

# MAINE STATE LEGISLATURE

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ONE - HUNDRETH LEGISLATURE

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Legislative Document

No. 1342

H. P. 975

House of Representatives, February 8, 1961

Referred to Committee on Health and Institutional Services. Sent up for concurrence and ordered printed.

HARVEY R. PEASE, Clerk

Presented by Mrs. Smith of Falmouth.

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STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED  
SIXTY-ONE

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AN ACT Providing for Registration of Sanitarians.

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Be it enacted by the People of the State of Maine, as follows:

**Sec. 1. R. S., c. 78-A, additional.** The Revised Statutes are amended by adding a new chapter 78-A, to read as follows:

‘Chapter 78-A.

Registration of Sanitarians.

**Sec. 1. State Board of Registration.** There is created a Board of Registration to register qualified sanitarians whose duties in public health and environmental sanitation require a knowledge of physical, biological and sanitary sciences and whose professional pursuits and duties are necessary to the promotion of life, health and prosperity of the state’s citizens.

**Sec. 2. Definitions.** The words and phrases defined below shall, when used in this chapter, have the following meaning unless the context clearly indicates otherwise:

**I. Board.** “Board” means the Board of Registration of Sanitarians.

**II. Certificate of registration.** “Certificate of registration” means a document issued as evidence of registration and qualification to practice as a sanitarian or a sanitarian-in-training under this chapter, and bearing the designation “Registered Sanitarian,” or “Sanitarian-in-training,” and showing the name of the person, date of issue, serial number, seal and signatures of the members of the board authorized to grant such certificates.

III. Registered sanitarian. "Registered sanitarian" means a sanitarian registered in accordance with this chapter.

IV. Sanitarian. "Sanitarian" means a person who by education and experience in the physical, biological and sanitary sciences, is qualified to carry out educational, investigational and technical duties in the field of sanitation.

V. Sanitarian-in-training. "Sanitarian-in-training" means a person registered as a sanitarian-in-training under this chapter.

Sec. 3. Qualifications for registration as a sanitarian. Any person desiring to be registered as a sanitarian may make application to the board on a form prescribed by the board. The board shall accept such application when submitted if accompanied by the required fees.

Persons meeting the following qualifications shall be eligible for registration under this chapter:

I. Graduate. Graduate with a baccalaureate, or an equivalent acceptable to the examining board, or higher, degree from an accredited college or university who has satisfactorily completed at least 45 quarter hours, or 30 semester hours, of academic work in the basic natural sciences; employed full time as a sanitarian for a period not less than 2 years; and having passed an examination given and conducted by the board under this chapter; provided, that persons holding a degree higher than a baccalaureate degree and who have satisfactorily completed at least 45 quarter hours, or 30 semester hours, of academic work in the basic natural sciences may qualify when employed as a sanitarian for a period of not less than one year, or one who does not qualify under any of the above but who can furnish documented proof he has had 5 years experience as a full time sanitarian and can satisfactorily pass an examination as prescribed by the examining board by this chapter.

II. Personnel Law. Any person who on or before January 1, 1963 has passed an examination given by the Personnel Board as certified by an official agency qualifying him as a sanitarian, given by the State, provided that such person makes application for registration within 12 months of the effective date of this chapter.

III. Practicing sanitarian. Any person who on or before January 1, 1963 has been employed as a practicing sanitarian for a period not less than 3 years, may at the discretion of the board be considered for registration, provided such person applies for registration within 12 months of the effective date of this chapter.

Sec. 4. Qualifications for registration as a sanitarian-in-training. Any person meeting the educational qualifications of the first paragraph of section 3 but who does not meet the experience requirements of said section may make application to the board on a form prescribed by the board for registration as a sanitarian-in-training. The board shall accept such application when submitted, if accompanied by the required fees.

Sec. 5. Examination for registration as a sanitarian. Only persons who meet the educational and experience requirements in the first paragraph of section 3 shall be eligible for admission to examination for registration as a sanitarian.

Examinations for the registration of sanitarians-in-training may be required by the discretion of the board.

Examinations for the registration of sanitarians-in-training may be required administered not less than once each calendar year, in the State at such times and places as may be specified from time to time by the board. Such examinations may be written, oral or both, and shall include applicable subjects in the field of sanitary science and such other subjects pertinent to the qualifications of sanitarians as the board may prescribe. The examination shall be objective and practical in character. The examination papers shall not disclose the name of any applicant, but shall be identified by a number assigned by the secretary of the board. The preparation of the examination shall be the responsibility of the board, provided that the board may use material prepared by recognized examination agencies.

A person shall not be registered if he fails to meet the minimum grade requirements for examination specified by the board. If an applicant fails to meet such minimum grade requirements in his first examination, he may be re-examined at any time and place specified by the board for the administration of such examination and upon resubmitting his application accompanied by the prescribed fees. Fees of applicants who fail to meet minimum grade requirements will be used to defray examination costs.

The examination papers and records pertaining thereto shall be filed with the secretary of the board and retained for at least one year.

Sec. 6. Board membership. A board for the registration of sanitarians and sanitarians-in-training is created. It shall consist of 7 members appointed by the Governor, with the advice and consent of the Council, one of whom shall be the Commissioner of Health and Welfare, or his designated representative; 2 shall be public-spirited citizens; and 4 shall be sanitarians who qualify by education and experience for registration as a sanitarian under this chapter; provided that on and after January 1, 1963 each sanitarian member appointed by the Governor shall be a registered sanitarian under this chapter.

Sec. 7. Term of office. All board members except the commissioner shall be appointed for a term of office as follows: Two shall be designated for a term expiring December 31, 1962, 2 shall be designated for a term expiring December 31, 1963 and 2 shall be designated for a term expiring December 31, 1964. Thereafter the term of office of each sanitarian board member appointed by the Governor shall be for 3 years. Vacancies shall be filled by appointment by the Governor, with the advice and consent of the Council for unexpired terms. The Governor, with the advice and consent of the Council, may remove an appointee member for misconduct in office, incompetency, neglect of duty or other sufficient cause after due notice and a hearing.

Sec. 8. Board organization; duties of the board; officers; compensation; seal and meetings. The members of the board shall, as soon as appointed, organize and annually thereafter in the month of June, elect from their members a chairman, vice-chairman and a secretary. The secretary shall continue in office at the pleasure of the board.

The board shall make such rules as are necessary to carry out this chapter.

The board shall hold at least one meeting each year to review and evaluate applications for registration as sanitarians and sanitarians-in-training, conduct examinations, review and approve all bills, prepare and approve reports and transact all other business as may be necessary to carry out this chapter.

Five members of the board shall constitute a quorum and special meetings of the board shall be called by the secretary upon written request of any 2 members of the board, or upon a written request signed by 10 registered sanitarians.

All board meetings shall be open to any registered sanitarian with the exception of executive board sessions.

The secretary of the board shall receive compensation to be fixed by the board, and traveling and other expenses necessarily incurred in the discharge of official duties. The other members of the board shall receive a per diem allowance of \$20 for each day actually engaged in official board meetings plus transportation expenses; provided that no funds shall be dispersed for such purposes without the approval of the board, provided that such compensations and expenses shall not in any one year exceed the receipts from registrations and licenses paid to the State by the board.

The secretary of the board shall receive and account for all money received from the operation of this chapter according to law.

An annual audit shall be made of the board's finances and incorporated in an annual report to the Governor. Copies of the annual report shall be mailed to all registered sanitarians.

Sec. 9. Record of proceedings; register of applications; register of registered sanitarians and sanitarians-in-training.

I. Record. The board shall keep a record of its proceedings.

II. Register of applicants. The board shall maintain a register of all applications for registration, which shall show:

- A. The place of residence, name and age of each applicant;
- B. The name and address of employer or business connection of each applicant;
- C. The date of application;
- D. Complete information of educational and experience qualifications;
- E. The action taken by the board;

- F. The serial number of the certificate of registration issued to the applicant;
- G. The date on which the board reviewed and acted upon the application;
- H. Such other pertinent information as may be deemed necessary by the board.

III. Register of practitioners. The board shall maintain a current registry of all sanitarians and sanitarians-in-training in the State who have been registered in accordance with this chapter.

Sec. 10. Applications; fees; renewals; etc. The board shall prescribe and provide an application form for the use of all applicants. Applicants for registration as sanitarians shall deposit a fee of \$17.50, and applicants for registration as sanitarians-in-training shall deposit a fee of \$7.50, at the time of making application for registration. The board may also assess an additional fee for the cost of the examination when deemed necessary.

A sanitarian registered under this chapter may renew his certificate by paying the board an annual renewal fee of \$5. Said fee shall be due and payable on or before the date to be fixed by the board for which a renewal certificate for the current year shall be issued. All certificates shall expire on the renewal date unless renewed prior to such date. Registrations expired for failure to pay renewal fees may be reinstated under the rules and regulations adopted by the board.

Sanitarians-in-training shall be exempt from payment of a renewal fee.

Sec. 11. Suspension or revocation of registrations. The board shall have the power to suspend or revoke, after due notice and proper hearing, a certificate of registration when the holder is found guilty of unprofessional conduct, the practice of fraud or deceit in obtaining a certificate of registration, dereliction of duty, incompetence in the practice of sanitation, or for other good and sufficient cause. Notice of hearing in writing shall be given not less than 10 days prior to the date of the hearing, designating the time and place of hearing and providing the certificate holder with a copy of the charges against him. The person charged shall be entitled to be represented at the hearing and present evidence in his defense. Every order of the board causing the suspension or revocation of a certificate of registration shall be predicated on findings based upon the record of hearing. The determination of the board may be reviewed by a court only to determine whether the board abused its discretion or exceeded its jurisdiction.

Sec. 12. Reciprocity. Agreements for reciprocity with those states having a law for the registration of sanitarians, whose provisions are equivalent, may be entered into by the board under such appropriate rules and regulations as may be prescribed by the board.

Sec. 13. Use of title. Only a person who has qualified as a registered sanitarian and who holds a valid current registration certificate for use in this State shall have the right and privilege of using the title, "Registered Sanitarian," and to use the abbreviation, "R. S." after his name.

**Sec. 14. Violation; penalty.** It shall be unlawful for any person to represent himself as a registered sanitarian without being duly registered and the holder of a currently valid certificate of registration issued by the board.

A person who violates this chapter shall, upon conviction, be guilty of a misdemeanor and shall be punished by a fine of not more than \$100, or by imprisonment for not more than 30 days, or by both.'

**Sec. 2. R. S., c. 18, § 31, amended.** The first sentence of section 31 of chapter 18 of the Revised Statutes, as repealed and replaced by section 14 of chapter 397 of the public laws of 1957, and as amended, is further amended to read as follows:

'All money received by the Treasurer of State from the Board of Registration in Medicine, the Board of Examiners in Physical Therapy, the Board of Examiners of Psychologists, State Board of Nursing, the Board of Examiners of Applicants for admission to the Bar, the Board of Accountancy, the Board of Veterinary Examiners, the Board of Osteopathic Examination and Registration, the Board of Examiners of Funeral Directors and Embalmers, the State Board of Registration and Examination in Optometry, the Board of Dental Examiners, the State Board of Registration for Professional Engineers, the State Board of Architects, the Electricians' Examining Board, the Oil Burnermen's Licensing Board, the State Board of Barbers and Hairdressers, the Examiners of Podiatrists, the Board of Chiropractic Examination and Registration, the Board of Commissioners of the Profession of Pharmacy **and the Board of Registration of Sanitarians** shall constitute a fund, which shall be a continuous carrying account for the payment of the compensation and expenses of the members, the expenses of the board and for executing the ~~provisions of~~ law relating to each board respectively, and so much thereof as may be required is appropriated for said purposes.'