate of registration shall pay to the secretary of said board the sum of \$3 for said renewal.

Said board shall furnish to each registered operator in the practice of hairdressing and beauty culture a certificate of registration bearing the seal of the board and the names of all of its members, certifying that the holder thereof is entitled to practice hairdressing and beauty culture in this state, and it shall be the duty of the holder of such certificate of registration to post the same in a conspicuous place where it may be readily seen by all persons whom he may serve. Said certificate of registration shall be renewed on or before the 1st day of July in each year, and the holder of said certificate of registration shall pay to the secretary of said board the sum of \$3 for said renewal. Certificate of registration limited to manicuring only may be issued upon complying with such examination requirements as may be determined by the board and upon payment of the fees as provided by sections 205 to 222, inclusive.

Any registered barber or any person registered to practice hairdressing or beauty culture who fails to renew his certificate of registration during any license year, in subsequent years may renew his certificate of registration only after payment of all unpaid renewal fees.

R. S. 1944, c. 22, § 218. Board to keep register. The board shall keep a register in which shall be entered the names of all persons to whom certificates are issued under the provisions of sections 205 to 222, inclusive, and said register shall be at all times open to public inspection.

R. S. 1944, c. 22, § 219. Board may suspend or revoke certificates of registration, when; appeal. The board may either refuse to issue or renew or may suspend or revoke any certificate of registration granted by it under the provisions of sections 205 to 222, inclusive, for:

I. Conviction of a felony shown by a certified copy of the record of the court of conviction;

II. Gross malpractice or gross incompetency;

III. Continued practice by a person knowingly having an infectious or contagious disease;

IV. Habitual drunkenness or habitual addiction to the use of morphine, cocaine, or other habit forming drugs;

V. Immoral or unprofessional conduct ;

VI. The keeping of a shop or other establishment, or the tools, appliances, or furnishings thereof in an unclean or insanitary condition ;

VII. Failure to comply with any of the prescribed requirements of sections 205 to 222, inclusive ;

VIII. For misrepresentation of qualifications ; provided that before any certificate shall be suspended or revoked, the holder thereof shall have notice in writing of the charge or charges against him, and shall have reasonable opportunity to be heard in his defense. Any person whose certificate has been so suspended or revoked may apply to have the same reissued, and the same shall be reissued upon satisfactory evidence that the disqualifications have ceased.

Any such certificate of registration suspended or revoked shall be delivered to any agent of the board upon demand.

R. S. 1944, c. 22, § 220. Hearings. The board may neither refuse to issue, nor refuse to renew, nor suspend, nor revoke any certificate of registration, however, for any of these causes enumerated in section 219, unless the person accused has been given at least 10 days' notice in writing of the charge against him and an opportunity to be heard at a public hearing held by the board.

It shall be deemed that the board has duly notified the person accused of such hearing, when the notice has been sent to the last known address of accused by registered letter.

Upon hearing of any such proceeding, the board may administer oaths and may procure by its subpoena, the attendance of witnesses and the production of relevant books and papers.

Any justice of the superior court or of the supreme court, either in term time or in vacation, upon application either of the accused or of the board may, by order duly entered, require the attendance of witnesses and the production of relevant books and papers before the board in any hearing relating to the refusal, suspension, or revocation of certificates of registration.

R. S. 1944, c. 22, § 221. Disposition of fees. The fees received by the board under the provisions of sections 205 to 222, inclusive, shall be paid to the treasurer of state. Fees received under the provisions of said sections shall be used for carrying out the purposes of sections 205 to 222, inclusive.

R. S. 1944, c. 22, § 222. Penalties. Any person engaged in the practice of barbering in this state without having obtained a certifi-

cate of registration as provided by sections 205 to 222, inclusive, or employing a person to practice barbering who has not such a certificate of registration or who has not a certificate of registration as an apprentice barber, or falsely pretending to be qualified to practice barbering under the provisions of sections 205 to 222, inclusive, or violating any of the provisions of said sections, and any person engaged in the practice of hairdressing and beauty culture in this state without having obtained a certificate of registration as provided by sections 205 to 222, inclusive, or employing a person to practice hairdressing and beauty culture who has not such a certificate, unless he be an apprentice within the meaning of said sections, or falsely pretending to be qualified to practice hairdressing and beauty culture under the provisions of sections 205 to 222, inclusive, or violating any of the provisions of said sections, shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine of not more than \$100, nor less than \$20, or by imprisonment for not more than 3 months, and every such person shall be deemed guilty of a separate and distinct offense for each month or part thereof during which such practice or employment shall be repeated or continued after prosecution has been begun against any such person for the violation of any of the provisions of sections 205 to 222, inclusive.

I. Public Health Nursing

1. Qualifications for Public Health Nurses; Definition

R. S. 1944, c. 63, § 6. **Credential committee to determine qualifications of registered nurses for public health nursing; definition of public health nursing.** A credential committee, which shall be a subcommittee of the board [of registration of nurses], shall be appointed annually to act upon the applications and qualifications of nurses employed in public health work. This committee shall be composed of 3 registered nurses, one from the board of registration of nurses, one from the public health section of the Maine state nurses' association, and one from the division of public health nursing of the state bureau of health. These members shall be appointed by their respective organizations.

No graduate nurse shall be employed in public health nursing unless registered by the board, and unless her qualifications for such work shall have been determined and approved by said credential committee.

Public health nursing within the meaning of this section shall be deemed to include nursing done by any graduate nurse in any form of social work in which the health of the public is concerned.

2. Employment by Towns

R. S. 1944, c. 80, § 91. (P. L. 1945, c. 40). (Abstracted) provides that cities and towns may raise money to hire a public nurse.

Note: See *Dental Health (II J)* for complete text of § 91.

R. S. 1944, c. 80, § 92. **General public health nursing service; qualifications of nurses.** Two or more adjoining towns may unite in employing the same public health nurse, whose duty shall be to carry on a general public health nursing service. Any program established under the provisions of this section and section 109 shall be carried on according to accepted standards for such service, and shall include bedside care of the sick under plans approved by the director of health in accordance with regulations which may be adopted by the department of health and welfare under the provisions of section 9 of chapter 22.

Nothing in this section nor section 109 shall be construed to prevent contiguous towns, or single towns or cities, from employing qualified public health nurses on their own account, or in conjunction with private agencies who are contributing to the salaries of such nurses in whole or in part, provided the services of such nurses include a program equivalent to an acceptable generalized public health program, and so organized that there is no duplication of work or travel.

3. Appropriations

R. S. 1944, c. 80, § 109. **Appropriation for general public health nursing service.** Towns desiring to take advantage of the provisions of this section and section 92 are empowered to appropriate or raise money for the said purposes at any annual town meeting, or during the war emergency, at any special town meeting called for the purpose.

The state may contribute not exceeding 50% per year on account of the salary and travel of any such public health nurse whose qualifications meet the requirements of the state bureau of health; and the entire salary and necessary travel of such nurses shall be paid by the state bureau of health when an amount equal to $\frac{1}{2}$ such salary and travel has been paid to the treasurer of state to be credited to the public health nursing account of said bureau, provided that no contribution may be made by the state for services provided for in this section and section 92 where the total population of any town exceeds 6,000 as shown by the 1940 U. S. census.

The state's share of the above contributions may be paid from the state appropriation for public health nursing, or from federal grants to the state when plans are approved by the granting agency.

J. Dental Health

R. S. 1944, c. 80, § 91. (P. L. 1945, c. 40). **Other purposes for which cities and towns may raise money.** Cities and towns may raise money to procure the writing and publication of their histories, to celebrate any centennial or other anniversary of the settlement or incorporation of such city or town, and to publish the proceedings of any such celebration; to defray the expenses of the observance of memorial day, armistice day, or any other day set apart for patriotic commemoration, firemen's memorial Sunday, and of old home week; to hire a public nurse; to hire a dental hygienist; to subsidize a physician to induce him or her to settle in said town; to aid in the maintenance of a hospital serving the inhabitants of the town; to provide for a local program or one based on coordination with the state having to do with the rehabilitation and employment of persons honorably discharged from the armed forces of the United States in World War II; to provide for physical fitness programs in the schools; to erect suitable monuments or memorials in memory of the soldiers and sailors who sacrificed their lives in defense of their country in the war of 1861, or in World Wars I and II, and a reasonable sum to secure, grade, and care for a lot appropriate for such a monument or memorial. They may also raise money to be expended for exterminating or controlling brown tail and gypsy-moths and other insect pests. Cities and towns may appropriate, and individuals and private organizations may raise sums of money to be deposited with and expended under the direction of the department of health and welfare for dental hygienist service, provided said sums are expended in the city or town where appropriated or raised. They may also raise money to be expended for the support and maintenance of the chamber of commerce or board of trade.

K. Cancer Control

R. S. 1944, c. 22, § 86. **Cancer control.** The department is authorized to make investigations concerning cancer, the prevention and treatment thereof, and the mortality therefrom; and to take such action as it may deem will assist in bringing about a reduction in the mortality due thereto.

L. Services for Crippled Children

R. S. 1944, c. 22, § 248. Purposes of §§ 248-250. The department, through its bureau of health, is authorized to administer a program of services for children who are crippled or who are suffering from conditions which lead to crippling, and to supervise the administration of those services included in the program which are not administered directly by it. The purpose of such included program shall be to develop, extend, and improve services for locating such children and for providing for medical, surgical, corrective, and other services and care, and for facilities for diagnosis, hospitalization, and aftercare. Provided, however, that nothing in sections 248 to 250, inclusive, shall be construed as authorizing any public official, agent, or representative, in carrying out the provisions of said sections, to take charge of any child over the objection of either the father or the mother of such child, or of the person standing in loco parentis to such child, except pursuant to a proper court order.

R. S. 1944, c. 22, § 249. Acceptance of provisions of federal law. The department is authorized to:

I. Apply for federal aid under the provisions of Title V of the Federal Social Security Act (Public No. 271, 74th Congress);

II. Cooperate with the federal government through the children's bureau in matters of mutual concern pertaining to services for crippled children, including such methods of administration as are found to be necessary for the efficient operation of the plan for such aid;

III. Make such report in such form and containing such information as the secretary of labor may require, and comply with such provisions as said secretary may find necessary to assure the correctness and verification of such reports.

R. S. 1944, c. 22, § 250. Federal grants. The treasurer of state shall be the appropriate fiscal officer of the state to receive federal grants on account of services for crippled children and administration thereof, as contemplated by Title V of the Federal Social Security Act, and the state controller shall authorize expenditures therefrom as approved by the department.

M. Maternal and Child Health

R. S. 1944, c. 22, § 251. Purposes of §§ 251-253. The department, through its bureau of health, is authorized to administer a program to extend and improve its services for promoting the health

of mothers and children, especially in rural areas and in areas suffering from severe economic distress. Provided, however, that nothing in sections 251 to 253, inclusive, shall be construed as authorizing any public official, agent, or representative, in carrying out the provisions of said sections, to take charge of any child over the objections of either the father or the mother of such child, or of the person standing in loco parentis to such child, except pursuant to a proper court order.

R. S. 1944, c. 22, § 252. Acceptance of provisions of federal law. The department is authorized to:

I. Apply for federal aid under the provisions of Title V of the Federal Social Security Act (Public No. 271, 74th Congress);

II. Cooperate with the federal government through the children's bureau in matters of mutual concern pertaining to maternal and child health services, including such methods of administration as are found to be necessary for the efficient operation of the plan for such aid;

III. Make such reports in such form and containing such information as the secretary of labor may require, and comply with such provisions as said secretary may find necessary to assure the correctness and verification of such reports.

R. S. 1944, c. 22, § 253. Federal grants. The treasurer of state shall be the appropriate fiscal officer of the state to receive federal grants on account of maternal and child health services and administration thereof, as contemplated by Title V of the Federal Social Security Act, and the state controller shall authorize expenditures therefrom as approved by the department.

N. Hospitals and Related Institutions

i. Hospital Survey

R. S. 1944, c. 22, § 25-A. (P. L. 1945, c. 223). Hospital survey. The department of health and welfare shall make a survey of the location, size and character of all existing public and private hospitals and health centers in the state; evaluate the sufficiency of such hospitals and health centers to supply the necessary physical facilities for furnishing adequate hospital, clinic and similar services to all the people of the state; compile such data and conclusions, together with a statement of the additional facilities necessary, in conjunction with existing structures, to supply such services; and, utilize, so far as practicable, any appropriate reports, surveys, and plans prepared by other state agencies.

R. S. 1944, c. 22, § 25-B. (P. L. 1945, c. 223). Authority to accept federal or other funds. The department shall have authority to accept the provisions of any federal law now in effect or hereafter enacted which makes federal funds available for public health services of all kinds including the construction of hospitals and health centers and to meet such federal requirements with respect to the administration of such funds as are required as conditions precedent to receiving federal funds. The department, subject to the approval of the governor and council, shall also have authority to accept funds from other sources for the same purposes.

2. Licensing of Hospitals

R. S. 1944, c. 22, § 253-A. (P. L. 1945, c. 355, § 1). Hospitals must obtain licenses; definitions. No person, partnership, association or corporation, nor any county or local governmental units, shall establish, conduct or maintain in the state any hospital (including any maternity home or hospital), sanatorium, convalescent home, rest home, nursing home, or other institution for the hospitalization and/or nursing care of human beings without first obtaining a license therefor in the manner hereinafter provided. Hospital, sanatorium, convalescent home, rest home, nursing home, and other related institution, within the meaning of sections 253-A to 253-J, inclusive, shall mean any institution, place, building or agency in which any accommodation is maintained, furnished or offered for the hospitalization of the sick or injured or care of any aged or infirm persons requiring or receiving chronic or convalescent care. Provided, however, that nothing in section 253-A to 253-J, inclusive, shall apply to hotels or other similar places that furnish only board and room, or either, to their guests or to such homes for the aged or blind as may be subject to licensing under any other provision of law.

R. S. 1944, c. 22, § 253-B. (P. L. 1945, c. 355, § 1). Definition of a maternity home or hospital. A maternity home or hospital shall be defined as a place admitting within a 6-months' period more than one woman not related by blood or marriage to the operator of the home or hospital for care during pregnancy, delivery, or the puerperal period, admissions for the latter being restricted to those within 10 days after child birth.

R. S. 1944, c. 22, § 253-C. (P. L. 1945, c. 355, § 1). Existing hospitals to obtain licenses. No person, partnership, association or corporation, nor any county or local governmental units may con-

tinue to operate an existing hospital, maternity home or hospital, sanatorium, convalescent home, rest home, or nursing home, nor open a hospital, maternity home or hospital, sanatorium, convalescent home, rest home or nursing home after January 1, 1946 unless such operation shall have been approved and regularly licensed by the state as hereinafter provided.

R. S. 1944, c. 22, § 253-D. (P. L. 1945, c. 355, § 1). Application for licenses. Any person, partnership, association or corporation, including county or local governmental units, desiring a license hereunder shall file with the state department of health and welfare, hereinafter referred to as the department, a verified application containing the name of the applicant desiring said license; whether such persons so applying are 21 years of age; the type of institution to be operated; the location thereof; the name of the person in charge thereof. Application on behalf of a corporation or association or governmental units shall be made by any 2 officers thereof or by its managing agents. All applicants shall submit satisfactory evidence of their ability to comply with the minimum standards of sections 253-A to 253-J, inclusive, and all regulations adopted thereunder.

R. S. 1944, c. 22, § 253-E. (P. L. 1945, c. 355, § 1). Fees. Each application for a license to operate a hospital, maternity home or hospital, sanatorium, convalescent home, rest home, nursing home, or related institution, within the meaning of sections 253-A to 253-J, inclusive, shall be accompanied by a fee of \$15. No such fee shall be refunded. All licenses issued hereunder shall be renewed annually upon payment of a like fee. All fees received by the department under the provisions of sections 253-A to 253-J, inclusive, shall be paid into the state treasury to the credit of the department for the purpose of carrying out the general provisions of sections 253-A to 253-J, inclusive. No license granted hereunder shall be assignable or transferable.

R. S. 1944, c. 22, § 253-F. (P. L. 1945, c. 355, § 1). Inspections. Every building, institution or establishment for which a license has been issued shall be periodically inspected by duly appointed representatives of the bureau of health under the rules and regulations to be established by said department. No institution of any kind licensed pursuant to the provisions of sections 253-A to 253-J, inclusive, shall be required to be licensed or inspected under the laws of this state relating to hotels, restaurants, lodging houses, boarding houses and places of refreshment.

R. S. 1944, c. 22, § 253-G. (P. L. 1945, c. 355, § 1). Department to issue licenses. The department is hereby authorized to issue licenses to operate hospitals, maternity homes or hospitals, sanatoriums, convalescent homes, rest homes, nursing homes, or other related institutions as herein defined, which, after inspection, are found to comply with the provisions of sections 253-A to 253-J, inclusive, and any reasonable regulations adopted by said department. The department is hereby authorized to suspend or revoke a license issued hereunder on any of the following grounds: violation of any of the provisions of sections 253-A to 253-J, inclusive, or the rules or regulations issued pursuant thereto; permitting, aiding or abetting the commission of any illegal act in such institution; conduct of practices detrimental to the welfare of the patient. Provided that before any such license hereunder is suspended or revoked, 30 days' written notice shall be given the holder thereof. If a license is revoked as herein provided, a new application for license may be considered by the department if, when, and after the conditions upon which revocation was based have been corrected and evidence of this fact has been satisfactorily furnished. A new license may then be granted after proper inspection has been made and all provisions of sections 253-A to 253-J, inclusive, and rules and regulations thereunder as heretofore or hereinafter provided have been complied with and recommendation has been made therefor by the hospital inspector as an agent of the department.

R. S. 1944, c. 22, § 253-H. (P. L. 1945, c. 355, § 1). Right of appeal. Any person who is aggrieved by the decision of the department under the provisions of sections 253-A to 253-J, inclusive, shall have a right of appeal to the commissioner of health and welfare, who shall provide the appellant with reasonable notice and opportunity for a fair hearing; or to the superior court within and for the county in which such person resides or in which any such hospital, maternity home or hospital, sanatorium, convalescent home, rest home, nursing home or related institution is situated.

R. S. 1944, c. 22, § 253-I. (P. L. 1945, c. 355, § 1). Standards established. The department shall have the power to establish reasonable standards under the provisions of sections 253-A to 253-J, inclusive, which it finds to be necessary and in the public interest and may rescind or modify such regulations from time to time as may be in the public interest, insofar as such action is not in conflict with any of the provisions of said sections. Provided, however, that no standards, rules or regulations of the department pursuant to this

act shall be adopted or enforced which would have the effect of denying a license to any hospital or other institution required to be licensed hereunder, solely by reason of the school or system of practice employed or permitted to be employed by physicians therein; provided such school or system of practice is recognized by the laws of this state.

R. S. 1944, c. 22, § 253-J. (P. L. 1945, c. 355, § 1). Violations; penalties. Any person, partnership, association or corporation, including county or local governmental units, establishing, conducting, managing or operating any hospital, maternity home or hospital, sanatorium, convalescent home, rest home, nursing home, or institution within the meaning of sections 253-A to 253-J, inclusive, without first obtaining a license therefor as herein provided, or who shall violate any of the provisions of said sections or regulations thereunder, shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not more than \$100, or by imprisonment for not more than 90 days.

Note: See also Town Communicable Disease Hospitals (II C 4).

3. Private Mental Hospitals

R. S. 1944, c. 22, § 21-A. (R. S. 1944, c. 23, § 144; P. L. 1945, c. 355, §§ 3, 4). Private hospital to be licensed; to be subject to visitation. The department may license any suitable person to establish and keep a private hospital, or private house for the reception and treatment of patients who are mentally deranged, and may revoke such license at any time. Such hospital or private house shall be subject to visitation by the department or any member thereof.

R. S. 1944, c. 22, § 21-B. (R. S. 1944, c. 23, § 145; P. L. 1945, c. 355, §§ 3, 4). Penalty for violation of 21-A. Whoever establishes or keeps such private hospital or private house without a license, or after revocation of said license, shall forfeit not more than \$500.

R. S. 1944, c. 22, § 21-C. (R. S. 1944, c. 23, § 146; P. L. 1945, c. 355, §§ 3, 4). Voluntary patients may be received on written application; release on request. The superintendent or manager of such licensed hospital or house for the treatment of mental patients may receive and detain therein as a boarder and patient any person who is desirous of submitting himself to treatment and who makes written application therefor, and is mentally competent to make the application; and any such person who desires so to submit himself for treatment may

make such written application. No such person shall be detained more than 5 days after having given notice of his intention, in writing, to leave such institution.

R. S. 1944, c. 22, § 21-D. (R. S. 1944, c. 23, § 147; P. L. 1945, c. 355, §§ 3, 4). **Commitment to private hospitals.** If a person is found by 2 regular physicians registered in this state to be in such mental condition that his commitment to such hospital or house for mental treatment is necessary for his proper care or observation, when the expense of his care and support are to be paid by himself, or relatives, or friends, or legal or natural guardians, he may be committed for treatment to said private hospital or house for a period not exceeding 30 days, provided such person be accompanied by a certificate signed by said physicians, which certificate shall show that in the judgment of the 2 physicians after an examination by each of them, such person needs treatment in such institution because of his mental condition. Such certificate shall be filed at such institution at the time of admission of the patient, together with a statement of facts regarding the family and personal history of the patient. Within 30 days after such commitment, if, in the opinion of the superintendent or manager or the attending physician, the said person has recovered or improved mentally to such an extent that in the judgment of said physician further treatment at such hospital or house is not necessary, the said person shall be discharged.

R. S. 1944, c. 22, § 21-E. (R. S. 1944, c. 23, § 148; P. L. 1945, c. 355, §§ 3, 4). **If patient is to be kept more than 30 days, examination to be made and hearing held.** If after a patient has been committed to such hospital or house for treatment for a period not exceeding 30 days by 2 registered physicians, and it is the opinion of the superintendent or the manager or attending physician, after 15 days or more of observation and treatment, that such patient will not improve or recover to such an extent that it will be for his welfare to leave such hospital or house at the end of the 30 day period, it shall be the duty of the superintendent, manager, or attending physician to have the said patient examined by 2 disinterested, registered physicians who have practiced 3 years or more in this state and who are not employed by such hospital or house, and if in the opinion of these physicians the said patient should require further treatment at said hospital or house, the superintendent, manager, or attending physician shall make application to the judge of a municipal court or probate court in the county where said hospital or house is located, for a hearing, before the expiration of the 30 day period.

Said judge shall then cause a notice of time of hearing to be served upon such patient at least 24 hours prior to the time of hearing, and the superintendent, manager, or attending physician shall give the patient an opportunity to be present at the hearing if the patient so wishes, provided that in the opinion of the superintendent, manager, or attending physician the patient's physical and mental condition is such that it would not be injurious to his health or dangerous to others for the patient to attend the hearing, and the said patient shall have the right to be represented at said hearing by relatives, friends, legal or natural guardians, or attorneys at his own expense, if he so wishes.

R. S. 1944, c. 22, § 21-F. (R. S. 1944, c. 23, § 149; P. L. 1945, c. 355, §§ 3, 4). **Patient may be committed for indefinite treatment on oath of 2 physicians and order of judge.** In all such cases for commitment of any person to such licensed hospital or house for treatment for an indefinite period, the opinion that the patient requires further treatment at said hospital or house shall be given under oath by at least 2 registered physicians who have practiced at least 3 years in this state, and if in the opinion of the judge additional medical testimony as to the mental condition of the patient is required, he may appoint a physician to examine and report thereon, the expense of said examination and report to be paid by the patient. The said judge may then commit such person to said hospital or house for further treatment by an order of commitment directed to the superintendent or manager accompanied by a certificate of at least 2 registered physicians who have practiced three or more years in this state, which certificate shall set forth that in their opinion such patient requires further treatment. The order of commitment shall direct the superintendent or manager to detain such patient for further treatment in said hospital until such time as in the opinion of a recognized alienist the patient has recovered or improved mentally to such an extent that his detention in such hospital is no longer necessary for his own welfare or the safety of the public; or until suitable arrangements have been made for said patient's proper care and supervision outside of said institution by his legal or natural guardians; or until on 3 days' notice, said superintendent or manager shall notify the legal or natural guardian to remove said patient from said institution; or until such time as it shall become necessary to commit said patient to a state hospital, or said patient shall be discharged by order of law.

R. S. 1944, c. 22, § 21-G. (R. S. 1944, c. 23, § 150; P. L. 1945, c. 355, §§ 3, 4). **Private hospital to be visited.** Each of said licensed hospitals or houses shall be visited at least once a year, and oftener if the commissioner so directs, by a member of the department who shall carefully inspect every part of said hospital or house visited with reference to its cleanliness and sanitary conditions and who shall make a report to the department with such recommendations to improve conditions as said department may deem necessary.

R. S. 1944, c. 22, § 21-H. (R. S. 1944, c. 23, § 151; P. L. 1945, c. 355, §§ 3, 4). **License may be revoked after hearing.** Upon the failure of any superintendent or manager of such licensed hospital or house to comply with any of the provisions of the 7 preceding sections, the commissioner may order a hearing to be held and notify in writing said superintendent or manager of such hearing, by 7 days' notice, to be held at the state house at Augusta, and if it shall appear to the commissioner that the provisions of said sections have not been complied with, he may revoke the license of said hospital or house.

O. Vital Statistics

R. S. 1944, c. 153, § 1 (Abstracted) prohibits marriage within certain degrees of relationship.

R. S. 1944, c. 153, § 2. **Void marriages.** No insane or feeble-minded person or idiot is capable of contracting marriage.

R. S. 1944, c. 153, § 3. **Polygamy.** Marriages, contracted while either of the parties has a former wife or husband not divorced, living, are void.

R. S. 1944, c. 153, § 4. **Intentions of marriage to be recorded.** Residents of the state intending to be joined in marriage shall cause notice of their intentions to be recorded in the office of the clerk of the town in which each resides, at least 5 days before a certificate of such intentions is granted; and if one only of the parties resides in the state, they shall cause notice of their intentions to be recorded in the office of the clerk of the town in which such party resides, at least 5 days before such certificate is granted; and if there is no such clerk in the place of their residence, the like entry shall be made with the clerk of an adjoining town; and if both parties reside out of the state they shall cause notice of their intentions to be recorded in the office of the clerk of the town in which such parties propose to have the marriage solemnized, at least 5 days before such certificate is

granted; and the book in which such record is made shall be labeled on the outside of its cover, "Record of Intentions of Marriage," and be kept open to public inspection in the office of the clerk.

Upon application by both of the parties to an intended marriage, when both parties are residents of this state, or both parties are non-residents, or upon application of the party residing within the state when one of the parties is a resident and the other a non-resident, a judge of probate or the judge of a municipal court or trial justice may, after hearing such evidence as is presented, grant a certificate stating that in his opinion it is expedient that the intended marriage be solemnized without delay. Upon the presentation of such a certificate, or a copy thereof certified by the clerk of the court by which the certificate was issued, or in extraordinary or emergency cases when the death of either party is imminent, upon the authoritative request of a minister, clergyman, priest, rabbi, or attending physician, the clerk or registrar of the city or town in which the intention to be joined in marriage has been filed shall at once issue the certificate as prescribed in this section.

The 5 days' notice required by the provisions of this section shall not apply to cases in which either of the parties to an intended marriage has arrived as an immigrant from a foreign country within 5 days.

Note: See Premarital Medical Examination (II E 6).

R. S. 1944, c. 153, § 5. Clerk to give certificate to parties, but not to paupers, nor to minors without written consent of parents or guardian. On and after the 5th day from the filing of notice of intentions of marriage, except as otherwise provided, the clerk shall deliver to the parties a certificate specifying the time when such intentions were entered with him; and it shall be delivered to the minister or magistrate before he begins to solemnize the marriage, which shall be performed in the presence of at least 2 witnesses besides the clergyman or magistrate officiating; but no such certificate shall be issued to a male under 21, or to a female under 18 years of age, without the written consent of their parents or guardians first presented, if they have any living; or to a male or female under 16 years of age without the written consent of their parents or guardians first presented, if they have any living, and without said clerk having notified in writing the judge of probate in the county in which they reside of the filing of such intentions, who may in the interest of public welfare order that no such certificate shall be issued, nor to a state, city, or town pauper, when the overseers of such town where the pau-

per resides, deposit a list of their state, city, or town paupers with the clerk. Such certificate is void if not used within 1 year after the date of issuance. Whoever contracts a marriage or makes false representations to procure the certificate provided for above or the solemnization of marriage contrary to the provisions of this chapter shall forfeit \$100. The clerk of any town or his deputy who intentionally violates the provisions of this section or falsely states the residence of either party named in the certificate above mentioned shall forfeit \$20 for each offense.

R. S. 1944, c. 153, § 7. Certificate of marriage out of state to be filed; penalty. When residents of this state go into another state for the purpose of marriage, and it is there solemnized, and they return to dwell here, they shall, on the blank prepared by the state registrar for that purpose, fill out and file a certificate of their marriage with the clerk of the town in which each of them lived, within 7 days after their return. The clerk shall then record such marriage. Any person who fails to make the report of his marriage as above provided shall forfeit \$20, one-half to the prosecutor and one-half to the town where the forfeit is incurred.

R. S. 1944, c. 153, § 8. Proceedings when marriage is forbidden. Any person, believing that parties are about to contract marriage when either of them cannot lawfully do so, may file a caution and the reasons therefor in the office of the clerk where notice of their intentions should be filed. Then, if either party applies to enter such notice, the clerk shall withhold the certificate until a decision is made by 2 justices of the peace, approving the marriage, after due notice to, and hearing all concerned; provided that the person filing the caution shall within 7 days thereafter procure the decision of such justices, unless they certify that further time is necessary for the purpose. In such case a certificate shall be withheld until the expiration of the certified time. He shall, finally, deliver or withhold the certificate in accordance with the final decision of said justices. If the decision is against the sufficiency, the justices shall enter judgment against the applicant for costs, and issue execution therefor.

R. S. 1944, c. 153, § 9. Marriage in another state in evasion of law, void here. When residents of this state, with intent to evade the provisions of sections 1, 2, and 3 and to return and reside here, go into another state or country, and there have their marriage solemnized, and afterwards return and reside here, such marriage is void in this state.

R. S. 1944, c. 153, § 11. (P. L. 1945, c. 85). (Abstracted) provides that every justice of the peace and every notary residing in the state may solemnize marriages therein. Every clergyman, ordained or licensed to preach, whether resident or non-resident of this state, may solemnize marriages therein after being licensed for that purpose by the secretary of state. Such license shall continue until revoked for cause.

R. S. 1944, c. 153, § 12. Copy of record, legal evidence. A copy of a record of marriage duly made and kept, and attested or sworn to by a justice of the peace, commissioned minister, or town clerk, shall be received in all courts as evidence of the fact of marriage.

R. S. 1944, c. 153, § 14. Penalties. Whoever knowingly and wilfully joins persons in marriage contrary to the provisions of this chapter shall be punished by a fine of \$100; and such offender is forbidden to join any persons in marriage thereafter.

If any person thus forbidden, or any minister or other person not authorized to solemnize marriages, joins any person in marriage, he shall be punished by a fine of not more than \$1,000, or shall be confined to hard labor in the state prison for not more than 5 years.

A town clerk who makes out and delivers to any person a false certificate of the entry of the intention of marriage, knowing it to be false in any particular, shall be punished by a fine of \$100, or by imprisonment for 6 months.

R. S. 1944, c. 22, § 311-C. (P. L. 1945, c. 264, § 1). **Appointment of clerks of Indian tribes.** A clerk of the reservation of each Indian tribe shall be appointed by the tribal governor subject to the approval of the tribal council, if any. The clerks shall keep a record of the births and deaths of persons living on such reservation and perform all other duties with respect to the same as are required of the clerks of towns under the provisions of sections 383 and 385. He shall receive a fee of 25c for each certificate returned to the bureau of vital statistics.

R. S. 1944, c. 22, § 366. (P. L. 1945, c. 320, §§ 1-3). **Registrar of vital statistics; to furnish blanks for registration of births, marriages, deaths, and divorces.** The commissioner or such director as he may designate shall be the registrar of vital statistics for the state, and shall furnish to clergymen, and others authorized to marry, to sextons, to physicians, town clerks, clerks of the society of Friends, and clerks of courts, a copy of the provisions of the laws of this state relating to the registration of vital statistics, and suitable blanks

for recording births, marriages, deaths, and divorces, so printed, with appropriate headings, as readily to show the following facts and such others as may be deemed necessary to secure an accurate registration:

I. (1945, c. 320, § 1). The record of birth shall state its date and place of occurrence, full christian and surname, if named, color and sex of child, whether living or stillborn, and the full christian and surnames, color, occupation, residence, and birthplace of parents.

In the case of a birth of an illegitimate child, the name of the putative father shall not be entered on the certificate of birth except by his consent. In the case of a birth to an unmarried mother, the child's surname shall be recorded as that of the mother. No official in this state shall issue a record of birth disclosing illegitimacy; provided, however, that a record may be issued disclosing such information in response to court process or in response to the request of the illegitimate, his or her legal guardian or legal counsel.

II. The record of marriage shall state its date and place of occurrence, the name, residence, and official character of the person by whom solemnized, the full christian and surnames of the parties, the age, color, birthplace, occupation, and residence of each, the condition, whether single or widowed, whether 1st, 2nd, or other marriage; and the full christian and surnames, residence, color, occupation, and birthplace of their parents.

III. (1945, c. 320, § 2). The record of death shall state its date, the full christian and surname of the deceased, the sex, color, condition, whether single or married, age, occupation, place of birth, place of death, the full christian and surnames and birthplaces of parents, and the disease or other cause of death, so far as known. It shall state whether or not the deceased was a war veteran, and if a veteran, of what war.

IV. (1945, c. 320, § 3). All certificates and all records pertaining to birth, marriage and death in the custody of the state registrar of vital statistics and the clerks of the several municipalities of the state are open to inspection subject to the provisions of this chapter, and it shall be unlawful for the state registrar or any employee of the state or any clerk or employee of a municipality to disclose data contained in such vital records except as authorized by this chapter.

V. (1945, c. 320, § 3). The state registrar may permit the use of data contained in records pertaining to birth, marriage and death for research purposes, but no record shall be given or shown identifying the persons to whom the records relate, except in records of death.

R. S. 1944, c. 22, § 367. Report of birth to town clerk. The attending physician, accoucheur, midwife, or other person in charge, who shall attend at the birth of any child, living or stillborn, within the limits of any town or city in this state, shall report to the clerk of such town or city within 6 days thereafter, all the facts regarding such birth, as required in section 366.

R. S. 1944, c. 22, § 368. Copy of record of marriages, forwarded to town clerk. Every person authorized to unite persons in marriage shall make and keep a record of every marriage solemnized by him in conformity with the requisitions prescribed for blank records of marriages in section 366. That person shall forthwith, following each marriage solemnized by him, return each original certificate or certificates to the clerk who issued the same; and if the marriage was solemnized in a town other than the place or places where the parties to the marriage reside, return a copy of the certificate or of either certificate if 2 were issued, to the clerk of the town where the marriage was solemnized. Each certificate and copy so returned shall contain a statement giving the names of the parties united in marriage, place and date of the marriage, the signature of the person by whom the same was solemnized, and the names of the 2 witnesses. The person who solemnized the marriage shall add the title of the office by virtue of which marriage was solemnized, his residence, and the date of his commission. All certificates or copies so returned shall be recorded by the clerk receiving them.

R. S. 1944, c. 22, § 369. Provisions relating to issuance of marriage certificates. Before issuing a marriage certificate to a person who resides and intends to continue to reside in another state, the town or city clerk shall satisfy himself by requiring affidavits or otherwise that such person is not prohibited to marry by the laws of the state where he or she resides.

Persons filing notice of intention to marry, one or both of whom have previously been married and divorced, shall file therewith a certificate or certified copy from the clerk of the court by which the divorce was granted, showing the title and location of the court and the names of the parties to the proceeding for divorce, and showing which party obtained the divorce, the cause therefor, and the date when the decree became absolute. If there has been more than one divorce, the said certificate or certified copy as to every such divorce shall accompany the notice of intention.

On or before the 15th day of each month every marriage of a non-

resident occurring in Maine during the preceding month shall be reported to the city or town of their residence.

The certificate shall contain the information called for in the following form, so far as same is known to each person, one of whom shall subscribe to the truth of same in the presence of the clerk or one of his assistants, of that town or city in which he or she resides.

R. S. 1944, c. 22, § 370. Physicians in attendance to furnish certificate of name, age, disease, and date of birth of deceased. A physician who has attended a person during his last illness shall within 24 hours after the death of said person make a certificate stating, to the best of his knowledge and belief, the name of the deceased, his age, the disease of which he died, and the date of his death, and shall either deliver it to the person superintending the burial or leave it with the family of the deceased or at the said physician's office where it may be obtained when called for; and a physician or midwife who has attended at the birth of a child dying immediately thereafter, or at the birth of a stillborn child, shall, when requested, forthwith furnish for registration a certificate, stating to the best of his knowledge and belief the fact that such child died after birth or was born dead. It shall be a misdemeanor for any person to make a false return in regard to any birth or death.

R. S. 1944, c. 22, § 371. Town clerk to be furnished with record of any death in town; permit for burial. Whenever any person shall die or any stillborn child be brought forth in this state, the undertaker, town clerk, or other person superintending the burial of said deceased person shall obtain from the physician attending such bringing forth or last sickness a certificate, duly signed, setting forth as far as may be the facts required by the preceding section; and the undertaker or other person having charge of the burial of said deceased person shall add to said certificate the other facts required by section 366; and having duly signed the same shall forward it to the clerk of the town or city where said person died and obtain a permit for burial; and in case of any contagious or infectious disease, said certificate shall be made and forwarded immediately.

R. S. 1944, c. 22, § 372. Notice of death from tuberculosis. When a town or city clerk receives a certificate of the death of any person who has died of tuberculosis in his town, he shall forthwith send a copy of said certificate to the health officer of his town or city, or where there is no health officer, to the commissioner.

R. S. 1944, c. 22, § 373. **If no attending physician in last sickness, clerk may issue certificate, upon such facts as can be obtained.** Whenever any deceased person did not have the attendance of a physician in his or her last sickness, the town clerk may issue and sign the certificate of death upon presentation of such facts as may be obtained of relatives, persons in attendance upon said deceased person during said last sickness or present at the time of death, or from any other source, and the permit for burial shall be issued upon such information. Said certificate and permit shall not be required before burial in cases where it is impracticable to obtain the same within a reasonable time after death, but in all such cases said certificate shall be obtained as soon as practicable after death.

R. S. 1944, c. 22, § 374. **Regulation of removal of bodies of persons dying of cholera, or other pestilential disease; certificate of cause of death; heart failure not deemed sufficient cause for burial permit; permit, when body is brought into this state for burial.** No body of a deceased person whose death was caused by cholera, yellow fever, diphtheria, scarlet fever, typhus fever, typhoid fever, smallpox, or other pestilential disease shall be removed from place to place in this state by any railroad, steamboat, or other common carrier unless there shall be attached to the outer case in which said body is enclosed a certificate from the local health officer where such person died, stating the disease causing such death, and that necessary precautions against infection satisfactory to said local health officer have been observed. A certificate of death giving heart failure as the only cause of death shall not be deemed sufficient upon which to issue a burial permit, and such certificate must be returned to the physician who made it for the proper correction and definition. If the body of a deceased person is brought into this state from without for burial, and if it is accompanied by a permit issued by the legally constituted authorities of the state from which it was brought, such permit shall be received as sufficient authority upon which the clerk of the town in which said body is to be buried shall issue a permit for burial; but if it is not accompanied by such permit, then the person or persons in charge of it shall apply for a burial permit to the clerk of the town in which it is to be buried, and the clerk of the town shall issue such permit when furnished with satisfactory information.

R. S. 1944, c. 22, § 375. **No interment, or disinterment, to be made without permit.** Except as provided in section 373, no interment, disinterment, or placing in a tomb or vault of a dead human body shall be made without a permit, as aforesaid, from the clerk of the town

or city where said person died, or is buried; and no disposition of a dead human body from any tomb or vault shall be made without a permit, as aforesaid, from the clerk of the town or city where said body has been entombed, or placed in such vault. No undertaker or other person shall assist in, assent to, or allow any such interment or disinterment to be made, except as provided in section 373, until such permit has been given as aforesaid; and every undertaker or other person having charge of any burial place as aforesaid, who shall receive such permit, shall preserve and forward the same to the clerk of the town in which burial takes place, within 6 days after the day of burial.

R. S. 1944, c. 22, § 376. Cremation of bodies of the dead. Any person, firm, or corporation within the state, with the approval of the department, may establish and maintain suitable buildings and appliances for the cremation of bodies of the dead, and subject to such regulations as said department may from time to time make, may cremate such bodies and dispose of the ashes of the same.

R. S. 1944, c. 22, § 377. Subregistrars may be appointed who may issue burial permits. The town or city clerk may appoint two or more suitable and proper persons in each town or city as subregistrars, who shall be authorized to issue burial permits and permits for transportation of dead human bodies based upon a death certificate, as hereinbefore provided, in the same manner as is required of the town or city clerk; and the said death certificate upon which the permit is issued shall be forwarded to the town clerk within 6 days after receiving the same, and all permits by whomsoever issued shall be returned to the town clerk as required by section 375. The appointment of subregistrars shall be made with reference to locality, so as to best suit the convenience of the inhabitants of the town, and such appointment shall be in writing and recorded in the office of the town or city clerk; the subregistrars in any town shall hold office at the pleasure of the town clerk.

R. S. 1944, c. 22, § 378. Clerks and subregistrars may issue burial permits in contiguous towns. Town clerks and subregistrars may issue burial permits to persons in contiguous towns, when by so doing it would be more convenient for those seeking a permit, but in all cases the permit shall be made returnable to the town clerk of the town in which the death occurred.

R. S. 1944, c. 22, § 379. Reports to clerk of births and deaths. Within 6 days following such events, parents shall report to the clerk

of their city or town the births or deaths of their children; householders shall report every birth or death happening in their houses; the eldest person, next of kin, shall report the death of his kindred; the keeper of a workhouse, house of correction, prison, hospital, almshouse, or other institution, and the master or other commanding officer of a ship shall report every birth or death happening among the persons under his charge; and parents and other persons enumerated in this section shall not be absolved from the duty of reporting births until the names of the children have been given to the clerk of the city or town in which the births occur.

R. S. 1944, c. 22, § 380. Birth certificates of foundlings; foundling report. Whoever assumes the custody of a child of unknown parentage shall immediately report to the local town or city clerk in writing:

- I. The date and place of finding or assumption of custody;
- II. Sex; color or race; and approximate age of child;
- III. Name and address of the person or institution with whom the child has been placed for care;
- IV. Name given to the child by the finder or custodian.

The place where the child was found or custody assumed shall be known as the place of birth and the date of birth shall be determined by approximation. The report shall constitute the certificate of birth. If the child is thereafter identified, the record of birth made in compliance herewith and any certificate issued thereon shall be null and void and so recorded.

R. S. 1944, c. 22, § 381. Record of birth of children legitimated. If a person shall have acquired the status of a legitimate child by the marriage of his parents and the acknowledgment of his father, the record of his birth shall be amended or supplemented as hereinafter provided so as to read, in all respects, as if such person had been reported for record as born to such parents in lawful wedlock. For such purpose, the town clerk shall, if satisfied as to the identity of the persons, receive an affidavit executed by the parents setting forth the material facts. Unless such marriage is recorded in the records in the custody of such clerk, such affidavit shall be accompanied by a certified copy of the record thereof.

If any person acquires a new name by judicial decree, the town clerk of the town in which said person was born or in which the birth was recorded shall receive a certified copy of such decree.

The town clerk shall file any affidavit, certified copy of such decree, or copy of record submitted under the provisions of this section and record it in a separate book kept therefor, with the name and residence of the deponent or the facts of such decree and the date of the original record, and shall thereupon draw a line through any statement, or statements, sought to be corrected or amended in the original record, without erasing them, shall enter upon the original record the facts required to correct, amend, or supplement the same in accordance with such affidavit or decree, and forthwith, if a copy of the record has been sent to the state registrar of vital statistics, shall forward to the state registrar a certified copy of the corrected, amended, or supplemented record upon blanks to be provided by him, and the state registrar shall thereupon correct, amend, or supplement the record in his office. Reference to the record of the affidavit or such decree shall be made by the clerk on the margin of the original record.

Any birth certificate issued under the provisions of this section shall be issued in accordance with the facts contained in the corrected record.

R. S. 1944, c. 22, § 382. Birth, marriage, or death, in unincorporated place. When a birth, marriage, or death occurs in an unincorporated place, it shall be reported to the town clerk in the town which is nearest to the place at which the birth, marriage, or death took place, and shall be recorded by the town clerk to whom the report is made; and all such reports and records shall be made and recorded and returned to the state registrar as is provided herein.

R. S. 1944, c. 22, § 383. Clerk to make certified copy of record on 1st Monday of each month, and transmit to clerk of town where person or parents of child were resident at time of death. The clerk of each town shall, on the 1st Monday of each month, make a certified copy of the record of all deaths and births, recorded in the books of said town during the previous month, whenever the deceased person or the parents of the child born were resident in any other town in this state at the time of said death or birth, or whenever they were recently resident in any other town, or whenever the remains of any deceased person have been carried to any other town for burial, or whenever the deceased person was born in any other town of this state, and shall transmit said certified copies to the clerk of the town in which said deceased person or parents were resident at or near the time of said birth or death, or to which the remains of such deceased person have been carried for burial, or in which said deceased person was born as aforesaid, stating in addition the name of the street and

the number of the house, if any, where such deceased person or parents so resided, whenever the same can be ascertained; and the clerk so receiving such certified copies shall record the same in the books kept for recording deaths or births. Such certified copies shall be made upon blanks to be furnished for that purpose by the registrar of vital statistics.

R. S. 1944, c. 22, § 384. Assessors to make return of all births. The assessors shall, when taking the annual inventory, collect and return to the town clerk, before the 1st day of June, the births which have occurred within their respective jurisdictions during the year ending December 31st next preceding, together with the names of such children.

R. S. 1944, c. 22, § 385. Town clerks required to make returns to state registrar, monthly; copies to be typewritten or in legible hand. The clerk of every town shall keep a chronological record of all births, marriages, and deaths reported to him or known to him, and shall, between the 10th and the 15th of every month, transmit to the state registrar a copy of the record of all births, marriages, and deaths which have occurred within the month next preceding, together with the names, residences, and official stations of all persons who have neglected to make returns to him in relation to the subject matters of such records which the law required them to make, all to be made upon blanks to be prepared and furnished by the state registrar; and if no births, marriages, or deaths have occurred in the aforementioned period of time or month for which returns are to be made, the town clerk shall send the state registrar a statement to that effect. Whenever the report of a birth, marriage, or death, required by law to be returned to such clerk, is reported to him or he learns of it too late for inclusion in his returns as provided hereunder to the state registrar, he shall, after it is reported to him or after he has knowledge of it, make due returns thereof to the state registrar forthwith. The registrar of vital statistics shall require all copies which are transmitted under the provisions of this section to be typewritten or written with black durable ink in a fair or legible hand.

Any city or town clerk who neglects or refuses to make or cause to be made the returns as required by this section shall forfeit not less than \$20, nor more than \$100, to the use of the state.

R. S. 1944, c. 22, § 386. Clerks of courts required to make return of divorces, annually. The clerks of courts for the several counties shall, annually, during the month of February, make returns to the

registrar of vital statistics relating to libels for divorce in their respective counties for the calendar year next preceding. Such returns shall specify the following details; the number of divorces granted; and the names of the parties including the maiden name and any other former name of female, if any, when ascertainable.

R. S. 1944, c. 22, § 387. Duty of state registrar. The state registrar shall cause the returns made to him in pursuance of the 2 preceding sections to be arranged alphabetically for convenient reference, and carefully preserved in his office. He shall annually make and publish a general abstract and report of the returns of the preceding year in such form as will render them of practical utility, not more than 2,000 copies of which shall be printed and bound in cloth, 1 copy of which shall be forwarded to every town, 1 copy to each senator and representative, 1 copy to each state and territory in the union, and the remainder to such departments, libraries, and persons as the state registrar shall direct.

R. S. 1944, c. 22, § 388. (P. L. 1945, c. 320, § 4). Clerk's record or certified copy, prima facie evidence. The state registrar and the clerk of a municipality shall not permit inspection of the records of birth, marriage and death, marriage intentions excepted, or issue a certified copy of a certificate relating thereto, or to parts thereof, unless he is satisfied that the applicant therefor has a direct and tangible interest in the matter recorded, the decision of the state registrar or the clerk of a municipality being subject, however, to review by the superior court or any justice thereof in vacation, under the limitations of this chapter. The city and town clerks shall, upon request, supply to any such qualified applicant a certified copy of the record of any birth, marriage, or death registered under the provisions of this chapter, upon the payment of a fee of 50c, to be paid by the applicant in advance. For any search of the files and records, where no certified copy is made, the fee shall be 50c for each hour or fractional part of the hour for time of search, said fee to be paid by the applicant in advance. The city or town clerk's record of any birth, marriage, or death, or a duly certified copy thereof, shall be prima facie evidence of such birth, marriage, or death, in any judicial proceeding.

R. S. 1944, c. 22, § 389. Defective and erroneous records, how perfected. If the record relating to a birth, marriage, or death does not contain all the required facts, or if it is alleged that the facts are not correctly stated therein, the town clerk shall receive an affidavit containing the facts required for record, if made by a person who was

required by law to furnish information for the original record, or, at the discretion of the town clerk, by one or more credible persons having knowledge of the case. The town clerk shall file such affidavit and record it in a separate book to be kept for that purpose, with the name and residence of any deponent and the date of such record, and shall thereupon draw a line through the incorrect statements in the original record without erasing them, and shall then enter the facts required to amend the record; and forthwith, if a copy of the record has been sent to the state registrar of vital statistics, shall forward to the registrar a certified copy of the corrected record upon blanks to be provided by said registrar; and the registrar shall thereupon amend the record in his office and state in the margin thereof his authority therefor. Reference to the record of the affidavit shall be made by the clerk on the margin of the original record. If the clerk furnishes a copy of such record, he shall certify to the facts contained therein as amended, and shall state in addition that the certificate is issued under the provisions of this section, a copy of which shall be printed on every such certificate. Such affidavit, or a certified copy of the record of any other city or town or of a written statement made at the time by any person since deceased who was required by law to furnish evidence thereof, may, at the discretion of the clerk, be made the basis for the record of a birth, marriage, or death not previously recorded, and such copy of a record may also be made the basis for completing the record of a birth, marriage, or death which does not contain all the required facts. Any oath which is required by the provisions of this section may be administered by the clerk or deputy clerk of a city or town; they shall receive no fee therefor.

R. S. 1944, c. 22, § 390. Penalty. If any person wilfully neglects or refuses to perform any duty imposed upon him by the provisions of sections 366 to 368, inclusive, 370 to 375, inclusive, 377 to 379, inclusive, and 382 to 389, inclusive, he shall be punished by a fine of not more than \$100 for each offense, for the use of the town in which the offense occurred, and the state registrar shall enforce the provisions of this section as far as comes within his power.

R. S. 1944, c. 22, § 391. Duties of clerks. The clerk of each city or town shall enforce, so far as comes within his power, the provisions of sections 367, 368, 369, 370, 371, 375, 379, and 384, of this chapter, and section 10 of chapter 153, and when he knows of any birth, marriage, or death, which is not reported to his office in accordance with the provisions of the law relating to vital statistics, he shall collect, so far as he is able to do so, the facts called for in the blank certificates

of birth, of marriage, or of death, as furnished by the state registrar, and shall record them as is herein prescribed; for each birth or death or marriage duly reported to the town clerk, physicians or persons solemnizing marriages shall receive 25c from the town in which the birth, death, or marriage has occurred.

R. S. 1944, c. 22, § 392. Duty of state registrar of vital statistics, when provisions of law as to registration of vital statistics are not complied with. When the state registrar of vital statistics believes that, in any place in this state, the records of births, marriages, or deaths are not made as is provided by law, or that any person neglects or fails to perform any duty required in the law relating to the registration of vital statistics, the said registrar may visit such places and make such investigations as he may deem necessary, and all records, blanks, and papers of town clerks relating to births, marriages, or deaths shall be open to his examination. Any person who refuses to permit or hinders the examination or investigation herein provided for shall be punished by a fine of not less than \$5, nor more than \$20. All actual traveling and other necessary expenses thus incurred by the state registrar, or incurred in attending the prosecution of cases brought by county attorneys, hereunder, shall be paid by the state, but not more than \$200 shall thus be paid to the state registrar for such expenses in 1 year.

When the state registrar knows, or has good reason to believe, that any penalty or forfeiture under the law relating to vital statistics has been incurred, he shall forthwith give notice thereof, in writing, to the county attorney of the county in which said penalty or forfeiture has occurred, which notice shall state as near as may be the time of such neglect, the name of the person or persons incurring the penalty or forfeiture, and such other facts relating to the default of duty as said registrar may have been able to learn, and upon receipt of such notice the county attorney shall prosecute the defaulting person or persons.

R. S. 1944, c. 80, § 135. Cities and towns to provide safes and vaults. Cities and towns of more than 1,300 inhabitants shall provide fire proof safes or vaults of ample size for the reception and preservation of all completed books of record and registry belonging thereto. Upon the completion of any such book of record and registry, the clerk of the city or town shall deposit the same in such safe or vault, and such books shall be kept in such safe or vault, except when required for use.

R. S. 1944, c. 80, § 137. Penalty for neglect of duties prescribed by § 135. Any city or town which neglects to perform the duties prescribed by section 135 shall forfeit for each month so neglecting, the sum of \$10, $\frac{1}{2}$ to the complainant and $\frac{1}{2}$ to the county in which such city or town is located.

R. S. 1944, c. 145, § 37 (second paragraph). The judge of probate having jurisdiction shall require a certified copy of the birth record of the child proposed for adoption to be presented with any petition for adoption, provided such certificate can be obtained or can be made available by filing a delayed return of birth, which certificate of birth and an attested copy of the certificate of adoption on a form prescribed and furnished by the state registrar of vital statistics shall forthwith be filed by the register of probate with the said state registrar, and, if the birth occurred within the state, with the town clerk of the town wherein the child was born, and any certificate of the birth of such child thereafter issued shall be issued in accordance with the facts contained in the certificate of adoption.

R. S. 1944, c. 100, § 145. Photostatic, photographic copy of records, etc., authorized. Whenever any officer or employee of the state or of any county, city, or town is required or authorized by law, or otherwise, to record or copy any document, plat, paper, or instrument in writing, he may do such recording or copying by any photostatic, photographic, or other mechanical process which produces a clear, accurate, and permanent copy or reproduction of the original document, plat, paper, or instrument in writing.

R. S. 1944, c. 100, § 146. Photostatic, photographic copies and records admissible in evidence. Copies and records produced by any photostatic, photographic, microfilm, or other mechanical process which produces a clear, accurate, and permanent copy or reproduction thereof shall have the same effect as the originals from which they are copies, and copies thereof and therefrom shall be admissible in evidence in any court or at any hearing provided for by law in this state, in like manner, under like conditions, and with like effect as if they were copies from the originals.

R. S. 1944, c. 146, § 14. Copies of public records to be furnished veterans' bureau free. Whenever a copy of any public record is required by the bureau to be used in determining the eligibility of any person to participate in benefits made available by such bureau, the official charged with the custody of such public record shall without

charge provide the applicant for such benefits or any person acting on his behalf or the representative of such bureau with a certified copy of such record.

R. S. 1944, c. 80, § 27 (Abstracted). Clerks of cities and towns shall receive:

For entering and recording intentions of marriage, giving certificate of same, \$2.

For a certificate of birth, marriage, or death, 50c.

For receiving, recording and returning the facts required by sections 60-86, both inclusive, of chapter 1 of the public laws of 1933, to be recorded, 25c for each birth, marriage or death, to be paid by the city or town.

For every birth, marriage or death collected and recorded under section 81 of chapter 1 of the public laws of 1933, 25c, to be paid by the city or town.

For receiving and recording affidavit correcting record of birth, marriage or death, and forwarding copy under section 79 of chapter 1 of the public laws of 1933, 50c, to be paid by the city or town.

For each record transcribed, certified, and transmitted to the registrar of vital statistics, as required by sections 84 and 85 of chapter 1 of the public laws of 1933, not exceeding 5c as may be agreed upon between the clerk and the municipal officers.

For preparing and issuing burial permits, undertakers' vouchers and memoranda necessary for the office, and for filing such memoranda, 25c, to be paid on issuing the burial permit.

The above fees shall be paid when the instrument is offered for record.

P. Funeral Directors and Embalmers; Mausoleums, Crematories, etc.

1. Funeral Directors and Embalmers

R. S. 1944, c. 22, § 187. Business of funeral director and practice of embalming regulated; qualifications. Any person wishing to become an embalmer of dead human bodies for burial, shall be at least 21 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 2 years, under the direction and supervision of a licensed embalmer and shall have taken and completed at least a 9 months' course of study of some school or college of embalming, the requirements and standards of which said school or college shall meet or equal the requirements and standards

established by the Conference of Embalmer's Examining Boards of the United States, Incorporated, and shall have had the approval of the board of examiners of funeral directors and embalmers. Such person shall also present to said board a certificate or diploma, certifying that he has taken and successfully passed the required examination of said school or college of embalming, and shall have an intelligent comprehension of such rudiments of anatomy, pathology, bacteriology, hygiene, and of the characteristics of, and the dangers from, contagious and infectious diseases, and of the actions and uses of disinfectant agencies as the bureau 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 is permitted to practice said profession within the state, provided, however, that the provisions of sections 187 to 197, inclusive, shall apply only to persons who hold themselves out to embalm dead human bodies for burial or to prepare the same for transportation or cremation. Embalmer's 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 embalmer.

Any person wishing to become a funeral director and to engage in the business or profession of funeral directing, and of preparing, other than by embalming, or disposing of dead human bodies by any means whatever in this state, shall be at least 21 years of age, a citizen of the United States and of this state, be of good moral character, with not less than a high school education or its equivalent, shall have practiced funeral directing for at least 2 years under the direction and supervision of a licensed funeral director, and shall have an intelligent comprehension of the dangers from contagious and infectious diseases and of the actions and uses of disinfectant agencies as the bureau of health may prescribe as necessary for the protection of the living, and shall pass an examination before a board of examiners as appointed under the provisions of the following section.

R. S. 1944, c. 22, § 188. State board of examiners of funeral directors and embalmers; compensation; expenses. The board of examiners of funeral directors and embalmers, as heretofore established, shall consist of 5 members, one of whom shall be the director of health, who shall be secretary of said board, and the other members shall be licensed funeral directors and embalmers, who shall be appointed by the governor, with the advice and consent of the council,

and they shall hold office for the term of 4 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.

The members of the board shall each receive \$5 a day and expenses during each session of the board. The secretary shall receive the same compensation as the other members of the board and \$5 additional per day while actually employed in the performance of his duties.

The secretary of the board shall be the treasurer thereof and shall receive all fees, charges, and assessments payable to the board, and account for and pay over the same according to law.

R. S. 1944, c. 22, § 189. Examinations for licenses; 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 for embalmers' licenses 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 department. 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 work coming within the province of said vocation.

Applicants for funeral directors' licenses shall pass an examination upon their knowledge of sanitation, disinfection of 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 department. 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 funeral director shall be issued to the applicant under which he shall have legal authority to engage in the business or profession of funeral directing and of preparing, other than by embalming, or disposing of dead human bodies by any means whatever, 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 department shall be deemed sufficient cause for the revocation of a license.

R. S. 1944, c. 22, § 190. Blanks and forms of procedure; lists of licensees and examinations to be kept. The department may adopt such blanks and forms of procedure as it may deem necessary to carry out the provisions of sections 187 to 197, inclusive, and shall keep on file a list of all registered and licensed embalmers and funeral directors and a record of examinations, together with the examination papers, all of which shall be open to public inspection.

R. S. 1944, c. 22, § 191. Record of licensed embalmers and funeral directors 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 director of health during regular office hours. The board of examiners shall report to the department, on or before the 1st 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.

R. S. 1944, c. 22, § 192. Fees; expiration and renewal of licenses. The fee for examinations under the provisions of section 189 shall be \$5, and all licenses and certificates of registration which have been or may be issued to funeral directors and embalmers by the board of examiners shall expire on the 31st day of December, annually. Any person holding an embalmer's license or certificate of registration, or funeral director's license, issued under the provisions of this or any other law, may have the same renewed by making and filing with the secretary of said board of examiners an application therefor within 30 days preceding the expiration of his, or her, license or certificate of registration, upon blanks prescribed by said board, and upon the payment of a renewal fee of \$2 for an embalmer's license, \$2 for a funeral director's license, \$3 for a combination embalmer's and funeral director's license, and \$1 for an apprentice's license, provided, however, that any person neglecting or failing to have his, or her, license or certificate of registration renewed as above, may have the same renewed by making application therefor within 30 days after the date of such expiration, and upon the payment of \$4, revival and renewal fee. Provided, however, that any person who held an em-

balmer's license or certificate of registration, or funeral director's license issued in accordance with the laws of this state, but who failed to have such license renewed and who, solely because of such failure to renew said license, is not now entitled to engage in the business of embalming dead bodies, shall be allowed to take an examination for a license to engage in said business, and upon successfully passing such examination and paying the required fees shall be granted a license as an embalmer, and the said board of examiners is authorized and directed to give such examination and grant such license to any applicant complying with the above provisions.

R. S. 1944, c. 22, § 193. Application of moneys collected. The money received under the provisions of sections 187 to 197, inclusive, shall constitute a permanent fund for carrying on the work of the board of examiners of funeral directors and embalmers and the compensation of its members, and for such expenses as may be necessarily incurred from time to time by said board on account of investigations which said board may be required to make by reason of the provisions of sections 187 to 197, inclusive; and for such educational purposes as said board may deem for the best interests and advantage to the funeral directors and embalmers of this state; provided always, that none of the expenses designated hereunder shall reduce the fund hereby created under the sum of \$1,000.

R. S. 1944, c. 22, § 194. List of licensed funeral directors and embalmers to be supplied to transportation companies. In the month of January of each year, the secretary of the board of examiners shall supply each licensed embalmer and funeral director, and the various transportation companies within the state, with a list of all registered funeral directors and all funeral directors and embalmers holding licenses, then in force, giving the names of such persons, their business addresses, and the numbers of their licenses.

R. S. 1944, c. 22, § 195. Holders of expiring licenses, how notified. The secretary of the board of examiners shall, at least 40 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.

R. S. 1944, c. 22, § 196. In case of accidental death, embalming fluids not to 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 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.

R. S. 1944, c. 22, § 197. Penalties; jurisdiction of offenses. Whoever violates any provision of the 10 preceding sections, or any rule or regulation prescribed by the department, for the preparation, embalming, shipping, or burial of any dead human body shall be punished by a fine of not less than \$10, nor more than \$50, or by imprisonment for not less than 10 days, nor more than 60 days, and the county attorney of the county in which violation occurs shall prosecute all such persons. Trial justices within their county shall have jurisdiction, original and concurrent with municipal courts and the superior court, of any and all prosecutions for violations hereof.

I. No applicant for an embalmer's license shall present to the board of examiners of embalmers any written statement, signed either by himself or any other person, which is misleading or untrue.

II. No licensed funeral director or licensed embalmer shall, directly or indirectly, offer to give any money or other valuable consideration to any person who is not a licensed funeral director, a licensed embalmer, or a student embalmer for soliciting, suggesting, advising, requesting, or inducing any person to employ him as a funeral director or embalmer.

III. No person shall receive, directly or indirectly, any money or other valuable consideration for soliciting, suggesting, advising, requesting, or inducing any person to engage, employ, or arrange with any licensed funeral director or licensed embalmer for the funeral of any person or burial of any deceased body.

IV. No person, except a licensed funeral director or licensed embalmer, shall advertise on any billhead, sign, or card, or orally, or in

any other manner, that he is competent, willing, or desirous to arrange for or to conduct funerals.

V. No licensed funeral director or licensed embalmer shall advertise in any manner which shall be deceptive, misleading, improbable, or unethical.

VI. Any person who shall violate any provision of this section shall be fined not more than \$100 for each offense.

2. Mausoleums, Vaults; Crematories

R. S. 1944, c. 22, § 376. **Cremation of bodies of the dead.** Any person, firm, or corporation within the state, with the approval of the department, may establish and maintain suitable buildings and appliances for the cremation of bodies of the dead, and subject to such regulations as said department may from time to time make, may cremate such bodies and dispose of the ashes of the same.

R. S. 1944, c. 54, § 25. **Mausoleums, crematories, columbaria, etc., where to be located.** Every community mausoleum, other than a structure containing crypts erected or controlled by a church or a religious society and used only as a repository for the remains of the clergy or dignitaries of such church or religious society, and every crematory, columbarium, or other structure intended to dispose of, or hold, or contain the bodies or remains of the dead, shall be located only within the limits of a cemetery containing not less than 20 acres, which shall have been in existence and actually used for burial purposes for a period of at least 2 years immediately preceding the time of the erection thereof.

R. S. 1944, c. 54, § 26. **Plans for burial structures must be presented to bureau of health for approval.** Before any person, firm, or corporation shall build, construct, or erect any such community mausoleum, vault, or other burial structure, entirely above ground, or partly above and partly by excavation, with the intention and purpose that when so built, constructed, and erected the same may contain twenty or more deceased human bodies for permanent interment, such person, firm, or corporation shall present all plans for such construction to the bureau of health, and shall obtain the written approval of such plans, by said bureau, before proceeding with the construction and erection of said mausoleum, vault, or other burial structure.

R. S. 1944, c. 54, § 27. **Crypts or catacombs, so constructed as to be readily examined.** Any such community mausoleum, or other

burial structure, shall be constructed of such materials and workmanship as will insure its durability and permanency as well as the safety, convenience, comfort, and health of the community in which it is located as dictated and determined at the time by modern mausoleum construction and engineering science, and all crypts or catacombs placed in a mausoleum, vault, or other burial structure, as described in the preceding section, shall be so constructed that all parts thereof may be readily examined by the bureau of health, or any other health officer, and such crypts or catacombs, when used for the permanent interment of a deceased body, or bodies, shall be so hermetically sealed that no offensive odor or effluvia may escape therefrom.

R. S. 1944, c. 54, § 28. Mausoleums to be built under the supervision of the bureau of health. The bureau of health shall have supervisory control over the erection of any such community mausoleum and shall enforce compliance with the approved plans and specifications therefor. Such bureau shall determine the reasonable amount of compensation for such supervision, which compensation shall be paid by the cemetery association or other agency erecting such community mausoleum. No departure from the original plans and specifications shall be permitted, except upon approval of the said bureau of health evidenced in like manner and form as the approval of the original plans and specifications.

R. S. 1944, c. 54, § 31. Disposal of bodies in improper mausoleums, vaults, crypts, etc. Whenever any mausoleum, vault, crypt, or other structure containing one or more dead human bodies shall, in the opinion of the bureau of health, become a menace to public health, and the owner thereof fails to remedy or remove the same to the satisfaction of the said bureau, any court of competent jurisdiction may order the owner of said structure to remove the dead body or bodies for interment in some suitable cemetery at the expense of such owner. If such owner cannot be found, such removal and interment shall be at the expense of the cemetery association in the cemetery in which such mausoleum, vault, crypt, or other structure is situated.

R. S. 1944, c. 54, § 34. Unauthorized cemetery, etc., may be enjoined or abated. Any cemetery, community mausoleum, or columbarium established, maintained, or operated in violation of or contrary to the provisions of this chapter is declared to be a nuisance which may be abated or enjoined as such at the suit of any citizen of this state.

R. S. 1944, c. 54, § 35. Disposition of human bodies. Except as

otherwise provided by law, or in case of a dead body being rightfully carried through or removed from the state for the purpose of burial or disposition elsewhere, every dead body of a human being dying within the state, and the remains of any body after dissection therein, shall be decently buried, entombed in a mausoleum, vault, or tomb, or cremated within a reasonable time after death. The permanent disposition of such bodies or remains shall be by interment in the earth, or deposit in a chamber, vault, or tomb of a cemetery owned, maintained and operated in accordance with the laws of this state, by deposit in a crypt of a mausoleum, or by cremation. The remains of a human body after cremation may be deposited in a niche of a columbarium or a crypt of a mausoleum, buried or disposed of in any manner not contrary to law. No deposit of the bodies or remains of the human dead shall be made in a single chamber, vault, or tomb partly above and partly below the natural surface of the ground unless the part thereof below such surface is of a permanent character, constructed of materials capable of withstanding extreme climatic conditions, waterproof and air tight, and capable of being sealed permanently to prevent all escape of effluvia, and unless the part thereof above the natural surface of the ground is constructed of natural stone of a standard not less than that required by the United States government for monuments erected in national cemeteries, or durability sufficient to withstand all conditions of weather.

R. S. 1944, c. 54, § 36. Penalties. Whoever fails to comply with or violates any of the provisions of this chapter in respect to the establishment, maintenance, or operation of a cemetery, community mausoleum, crematory, or columbarium, or to the disposal of dead human bodies, shall, unless another penalty is provided under the provisions of this chapter, be punished by a fine of not less than \$100, nor more than \$500, or by imprisonment for not more than 6 months, or by both such fine and imprisonment.

R. S. 1944, c. 54, § 37. Recovery of fines or penalties. All fines or penalties provided by the preceding section may be recovered or enforced by indictment, and the necessary processes for causing the crypts and catacombs to be sealed, or the bodies to be removed and buried, and execution to recover the necessary expenses thereof may be issued by any justice of the superior court, in term time or vacation.

R. S. 1944, c. 54, § 38. Jurisdiction of courts. The superior court shall have original and concurrent jurisdiction in all cases under the provisions hereof, provided that judges of municipal courts and trial

justices may cause the persons brought before them on complaint for violation of sections 26 or 27 to recognize with sufficient sureties to appear at the next term of the superior court, and, in default thereof, shall commit them.

Q. Restraint of Narcotic Addicts

R. S. 1944, c. 22, § 159. Persons suffering from use of opiates may be committed to general hospital. A person alleged to be suffering from the effects of the use of an opiate, cocaine, chloral hydrate, or other narcotic may be committed to the care of any hospital or any legally qualified physician of not less than 5 years' actual practice for treatment; and the medical authorities of said hospital or said physician to whom said patient is committed may restrain said patient, so committed, in such manner as may be necessary for his protection, for a period of not more than 90 days.

R. S. 1944, c. 22, § 160. Agreement for personal restraint. Before any restraint shall be imposed under the authority of the preceding section, a voluntary agreement shall be made in writing by the person suffering from the effects of any drug mentioned in said section, to the imposition of restraint upon his actions, if necessary, and such agreement must be witnessed by the husband, wife, or parent of the person aforesaid, or one of the municipal officers of the city or town in which the person, so suffering, is a resident, and approved, after reasonable notice, by a justice of the superior court or the judge of probate in the county where the patient resides.

R. S. 1944, c. 22, § 161. Investigation as to progress of cases may be required. Any justice of the superior court or the judge of probate in the county where the patient resides may, at his discretion, require the department, or one of the county examiners of insane criminals, to investigate as to the progress of any such case; and, upon his or its certificate that further restraint is unnecessary, may annul the agreement and the person restrained shall be immediately released upon the order of said justice.

R. Penalties and Forfeitures

R. S. 1944, c. 22, § 70. Penalty for violations. Whoever wilfully violates any provision of section 34, sections 36 to 39, inclusive, sections 41 to 47, inclusive, and sections 61 to 69, inclusive, or of said regulations and by-laws, or neglects or refuses to obey any order or direction of any local health officer authorized by said provisions, the

penalty for which is not herein specifically provided, or wilfully interferes with any person or thing to prevent the execution of the provisions of said sections or of said regulations and by-laws shall be punished by a fine of not more than \$50, or by imprisonment for not more than 6 months, or by both such fine and imprisonment; judges of municipal courts shall have jurisdiction, original and concurrent with the superior court, of all offenses under said sections.

R. S. 1944, c. 88, § 6. Forfeitures, how appropriated. All forfeitures mentioned in sections 1 to 5, inclusive, of this chapter and sections 50 and 51, 74 to 84, inclusive, and 127 to 143, inclusive, of chapter 22, except as otherwise provided, inure to the town where the offense is committed.

Note: See Local Health Officers (II B).

Communicable Disease Control (II C).

Reporting of Cases (II C 1).

Control of Cases and Contacts (II C 2).

Removal of Cases (II C 3).

Town Communicable Disease Hospitals (II C 4).

Exclusion from School (II C 6).

Control of Travelers (II C 7).

Care of Infected Places and Articles (II C 8).

Quarantine at Seaports (II C 9).

Tuberculosis Control (II D).

Reporting of Cases of Tuberculosis (II D 1).

Control of Cases of Tuberculosis (II D 2).

Care of Infected Places and Articles (Tuberculosis) (II D 3).

Miscellaneous Laws on Tuberculosis (II D 4).

Sanitary Engineering (II H).

Nuisances (II H 5).

III. Other Laws Pertaining to Health

A. Safeguarding of Milk and Other Dairy Products

1. Inspection; Registration of Dealers

R. S. 1944, c. 27, §§ 77, 78 (P. L. 1945, c. 222, § 2) (Abstracted), make it the duty of the commissioner of agriculture and empower him to exercise a supervision over the production, handling and sale

of milk and other dairy products, and to enforce the laws relating thereto.

R. S. 1944, c. 27, § 80 (P. L. 1945, c. 298, § 2) (Abstracted) provides for the registering of all milk dealers with the commissioner of agriculture.

R. S. 1944, c. 27, §§ 82-87 (P. L. 1945, c. 110; c. 298, § 3) (Abstracted) provide for licensing and inspection of places producing grade A milk for sale, and pasteurizing milk for sale.

2. Care of Utensils and Places

R. S. 1944, c. 27, § 90. **Milk cans to be cleansed and sterilized; storage room to be kept in sanitary condition; penalty.** All persons, firms, and corporations who shall purchase milk or cream for the purpose of reselling the same, either at wholesale or retail, shall thoroughly cleanse and sterilize, by the use of boiling water, steam, or sterilizing agent, all cans, vessels, and other utensils prior to their being used in the manufacture, transportation, storage, and sale of said milk or cream. All persons, firms, and corporations engaged in the business of retailing milk or cream, shall thoroughly cleanse and sterilize, by the use of boiling water, steam, or sterilizing agent, all vessels, jars, cans, and other utensils used in the manufacture, storage, and sale of milk or cream before such vessels, jars, or cans are filled for distribution. The place or room in which milk or cream is stored, bottled, or otherwise handled shall be kept in a clean and sanitary condition. Any person, firm, or corporation violating the provisions of this section shall be punished by a fine of not more than \$50.

R. S. 1944, c. 27, § 91. **Receptacles used for transportation of milk or cream products to be cleansed and sterilized; penalty.** All cans or other receptacles used in the transportation of milk or cream shall be cleansed and sterilized before being forwarded to the producer or distributor of milk or cream for use. All cans or other receptacles used in the transportation of ice cream, sherbet, or frozen milk products shall be washed and cleansed with warm or cold water immediately upon the contents thereof being used, and before being returned and forwarded to the producer or distributor of such ice cream, sherbet, or frozen milk products for use. Whoever by himself, clerk, servant, or agent ships or transports or causes to be shipped or transported any cans or other receptacles used in the transportation of milk or cream not cleansed and sterilized, or any cans or other receptacles used in the transportation of ice cream,

sherbet, or frozen milk not washed or cleansed as provided in this section shall be punished by a fine of not more than \$50 for each offense.

3. Prosecution of Violations

R. S. 1944, c. 27, § 114. County attorneys to give aid. The county attorney for the county in which any violation of the provisions of this chapter has occurred, shall, when called upon to do so by the commissioner or either of his duly authorized agents or assistants, give all the aid in his power to secure the enforcement thereof, and shall prosecute cases arising thereunder or under other provisions relating to dairy products, substitutes therefor or imitations thereof.

R. S. 1944, c. 27, § 115. Court jurisdiction. Trial justices shall have original jurisdiction, concurrent with municipal courts and the superior court, of all laws relating to the production, manufacture, transportation, storage, and sale of milk, cream, butter, cheese, and all other dairy products, substitutes therefor or imitations thereof.

R. S. 1944, c. 88, § 122. Municipal officers to prosecute violations. The mayor and aldermen, selectmen, assessors, city marshal, chief of police, and constables in every city and town shall make complaint and prosecute all violations of the provisions of sections 80 and 81 of chapter 27, and promptly enforce all laws against illegal sale and transportation of dairy products.

4. Local Inspectors of Dairy Products

R. S. 1944, c. 88, § 123. Appointment of inspectors. The municipal officers of cities and towns containing not less than 3,000 inhabitants, and the municipal officers of all other towns on application of 10 voters therein, shall appoint annually one or more persons to be inspectors of milk, cream, butter, and all other dairy products, substitutes therefor, and imitations thereof, who, before entering upon their duties, shall give notice of their appointment by publishing the same for 2 weeks in a newspaper published in their towns, if any, otherwise by posting such notice in 2 or more public places therein; and they may receive such fees as said officers establish.

R. S. 1944, c. 88, § 124. Duties of inspectors. Inspectors appointed by the municipal officers of cities and towns shall keep an office and books for the purpose of recording the names and places of business of all persons selling milk or other dairy products within their juris-

diction. They shall have access at all reasonable hours to all places of business, factories, or carriages, cans, or other vessels used in the production, handling, or sale of milk or any other dairy product, substitute therefor, or imitation thereof, and, upon tendering the market price of a sample of milk or other dairy product, substitute therefor, or imitation thereof, may take such sample from any person, firm, corporation, or association; cause it to be analyzed or otherwise satisfactorily tested, and preserve the result as evidence. The inspectors shall, if the owner of the product inspected so requests, leave with the owner a sealed specimen of the product examined by them, which shall be marked in the same manner as the specimen taken at that time by the inspector; and they shall prosecute for all violations of the provisions of sections 89 and 98 of chapter 27.

R. S. 1944, c. 88, § 125. Interference with inspector; penalty. Whoever in any way interferes with an inspector, appointed under the provisions of section 123, in the performance of his duties, by refusing entrance to a place he is authorized to enter, or access to a receptacle to which he is authorized to have access, or by refusing to deliver to him a sample which he is authorized to take, or in any other way interferes with said inspector in the performance of his duties, shall be punished by a fine of not less than \$10, nor more than \$50, or by imprisonment for not less than 10 days, nor more than 30 days.

5. Sale of Impure Milk and Cream

R. S. 1944, c. 124, § 4. Sale of impure or adulterated milk or cream; penalty; exceptions. Whoever by himself, clerk, servant, or agent sells, exchanges, or delivers, or has in his custody or possession with intent to sell, exchange, or deliver, or exposes or offers for sale or exchange milk which is not of good standard quality, adulterated milk, or milk to which water or any foreign substance has been added, or milk produced from sick or diseased cows, or milk in or from cans or other utensils that are not in a clean or sanitary condition, or as pure milk, milk from which the cream or a part thereof has been removed; and whoever by himself, clerk, servant, or agent sells, exchanges, or delivers, or has in his custody with intent to sell, exchange, or deliver cream containing less than 18% of milk fat shall for the first offense be punished by a fine of not more than \$50, for a second offense by a fine of not less than \$50, nor more than \$100, and for a subsequent offense by a fine of \$100 and by imprisonment for not less than 30 days, nor more than 60 days. In prosecutions hereunder milk

which upon analysis is shown to contain less than 11 75/100% of milk solids or less than 3 25/100% of fat shall not be considered milk of good standard quality. Nothing in this section shall be construed to prohibit the sale of skimmed milk as such.

Note: See also Inspection of Dairy Products (II C 11).

B. Safeguarding of Food and Drink

1. Unwholesome or Adulterated Food or Drink

R. S. 1944, c. 124, § 2. Sale of unwholesome provisions or drinks; penalty. Whoever sells diseased, corrupted, or unwholesome provisions for food or drink, knowing them to be such, or fraudulently adulterates for the purpose of sale any substance intended for food, or any wine, spirits, or other liquors intended for drink, so as to render them injurious to health, shall be punished by a fine of not more than \$1,000, or by imprisonment for not more than 5 years.

2. Meat or Milk from Diseased Animals

R. S. 1944, c. 124, § 5. Possession of diseased meat or milk for human food; penalty. Whoever, having charge of any animal, or meat or milk of any animal, affected with tuberculosis or other contagious or infectious disease, knowing that the animal is thus affected, shall hold the animal, or its meat or milk, for human food shall be punished by a fine of not less than \$5, nor more than \$50.

Note: See also Miscellaneous Laws on Tuberculosis (II D 4).

C. Safeguarding of Public Water Supplies

R. S. 1944, c. 40, § 13. Commission to advise as to purification of water supply and disposal of sewage; complaints of pollution, procedure, appeal; jurisdiction; assistants; penalty. The public utilities commission shall consult with and advise the authorities of cities and towns and persons and corporations having, or about to have, systems of water supply, drainage, or sewerage as to the most appropriate source of water supply and the best method of assuring its purity or as to the best method of disposing of their drainage or sewage with reference to the existing and future needs of other cities, towns, or persons or corporations which may be affected thereby. It shall also consult with and advise persons or corporations engaged or intending to engage in any manufacturing or other business whose drainage or sewage may tend to pollute any inland water, as to the

best method of preventing such pollution, and it may conduct experiments to determine the best method of the purification or disposal of drainage or sewage. No person shall be required to bear the expense of such consultation, advice, or experiment. Cities, towns, persons, and corporations shall submit to said commission for its advice their proposed system of water supply or of the disposal of drainage or sewage and all petitions to the legislature for authority to introduce a system of water supply, drainage, or sewerage shall be accompanied by a copy of the recommendation and advice of said commission thereon. In this section the term "drainage" means rainfall, surface, and subsoil water only, and "sewage" means domestic and manufacturing filth and refuse.

Upon petition to said commission by the mayor of a city or the selectmen of a town the managing board or officer of any public institution, or by a board of water commissioners, or the president or other official of a water or ice company, stating that manure, excrement, garbage, sewage, or any other matter pollutes or tends to pollute the waters of any stream, pond, spring, or water course used by such city, town, institution, or company, as a source of water supply, the commission shall appoint a time and place within the county where the nuisance or pollution is alleged to exist for a hearing, and after such notice thereof to parties interested and a hearing, if in its judgment the public health so requires, may, by an order served upon the party causing or permitting such pollution, prohibit the deposit, keeping, or discharge of any such cause of pollution, and shall order him to desist therefrom and to remove any such cause of pollution; but the commission shall not prohibit the cultivation and use of the soil in the ordinary methods of agriculture if no human excrement is used thereon. Said commission shall not prohibit the use of any structure which was in existence on or before the 1st day of January, 1917, upon a complaint made by any city, town, corporation, or water district, water or ice company, unless such city, town, corporation, water district, or company files with said commission a vote of its city government, selectmen, corporation, water district, or company that such city, town, corporation, water district, or company will, at its own expense, make such changes in said structure or its location as said commission shall deem expedient. Such vote shall be binding on such city, town, corporation, water district, or company and all damages caused by any such change shall be paid by such city, town, corporation, water district, or company. If the parties cannot agree thereon, the damage shall, on petition of either party, filed within 1

year after such changes are made, be assessed by a jury in the superior court for the county where such structure is located.

Whoever is aggrieved by an order passed under the provisions of this section may appeal therefrom to the superior court sitting in the county where appellant resides; but such notice of the pendency of the appeal as the court shall order shall also be given to the board of water commissioners and the mayor of the city or chairman of the selectmen of the town or president or other officer of the water or ice company interested in such order. While the appeal is pending, the order of the commission shall be complied with unless otherwise authorized by the commission.

The supreme judicial court and the superior court shall have jurisdiction in equity, upon the application of the commission or of any party interested, to enforce its orders, or the orders, rules, and regulations of said commission, and to restrain the use or occupation of the premises, or such portion thereof as said commission may specify, on which said material is deposited or kept, or such other cause of pollution exists until the orders, rules, and regulations of said commission have been complied with.

The agents and servants of said commission may enter any building, structure, or premises for the purpose of ascertaining whether sources of pollution or danger to the water supply there exists, and whether the rules, regulations, and orders aforesaid are obeyed.

Unless the commission determines that public health will not thereby be seriously injured, no sewage, drainage, refuse, or polluting matter of such kind and amount as either by itself or in connection with other matter will corrupt or impair the quality of the water of any pond or stream used as a source of ice or water supply by a city, town, public institution, or water company for domestic use or render it injurious to health, and no human excrement shall be discharged into any such pond or stream or upon the banks thereof if any filtering basin in use is there situated. The prohibition against the deposit of sewage, drainage, refuse, polluting matter, and human excrement shall not apply to the following rivers, namely, the Penobscot, the Kennebec, the Androscoggin, and the Saco.

The commission may appoint, employ, and fix the compensation of such agents, clerks, engineers, and expert assistants as is considered by said commission necessary for carrying out the provisions of this section.

Whoever violates any rule, regulation, or order made under the provisions of this section shall be punished for each offense by a fine of

not more than \$500 to the use of the state, or by imprisonment for not more than 11 months, or by both such fine and imprisonment.

Note: See also Water (II H 2).

D. Schools; School Buildings

1. Requirements Regarding Vaccination

R. S. 1944, c. 37, § 50. (Abstracted). **Duties.** Superintending school committees shall perform the following duties:

VI. Exclude, if they deem it expedient, any person not vaccinated, although otherwise entitled to admission, unless a parent or guardian of such person shall present a signed statement that such parent or guardian is opposed to vaccination, in which event such person may only be excluded in the event of an epidemic of smallpox.

Note: See also Vaccination (II C 10).

2. School Physicians

R. S. 1944, c. 37, § 52. **School physicians appointed.** The superintending school committee of every city and town shall appoint one or more school physicians, and shall assign one to the medical inspection of not over 1,000 pupils of the public schools within its city or town, and shall provide them with all proper facilities for the performance of their duties as prescribed in sections 52 to 60, inclusive; provided, however, that the said committee has been so authorized by vote of the town at a regular town meeting or at a special town meeting called for that purpose.

R. S. 1944, c. 37, § 53. **Duties of physician.** Every school physician shall make a prompt examination and diagnosis of all children referred to him as provided in sections 52 to 60, inclusive, and such further examination of teachers, janitors, and school buildings as in his opinion the protection of the health of the pupils may require.

R. S. 1944, c. 37, § 54. **Treatment of pupils.** The pupils examined by school physicians under the provisions of sections 52 to 60, inclusive, when treatment is necessary, shall not be referred to any school physician for such treatment unless such school physician is the regular family physician of such pupil; but shall be referred to the regular family physician of such pupil through the parents or guardian.

3. Notice of Disease or Defects

R. S. 1944, c. 37, § 56. Notice of disease or defects. The superintending school committee shall cause notice of disease or defects, if any, from which any child is found to be suffering, to be sent to his parents or guardians. Whenever a child shows symptoms of small-pox, scarlet fever, measles, chicken-pox, tuberculosis, diphtheria, or influenza, tonsillitis, whooping-cough, mumps, scabies, or trachoma, he shall be sent home immediately or as soon as safe and proper conveyance can be found, and the local health officer and superintendent of schools shall at once be notified.

Note: See also Exclusion from School (II C 6) and Care of Infected Places and Articles (II C 8).

4. Exclusion for Filth or Disease

R. S. 1944, c. 37, § 66. Exclusion of pupils from school on account of filth or disease. When a teacher becomes aware or suspects that any of the pupils attending his school are in a condition which renders them a source of offense or danger to the other pupils in school on account of filthiness, or because they are the bearers of vermin or parasites, or have an infectious or contagious disease of the skin, mouth, or eyes, he shall notify the superintendent of schools. When a superintendent of schools knows or learns that any of the pupils attending any school within his jurisdiction are affected with any of the conditions, infections, or diseases herein mentioned, he shall notify the parents to cleanse the clothing and the bodies of the children and to furnish them with the required home or medical treatment for the relief of their trouble, and he shall exclude such children from the schools until they are cured, cleansed, and disinfected.

Note: See also Exclusion from School (II C 6) and Care of Infected Places and Articles (II C 8).

R. S. 1944, c. 37, § 67. Duty of parents; penalty for neglect. Parents notified according to the provisions of section 66 of the condition of their children shall forthwith have them and their clothing cleansed and shall promptly do what is necessary, or furnish them such medical treatment as may be required, to rid the children of vermin, parasites, or contagion; any parent who fails to do what is required so that the children may return to school with as little loss of time as is possible shall be punished by a fine of not more than \$5 for the first offense, and of not more than \$10 for a second or subsequent offense.

5. Requirements for Return to School after Illness

R. S. 1944, c. 37, § 55. Examination of pupils after absence on account of sickness. The superintending school committee shall cause to be referred to a school physician for examination and diagnosis every child returning to a school without a certificate from the local health officer or family physician after absence on account of illness or whenever in the judgment of the teacher the circumstances of the absence were such as to require such a certificate, and every child in the schools under its jurisdiction who shows signs of being in ill health or of suffering from infectious or contagious disease, unless he is at once excluded from school by the teacher; except that in case of schools in remote and isolated situations, the school committee may make such other arrangements as may best carry out the purposes of sections 52 to 59, inclusive.

6. Examination of Sight and Hearing

R. S. 1944, c. 37, § 57. Examination of sight and hearing; notice of defect or disability to parent or guardian. The superintending school committee of every city or town shall cause every child in the public schools to be separately and carefully tested and examined at least once in every school year to ascertain whether he is suffering from defective sight, or hearing, or from any other disability or defect tending to prevent his receiving the full benefit of his school work, or requiring a modification of the school work in order to prevent injury to the child or to secure the best educational results. Tests of sight and hearing shall be made by the teachers or by the school physicians. The committee shall cause notice of any defect or disability requiring treatment to be sent to the parent or guardian of the child, and shall require a physical record of each child to be kept in such form as the commissioner shall prescribe after consultation with the department of health and welfare.

R. S. 1944, c. 37, § 58. Commissioner to prescribe directions for tests. The commissioner shall prescribe, after consultation with the department of health and welfare, the directions for tests of sight and hearing, and shall prescribe and furnish to the school committees suitable rules of instruction, test cards, blanks, record books, and other useful appliances for carrying out the purposes of the 6 preceding sections.

7. Expense; Application of Above Provisions

R. S. 1944, c. 37, § 59. Expense that may be incurred by city or town. Expenses which a city or town may incur by virtue of the authority herein vested in the superintending school committee shall not exceed the amount appropriated for that purpose in cities by the city government and in towns by a town meeting. The appropriation shall precede any expenditure under the 7 preceding sections, and the sum appropriated shall be deemed sufficient appropriation in the municipality where it is made. Such appropriation need not specify to what section it shall apply and may be voted as a total appropriation to be applied in carrying out the purposes of said sections.

R. S. 1944, c. 37, § 60. Application of §§ 52-59. The provisions of the 8 preceding sections shall apply only to cities and towns having a population of less than 40,000 inhabitants.

8. Physical Education

R. S. 1944, c. 37, § 181. Personal hygiene, community sanitation, physical education to be included in public school courses; commissioner to prescribe rules and require reports from local superintendents. In order more thoroughly to prepare the youth of the state for the duties and obligations of citizenship and to provide for their future well-being and comfort, it shall be the duty of the superintending school committees of the several towns of the state to make provision for instruction to be given to pupils in all public schools in personal hygiene, community sanitation, and physical education, including recreational exercises in accordance with a course of study and plans of lessons and instruction prepared by the commissioner, who shall prescribe such rules and regulations as may be necessary to carry out in successful manner said program of physical education, and he may require such reports from superintendents as he may deem necessary.

R. S. 1944, c. 37, § 182. Towns may employ directors of physical education; qualifications and duties. Towns may employ supervisors and directors of physical education who shall meet such standards of preparation and certification as the commissioner may determine. It shall be the duty of the superintendent of schools in which directors or supervisors of physical education are employed to report to the commissioner, on blank forms prepared by him, the number of pupils receiving instruction, the number of directors and supervisors em-

ployed, the amount paid such directors or supervisors, and such other information as may be required.

9. Health Certificates for School Employees

R. S. 1944, c. 37, § 50-A. (P. L. 1945, c. 341). School employees to file health certificate with superintending school committee; penalty. No person who comes in direct contact with the students of any public school shall enter upon his duties as a school employee until he shall have filed with the superintending school committee a certificate from a licensed and practicing physician of the state, certifying that such person has been examined in accordance with such tests as may have been prescribed by the commissioner of education and approved by the state director of health and that such person is free from all communicable and infectious diseases. The cost of such examination shall be borne by the state department of education.

Any physician, upon making the above examination and finding a person infected with a communicable or infectious disease, shall immediately report the same by name and address, except that venereal diseases should be reported in the manner set forth in section 90 of chapter 22 to the state bureau of health.

A similar certificate shall be filed by such school employee at the commencement of each school year thereafter, if he then continues as a school employee, or if not so continuing, then immediately prior to a subsequent entering upon the duties of a school employee.

Such certificate shall be filed with the superintending school committee and there kept as a record and shall be available to inspection at all reasonable times.

If such school employee fails to file such certificate as aforesaid, or files one which is false, the salary or compensation which he would receive shall not be paid for the period of such failure.

10. Birth Certificates for Pupils

R. S. 1944, c. 37, § 61-A. (P. L. 1945, c. 69). Birth certificate to be filed with teacher upon first enrollment of pupil. On and after August 1, 1945, every child who enrolls as a pupil for the first time in any school in the state shall present within 60 days of such enrollment, to the teacher thereof, an official record of his birth. The state registrar shall, upon request of parents or guardians of such children, furnish copies of such records as may be on file at his office, without charge.

R. S. 1944, c. 37, § 61-B. (P. L. 1945, c. 69). Duties of parents, teachers and superintendents. It shall be the duty of parents or guardians of such children to see that the children are provided with the records required in sections 61-A to 61-D, inclusive. Teachers shall list with the superintendent of schools having jurisdiction, the names of all children who have not presented a certificate of birth within the 60 days specified above. The said superintendent thereupon shall send a complete list of all such delinquent persons to the state registrar of vital statistics at Augusta, giving names of children and names and addresses of parents or guardians so delinquent.

R. S. 1944, c. 37, § 61-C. (P. L. 1945, c. 69). Penalty. Any parent or guardian who refuses or unreasonably neglects to comply with the provisions of sections 61-A to 61-D, inclusive, shall on complaint and conviction thereof be subject to a fine of not more than \$5 for each offense.

R. S. 1944, c. 37, § 61-D. (P. L. 1945, c. 69). Duties of state registrar of vital statistics. Whenever the registrar of vital statistics has cause to believe that any parent or guardian has unreasonably refused or neglected to comply with the provisions of sections 61-A to 61-D, inclusive, it shall be his duty to make complaint covering the circumstances to the nearest municipal court having jurisdiction.

11. Second-hand School Books

R. S. 1944, c. 37, § 29 (Abstracted) prohibits purchase of second-hand school books, and provides that whoever violates this provision shall forfeit not exceeding \$500, to be recovered in an action of debt by any school officer or person aggrieved.

12. Construction and Sanitation of School Buildings

R. S. 1944, c. 37, § 19. Plan to be approved by committee. A plan for the erection or reconstruction of any schoolhouse voted by a town shall first be approved by the superintending school committee; and in case no special building committee has been chosen by the town, said superintending school committee shall have charge of said erection or reconstruction; provided, however, that they may, if they see fit, delegate said power and duty to the superintendent of schools.

R. S. 1944, c. 37, § 20. Plans and specifications to be furnished by commissioner. The commissioner shall procure architects' plans and specifications for school buildings of not exceeding 4 rooms each and

full detail working plans therefor. Said plans and specifications shall be loaned to any superintending school committee or school building committee desiring to erect a new school building.

R. S. 1944, c. 37, § 21. Provision for heating, lighting, and ventilating; committee to notify commissioner of readiness for occupancy and to report whether specifications have been met; he may order inspection and alterations; liability of town. Where the plans and specifications prepared by the commissioner are not used, all superintending school committees of towns in which new schoolhouses are to be erected shall make suitable provision for the heating, lighting, ventilating, and hygienic conditions of such buildings, and all plans and specifications for any such proposed school building and plans for the reconstruction or remodeling of any school building, the expense for which shall exceed \$500, shall be submitted to and approved by the commissioner and the bureau of health before the same shall be accepted by the superintending school committee or school building committee of the town in which it is proposed to erect, reconstruct, or remodel such building. The superintending school committee or the school building committee in charge of the erection of a new school building or of the reconstruction or remodeling of any school building as provided for by this section shall seasonably notify the commissioner of its readiness for occupancy and shall report to the commissioner, on blanks furnished by said commissioner, such facts relative to the arrangement, construction, or reconstruction of said building as shall indicate whether or not the proposals in the plans and specifications previously approved have been met. Whenever it shall appear to the commissioner that such approved plans in their provisions for heating, lighting, ventilating, and hygienic conditions have not been carried out, he may cause an inspection of said building to be made and shall notify said committee of changes required to be made to comply with the conditions previously approved, and it shall be the duty of said committee promptly to rectify said conditions, and failure to do so shall render the town liable to the provisions of section 26.

R. S. 1944, c. 37, § 22. Schoolhouses to be provided with proper exits; municipal officers to correct defects. Any building which is used in whole or in part as a schoolhouse shall be provided with proper egresses or other means of escape from fire sufficient for the use of all persons therein accommodated. These egresses and means of escape shall be kept unobstructed, in good repair, and ready for use. Stairways on the outside of the building shall have suitable railed

landings at each story above the first, accessible at each story from doors or windows; and such stairways, doors, or windows shall be kept clean of snow, ice, and other obstructions. In school buildings of more than 1 story there shall be at least 2 separate means of egress by inside or outside stairways, and each story above the first shall be supplied with means of extinguishing fire, consisting of pails of water or other portable apparatus, or of a hose attached to a suitable water supply, and such appliance shall be kept at all times ready for use and in good condition. Upon written notification by the superintending school committee that any school building does not meet the specifications herein named, the municipal officers of the town shall at once proceed to correct the defects, and any failure so to act shall render the town liable to the provisions of section 26.

R. S. 1944, c. 37, § 26. School fund to be withheld from delinquent towns. When the governor and council have reason to believe that a town has neglected to raise and expend the school money required by law, or to employ teachers certified as required by law, or to have instruction given in the subjects prescribed by law, or to provide suitable text-books in the subjects prescribed by law, or faithfully to expend the school money received from the state, or in any way to comply with the law prescribing the duties of towns in relation to public schools, they shall direct the treasurer of state to withhold from the apportionment of state school funds made to that town such amount as they may deem expedient, and the amount so withheld shall not be paid until such town shall satisfy said governor and council that it has expended the full amount of school money as required by law and that it has complied in all ways with the law prescribing the duties of towns in relation to public schools; and whenever such town shall fail, within the year for which the apportionment is made, so to satisfy the governor and council, the said amount withheld shall be forfeited and shall be added to the permanent school fund for the year next succeeding.

R. S. 1944, c. 37, § 46. Towns to maintain clean and sanitary toilets in all buildings used for school purposes. In order to safeguard the health and morals of the children of the state, towns shall from their regular appropriations for schoolhouse repairs or from special appropriations for the purpose of sections 46 to 49, inclusive, provide and maintain sanitary, protected, and clean toilets free from all obscene markings in all school buildings or in other buildings rented or used for school purposes.

R. S. 1944, c. 37, § 47. Requirements in construction that must be met. All school buildings or buildings used for school purposes shall be provided with toilet facilities that shall be installed in such manner and location as to insure privacy, cleanliness, and supervision by teachers and that shall meet at least one of the following minimum requirements:

I. Flush closets. Flush water closets connected with sewer, filter bed, septic tanks, or protected cesspool with separate compartments for the sexes, accessible only by separate passageways from schoolrooms or corridors.

II. Chemical closets. Chemical closets, of such types and manufacture as shall be approved by the commissioner, with separate compartments for the sexes, accessible only by separate passageways from schoolrooms or corridors.

III. Privies. Privies located in attached buildings provided with separate compartments for the sexes, accessible only by separate ventilated passageways from schoolrooms or corridors and constructed in such a manner that the vault of said privy shall be at least 10 feet from the nearest schoolroom wall and adjacent to the outside wall of the building in which said privy is located, provided that when conditions make it necessary, the above specifications may be modified by written agreement of the commissioner and the superintending school committee.

R. S. 1944, c. 37, § 48. Commissioner to furnish plans for privies and chemical closets. The commissioner shall furnish to superintending school committees or building committees plans for privies of approved type, lists of chemical toilets of approved type and manufacture, and such other information and material as may assist said committees in complying with the provisions of sections 46 to 49, inclusive.

R. S. 1944, c. 37, § 49. School committees to make provisions for cleaning vaults; annual inspection and report of changes needed; school money to be withheld when the town fails to meet the requirements. Superintending school committees shall make provision for the cleaning of vaults and tanks and the repair and upkeep of accessories. Said committees shall annually cause an inspection to be made of sanitary conditions in school buildings and shall cause to be reported to the town such construction, reconstruction, or repairs necessary to meet the conditions of sections 46 to 49, inclusive, and any town failing to meet the said conditions through neglect of its

superintending school committee, or neglect to appropriate funds for the purpose, shall be liable to the penalties of section 26.

E. Miscellaneous Laws

1. Patent Medicine Samples

R. S. 1944, c. 124, § 13. **Throwing or leaving samples of patent medicines upon door-steps and streets; penalty.** Any person, firm, or corporation who, by himself, his servant, or agent, or as the servant or agent of any other person or firm, leaves, throws, or deposits, or has in his possession with intent to leave, throw, or deposit upon the door-step, hall, porch, doorway, vestibule, or premises owned or occupied by another, or distributes on any street, any patent or proprietary medicine or any preparation, pill, tablet, or drug shall be punished by a fine of not less than \$20, nor more than \$1,000, or by imprisonment for not less than 30 days, nor more than 11 months.

2. Spitting in Public Places

R. S. 1944, c. 124, § 17. **Spitting in public places prohibited; penalty.** No person shall expectorate or spit on any public sidewalk, or public street crossing, or cross walk, or, except in receptacles provided for the purpose, in any city or town hall, in any court-house or court-room, in any factory, in any public library or museum, in any church or theatre, in any lecture or music-hall, in any ferry-boat or steamboat, in any railroad-car except a smoking-car, in any street or interurban railroad-car, in any public conveyance, in any railroad station or waiting-room, or any sidewalk or platform connected therewith. Whoever violates any of the provisions of this section shall be punished by a fine of not more than \$20.

3. Subsidizing Physicians

R. S. 1944, c. 80, § 91 (P. L. 1945, c. 40) (Abstracted) provides that cities and towns may raise money to subsidize a physician to induce him or her to settle in said town.

Note: See Dental Health (II J) for complete text of § 91.

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New and Additional Laws

Supplement to
HEALTH LAWS OF THE
STATE OF MAINE



Department of Health and Welfare
Bureau of Health

September, 1947

I. Communicable Disease Control

A. Immunization Against Certain Infectious Diseases*

R. S. 1944, c. 22, § 54. (P. L. 1947, c. 173). Free vaccination provided, annually. The local health officer of each city, town and plantation shall annually on a day or days specified by him during the month of March, or oftener if he deems it prudent, provide for the free vaccination with cowpox of all inhabitants within his jurisdiction; and shall provide for free inoculation with suitable material against diphtheria and whooping cough of all children under 12 years of age at a time specified by him, not less than 1 month preceding the fall opening of public schools. Vaccinations and inoculations shall be done under the care of skilled, practicing physicians and under such circumstances and restrictions as the health officer may adopt therefor, not contrary to law or in violation of any regulations of the department of health and welfare.

The health officer is authorized and empowered to arrange with any available, skilled, practicing physician for the purpose of carrying out the provisions of this section, and when he deems it necessary for the proper discharge of his duties as outlined in section 36 of this chapter, anything in any city charter to the contrary notwithstanding.

The municipal officers of cities, towns and plantations shall approve, and the cities, towns and plantations shall pay any reasonable bills or charges incident to the foregoing when approved by the local health officer.

Nothing in this section is to be interpreted so as to relieve the local health officer or any selectman of the duty imposed by section 40 of this chapter:

**See page 25 in Health Laws. Old law repealed and new law substituted.*

II. Tuberculosis Control

A. Control of Tuberculosis*

R. S. 1944, c. 37, § 50-A. (P. L. 1947, c. 367). Certain certificate to be filed with superintending school committee. On or before December 1, 1947, and biennially thereafter, except that for those persons in whom the disease is arrested the examination shall be annually, all superintendents of schools, supervisors, teachers, school nurses, janitors, school bus drivers, and persons employed in the preparation of school lunches shall file with the superintending school committee a

certificate that such employee has had a chest x-ray performed and interpreted as showing no significant evidence of tuberculosis by persons recognized as skilled and experienced in such performance and interpretation. No person whose x-ray examination shows active tuberculosis shall be employed in any school or continued in employment while having such active disease. So far as practicable the existing state facilities, including the state sanatoria, shall be made available to such employees for such x-rays. The cost of such examination shall be borne by the employee. If done by the state, there shall be no charge for the service except for the actual costs of materials used. Said certificates shall be kept on file in the office of the superintendent of schools or in the office of the head of the private school. The provisions of this section shall apply to both public and private schools and to all grades common to the public school system. Provided, however, that a certificate stating that a standard intradermal tuberculin test has been performed and found to be "negative" by a licensed physician may be substituted for x-ray examination.

**See page 118 in Health Laws. Old law repealed and new law substituted.*

III. Sanitary Engineering

A. Dumping Waste Material in Public Way*

R. S. 1944, c. 124, § 24. **Dumping waste material in public ways; penalty.** Whoever deposits or dumps refuse or waste material of any kind within the limits of any public way, except upon written authority of the municipal officers, shall be punished by a fine of not more than \$10, to be recovered to the use of the town where the offense is committed.

**Omitted from Health Laws.*

B. Deposit of Potatoes Into Waters of the State

R. S. 1944, c. 72, § 9. (P. L. 1947, c. 158). **Deposit of potatoes into streams, etc.** No person, firm, corporation or federal agency shall deposit potatoes or any part or parts thereof, except the potato pulp resulting from the manufacture of potato starch, into any stream, pond, lake or other body of water or water course, or on the ice thereof, or on the banks of the same where such potatoes, or any part or parts thereof, may pollute such waters. The provisions hereof shall not apply to industries licensed under this chapter.

R. S. 1944, c. 72, § 10. (P. L. 1947, c. 158). **Duty of water board.** The sanitary water board shall be charged with the duty of enforcing the provisions of section 9.

R. S. 1944, c. 72, § 11. (P. L. 1947, c. 158). **Penalty.** Whoever violates the provisions of section 9 shall be punished by a fine of not less than \$100 or by imprisonment for not more than 6 months, or by both such fine and imprisonment.

C. Fees for Licenses for Recreational Camps and Roadside Places*

R. S. 1944, c. 22, § 154. (P. L. 1947, c. 331). **Department authorized to license; terms and fees.** The department is empowered to license eating and lodging places, recreational and overnight camps. Such licenses shall be issued by the department under such terms and conditions as it deems advisable, and fees for licenses not exceeding \$10 may be charged. The fees thus received shall constitute a permanent fund to carry out the provisions of sections 152 to 158, inclusive. Provided, however, that when such eating or lodging place, recreational or overnight camp has been licensed during the previous year, the fee for such license shall not exceed \$5.

**See page 41 in Health Laws. Old law amended.*

D. Testing of Water Supplies for Public Schools*

R. S. 1944, c. 22, § 121-A. (P. L. 1947, c. 305). **Schools obtaining water for drinking or culinary purposes from sources other than municipal systems required to submit samples for examination.** The department shall, during each school year, require the school officials of any city, town or plantation to have submitted samples of water for chemical and bacteriological examination, if such water is used by any school for drinking or culinary purposes and is taken from sources other than a municipal water system. If such water is found to be contaminated, polluted, and unfit for domestic use, the department may issue an order prohibiting the use or supplying of such water to any school as long as such contamination, pollution and unfitness remains. The department shall charge the average cost of the analysis for such examination to the municipality required to have such test made.

**See page 43 in Health Laws. New section added to old law.*

E. Manufacture and Sale of Bedding and Upholstered Furniture*

R. S. 1944, c. 22, § 147. (P. L. 1947, c. 330). **Definitions.**

I. "Article of bedding" in sections 147 to 151-C, inclusive, shall mean any mattress, upholstered box spring, pillow, comforter, cushion,

muff, bed quilt or similar article designed for use for sleeping purposes.

II. "Article of upholstered furniture" in sections 147 to 151-C, inclusive, shall mean chairs, sofas, studio couches and all furniture in which upholstery or so called filling or stuffing is used whether attached or not.

III. The word "new" as used in sections 147 to 151-C, inclusive, shall mean any article or material which has not been previously used for any other purpose. Manufacturing processes shall not be considered prior use.

IV. The term "secondhand" as used in sections 147 to 151-C, inclusive, shall mean any article or material, or portion thereof, of which prior use has been made in any manner whatsoever.

V. The term "person" as used in sections 147 to 151-C, inclusive, shall include individuals, partnerships, companies, corporations, and associations.

VI. The term "department" where used in sections 147 to 151-C, inclusive, shall mean the department of health and welfare.

R. S. 1944, c. 22, § 148. (P. L. 1947, c. 330). Secondhand materials. No person shall manufacture for sale, sell, lease, offer to sell or lease, or deliver or consign in sale or lease, or have in his possession with intent to sell, lease, deliver or consign in sale or lease any article of bedding or upholstered furniture covered in sections 147 to 151-C, inclusive, in which in the making, remaking or renovation thereof, subsequent to September 1, 1947, any secondhand material has been used, unless such material, before such reuse, has been effectively cleansed and sterilized or disinfected by a process approved by the department and in accordance with the regulations of the department.

R. S. 1944, c. 22, § 149. (P. L. 1947, c. 330). Permits. Any person desiring to secure a permit qualifying them to apply an acceptable sterilizing or disinfecting process, as required by sections 147 to 151-C, inclusive, shall submit to the department a plan of such apparatus and the process intended to be used for such sterilization and disinfection, and upon approval a numbered permit shall then be issued by the department. Such permit shall expire 1 year from date of issue and shall thereafter be annually renewed at the option of permit holder, upon submission of proof of continued compliance with

the provisions of sections 147 to 151-C, inclusive, and the regulations of the department.

For all initial permits issued there shall, at the time of issue thereof, be paid by the applicant to the department a fee of \$50, and an annual renewal charge of \$5 shall be paid to the same department.

A sterilization or disinfection permit may be revoked by the department upon proof of violation of any of the provisions of sections 147 to 151-C, inclusive. A reissue of said permit shall be subject to the provisions as set forth for an initial permit.

R. S. 1944, c. 22, § 150. (P. L. 1947, c. 330). Articles to be tagged. Each article containing new material covered by sections 147 to 151-C, inclusive, shall bear securely attached thereto and plainly visible a substantial white cloth tag, upon which shall be indelibly stamped or printed, in English, a statement showing the kind of materials used in filling such article, with approximate percentages when mixed, and with the word "new" clearly printed thereon.

Each article covered by sections 147 to 151-C, inclusive, containing secondhand material, or a portion thereof, shall bear securely attached thereto and plainly visible a substantial yellow cloth tag, upon which shall be indelibly stamped or printed, in English, a statement showing the kind of materials used in filling such articles, with approximate percentages when mixed, and shall state "Sterilized and Disinfected".

The size of the tag required by this section shall be not less than 6 square inches, and the lettering thereon covering the statement of filling materials and whether new or secondhand, shall be in plain type not less than $\frac{1}{8}$ inch in height.

It shall be unlawful to use any false or misleading statement, term or designation on said tag or to remove, deface or alter, or to attempt to remove, deface or alter such tag or any statements thereon, or the adhesive stamp hereafter described.

R. S. 1944, c. 22, § 151. (P. L. 1947, c. 330). Registration. No person shall sell or lease, or have in his possession with intent to sell or lease, in the state, any article covered by the provisions of sections 147 to 151-C, inclusive, after July 31, 1949, unless there be affixed to the tag required by said sections by the person manufacturing, selling or leasing the same, an adhesive stamp prepared and issued by the department. For the purposes of affixing adhesive stamp required by this section, pillows or cushions to be used with or part of an article

of upholstered furniture shall be considered as one unit with said article.

The department shall register all applicants for stamps and assign to every such person a registration number, said registration number not to be used by any other person, and furnish to such applicant adhesive stamps in quantities of not less than 500 for which the applicant shall pay \$5 for each 500 stamps.

The department is hereby authorized to prepare and cause to be printed adhesive stamps, which shall contain a replica of the seal of the state, the registry number of the person to whom issued and such other matter as the department shall direct.

R. S. 1944, c. 22, § 151-A. (P. L. 1947, c. 330). Administration and enforcement. The department is hereby charged with the administration and enforcement of the provisions of sections 147 to 151-C, inclusive; and may make and enforce reasonable rules and regulations for the enforcement of said sections, and shall have the power through its officers or agents to seize and hold for evidence any article made or offered for sale in violation of the provisions of sections 147 to 151-C, inclusive, or the rules and regulations of the department; and any places where any articles covered by said sections are made, remade, or offered for sale, or where sterilization or disinfecting is performed under the provisions of said sections shall be subject to inspection by the department through its officers or agents.

R. S. 1944, c. 22, § 151-B. (P. L. 1947, c. 330). Proceeds payable into the general fund. All fees and other moneys collected in the administration of sections 147 to 151-C, inclusive, shall be credited to the general fund of the state. Provided, however, that there shall always be available for the administration of the provisions of sections 147 to 151-C, inclusive, state moneys in an amount not less than the revenue derived from the fees collected under the provisions of sections 147 to 151-C, inclusive, except that any unexpended balances shall remain in the general fund.

R. S. 1944, c. 22, § 151-C. (P. L. 1947, c. 330). Penalty. Any person violating any provisions of sections 147 to 151-C, inclusive, or the rules and regulations of the department established thereunder, shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not less than \$10, nor more than \$100, for each offense; and, in default of the payment of such fine by imprisonment for not more than 10 days for each such offense.

Each article manufactured for sale, sold, leased, offered for sale, or leased or possessed with intent to sell or lease, contrary to the provisions of sections 147 to 151-C, inclusive, or of the rules and regulations established thereunder, shall constitute a separate offense and shall be punishable as provided in this section.

**See page 45 in Health Laws. Old law repealed and new law substituted.*

IV. Nutrition

A. Enrichment of Flour and Bread*

R. S. 1944, c. 27, § 170-B. (P. L. 1945, c. 349; P. L. 1947, c. 344). **Reinforcement of flour.** It shall be unlawful for any person to manufacture, mix, compound, sell or offer for sale for human consumption in this state flour, as defined in section 170-A, unless the following vitamins and minerals are contained in each pound of such flour: not less than 2.0 mg. and not more than 2.5 mg. of thiamine; not less than 1.2 mg. and not more than 1.5 mg. of riboflavin; not less than 16.0 mg. and not more than 20.0 mg. of niacin or niacin-amide; not less than 13.0 mg. and not more than 16.5 mg. of iron (Fe); except in the case of self-rising flour which in addition to the above ingredients shall contain not less than 500 mg. and not more than 1,500 mg. of calcium (Ca); provided, however, that the terms of this section shall not apply to flour sold to bakers, or to manufacturers or processors who will use such flour to manufacture products other than white bread or rolls.

**A law requiring enrichment of white flour and white bread or rolls to meet certain standards of vitamin and mineral content was passed by the 92nd Legislature. This was not included in Health Laws. This new law amends one section of the old law by removing necessity of a certificate being furnished by bakers, manufacturers or processors who purchase flour. The old law required such a certificate.*

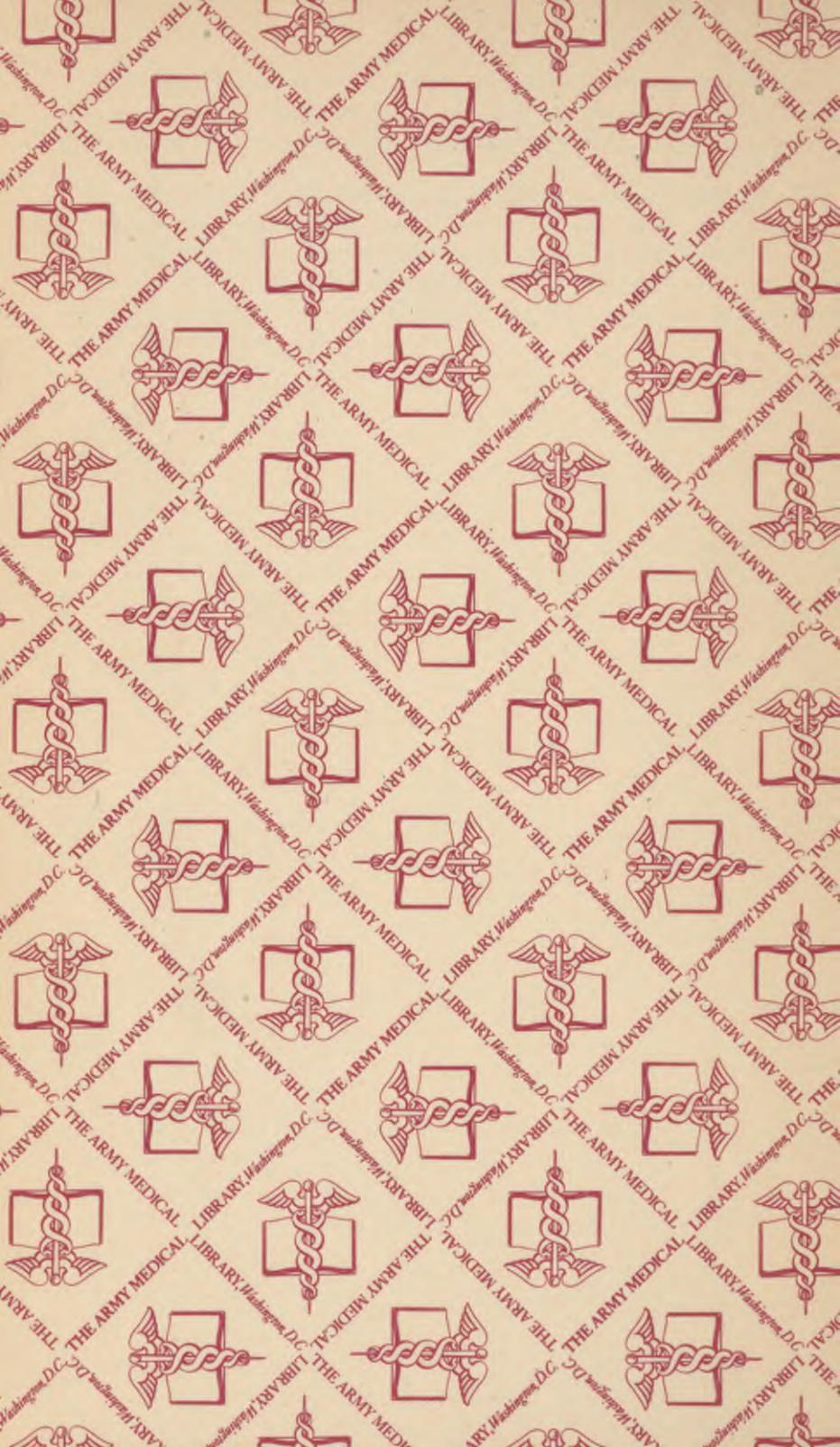
B. Mineral Oil in Food

R. S. 1944, c. 27, § 169-A. (P. L. 1947, c. 176). **Mineral oil defined.** The term "mineral oil" as used in sections 169-A to 169-C, inclusive, shall be held to mean a mixture of liquid hydrocarbons obtained from petroleum, liquid petrolatum or mineral oil.

R. S. 1944, c. 27, § 169-B. (P. L. 1947, c. 176). **Sale of mineral oil in food prohibited.** No person shall manufacture, sell, distribute,

transport, offer or expose for sale, distribution or transportation any article of food which contains any mineral oil, except liquid food flavorings and the final products containing them.

R. S. 1944, c. 27, § 169-C. (P. L. 1947, c. 176). Penalty. Any person, firm, corporation, association or society who manufactures, sells, distributes, transports, offers or exposes for sale, distribution or transportation, any article of food containing mineral oil shall be punished by a fine of not more than \$100 for the 1st offense or for more than \$200 for the 2nd offense.





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