

MAINE STATE LEGISLATURE

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EIGHTY - SEVENTH LEGISLATURE

Legislative Document

No. 392

H. P. 1190

House of Representatives, February 6, 1935.

Referred to Committee on Public Health, sent up for concurrence and 500 copies ordered printed.

HARVEY R. PEASE, Clerk.

Presented by Mr. Demers of Sanford.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
THIRTY-FIVE

AN ACT Relating to the Sale of Prophylactic Rubber Goods for the
Prevention of Venereal and Other Diseases.

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

Sec. 1. Prevention of disease. No sanitary or prophylactic rubber or other articles for the prevention of venereal or other diseases and infections shall be sold or otherwise disposed of in the state of Maine without a license therefor issued by the state bureau of health.

Sec. 2. Licenses. There shall be 2 kinds of licenses issued by the state bureau of health, to wit:—(a) wholesale license, (b) retail license.

Sec. 3. Wholesale licenses. Wholesale license 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 this act, to anyone who is not a duly licensed retailer as herein provided.

Sec. 4. Retail licenses. Retail license shall be issued only to a retail drug store regularly registered and licensed by the state of Maine.

Sec. 5. Application for license. A license provided by this act shall be issued by the state 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.

Sec. 6. Fees. The annual fees for licenses hereunder shall be: wholesale license \$25, retail license \$5. All fees received for licenses under this section shall be placed in a separate fund and expended for inspection and enforcement of this act.

Sec. 7. Term of license. All licenses issued hereunder 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 where 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 state 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.

Sec. 8. Information to be furnished. In addition to such other information as the state bureau of health may determine shall be furnished in any application for license under this act, the following information shall be given under oath, all of which shall be deemed material: (a) 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; (b) The business location, street and number, where such business is to be carried on.

Sec. 9. Licenses not transferable; exception. A license, issued to any applicant pursuant to this act for certain premises shall not be transferable except on written consent of the state bureau of health, and each license issued shall be available only to the person or persons, or corporation or firm therein specified and for the premises licensed and for no other.

Sec. 10. License for separate locations. Any person, firm or corporation eligible for license hereunder 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.

Sec. 11. License to be displayed. Every holder of a license hereunder shall at all times keep same on display visible for inspection within the place of business for which same is issued.

Sec. 12. Any person, or persons, firm or corporation, or member of firm or officer, director or employee of a corporation, who violates any provision of this act, 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.

Sec. 13. When any fines shall be collected from anyone guilty of violating this act, $\frac{1}{2}$ of any sum collected as such fine shall be deposited with the state bureau of health and added to the fund specified in section 6 to be expended for expenses of inspection under and enforcement of this act.