

# MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

AS PASSED BY THE

Eighty-sixth and Eighty-seventh  
Legislatures

OF THE

STATE OF MAINE

From April 1, 1933, to April 6, 1935

AND MISCELLANEOUS STATE PAPERS

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Published by the Secretary of State, in conjunction  
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KENNEBEC JOURNAL  
AUGUSTA, MAINE  
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**PUBLIC LAWS**  
OF THE  
**STATE OF MAINE**

As Passed by the Eighty-Seventh Legislature

**1935**

[supplied from page 201 of volume]

'Domestic mutual fire insurance companies may become members of and acquire by purchase or otherwise non-assessable stock in agricultural credit corporations or cooperative associations the purposes of which are to obtain loans for their members from the Federal Intermediate Credit Bank of Springfield or from any mutual or cooperative agency and may borrow from said bank or other such agency for the purpose of paying losses and expenses of operation of the company in advance of assessments. No notes or instruments of indebtedness given in connection with such a loan shall have a maturity date later than 1 year from the date the loan is made, and they shall be repaid from the assessments or other income of the company.'

Approved April 1, 1935.

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## Chapter 109.

### AN ACT for the Regulation of Cosmetics.

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

**Sec. 1. Registration of cosmetics.** On and after January 1, 1936 no person, firm, corporation or copartnership shall hold for sale, sell, offer for sale, in intrastate commerce, give away, deal in, within this state, supply or apply in the conduct of a beauty shop, barber shop, hairdressing establishment or similar establishment, any cosmetic preparation unless the said preparation has been registered with and a certificate of registration secured from the department of health and welfare.

**Sec. 2. Department of health and welfare authorized to issue certificate of registration.** The said department is hereby authorized to issue and shall issue a certificate of registration to the manufacturer, proprietor, or producer of any cosmetic preparation on the payment of an initial registration fee of 50c per preparation, which certificate shall be renewed annually on or before the first day of January in each succeeding year on the payment of a fee of 50c.

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

The department is hereby authorized to make such regulations as may be necessary for carrying out the purpose of this act to safeguard the public health.

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

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

**Sec. 3. Definition.** "Cosmetic preparations" shall mean tonics, lotions, creams, powders, antiseptics, clays, bleaches, colors, dyes, or other substance used with or without mechanical or electrical apparatus to massage, cleanse, stimulate, manipulate, color, bleach, or otherwise to treat, improve or to beautify, the scalp, face, neck, shoulders, busts, arms, arm pits, hands, or to arrange, dress, curl, wave, cleanse, bleach, color or similarly treat the hair of any person, and shall include all shampoo preparations. Provided, however, that household and toilet soaps shall not be held to be cosmetic preparations but shall be subject to the provisions of this act if such soaps are represented by the manufacturer or the producer thereof as a preparation for the treatment of disease.

**Sec. 4. Permits issued under public laws, 1933, chapter 278.** Permits issued under chapter 278 of the public laws of 1933 shall be considered to be permits issued under this act and shall remain in effect until June 30, 1936, without further payment therefor and may be renewed at the renewal rate provided unless such preparations are prohibited by this act.

**Sec. 5. Cosmetic preparations kept or deposited for unlawful sale or use in this state are liable to forfeiture.** Cosmetic preparations kept or deposited within the state intended for unlawful sale or use, and the vessels in which they are contained, are contraband and are subject to forfeiture to the state unless they have been registered with the said department as prescribed in the preceding sections. Sheriffs, deputy sheriffs, police officers, state police officers and duly authorized agents of the said department, shall have the power to seize the same with or without process. In cases where cosmetic preparations are seized without a warrant said preparations shall be kept in some safe place for a reasonable time until a warrant can be procured.

**Sec. 6. Duty of officer or duly authorized agent of the said department.** When cosmetic preparations and vessels are seized as provided in the preceding sections the officer or duly authorized agent of the said department, who made such seizure shall immediately file with the magistrate before whom such warrant is returnable, a libel against such preparations and vessels, setting forth this seizure by him describing the cosmetic preparations, their vessels, and the place of seizure, and that they were kept or intended for unlawful sale and use in violation of law, and pray for a decree of forfeiture thereof, and such magistrate shall fix a time for the hearing of such libel and shall issue his monition and notice of the same to

all persons interested, citing them to appear at the time and place appointed to show cause why said preparations and vessels in which they are contained, should not be declared forfeited, by causing a true and attested copy of said libel and monition to be posted in 2 public and conspicuous places in the town or place where such preparations were seized, 10 days at least before said libel is returnable.

**Sec. 7. Forfeiture in case no claimant appears; proceedings when claimant to be admitted as a party.** If no claimant appears, such magistrate shall, on proof of notice as aforesaid, declare the same to be forfeited to the state. If any person appears and claims such preparations, or any part thereof, as having a right to the possession thereof at the time when the same were seized, he shall file with the magistrate such claim in writing, stating specifically the right so claimed, the foundation thereof, the items so claimed, the time and place of the seizure and the name of the officer or duly authorized agent of the said department by whom the same were seized, and in it declare that they were not so kept or deposited for unlawful sale and use, as alleged in said libel and monition, and also state his business and place of residence, and shall sign and make oath to the same before said magistrate. If any person so makes claim, he shall be admitted as a party to the process; and the magistrate shall proceed to determine the truth of the allegations in said claim and libel, and may hear any pertinent evidence offered by the libelant or claimant. If the magistrate is, upon hearing, satisfied that said preparations were not so kept or deposited for unlawful sale or use, and that the claimant is entitled to the custody of any part thereof, he shall give him an order in writing, directed to the officer or duly authorized agent of the said department having the same in custody, commanding him to deliver to said claimant the cosmetic preparation to which he is so found to be entitled, within 48 hours after demand. If the magistrate finds the claimant entitled to no part of said preparation he shall render judgment against him for the libelant for costs, to be taxed as in civil cases before such magistrate, and issue execution thereon, and shall declare said preparation forfeited to the state. The claimants may appeal and shall recognize with securities as on appeals in civil causes from a magistrate.

**Sec. 8. Constitutionality.** If any section or part thereof, of this act, shall be declared unconstitutional it shall not affect the constitutionality of the remaining parts of this act.

**Sec. 9. Exceptions.** Any preparation or preparations purchased prior to the effective date of this act shall not be subject to the provisions of this act, provided that satisfactory evidence is presented that purchase was made prior to the effective date of this act, and further provided that such prep-

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aration or preparations are not prohibited by this act because they contain ingredients that are poisonous, injurious or irritating.

**Sec. 10. Penalty.** Any person, firm or corporation that violates any provision of the preceding sections, or any ordinance, or by-law, or regulation made thereunder, shall be punished by a fine of not more than \$100.

All fines, forfeitures and costs collected under this act shall be paid to the county as provided by chapter 148 of the revised statutes.

**Sec. 11. Repeal.** Chapter 278 of the public laws of 1933 is hereby repealed.

Approved April 1, 1935.

## Chapter 110.

### AN ACT Relating to the Insurance of Steam Boilers.

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

R. S., c. 54, § 53, amended. Section 53 of chapter 54 of the revised statutes is hereby amended by adding thereto the following sentence:

'In case an insurance company cancels insurance upon any steam boiler carrying over 15 pounds guage pressure or the policy expires and is not renewed, notice shall immediately be given the department of labor and industry. They shall likewise notify said department immediately upon the placing of insurance on such boiler.'

Approved April 1, 1935.

## Chapter 111.

### AN ACT Relative to the Payment of Wages.

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

R. S., c. 54, § 39, amended. The first sentence of section 39 of chapter 54 of the revised statutes is hereby amended to read as follows:

'Every corporation, person or partnership, engaged in a manufacturing, mechanical, mining, quarrying, mercantile, restaurant, street railway, telegraph or telephone business; in any of the building trades; upon public works, or in the construction or repair of street railroads, roads, bridges, sewers, gas, water or electric light works, pipes or lines; every incorporated express company or water company; and every steam railroad company or corporation, shall pay weekly each employee engaged in his or its business the wages earned by him to within 8 days of the date of said payment, but any employee, leaving his or her employment, shall be