

MAINE STATE LEGISLATURE

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ONE HUNDRED AND THIRD LEGISLATURE

Legislative Document

No. 927

S. P. 343 In Senate, February 15, 1967
Referred to Committee on Legal Affairs. Sent down for concurrence and
ordered printed.

JERROLD B. SPEERS, Secretary

Presented by Senator Snow of Cumberland, by request.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SIXTY-SEVEN

AN ACT Relatng to the Registration of Professional Sanitarians and Saintarian Trainees.

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

Sec. 1. R. S., T. 32, c. 60, additional. Title 32 of the Revised Statutes is amended by adding a new chapter 60, to read as follows :

CHAPTER 60
PROFESSIONAL SANITARIANS
SUBCHAPTER I
GENERAL PROVISIONS

§ 4121. Definitions

In this chapter the following definitions apply :

1. **Board.** "Board" means the Maine State Board of Registration for Professional Sanitarians.
2. **Certificate of registration.** "Certificate of registration" means a document issued as evidence of registration and qualification to practice as a registered professional sanitarian and showing the name of the registrant, date of issue, serial number, seal and signatures of the members of the board authorized to grant such certificates.
3. **Environmental health.** "Environmental health" means the application of scientific principles to the control if air, water, waste, food, milk, shelter, vermin

and other external conditions of man's surroundings which promote and preserve health, safety, comfort and well-being and prolong human life.

4. Registered professional sanitarian. "Registered professional sanitarian" means a specialist who, by education and experience in the environmental sciences, is qualified to perform education, investigational and technical duties in the field of environmental health for the purpose of bettering public health, and who is registered under this chapter.

5. Sanitarian trainee. "Sanitarian trainee" means a person who possesses the necessary educational qualifications as prescribed in this chapter for registration as a professional sanitarian, but who has not completed the experience requirements in the field of environmental health as required for registration.

§ 4122. Reciprocity

The board may, upon application therefor and upon payment of a fee of \$15, issue a certificate of registration as a Registered Professional Sanitarian to any person who holds a certificate of registration issued to him by the proper authority of any state, territory or possession of the United States, or any country, provided that the requirements for the registration of professional sanitarians under which the certificate was issued do not conflict with this chapter and such requirements are not lower than those specified in section 4142, subsection 1.

§ 4123. Use of title; penalty

Only a person, holding a current valid certificate of registration for use in this State, shall have the right and privilege of using the title "Registered Professional Sanitarian" and to use the abbreviation "R.P.S." after his name. Any person who shall assume the title of a Registered Professional Sanitarian or use the abbreviation "R.P.S." or other words or letters to indicate that he is a Registered Professional Sanitarian of the State of Maine, without having received from the Board of Registration for Professional Sanitarians of Maine, a certificate of registration, or whose certificate of registration is expired or shall have been suspended or revoked by the board, shall be deemed guilty of a misdemeanor and shall upon conviction be punished by a fine of not less than \$5 nor more than \$10. Each day a violation continues shall constitute a separate offense. For a 2nd offense and each subsequent offense, such persons shall be punished by a fine of not more than \$50 or by imprisonment for not more than 6 months or by both.

SUBCHAPTER II

BOARD OF REGISTRATION FOR PROFESSIONAL SANITARIANS

§ 4131. Membership

There is created a Board of Registration for Professional Sanitarians to register qualified sanitarians whose duties in public health and environmental health require knowledge of the environmental sciences and whose professional duties and pursuits are necessary to the promotion and preservation of life, health and welfare of Maine citizens.

The board shall consist of 5 persons. One shall be a sanitarian eligible for registration under this chapter appointed by the Commissioner of Health and

Welfare and 4 persons shall be appointed by the Governor. Two of the persons appointed by the Governor shall be sanitarians who qualify by education and experience for registration under this chapter and 2 shall be interested citizens, one of whom shall be a teacher actively engaged in teaching biological sciences. Four years after the effective date of this Act, all sanitarians appointed to the board must be registered professional sanitarians currently registered under this chapter.

§ 4132. Tenure

Of the board members first appointed by the Governor, one shall be appointed for a term of one year, one shall be appointed for a term of 2 years, one shall be appointed for a term of 3 years and one shall be appointed for a term of 4 years. Thereafter the term of office for each board member, appointed by the Governor, shall be 4 years. The board member appointed by the Commissioner of Health and Welfare shall serve for a term of 4 years. Vacancies shall be filled by appointment for unexpired terms as originally appointed. The Governor may remove any member of the board for misconduct in office, incompetency, neglect of duty or other sufficient cause after due notice and a hearing.

§ 4133. Organization; officers; duties; expenses; meetings

The members of the board shall, within 60 days after the effective date of this Act, organize and annually thereafter in the month of July elect from their number a chairman and vice-chairman. The board shall appoint a secretary-treasurer. The secretary-treasurer shall continue in office at the pleasure of the board.

The board shall adopt and use a seal for the authentication of its orders, certificates and records and it shall have supervision of the enforcement of this chapter and possess the necessary authority to fulfill its duties as prescribed in this chapter. The board shall have authority to employ on a full or part-time basis such employees as may be necessary to maintain records, pertinent to the examination and registration of sanitarians, or to assist in any manner in the performance of duties as required under this chapter. It shall have authority to employ professional personnel on a full or part-time basis to carry out this chapter. The board may hold hearings for the adjudications of such matters as may properly come before it, make the necessary determinations in conjunction therewith and issue such orders as are consistent with the findings. The board shall conduct such hearing in the manner provided by the Maine Revised Statutes. The board may establish the procedures for conducting examinations and for obtaining the certificates and permits required by this chapter and methods by which the qualifications of an applicant shall be evaluated. The board may adopt reasonable rules and regulations to carry out and enforce this chapter.

The board shall issue a certificate of registration, upon the payment of the registration fee prescribed in this chapter to any applicant who has satisfactorily met all requirements of this chapter. Such certificate of registration shall be in effect for the period of time specified in sections 4141 and 4145.

The board shall meet at least once a year to transact necessary business. Special meetings of the board may be called upon written request of any 3 members of the board. Four members of the board shall constitute a quorum. Board

members shall not receive salaries. Each board member shall be entitled to receive compensation for travel and subsistence for each day he is engaged in the performance of the official duties of the board. Such expenses shall be paid upon the same basis, at the same rate and subject to the same conditions as expenses of state employees. Annually, as of the first of March, the board shall submit to the Governor a report of its transactions of the preceding year.

The secretary-treasurer of the board shall keep a true and complete record of all proceedings of the board, and shall perform such other duties as may be assigned to him by the board. The secretary-treasurer of the board shall give a surety bond to the State of Maine, in the sum of \$5,000, conditioned upon the faithful performance of his duties and the accurate accounting of all money which may at any time come into his possession. The surety bond for the secretary-treasurer and necessary supplies, including printed matter and equipment incidental to the administration of this chapter, may be purchased by the board.

§ 4134. Collection of fees

All registration fees and other fees and charges collected by the board shall be paid to the secretary-treasurer of the board who shall deposit the entire amount of such receipts with the Treasurer of State. Such receipts are to be credited to a separate account of the General Fund of the State to be known as the "Board of Registration for Professional Sanitarians Fund." At the close of each fiscal year, any sum of money in such fund remaining after payment of all expenses necessary to carry out this chapter shall be retained by the board for future expenditures.

§ 4135. Records of proceedings

1. Records. The board shall keep a record of its proceedings and a register of all applicants for registration. The register shall show:

- A. Name, age and place of residence of each applicant;
- B. The date of the application;
- C. The name and place of business or employer of each applicant;
- D. Complete information on education and other qualifications;
- E. Action taken by the board;
- F. The date of the action of the board;
- G. Serial number of certificate of registration, if granted; and
- H. Such other information as may be deemed necessary by the board.

2. Records as evidence. The records of the board shall be prima facie evidence of the proceedings of the board as set forth, and a transcript thereof, duly certified by the chairman and attested to by the secretary-treasurer of the board, under its seal, shall be admissible in evidence with the same force and effect as if the original were produced.

§ 4136. Register of Registered Professional Sanitarians

The board shall maintain a current registry of all sanitarians in the State of Maine, who have been registered in accordance with this chapter.

SUBCHAPTER III**REGISTRATION****§ 4141. Application—fees and renewals**

The board shall prescribe and provide an application form for the use of all applicants. The applicants shall submit a fee of \$15 at the time of making application for registration and such fee shall not be refundable. The board may assess an additional examination fee when an examination is deemed necessary, but not to exceed the actual cost of examination. A sanitarian registered under this chapter may renew his certificate biennially by paying the board a renewal fee of \$5. Said fee shall be due and payable on or before the last day of the month of March of the biennium during which the current certificate was issued. All certificates of registration shall expire 2 years after the last day of the month of March following the date of their issuance or renewal, and shall be invalid from that date, unless renewed. It shall be the duty of the secretary-treasurer of the board to notify by mail every person registered, of the date of the expiration of his certificate and the amount of the required fee for its renewal for 2 years. Such notice shall be mailed at least one month in advance of the date of expiration of such certificates. Certificates which expire for failure to pay renewal fees are automatically suspended and may be reinstated within the next 2 years by paying a renewal fee which shall be increased 10% for each month or fraction of a month that payment for renewal is delayed, but the maximum fee for a delayed renewal shall not exceed \$10 for each year of delayed renewal. Reinstatement after 2 years shall be in accordance with new application procedures and such other rules as may be adopted by the board.

§ 4142. Qualifications

Any person desiring to be registered as a professional sanitarian shall make application to the board on a form prescribed by the board. The board shall accept such application when submitted.

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

1. General. Persons of good moral character who hold a baccalaureate degree from an accredited college or university and who have satisfactorily completed at least 45 quarter hours, or 30 semester hours of academic training in the environmental sciences; who have been employed full time as a sanitarian in the field of environmental health for a period of not less than 2 years; and who have passed the examination given by the board under this chapter. Environmental science or holders of a science degree higher than a baccalaureate degree and meeting the science requirements set forth may substitute the master's degree in lieu of one year of the experience requirements.

2. **Special.** Any person of good moral character, who on or before the effective date of this Act, meets the qualifications of the following special provisions, provided application is made within 3 years after the effective date of this Act:

A. Meets the educational and experience requirements in subsection 1 and has passed an official civil service examination qualifying him as a sanitarian in the field of environmental health, given by the State or political subdivision thereof, provided that such examination is acceptable to the board; or

B. Has been employed full time as a practicing sanitarian in the field of environmental health for a period of not less than 6 years and meets either the civil service examination provisions of paragraph A or passes the board prescribed examination for registration as a professional sanitarian; or

C. Has been employed full time as a practicing sanitarian in the field of environmental health for a period of not less than 10 years.

Combinations of college education and experience may be considered by the board on the basis of one year of experience for one year of education in meeting requirements of paragraphs B and C.

All present members of the Pine Tree State Association of Sanitarians shall automatically become registered members if they desire and file application for registration within one year of the effective date of the Act. Those who apply for this registration shall not have to meet any of the educational or experience requirements as specified in this section.

§ 4143. Sanitarian trainee

The board is authorized to issue permits to sanitarian trainees, provided such permits shall terminate 2 years after date of issue and shall not be renewed. A sanitarian trainee may qualify as a registered professional sanitarian upon fulfillment of the requirements contained in section 4142, subsection 1, and upon payment of the necessary fees.

§ 4144. Examination

Only persons who meet the educational and experience requirements of section 4142, subsection 1, shall be eligible for admission to the examination for registration as a professional sanitarian.

Written examinations for registration under this chapter shall be prescribed by the board. Examination shall include applicable subjects in the field of public health and environmental health and such other subjects pertinent to environmental health as the board may prescribe.

Examinations shall be objective and practical in nature. The assembling of the examination shall be the responsibility of the board and the board may use examinations prepared by Maine's colleges and universities or by recognized examination agencies. The examination papers shall not disclose the name of the applicant, but shall be identified by a number assigned by the secretary-treasurer of the board.

If the applicant fails in the examination to meet the minimum passing grade set forth by the board, he shall not be registered. An applicant may be re-

examined at a time and place specified by the board upon resubmitting his application accompanied by the necessary fees.

Examinations shall be administered by the board not less than one, each calendar year, at such time and place in Maine as may be directed by the board.

Examination papers and records pertaining thereto shall be filed with the secretary-treasurer of the board and retained for at least 2 years.

§ 4145. Suspension or revocation

The board shall suspend or revoke, after due notice and proper hearing, a certificate of registration when the holder is found guilty of unprofessional conduct, dereliction of duty, incompetence in the practice of environmental health or for other good and sufficient cause.

Sec. 2. R. S., T. 5, § 151, amended. The first sentence of section 151 of Title 5 of the Revised Statutes is 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, the 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 Burner Men's Licensing Board, **the Maine State Board of Registration for Professional Sanitarians**, the State Board of Barbers, State Board of Hairdressers, the Examiners of Podiatrists the Board of Chiropractic Examination and Registration and the Board of Commissioners of the Profession of Pharmacy 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 law relating to each board respectively, and so much thereof as may be required is appropriated for said purposes.