

# MAINE STATE LEGISLATURE

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REVISED STATUTES  
OF THE  
STATE OF MAINE

1954

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1955 SUPPLEMENT

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ANNOTATED

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IN FIVE VOLUMES

VOLUME 1

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**Place in Pocket of Corresponding  
Volume of Main Set**

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THE MICHIE COMPANY  
CHARLOTTESVILLE, VIRGINIA  
1955

**Sec. 20. Airport construction fund.—**

**II. State aid.** The commission with the consent of the governor and council may, from the amount appropriated to aid in the construction, extension and improvement of state or municipal airports, known as the "Airport Construction Fund," grant to cities and towns separately and cities and towns jointly with one another or with counties an amount not to exceed 50% of the total cost of the construction, extension or improvement of such airport or airports. (1955, c. 372)

**Effect of amendment.**—The 1955 amendment deleted "25%" in line five of subsection II and inserted in place thereof "an amount not to exceed 50%." The amendment also deleted from the end of

the subsection the words "or any lesser per cent of said costs." As the rest of the section was not changed, only subsection II is set out.

**Chapter 25.****Department of Health and Welfare.**

Sections 105-C to 105-D. State Sanatoriums.

Sections 274-A to 274-D. Solicitation of Charitable Funds.

Sections 319-A to 319-T. Aid to the Disabled.

Section 319-U. Medical Care for Recipients of Public Assistance.

**Welfare Laws.****Sec. 18. Appropriations for aid of public and private hospitals.—**

Such sums of money as may be appropriated by the legislature in aid of public and private hospitals shall be expended under the direction of the department, and the expense of administration shall be charged to the appropriation of that department for general administration. The department is authorized to compensate hospitals located in the state of New Hampshire within 5 miles from the Maine-New Hampshire state line or hospitals located in the Provinces of Quebec or New Brunswick, Canada, within 5 miles of the international boundary, for cases where the hospital care is for persons resident in the state of Maine and, in the judgment of the commissioner, adequate local hospital facilities are not available. The department may compensate hospitals at such rates as it may establish for hospital care of persons whose resources or the resources of whose responsible relatives are insufficient therefor. Bills itemizing the expenses of hospital care under the provisions hereof, when approved by the department and audited by the state controller, shall be paid by the treasurer of state. (R. S. c. 22, § 16. 1951, c. 206. 1955, c. 86.)

**Effect of amendment.**—The 1955 amendment inserted in the second sentence the provision for compensation of hospitals in Quebec or New Brunswick, and added at

the end of the second sentence the words "and, in the judgment of the commissioner, adequate local hospital facilities are not available."

**Tuberculosis.**

**Sec. 105. Control of tuberculosis.**—The department is empowered to make such investigations as may be necessary to ascertain the source of any infectious or communicable disease. Whenever said department has cause to believe that any person is infected with tuberculosis so as to expose others to the dangers thereof, said department by its representatives shall petition 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 justice, in term or vacation, may order such notice thereon as he may deem proper for such person to appear and answer thereto. Upon hearing, if said justice finds cause

to believe that such person is so infected, he may issue an order requiring said person to be examined by a board of 3 physicians licensed to practice in this state at the expense of said department. Said board shall be comprised of the superintendent of one of the state sanatoriums, a physician chosen by the person suspected of having tuberculosis and the third appointed by the justice. The board shall make a report to the justice within the time designated by him.

If the board finds and reports that the alleged tuberculous infected person does not have active infectious tuberculosis and is not dangerous to the public health the court shall enter an order dismissing the petition. If the board finds and reports that the alleged tuberculous infected person has active infectious tuberculosis and is dangerous to the public health, the justice shall hold a hearing at the time fixed. If the justice determines that such person has active infectious tuberculosis and is dangerous to the public health he may commit such person to a sanatorium for such period of time as shall in the opinion of the superintendent of the sanatorium be necessary to remove the danger of infection to the public health and improve the health of the person, so that he will not have active infectious tuberculosis. The justice, in his order committing a person to a sanatorium, may direct the sheriff to take such person into his custody and forthwith deliver him to the sanatorium. (1949, c. 208, § 1. 1955, c. 371, §§ 1, 2.)

**Effect of amendment.**—The 1955 amendment repealed the former last sentence of the first paragraph. The amendment also repealed the former second and third paragraphs and inserted in place thereof the second paragraph above.

**Sec. 105-A. Return of person to sanatorium.**—Any person committed under section 105 who leaves the sanatorium to which he has been committed without having been discharged by the superintendent shall be recommitted to the sanatorium by a justice of the superior court in the county from which the person was originally committed upon an affidavit being filed before such justice by the superintendent of the sanatorium from which the person left, said affidavit shall state that such person has left the sanatorium and has not been discharged by the superintendent of said sanatorium. The order of recommitment shall direct the sheriff to forthwith deliver such person to the superintendent of the sanatorium named in the recommitment order. (1955, c. 371, § 3.)

**Sec. 105-B. Appeal.**—Any person who shall feel aggrieved by the order of commitment shall have the right to appeal such order to the supreme judicial court; however, the filing of notice of appeal shall not operate to supersede the effect of the order from which the appeal is taken. Every order shall be executed forthwith unless the justice entering the order or the supreme judicial court, in its discretion, enters a supersedeas order and fixes the terms and conditions thereof. In all respects, except the entry of a supersedeas order, the existing statutes and rules pertaining to appeals of civil causes shall apply to such appeals. (1955, c. 371, § 4.)

### State Sanatoriums.

**Sec. 105-C. 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. (1955, c. 437, § 1.)

**Transfer of duties.**—Section 3 of the act which inserted this section and § 105-D provides: "The duties imposed upon the department of institutional service under the provisions of sections 157 and 158 of chapter 27 of the revised statutes are hereby transferred and imposed upon the department of health and welfare."

**Sec. 105-D. 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. No pauper disabilities shall be created by reason of any aid or assistance given under the provisions of this section.

The provisions of this section shall not apply to persons who may be committed under the provisions of section 105. (1955, c. 437, § 1.)

### **Funeral Directors and Embalmers.**

#### **Sec. 195. Business of funeral director and practice of embalming; qualifications.**

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, 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 graduated from a 12 months' course of study in a school or college of mortuary science, the requirements and standards of which school or college shall have the approval of the state board of examiners of funeral directors and embalmers, 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. c. 22, § 187. 1949, c. 333, § 1. 1955, c. 213, § 1.)

**Effect of amendment.**—The 1955 amendment deleted from the second paragraph the words "and graduated from a 12 months' course in an approved school" and inserted in place thereof the words "and graduated from a 12 months' course of study in a school or college of mortuary

science, the requirements and standards of which school or college shall have the approval of the state board of examiners of funeral directors and embalmers." As the first paragraph was not changed, it is not set out.

#### **Sec. 197. Examinations for licenses; revocation of licenses.**

Applicants for funeral directors' licenses shall pass an examination upon their knowledge of sanitation, bacteriology, 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.

Applicants for the combination license of funeral director and embalmer may be given a single examination.

(1955, c. 213, §§ 2, 3.)

**Effect of amendment.**—The 1955 amendment inserted the word "bacteriology" in the first sentence of the second paragraph and added the third paragraph. As the first and six last paragraphs were not changed, they are not set out.

**Sec. 200. Fees; expiration and renewal of licenses.**—The fee for examinations under the provisions of section 197 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 the regular renewal fee plus a revival fee of \$1. Provided, however, that any person who held an embalmer'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. c. 22, § 192. 1955, c. 213, § 4.)

**Effect of amendment.**—The 1955 amendment changed the second sentence by substituting at the end thereof "and upon the payment of the regular renewal fee plus a revival fee of \$1" for "and upon the payment of \$4. revival and renewal fee."

**Sec. 204. Violent or sudden deaths, embalming fluids not injected until cause of death legally determined.**—No person shall inject into any cavity or artery of the body of any person who has died from violence, by the action of chemical, thermal or electrical agents, or following abortion, or suddenly when not disabled by recognizable disease, any fluid or substance, until a legal certificate as to the cause of death from the medical examiner has been obtained, or until legal investigation has determined the cause of death, or written permission to embalm such body has been given by the medical examiner. 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 or until an autopsy has been performed. (R. S. c. 22, § 196. 1955, c. 326, § 4.)

**Effect of amendment.**—The 1955 amendment rewrote this section.

### Barbers and Barber Shops. Hairdressing and Beauty Culture.

**Sec. 213. State board of barbers and hairdressers; executive secretary; compensation.**

Each member of the board shall be allowed the sum of \$20 per day and their

necessary 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 twice a year of shops and other establishments subject to license under the provisions of sections 213 to 230, inclusive, and perform such other duties as shall be designated by the board. (R. S. c. 22, § 205. 1955, c. 193.)

**Effect of amendment.**—The 1955 amendment changed the compensation in the fifth paragraph from \$10 to \$20 per day and deleted the word “traveling” formerly appearing before “expenses” in line two of

the paragraph. It also substituted “twice” for “once” in the sixth paragraph. As the rest of the section was not changed, only the fifth and sixth paragraphs are set out.

### **Sec. 217. Registration and licenses.**

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 but not exceeding \$5, 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 but not exceeding \$5 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.

(1955, c. 48.)

**Effect of amendment.**—The 1955 amendment, which became effective on its approval, March 10, 1955, inserted the words “but not exceeding \$5” in the fourth sen-

tence of the third paragraph. As the rest of the section was not changed by the amendment, only the third paragraph is set out.

### **Sec. 219. Registration for barbers.**

**I.** Who is at least 17 years of age; (1955, c. 360, § 1)

**III.** Who has satisfactorily completed a course of instruction, of 1,000 hours in not less than 6 months, in a school of barbering approved by said board and a total experience as an apprentice of a period of at least 6 months under a licensed barber; or in lieu thereof has satisfactorily completed a course of instruction of 1,500 hours in not less than 9 months 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 2,500 hours distributed over a period of at least 18 months. (1951, c. 262, § 1. 1953, c. 306, § 2. 1955, c. 360, § 2)

**Effect of amendment.**—The 1955 amendment changed the age in subsection I from 18 to 17, and inserted in subsection III the clause set off by semicolons. As the rest

of the section was not changed by the amendment, only subsections I and III are set out.

**Sec. 222. Schools of barbering, hairdressing and beauty culture; 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 who shall instruct the students by lectures or demonstrations at least twice but not more than 4 times during the course on subjects of sanitation, sterilization, general anatomy and diseases, 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, or in lieu thereof has satisfactorily completed a course of instruction of 1,500 hours in not less than 9 months in a school of barbering approved by said board, 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 214 unless said instructor has a certificate to practice barbering under the provisions of sections 213 to 230, 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 1,500 hours distributed over a term of not less than 9 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. Time spent in any out-of-state school of hairdressing and beauty culture may be credited in full or in part against said 1,500 hours, subject to the decision and approval of the 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 214 unless said instructor has a certificate to practice hairdressing and beauty culture under the provisions of sections 213 to 230, inclusive, excepting physicians as specified above. (R. S. c. 22, § 214. 1951, c. 262, § 3 1955, cc. 148, 390.)

**Effect of amendments.**— The first 1955 amendment inserted the second sentence of the second paragraph. The second 1955 amendment inserted in the first sentence of the first paragraph the provisions as to

lectures or demonstrations on sanitation, sterilization, general anatomy and diseases, and as to instruction of 1,500 hours in not less than 9 months in an approved school.

### **Sec. 223. Apprentices.**

Every apprentice, in order to avail himself of the provisions of sections 213 to 230, 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 16 years. Any such apprentice who shall change his place of employ-

ment 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.

(1955, c. 164.)

**Effect of amendment.**—The 1955 amendment substituted “16 years” for “17 years” at the end of the first sentence of the next to the last paragraph. Only the paragraph changed by the amendment is set out.

**Sec. 224. Examinations; permit issued to applicant before examination.**—The board shall hold 2 public examinations each year, one on the 2nd 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 examination shall be held.

If any applicant to practice hairdressing and beauty culture, who has been a resident of the state of Maine for a period of at least 6 months, qualifies for examination, the board may issue to such applicant until the time for holding an examination a permit to practice hairdressing and beauty culture under the supervision of a person registered to practice hairdressing and beauty culture. Such applicant shall not be considered an apprentice. The applicant shall pay to the board a fee of \$3. (R. S. c. 22, § 216. 1955, cc. 79, 104.)

**Effect of amendments.**—The first 1955 amendment added the second paragraph. The second 1955 amendment changed the time for holding the first examination from the first to the second Tuesday in June.

#### Aid to Dependent Children.

**Sec. 245. Aid may be paid to a guardian or conservator.**—When a relative with whom a child is living is found by the department to be incapable of taking care of his money, payment shall be made only to a legally appointed guardian or conservator and, notwithstanding the provisions of section 9 of chapter 158 in the matter of infirmities of age or physical disability to manage his estate with prudence and understanding, the probate court may appoint any suitable person as a conservator. (1951, c. 270, § 4. 1955, c. 273.)

**Effect of amendment.**—The 1955 amendment deleted the words “of such relative” formerly after the word “conservator” in line four, and added the part of the section appearing after such word.

#### Solicitation of Charitable Funds.

**Sec. 274-A. Definitions.**—The following words and phrases as used in sections 274-A to 274-D, inclusive, shall have the following meanings unless a different meaning is required by the context:

“Charitable organizations” shall mean any group of benevolent, philanthropic, patriotic or eleemosynary persons or persons purporting to be such;

“Contribution” shall mean the promise or grant of any money or property of any kind or value;

“Person” shall mean any individual, organization, group, association, partnership, corporation or any combination of them.

“Professional fund raiser” shall mean any person who, for compensation or other consideration plans, conducts, manages or carries on any drive or campaign in this state for the purpose of soliciting contributions for or on behalf of any charitable organization or any other person, or who engages in the business of, or holds himself out to persons in this state as independently engaged in the business of soliciting contributions for such purpose. A bona fide officer or employee of a charitable organization shall not be deemed a professional fund raiser.

“Professional solicitor” shall mean any person who is employed by any per-

son or charitable organization for compensation or other consideration to solicit contributions for charitable purposes from persons in this state. (1955, c. 422, § 1.)

**Sec. 274-B. License.**—No professional fund raiser and no professional solicitor shall solicit funds for charitable or benevolent purposes outside of the municipalities where such persons reside or where such firm, corporation or association has its place of business, without having in full force a written license therefor from the department of health and welfare. No license shall be granted for a term exceeding one year. The department shall grant such license whenever it shall be shown to its satisfaction that the person or organization requesting the license is reputable and responsible and has suitable facilities for applying the funds to the purpose for which they are to be solicited, and that the records of such funds and the purpose for which they are used will be properly and accurately kept. Such license shall be furnished to the licensee without fee or charge, and may be revoked by the department whenever in its discretion it seems for the best interest of the public to do so.

Application for such a license shall contain the following:

**I.** The name under which the charitable organization intends to solicit contributions;

**II.** The names and addresses of president, secretary and treasurer and places where records will be kept; addresses shall include both residence and place of business.

**III.** The names and addresses of any paid professional fund raisers and paid professional solicitors who act or will act on behalf of the charitable organization, together with a statement setting forth the terms of the arrangements for salaries, bonuses, commissions or other remuneration to be paid the paid professional fund raisers, and the paid or professional solicitors;

**IV.** The general purpose for which the charitable organization is organized;

**V.** The purpose for which the contributions to be solicited will be used;

**VI.** The period of time during which the solicitation will be made;

**VII.** Such other information as may be necessary or appropriate in the public interest or for the protection of contributors;

**VIII.** The application form and any other documents prescribed by the department, shall be signed by the president or other authorized officer and the chief fiscal officer of the charitable organization. (1955, c. 422, § 1.)

**Sec. 274-C. Out of state organizations.**—Any charitable organization having its principal place of business without the state or organized under and by virtue of the laws of a foreign state, or which shall solicit contributions from people in this state, shall be deemed to have irrevocably appointed the department of health and welfare as its agent upon whom may be served any summons, subpoena, subpoena duces tecum or other process directed to such charitable organization, or any partner, principal, officer or director thereof, in any action or proceeding brought by the attorney general under the provisions of sections 274-A to 274-D, inclusive. (1955, c. 422, § 1.)

**Sec. 274-D. Enforcement and penalties.**—In the event that any solicitation is conducted without compliance with the terms of sections 274-A to 274-C, inclusive, the department shall have the right to enjoin the solicitation and the person concerned 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. (1955, c. 422, § 1.)

**Sec. 275.** Repealed by Public Laws 1955, c. 422, § 2.

#### Old Age Assistance.

**Sec. 287. Disqualification of applicant and recipient.**—Any applicant

for or recipient of old age assistance who divests himself directly or indirectly of any property after January 1, 1952, without a reasonable consideration or for the purpose of qualifying for such assistance, shall forfeit all right to receive assistance under the provisions of sections 276 to 297, inclusive.

(1955, c. 99, § 1.)

**Effect of amendment.**—The 1955 amendment substituted “1952” for “1950” in the first paragraph. As the rest of the section was not changed by the amendment, only the first paragraph is set out.

**Sec. 291. Funeral expenses.**—On the death of a recipient, reasonable funeral expenses not exceeding \$150 shall be paid by the state if the estate of the deceased is insufficient to pay the same. (R. S. c. 22, § 269. 1953, c. 381, § 1. 1955, c. 458.)

**Effect of amendment.**—The 1955 amendment increased the maximum amount of funeral expenses from \$125 to \$150.

**Sec. 295. Claims against estate.**—Upon the death of a beneficiary, the state shall have a claim against his estate, enforceable in the probate court, for all amounts paid to him under the provisions of sections 276 to 297, inclusive. Such claim shall have priority over all unsecured claims against such estate, except:

I. Administrative expenses, including probate fees and taxes;

II. Expenses of the last sickness; (1955, c. 246)

III. Funeral expenses, not exceeding \$400, exclusive of clergymen’s honorarium and cemetery expenses. (1955, c. 246)

**Effect of amendment.**—The 1955 amendment deleted the words “and burial expenses” at the end of the subsection II and added subsection III. As the last paragraph of the section was not changed, it is not set out.

### Aid to the Blind.

**Sec. 312. Disqualification of applicant and recipient.**—Any applicant for or recipient of aid to the blind who divests himself directly or indirectly of any property after January 1, 1952, without reasonable consideration or for the purpose of qualifying for such aid shall forfeit all right to receive aid to the blind under the provisions of sections 298 to 318, inclusive. (R. S. c. 22, § 288. 1951, c. 44, § 11. 1953, c. 279, § 2. 1955, c. 99, § 2.)

**Effect of amendment.**—The 1955 amendment inserted the words “or recipient of” near the beginning of the section and substituted “1952” for “1950” near the middle of the section.

### Aid to the Disabled.

**Sec. 319-A. Definition.**—The words “aid to the disabled” mean money payments to, or medical care in behalf of or any type of remedial care in behalf of, needy individuals 18 years of age or older who are permanently and totally disabled, but does not include any such payments to or care in behalf of any individual who is an inmate of a public institution, except as a patient in a medical institution, or any individual who is a patient in an institution for tuberculosis or mental disease, or who has been diagnosed as having tuberculosis or psychosis and is a patient in a medical institution as a result thereof. (1955, c. 405, § 30.)

**Sec. 319-B Department to administer aid to the disabled.**—The department shall administer the law relating to aid to the disabled and may make rules and regulations necessary to the administration thereof. It is empowered to employ, subject to the provisions of the personnel law, such assistants as may be necessary to carry out the provisions of sections 319-A to 319-T, inclusive, and to coordinate their work with that of the other social welfare work of said

department. All aid granted under the provisions of said sections shall be paid monthly by the state. The amount of aid which any person shall receive shall be determined on a budgetary basis with due regard to the conditions existing in each case and in accordance with the rules and regulations of said department. This aid shall be sufficient, when added to all other income and support of the recipient, to provide such person with a reasonable subsistence compatible with decency and health, but not exceeding \$55 per month. Whenever the federal matching maximum is changed the department may change the maximum grant with the approval of the governor and council. (1955, c. 405, § 30.)

**Sec. 319-C. Acceptance of provisions of federal law.**—The department is authorized to:

- I. Apply for federal assistance under the provisions of Title XIV of the Federal Social Security Act (Public No. 271, 74th Congress) and acts additional thereto or amendatory thereof; and to comply with such conditions, not inconsistent with the provisions of sections 319-A to 319-T, inclusive, as may be required for such aid.
- II. Make such reports in such form and containing such information as the federal government may from time to time require, and comply with such provisions as the federal government may from time to time find necessary to assure the correctness and verification of such reports. (1955, c. 405, § 30.)

**Sec. 319-D. Federal grants.**—The treasurer of state shall be the appropriate fiscal officer of the state to receive federal grants on account of aid to the disabled and administration thereof, as contemplated by Title XIV of the Federal Social Security Act, and the state controller shall authorize expenditures therefrom as approved by said department. (1955, c. 405, § 30.)

**Sec. 319-E. Application procedure.**—Applications for aid to the disabled shall be made to the department on forms provided by the department. The application shall be sworn to by the applicant and shall give full information revealing the income, assets and liabilities of the applicant, together with such other information as the department may require.

An application shall not be considered unless accompanied by an individual sworn statement made on the part of the spouse, parents and each adult child of said applicant residing in this state, and such statements shall include full information revealing individual income, assets and liabilities, provided that if such applicant has previously applied and there are on file with the department any of the necessary sworn statements, then the applicant need only furnish such additional sworn statements as the department may require.

If the applicant is unable to obtain the sworn statement from such spouse, parents or child as above provided, then upon proof of his inability to do so the department shall determine whether such inability to do so is reasonable, and if it decides that it is reasonable, then the merits of his application may be considered. Any determination made under the provisions of this section shall be subject to the right of appeal by the applicant under the provisions of section 319-G. (1955, c. 405, § 30.)

**Sec. 319-F. Requisites for aid.**—Aid to the disabled shall be granted only to a person who:

- I. Is between 18 and 65 years of age and is permanently and totally disabled as defined in the rules and regulations of the department;
- II. Has not sufficient income or other resources to provide a reasonable subsistence compatible with decency and health;
- III. Has resided in the state for 5 or more years within the 9 years, immediately preceding application for aid and has resided therein continuously for 1 year immediately preceding the application;
- IV. Is not an inmate of any public institution, except as a patient in a medical

institution as provided in section 319-A; but an inmate of any institution may file application for aid under the provisions of sections 319-A to 319-T, inclusive, and any allowance made thereon shall take effect and be paid upon his ceasing to be an inmate of such institution;

**V.** Has no spouse, parents, adult child or children residing in this state and able to support him;

**VI.** Is not receiving aid to the blind, old age assistance or aid to dependent children. (1955, c. 405, § 30.)

**Sec. 319-G. Right of appeal.**—Any person who is denied aid, or who is not satisfied with the amount of aid allotted to him, or is aggrieved by a decision of the department made under any provisions of sections 319-A to 319-T, inclusive, or whose application is not acted upon with reasonable promptness, shall have the right of appeal to the commissioner, who shall provide the appellant with reasonable notice and opportunity for a fair hearing. Said commissioner or a member of the department designated and authorized by him shall hear all evidence pertinent to the matter at issue and render a decision thereon within a reasonable period after the date of the hearing provided that when the evidence in the case is heard by a person other than the commissioner the decision shall be rendered in the name of the commissioner. (1955, c. 405, § 30.)

**Sec. 319-H. Aid may be paid to a guardian or conservator.**—If an applicant for or a recipient of aid is found by the department to be incapable of taking care of himself or his money, payment shall be made only to a legally appointed guardian or conservator for his benefit. (1955, c. 405, § 30.)

**Sec. 319-I. Inalienability of aid.**—All rights to aid shall be absolutely inalienable by any assignment, sale, execution, pledge or otherwise, and shall not pass, in case of insolvency or bankruptcy, to any trustee, assignee or creditor. (1955, c. 405, § 30.)

**Sec. 319-J. Transfer of property prohibited.**—Any applicant for or recipient of aid to the disabled, who divests himself directly or indirectly of any property after January 1, 1952 without a reasonable consideration or for the purpose of qualifying for such aid, shall forfeit all right to receive aid under the provisions of sections 319-A to 319-T, inclusive. (1955, c. 405, § 30.)

**Sec. 319-K. Disqualification of applicant and recipient.**—Any recipient of aid to the disabled shall be disqualified from receiving aid to the disabled unless he files with the department, whenever the department may require it, the following information:

**I.** A sworn statement revealing his income, assets and liabilities;

**II.** An individual sworn statement made on the part of the spouse, parents and each adult child of said recipient residing in this state, and such statements shall include full information revealing individual income, assets and liabilities. Provided, however, if the recipient is unable to obtain the sworn statement from such spouse, parents or child as above provided, then upon proof of his inability to do so, the department shall determine whether such inability to do so is reasonable and if it decides that it is reasonable then the merits of his case may be considered. Any determination made under the provisions of this section shall be subject to the right of appeal by the recipient under the provisions of section 319-G. (1955, c. 405, § 30.)

**Sec. 319-L. Report to department of increase in assets or income.**—Every recipient of aid to the disabled shall forthwith notify the department upon the receipt or possession of any property or income in excess of the amount last disclosed to the department. (1955, c. 405, § 30.)

**Sec. 319-M. Payments illegally received may be recovered.**—The de-

partment may recover from any adult child or children, spouse or parents of any beneficiary under the provisions of sections 319-A to 319-T, inclusive, who is able to support the said beneficiary, but who fails to provide such support, in an action on the case for the amount expended by the department for the said support. The department may also recover the amount expended for aid in an action on the case from a recipient or a former recipient who has failed to disclose assets which would have rendered him ineligible had he disclosed the assets. Such actions shall be prosecuted by the attorney general in the name of the state, and the amount recovered shall be credited to the aid to the disabled fund. (1955, c. 405, § 30.)

**Sec. 319-N. Funeral expenses of person assisted.**—On the death of a recipient, reasonable funeral expenses not exceeding \$125 shall be paid by the state, if the estate of the deceased is insufficient to pay the same. (1955, c. 405, § 30.)

**Sec. 319-O. Payment of certain obligations of deceased recipients of aid to the disabled.**—When for any reason whatsoever a recipient of aid to the disabled is unable to properly indorse the check for the last payment approved for him prior to his death or commitment to an institution, the department may approve payment by the state of obligations incurred by the recipient for board, medical, osteopathic or nursing services in anticipation of the receipt of such check, but not in excess of the amount of the check; provided, however, that any claim which may be paid under the provisions of this section must be presented to the department in writing within 60 days of the date of the death or commitment of the recipient. (1955, c. 405, § 30.)

**Sec. 319-P. Entire aid suspended, when.**—If at any time the grant available to the state of Maine under the provisions of the Social Security Act of the United States relating to aid to the disabled shall cease to be available to match funds provided by law and to be distributed under the provisions of sections 319-A to 319-T, inclusive, the governor shall forthwith publicly so proclaim, and upon the date of such proclamation the provisions of said sections shall be suspended. (1955, c. 405, § 30.)

**Sec. 319-Q. Claims against estate of person assisted.**—Upon the death of a beneficiary, the state shall have a claim against his estate, enforceable in the probate court, for all amounts paid to him under the provisions of sections 319-A to 319-T, inclusive. Such claim shall have priority over all unsecured claims against such estate, except:

I. Administrative expenses, including probate fees and taxes;

II. Expenses of the last sickness and burial expenses.

The attorney general shall collect any claim which the state may have hereunder against such estate; provided, however, that no such claim shall be enforced against any real estate while it is occupied as a home by the surviving spouse of the beneficiary and said spouse does not marry again. If the state participates in federal funds for the purposes of sections 319-A to 319-T, inclusive, a sum equal to the pro rata share to which the United States is equitably entitled of the net amount collected from the estate of the beneficiary, with respect to aid to the disabled furnished him, shall be promptly paid by the treasurer of state to the United States as required by the laws of the United States. (1955, c. 405, § 30.)

**Sec. 319-R. Recipients of aid to the disabled not to be pauperized.**—The receipt of aid to the disabled shall not pauperize the recipient thereof, and the receipt of general relief by such recipient shall not be considered to be pauper support. General relief expense incurred by any municipality or by the state in behalf of such recipient may be paid from funds made available for the relief of the poor, but shall in no other respect be treated as pauper expense. The town of settlement, or the state in nonsettled cases, shall reimburse the place of residence

for such general relief in the same manner as is provided by sections 24 and 28 of chapter 94. During the period that such aid is being paid, the recipient thereof shall not acquire or lose a settlement or be in the process of acquiring or losing a settlement. (1955, c. 405, § 30.)

**Sec. 319-S. Fraudulent representations; penalty.**—Any person, who by means of a willfully false statement or representation, or by impersonation or other fraudulent devices, obtains or attempts to obtain, or aids or abets any person to obtain:

**I.** Aid to which he is not entitled;

**II.** A larger aid than that to which he is entitled;

**III.** Payment of any forfeited installment of aid; and any person, who knowingly buys or aids or abets in buying or in any way disposing of the property of a recipient in such a way as to constitute a fraud upon the department, 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. (1955, c. 405, § 30.)

**Sec. 319-T. General penalty.**—Any person who violates any of the provisions of sections 319-A to 319-T, inclusive, for which no penalty is specifically provided, 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. If a recipient of aid is convicted of an offense under the provisions of this section, the department may cancel the aid. (1955, c. 405, § 30.)

#### **Medical Care for Recipients of Public Assistance.**

**Sec. 319-U. Medical care accumulation fund; rules and regulations; shall not lapse.**—The department is authorized to establish a medical care accumulation fund to be used solely for the payment of medical, hospital or remedial care costs of recipients of public assistance under the provisions of this chapter. The fund shall be created by periodic payments into it based on a monthly amount per case as determined by the department, which monthly amount may be paid into the fund even though the monthly amount added to the assistance payment exceeds the maximum assistance payment in this particular category. Said payment shall be made from the respective appropriations for the four public assistance categories and from federal grants available under the provisions of the Social Security Act as heretofore and hereafter amended. The payments out of the fund of the costs of medical, hospital or remedial care shall be made to those persons furnishing such services.

The department is authorized and empowered to make all necessary rules and regulations for the administration of and expenditures from said fund.

The medical care accumulation fund shall not lapse but shall be a continuing fund so long as federal grants are available to match the state's contribution. All payments into said fund shall cease whenever either federal grants or state appropriations are withdrawn. No payments shall be made out of said fund if federal grants or state appropriations are withdrawn, except that care contracted for before the date of such withdrawal shall be paid. Any money left in the fund in the event of withdrawal of federal grants or State appropriations shall be divided between the state and the federal government in proportion to the amount contributed by each. (1955, c. 111.)

**Effective date.**—This section became effective July 1, 1955.

#### **Penobscot Tribe.**

**Sec. 363. Conveyances by release deed; record; lots on Old Town Island.**—Conveyances made by virtue of section 356 shall be by release deed, executed and acknowledged, and the approval of the commissioner shall be written

thereon; said deed and approval shall be recorded by the register of deeds of Penobscot county in a book kept in the registry of deed in said county, upon payment of 25¢ for each deed so recorded; and until recorded as herein provided, no deed made as aforesaid shall pass any title. Sections 321 to 377, inclusive, apply to house lots on the point of Old Town Island, as well as to land allotted for agricultural purposes. (R. S. c. 22, § 347. 1949, c. 349, § 41. 1953, c. 378, § 3. 1955, c. 58.)

**Effect of amendment.**—The 1955 amendment eliminated a former requirement that the deed and approval be recorded by the commissioner, as well as by the register of deeds of Penobscot county.

### Registration of Vital Statistics.

**Sec. 382. Physicians in attendance to furnish certificate of name, age, disease and date of death 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 whenever any deceased person did not have the attendance of a physician in his or her last sickness, the person in whose house the said death occurred, or the nearest relative of the deceased shall upon finding the body immediately call a medical examiner to view the body and give to him all the information concerning said death. Upon receiving this information aforesaid the medical examiner called shall make a certificate setting forth the data he has obtained from said persons, and to the best of his knowledge and belief the cause of death. After having made the certificate as aforesaid he shall then deliver same to the funeral director in charge of the burial, or leave it with the family of the deceased where it may be obtained when called for. Any person who willfully makes a false return or willfully gives false information to be used in preparing a record of death shall be punished as provided in section 401. (R. S. c. 22, § 370. 1949, c. 59, § 1. 1951, c. 319, § 1. 1955, c. 326, § 3.)

**Effect of amendment.**—The 1955 amendment substituted "medical examiner" for "physician" near the end of the first sentence and in the second sentence, and deleted a proviso to the third sentence relating to calling a medical examiner where a person died under suspicious or unusual circumstances.

## Chapter 26.

### Division of Veterans Affairs.

#### Divisional Organization.

##### Sec. 3. Duties of director.

V. Establish and maintain a permanent record of all members of the armed services from Maine who served in World War II and the Korean Campaign. (1947, c. 386, § 1. 1955, c. 460.)

**Effect of amendment.**—The 1955 amendment added the above subsection V at the end of this section. As the rest of the section was not changed, it is not set out.

#### Support of Dependents of Veterans of World War I, World War II or the Korean Campaign.

##### Sec. 10. Definitions.

II. The term "child" shall be construed to mean a child under the age of 16,