

MAINE STATE LEGISLATURE

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Departmental Organization

Sec. 1. Organization of department; commissioner; powers; bureau chiefs and qualifications; compensation; employees. 1931, c. 216, Art. I, §§ 1, 2, 3, 4; Art. III, § 1. 1933, c. 1, § 1. 1937, c. 221. 1939, c. 223, § 8; c. 299. The department of health and welfare, as heretofore established, shall consist of 2 bureaus, as follows: the bureau of health and the bureau of social welfare, the heads of which shall be called "directors".

The head of the department shall be the commissioner of health and welfare who shall be appointed by the governor with the advice and consent of the council to serve for 3 years, or during the pleasure of the said governor and council. Any vacancy shall be filled by appointment as above for a like term. He may employ, with the approval of the governor and council, such bureau chiefs as may be necessary to carry out the work of the department; and they shall be under the immediate supervision, direction, and control of the commissioner. The compensation of the commissioner and his bureau chiefs shall be fixed by the governor and council. The commissioner may also employ such deputies, assistants, and employees as may be necessary, subject to the provisions of the personnel law.

In the event of a vacancy in the office of the commissioner because of death, resignation, removal, or other cause, the various bureau chiefs, deputies, and assistants in said department shall continue in office and perform such duties as have been prescribed for or assigned to them, until said vacancy has been filled by the appointment and qualification of a new commissioner.

The director of health shall be a physician who is schooled in sanitary science and experienced in the organization and administration of public health work.

The director of social welfare shall be a person who has been trained in a school for social work or in equivalent college or university courses in the social sciences, or who has had satisfactory experience in the direction of organized social welfare work of a comparable nature.

Sec. 2. Duties of department. R. S. c. 22, §§ 1, 3. 1933, c. 1, § 14. The department shall have the general supervision of the interests of health and life of the citizens of the state. It shall study the vital statistics of the state, and endeavor to make intelligent and profitable use of the collected records of deaths and of sickness among the people; it shall make sanitary investigations and inquiries respecting the causes of disease and especially of communicable diseases and epidemics, the causes of mortality, and the effects of localities, employments, conditions, ingesta, habits, and circumstances on the health of the people; it shall investigate the causes of disease occurring among the stock and domestic animals in the state, and the methods of remedying the same; it shall gather such information in respect to all these matters as it may deem proper for diffusion among the people; it shall, when required or when it shall deem it best, advise officers of the government, or other boards within the state, in regard to the location, drainage, water supply, disposal of excreta, heating, and ventilation of any public institution or building; it shall from time to time examine and report upon works on the subject of hygiene for the use of the schools of the state; it shall have general oversight and direction of the enforcement of the statutes respecting the preservation of health; and it may direct

any officer or employee of the department to assist in the study, suppression, or prevention of disease in any part of the state.

See c. 62, § 30 et seq., re narcotic drugs; 129 Me. 239.

Sec. 3. Department to advise on incorporation of institutions. R. S. c. 157, § 6. 1933, c. 1, § 302. The department shall give its opinion as to the advisability of the proposed organization and incorporation of all institutions of a charitable, eleemosynary, correctional, or reformatory character which are or shall be subject to the supervision and inspection of the department.

Sec. 4. Inspection and licensing of institutions; administration of funds. R. S. c. 152, § 17; c. 157, § 3. 1933, c. 1, § 301. 1939, c. 223, § 6. The department shall inspect and investigate as frequently as it deems necessary the condition and management of all institutions and agencies providing assistance, care, or other direct services to children who are neglected, delinquent, defective, or dependent, as well as to aged, blind, and other dependent persons, and which derive their support wholly or in part from state, county, or municipal appropriations or funds. Said institutions and agencies shall not include those of a purely educational or industrial nature, or those under the direction or inspection of the department of institutional service. Any private institution providing assistance, care, or other direct services to children who are neglected, delinquent, defective, or dependent, as well as to aged, blind, and other dependent persons may, upon application and request in writing made to the department, become subject to the inspection of the department.

It shall also license and supervise all other institutions and agencies operating within the state for the care and treatment of defectives, dependents, and delinquents and shall administer all state funds and appropriations for the aid of private institutions and agencies doing health and welfare work in the state.

Sec. 5. Distribution of functions by commissioner. 1931, c. 216, Art. III, § 3. 1933, c. 1, § 2. 1939, c. 223. The commissioner shall have the power to distribute the functions and duties outlined in this chapter among the various bureaus so as to integrate the work properly and to promote the most economical and efficient administration of the department.

Wherever in this chapter powers and duties are given to the department these may be and shall be assumed and carried out by such of the bureaus as the commissioner shall designate from time to time, and these powers and duties so delegated may in turn be delegated to subordinates by the said bureau directors with the approval of the commissioner.

Sec. 6. Definitions. 1933, c. 1, § 3. Wherever in this chapter the word "department" appears it shall mean "department of health and welfare" and the word "commissioner" shall mean "commissioner of health and welfare". Wherever in this chapter the word "chapter" appears without definite reference to a particular place, it refers to this chapter; if the chapter is given a number, it refers to the chapter so numbered in the revised statutes. Wherever in this chapter the word "section" appears without reference to a numbered chapter, it refers to a section of this chapter.

Sec. 7. Advisory council of health and welfare. 1931, c. 216, Art. III, § 6. 1933, c. 1, § 4. There shall be an advisory council of health and welfare in connection with the department, which shall consist of 7 members, at least two of whom shall be members of the minority party and at least one of whom shall be a woman, and the commissioner serving ex officio. Six

members shall be appointed by the governor and council for overlapping terms of 6 years each. The members of said council, other than the commissioner, shall serve without compensation, but they may be allowed actual and necessary expenses for attendance at all meetings. Said council shall hold regular meetings 4 times a year and at such other times as the commissioner may deem necessary.

Sec. 8. Powers and duties of advisory council. 1931, c. 216, Art. III, § 7. 1933, c. 1, § 5. The advisory council of health and welfare shall have authority:

I. To make such investigation of the social problems of the state, with the aid of the departmental staff, as the commissioner may request;

II. To advise the commissioner with reference to the policy of the department and other matters falling within the jurisdiction of said department;

III. To recommend to the commissioner the enactment of such laws as may be deemed necessary relative to the activities of the department;

IV. To make such rules and regulations as may be deemed necessary to carry out the intent of the public health and welfare laws of the state.

Sec. 9. Rules and regulations of department. 1933, c. 1, § 8. 1941, c. 171. The department shall prepare such rules and regulations for the consideration of the advisory council as it shall think necessary and proper for the protection of life, health, and welfare, and the successful operation of the health and welfare laws. The said rules and regulations shall be published in such manner as the department may direct. The department shall make and enforce reasonable rules and regulations governing the custody, use, and preservation of the records, papers, files, and communications of the department, and especially those which pertain to the granting of public assistance. The use of such records, papers, files, and communications by any other agency or department of government to which they may be furnished shall be limited to the purposes for which they are furnished and by the provisions of the law under which they may be furnished. It shall be unlawful for any person, except for purposes directly connected with the administration of public assistance and in accordance with the rules and regulations of the department, to solicit, disclose, receive, make use of, or authorize, knowingly permit, participate in, or acquiesce in the use of, any list of or names of, or any information concerning, persons applying for or receiving such assistance, directly or indirectly derived from the records, papers, files, or communications of the state or subdivisions or agencies thereof, or acquired in the course of the performance of official duties. Any person violating any provision of this section 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.

See c. 80, §§ 92, 109, re public health nursing service in towns.

Sec. 10. Additional duties. 1931, c. 216, Art. III, § 2, ¶ 26. 1933, c. 1, § 6. In addition to the specified functions and duties of the department as outlined by the provisions of this chapter the department shall perform such other functions for the care, custody, treatment, and relief of the sick, dependent, defective, and delinquent as may be consistent with the general purposes therein defined and not otherwise contrary to law.

Laws Relating to Welfare

See c. 90, § 11, re relief of unemployables.

Sec. 11. Department to investigate system of public charities. R. S. c. 157,

§ 3. 1933, c. 1, § 188. The department shall investigate and inspect the whole system of public charities in the state which derive their support wholly or in part from state, county, or municipal appropriations, but not including any institution of a purely educational or industrial nature.

Sec. 12. **Transfer of paupers between states.** 1933, c. 188. The department shall have authority to enter into reciprocal agreements with corresponding agencies of other states and to arrange with their local or county boards for the acceptance, transfer, and support of persons going from one state to another and becoming public charges.

Sec. 13. **Attorney-general to furnish legal assistance.** R. S. c. 157, § 12. 1933, c. 1, § 9. The attorney-general and the several county attorneys within their respective counties, when requested, shall furnish such legal assistance, counsel, or advice as the department may require in the discharge of its duties.

See §§ 17, 18.

Sec. 14. **Appropriated funds transferable.** 1941, c. 122. The appropriations made by the legislature to any division of the department may be combined or transferred from one division to another thereof by authority of the governor and council when such is deemed necessary.

Sec. 15. **Certain appropriations not to lapse; exception.** 1941, c. 258, § 1; c. 329, § 4. The appropriations for state pauper assistance, old age assistance, aid to the blind, and aid to dependent children shall be carrying accounts and all unexpended balances thereof remaining at the end of any fiscal year shall not lapse but shall be carried forward to the credit of the same account; except that any unexpended balance at the close of any fiscal year in the account for state pauper assistance beyond the actual commitments made at the close of the fiscal period may be lapsed by order of the governor and his council.

Sec. 16. **Administration of appropriations for aid of public and private hospitals.** 1933, c. 174, §§ 1, 2. 1943, c. 283. 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 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.

Sec. 17. **Charitable and benevolent institutions to submit itemized bills; recipients not to be deemed paupers.** R. S. c. 2, §§ 122, 123, 124. 1933, c. 1, §§ 12, 13. 1941, c. 258, § 2. No part of any appropriation made by the state for the care, treatment, support, or education of any person in any charitable or benevolent institution not wholly owned or controlled by the state shall be paid until duly itemized bills, showing the name of the person cared for, the date on which the service was rendered, and the rate charged therefor per day or week, shall have been filed with the state controller together with a certificate from the department that satisfactory evidence has been filed in its office by the institution furnishing the service that the persons receiving care were in need of such treatment, support, or education; that they were not able to pay for the same; that the rates charged are not greater than those charged to the general public for the same service, and that the rates charged to those who are able to pay are not less than the cost of the service rendered.

Payments made by the state to charitable and benevolent institutions under the provisions of this section shall be governed by such rules and regulations and rates as are prescribed by the department. No person shall be deemed a pauper by reason of having received the benefit of any funds, either state or municipal, which shall have been expended in his behalf under the provisions of this section for care, support, medical or surgical treatment, or education.

Sec. 18. Information upon request. R. S. c. 2, § 125; c. 152, § 14; c. 155, § 7; c. 157, § 9. 1933, c. 1, § 11. The commissioner shall give to the governor or council or to the legislature or any committee thereof at any time upon their request information and advice with reference to any charitable or correctional institution about which he has information. The officers in charge of any institution of a charitable or correctional nature under the inspection of the department and local boards or committees having any powers or duties relative to the management of the same, and those who are in any way responsible for the administration of public funds used for the relief or maintenance of the poor, shall furnish to the department such information and statistics as may be demanded on such forms as the department may consider necessary to secure uniformity and accuracy in the statements.

See c. 38, § 15, re reports of departments distributed by and filed in library.

Sec. 19. Department may cooperate with the United States department of agriculture. 1941, c. 91. The department may cooperate and participate in the administration of programs of the United States department of agriculture or any agency thereof.

When in his judgment it appears to be for the best interest of the welfare of the people of the state, the commissioner, with the approval of the governor and council, is authorized to enter into and execute, on behalf of the department, all necessary agreements with the United States department of agriculture or any agency thereof to carry out the provisions of the stamp plan, so called, or other plans for the distribution of food or surplus commodities for relief purposes. Such agreements may include in their provisions that regulations promulgated by the secretary of agriculture governing the administration of programs of the United States department of agriculture shall become part of such agreements.

There shall be established in the department of the treasurer of state, by authority of the governor and council, a revolving fund for use in connection with participation in the federal program of the United States department of agriculture or any agency thereof.

This revolving fund so established shall not be in excess of \$100,000. This fund must at all times consist of cash on hand, stamps purchased (and not resold) and accounts receivable (against the cities and towns of Maine that have purchased stamps from this fund), the aggregate of which shall equal the total fund established by order of the governor and council; it further being understood that this fund shall be used solely for the purpose of purchasing United States government food stamps to be resold to the cities and towns of Maine participating in the so-called food stamp plan.

The above-mentioned fund shall be established by segregating the fund approved by the governor and council as above stated from the amounts on deposit to the credit of the general fund of the state.

This fund shall continue in effect until the governor and council shall determine that the necessity for said fund no longer exists, when such segregation of funds shall cease.

Sec. 20. Commissioner to report. R. S. c. 17, § 7; c. 152, §§ 60, 78; c. 154, § 13; c. 155, § 42; c. 157, §§ 4, 9. 1933, c. 1, § 7. The commissioner as soon as practicable after the close of the fiscal year which is indicated by an even number shall report to the governor and council the activities of the department during the biennial period just ended with such suggestions as to legislative action as he deems necessary or important.

Sec. 21. Penalties and jurisdiction. R. S. c. 22, § 13; c. 42, § 11; c. 157, § 11. 1933, c. 1, § 10. Whoever hinders, obstructs, or interferes with any officer, inspector, or duly authorized agent of the department while in the performance of his duties shall be punished by a fine of not less than \$5, nor more than \$50, or by imprisonment for not less than 10 days, nor more than 30 days. Whoever violates any order, rule, or regulation of the department or the advisory council made for the protection of life or health under the provisions of law shall be punished by a fine of not less than \$10, nor more than \$100, for each offense. Whoever violates any provision of this chapter or wilfully fails, neglects, or refuses to perform any of the duties imposed upon him by the provisions of this chapter shall be punished by a fine of not more than \$500, or by imprisonment for not more than 6 months, unless specific penalties are elsewhere provided for. Trial justices shall have jurisdiction of all offenses under this section.

Vocational Rehabilitation

Sec. 22. Rehabilitation work, may be maintained. 1939, c. 109. The department, under the direction of the governor and council, may establish, conduct, and maintain rehabilitation work as part of its program of aid and assistance. Such rehabilitation work shall be in cooperation with vocational education, as provided by sections 169 to 180, inclusive, of chapter 37, in the department of education.

Funds provided for aid and assistance carried on by the department may be used in providing such vocational rehabilitation.

State Laboratory of Hygiene

Sec. 23. State laboratory of hygiene. R. S. c. 22, § 45. 1933, c. 1, § 19. The department may establish and equip with the proper and necessary apparatus, instruments, and supplies a state laboratory of hygiene for the chemical and bacteriological examination of water supplies, milk, and food products, and the examination of cases and suspected cases of diphtheria, typhoid fever, tuberculosis, glanders, and other infectious and contagious diseases.

Sec. 24. Superintendent; his appointment, duties; services to be free. R. S. c. 22, § 46. 1933, c. 1, § 20. The department shall appoint a superintendent of such laboratory, who shall hold that position at the pleasure of the department. He shall keep a record of all specimens sent to him for examination, and examine these specimens without unnecessary delay, and do such other work and make such other investigations relating to the public health as said department may from time to time direct. The services of the laboratory and all investigations therein made shall be free to the people of the state, except that the department subject to the approval of the governor and council may fix charges when deemed advisable or necessary.

Health Services

Sec. 25. Purposes; acceptance of provisions of federal law; federal grants. 1943, c. 130, §§ 1, 2, 3. The department, through its bureau of health, is authorized to administer a program to extend and improve its services for promoting the general public health.

The department is authorized to:

I. Apply for federal aid under the provisions of Title VI of the Federal Social Security Act (Public No. 271, 74th Congress);

II. Cooperate with the federal government through the United States public health service in matters of mutual concern pertaining to general public health, including such methods of administration as are found to be necessary for the efficient operation of the plan for such aid;

III. Make such reports in such form and containing such information as the surgeon-general of the United States public health service may require, and comply with such provisions as said surgeon-general may find necessary to assure the correctness and verification of such reports.

The treasurer of state shall be the appropriate fiscal officer of the state to receive federal grants on account of general public health services as contemplated by Title VI of the Federal Social Security Act, and the state controller shall authorize expenditures therefrom as approved by the department.

See c. 80, §§ 92, 109, re public health nursing service in towns.

Regulations Against Infectious Diseases

Sec. 26. System of inspection. R. S. c. 22, § 29. 1933, c. 1, § 32. The more effectually to protect the public health, the department may establish such systems of inspection as in its judgment may be necessary to ascertain the actual or threatened presence of the infection of Asiatic cholera, smallpox, diphtheria, scarlet fever, plague, typhoid fever, or other dangerous, infectious, or contagious disease; and any duly authorized agent or inspector of said department may enter any building, vessel, railroad car, or other public vehicle to inspect the same and to remove therefrom any person affected by said diseases; and for this purpose he may require the person in charge of any vessel or public vehicle other than a railroad car to stop such vessel or vehicle at any place, and he may require the conductor of any railroad train to stop his train at any station or upon any sidetrack and there detain it for a reasonable time; provided that no conductor shall be required to stop his train when telegraphic communication with the dispatcher's office cannot be obtained or at such times or under such circumstances as may endanger the safety of the train and passengers; and provided further, that any such agent or inspector may cause any car which he may think may be infected with any of said diseases to be sidetracked at any suitable place and there be cleansed, fumigated, and disinfected. The department may from time to time make, alter, modify, or revoke rules and regulations for guarding against the introduction of any infectious or contagious diseases into the state, including rabies or hydrophobia of animals and men; for the control and suppression thereof if within the state; for the quarantine and disinfection of persons, localities, and things infected or suspected of being infected by such diseases; for guarding against the transmission of infectious and contagious diseases through the medium of common towels, common drinking cups, and other articles which may carry infection from person to person; for the sanitation of railroad service and that of other common carriers; for the transporta-

tion of dead bodies; for the speedy and private interment of the bodies of persons who have died from said diseases; and, in emergency, for providing those sick with said diseases with necessary medical aid and with temporary hospitals for their accommodation and for the accommodation of their nurses and attendants. The department may declare any and all of its rules and regulations made in accordance with the provisions of this section to be in force within the whole state, or within any specified part thereof, and to apply to any person or persons, family, camp, building, vessel, railroad car, or public vehicle of any kind.

129 Me. 239.

Sec. 27. Rules must be approved by advisory council; publication; supersede all local rules. R. S. c. 22, § 30. 1933, c. 1, § 33. Any rules and regulations adopted by the department under the provisions of the preceding section shall be immediately submitted by it to the advisory council of health and welfare, and unless disapproved in writing by the advisory council such rules and regulations shall remain effective. Such rules and regulations, if of general application, shall be published in the state paper; but whenever in the judgment of the department it shall be necessary to do so, special rules and regulations, or orders relating to said diseases may be made for any town, village, or city without such publication, and the service of copies of such rules, regulations, or orders upon such town, village, or city through the officers thereof shall be a sufficient notice thereto; and the rules, regulations, or orders of the department made in accordance with the provisions of this section shall, for the time being and until the same are revoked, supersede all local rules, regulations, by-laws, or ordinances that may be inconsistent or in conflict therewith.

Sec. 28. Penalty for refusing to obey rules. R. S. c. 22, § 31. 1933, c. 1, § 34. 1935, c. 84, § 1. All health officers, municipal officers, sheriffs, constables, police officers, and marshals shall enforce the rules and regulations of the department made as provided in the 2 preceding sections in every particular affecting their respective localities and duties; and any person who shall neglect or refuse to obey the said rules and regulations, or who shall wilfully obstruct or hinder the execution thereof, shall be punished by a fine of not more than \$500, or by imprisonment for a period of not more than 6 months, or by both such fine and imprisonment. All authorities of every county, city, town, and village corporation, all health officers, and all officers and persons in charge of the institutions, buildings, and vehicles mentioned in section 26 shall cooperate with the department in carrying out the provisions of this section and the 2 preceding sections; and in case such cooperation be refused, withheld, or neglected, the said department may execute its orders and directions by agents of its own appointment; and all expenses incurred by members of the department or by duly appointed agents of said department under the provisions of this section shall be paid by the town.

Authority of state department of health as to construction of mausoleums and burial vaults, c. 54, §§ 26-38; as to prevention of disease arising from impure milk, §§ 123-126; c. 88, §§ 123-126.

Sec. 29. District health officers, appointment, duties, qualifications. R. S. c. 22, § 6. 1933, c. 1, § 15. The commissioner, with the advice of the director of health, shall from time to time divide the state into three or more health districts and shall appoint and may remove district health officers for each district. The district health officers shall not be engaged in any other occupation and shall give their entire time to the performance of their duties. The department may order two or more of said district health officers to work in one district in order

to study, suppress, or prevent disease. Each district health officer shall, under the direction of the department, perform such duties as may be prescribed by the department and shall act as the representative of the department and under its direction shall secure the enforcement within his district of the public health laws and regulations. Said district health officers shall be graduates of an incorporated medical school and admitted to practice medicine in this state, or shall have been certified in public health by a reputable institution of collegiate grade.

Sec. 30. Individual to select own physician. R. S. c. 22, § 7. 1933, c. 1, § 16. Nothing in this chapter shall be construed to empower or authorize the department or its representative to interfere in any manner with the right of any individual to select the physician or mode of treatment of his choice, providing that sanitary laws, rules, and regulations are complied with.

Sec. 31. Powers in emergency or threatened epidemics. R. S. c. 22, § 12. 1933, c. 1, § 17. In case of emergency or threatened epidemic of disease which may affect more than one city, town, or plantation, the said department, if it shall appear to it necessary and proper for the protection of life and health, may make such further orders and regulations as in its opinion the public exigency may require and which shall become effective immediately on their promulgation.

129 Me. 239.

Sec. 32. Threatened epidemics of rabies or hydrophobia; impounded dogs killed. 1933, c. 157. The department may, in the case of an emergency or threatened epidemic of rabies or hydrophobia when in its opinion the health and safety of the people in a community are endangered, issue orders to the mayor of any city or the municipal officers of any town or plantation to have killed any dogs found loose in violation of quarantine regulations and impounded for a period of 72 hours without being claimed by their owner.

The mayor of any city or the municipal officers of any town or plantation shall forthwith direct that such dogs be killed by a police officer or constable.

See c. 88, §§ 12, 22, 23, re licensing of dogs; to be killed under certain circumstances.

Sec. 33. Information to department upon request. R. S. c. 22, § 14. 1933, c. 1, § 18. In order to afford the department better advantages for obtaining knowledge important to be incorporated with that collected through special investigations and from other sources, all officers of the state, the physicians of all incorporated companies and the president or agent of any company chartered, organized, or transacting business under the laws of this state, as far as practicable, shall furnish to the department any information bearing upon public health which may be requested by said department for the purpose of enabling it better to perform its duties of collecting and distributing useful knowledge on this subject.

Local Health Officers

Sec. 34. Appointment of local health officers. R. S. c. 22, §§ 8, 10, 11, 52. 1931, c. 216, Art. III, § 9. 1933, c. 1, §§ 87, 94. 1935, c. 84, §§ 6, 13. 1941, cc. 80, 136. There shall be a local health officer in every city, town, and organized plantation in the state, who shall be appointed by the municipal officers subject to the approval of the commissioner, anything in the charter of such municipality to the contrary notwithstanding. The local health officer may be a resident of the city, town, or plantation, or a resident of any contiguous city, town, or plantation.

The first appointment of a health officer in any town shall be made at the first meeting of the municipal officers after their election, and shall be for a term of 3 years and until his successor is appointed. Any vacancy arising from any cause shall be filled for the unexpired term at the first meeting thereafter of the municipal officers. If for any reason the appointment is not made at said date, the same shall be made as soon as may be thereafter. Upon the failure to fill said office as hereinbefore stated within 30 days after a vacancy occurs therein, the commissioner may appoint said official. In case any local health officer neglects or refuses to carry out the public health laws and regulations of the department, the said commissioner may remove him from office.

In case of illness of the local health officer or his temporary absence from the town or from his duties, the municipal officers may appoint a substitute approved by the department, who shall serve in his stead during his absence from duty. The commissioner shall prescribe the powers and duties of the local health officer, and direct him, from time to time in the performance of his duties.

105 Me. 136; 129 Me. 239; 130 Me. 295.

Sec. 35. Compensation of local health officers. R. S. c. 22, § 47. 1933, c. 1, § 88. 1935, c. 84, § 6. The municipal officers shall fix and the town pay the salary or other compensation of the local health officer who shall be appointed under the provisions of the above section, and shall fix and audit all salaries, fees, and charges of persons employed by the local health officer in the execution of the health laws, or the local ordinances, and of the rules and regulations of the department. He may be employed to devote a part or all of his time to the performance of the duties of his office. If employed to give his entire time and if he possesses the qualifications of a district health officer as stated in section 29, or is approved by the commissioner on the basis of experience in public health administration, the department is authorized and directed to pay from money appropriated to said department for said purpose $\frac{1}{3}$ of the total salary of said official, but not exceeding \$800 a year, payment to be made directly by the state to the town by which said local health officer is employed.

Sec. 36. Duties of local health officer. R. S. c. 22, §§ 11, 50, 52. 1933, c. 1, §§ 92, 94. 1935, c. 84, § 7. The local health officer shall, in a book kept for that purpose, make and keep a record of all the proceedings and of all the transactions, doings, orders, and regulations of himself as health officer. Said local health officers shall assist in the reporting, prevention, and suppression of diseases and all conditions dangerous to health, and shall be subject to the supervision and direction of the department.

The local health officer shall guard against the introduction of contagious and infectious diseases, by the exercise of proper and vigilant medical inspection and control of all persons and things coming within the limits of his jurisdiction from infected places, or which for any cause are liable to communicate contagion; give public notice of infected places by displaying red flags or by posting placards on the entrances of the premises; require the isolation of all persons and things that are infected with, or have been exposed to, contagious or infectious diseases, and provide suitable places for the reception of the same; and furnish medical treatment and care for persons sick with such diseases who cannot otherwise be provided for; prohibit and prevent all intercourse and communication with, or use of, infected premises, places, and things, and require and, if necessary, provide the means for the thorough cleansing and disinfection of the same before general intercourse therewith, or use thereof, shall be allowed. He shall report to the department, promptly, facts which relate to infectious and

epidemic diseases occurring within the limits of his jurisdiction, and shall report to said department every case of such infectious or contagious diseases as the rules and regulations of said department shall require. Those diseases which the rules and regulations of the department may require to be reported shall be known, under the terms of this chapter, as notifiable diseases. Diseases which the department may promulgate as those which shall be quarantined or isolated shall be known as quarantinable diseases.

The local health officer shall receive and examine into the nature of complaints made by any of the inhabitants concerning nuisances dangerous to life and health within the limits of his jurisdiction; enter upon or within any place or premises where nuisances or conditions dangerous to life and health are known or believed to exist, and personally, or by appointed agents, inspect and examine the same; and all owners, agents, and occupants shall permit such sanitary examinations; and every such health officer shall order the suppression and removal of nuisances and conditions detrimental to life and health found to exist within the limits of his jurisdiction.

See § 34; 11 Me. 239.

Sec. 37. Reports to department. R. S. c. 22, § 51. 1933, c. 1, § 93. The health officer, at least once in each year, shall report to the department his proceedings and such other facts required, on blanks and in accordance with instructions received from said department. He shall also make special reports whenever required to do so by the department.

Sec. 38. Municipalities may combine into districts; state aid. R. S. c. 22, § 9. 1933, c. 1, § 91. Subject to the approval of the commissioner, several towns, cities, or organized plantations may unite in employing the same local health officer, who shall possess the qualifications enumerated in section 29 or be approved by the commissioner on the basis of experience in public health administration. He shall devote his entire time to the performance of his duties, and shall receive $\frac{1}{3}$ of his salary, but not more than \$800 a year, from the state.

Sec. 39. Notice of existence of any infectious disease. R. S. c. 22, § 55. 1933, c. 1, § 97. 1935, c. 84, § 12. Whenever any householder knows or has reason to believe that any person within his family or household has smallpox, diphtheria, scarlet fever, cholera, typhus or typhoid fever, cerebro-spinal meningitis, measles, membranous croup, so called, whooping-cough, or any other disease which is made notifiable by the rules and regulations of the department, he shall, within 24 hours, give notice thereof to the health officer of the town in which he resides, and such notice shall be given either at the office of the health officer, or by letter or telephone, the communication to be mailed or delivered to him within the time above specified, and in case there is no health officer, to the department, either at its office or by communication as aforesaid.

130 Me. 214.

Sec. 40. When indigent resident of another town is quarantined, notice to be sent to responsible town. 1933, c. 35. Whenever the local health officer, or, if there is none, any selectman is informed that a person who is a charge on another town is suspected of having a communicable or infectious disease, he shall notify the town or towns that may be charged with the expenses necessary for his care within 10 days.

Sec. 41. Infected person shall not be removed without permission of local health officer. R. S. c. 22, § 56. 1933, c. 1, § 98. 1935, c. 84, § 12. No house-

holder in whose dwelling there occurs any of the notifiable diseases shall permit any person suffering from any such disease or any clothing or other property to be removed from his house without the consent of the local health officer, and the said health officer shall prescribe the conditions of removal.

Sec. 42. Children, affected, shall not attend school, etc. R. S. c. 22, § 57. 1933, c. 1, § 99. No parent, guardian, or other person shall carelessly carry about children or others affected with infectious diseases, or knowingly or wilfully introduce infectious persons into other persons' houses, or permit such children under his care to attend any school, theatre, church, or any public place.

Sec. 43. Persons affected with smallpox, etc., shall not mingle with the public. R. S. c. 22, § 60. 1933, c. 1, § 102. 1935, c. 84, § 8. 1943, c. 330. No person afflicted with smallpox, scarlet fever, diphtheria, pulmonary tuberculosis, or any infectious or communicable disease so defined under the rules and regulations of the bureau of health, shall mingle with the general public until such time as such person has become non-infectious or has complied with the regulations of the department for control of the disease with which such person may be afflicted.

Any person who is or has been in direct contact with a person afflicted with any disease as above stated shall comply with the rules and regulations of the department, now in effect or hereafter adopted, concerning quarantine or necessary measures to render such contacts non-infectious. Nothing herein shall be construed to affect the provisions of section 30.

Sec. 44. Convalescents and nurses not to leave premises without certificate from local health officer. R. S. c. 22, § 61. 1933, c. 1, § 103. 1935, c. 84, § 8. Persons recovering from smallpox, scarlet fever, diphtheria, or other diseases for which disinfection may be required by the department, and nurses who have been in attendance on any person suffering from any such disease shall not leave the premises until they have received from the local health officer a certificate that they have taken such precautions as to their persons, clothing, and all other things which they propose bringing from the premises as are necessary to insure the immunity from infection of other persons with whom they may come in contact, and no such person shall expose himself in any public place, shop, street, inn, or public conveyance without having first adopted such precautions.

Sec. 45. Children who have been exposed to contagion shall be excluded from public schools. R. S. c. 22, § 65. 1933, c. 1, § 107. 1935, c. 84, § 12. Whenever smallpox, diphtheria, scarlet fever, or other contagious disease shall appear in a town, the local health officer shall immediately notify the teachers of the public schools in the neighborhood of the fact, and all teachers and school officers when thus notified, or when otherwise they shall know or have good reason to believe that any such disease exists in any house in the neighborhood, shall exclude from the schoolhouse all children and other persons living in such infected houses or who have called or visited at such houses, until such time as the local health officer shall certify that such children or other persons may safely be readmitted.

Sec. 46. Persons infected not to be allowed to enter any conveyance without notice to owner. R. S. c. 22, § 68. 1933, c. 1, § 110. No person having smallpox, diphtheria, scarlet fever, cholera, or other disease dangerous to public health shall enter, nor shall any person allow any one under his charge who has any such disease to enter, any conveyance without having previously notified the

owner or person in charge of such conveyance of the fact of his having such disease.

Sec. 47. When such conveyance has been so used, it shall be disinfected. R. S. c. 22, § 69. 1933, c. 1, § 111. 1935, c. 84, § 12. The owner or person in charge of any such conveyance shall not, after the entry of any person so infected into his conveyance, allow any other person to enter it, without having sufficiently disinfected it under the direction of the local health officer.

Sec. 48. Precautions against infected persons. R. S. c. 22, § 76. 1933, c. 1, § 118. 1935, c. 84, § 12. When any person is or has recently been infected with any disease or sickness dangerous to the public health, the local health officer of the town where he is shall provide for the safety of the inhabitants, as he thinks best, by removing him to a separate house, if it can be done without great danger to his health, and by providing nurses and other assistants and necessities, at his charge or that of his parents, if able.

19 Me. 223; 28 Me. 257; 45 Me. 409; 52 Me. 119; *66 Me. 60, 72; 67 Me. 371;
*99 Me. 19, 214; 102 Me. 38; 108 Me. 493.

Sec. 49. Local health officer to assist persons placed in quarantine; expenses incurred charged to town. R. S. c. 22, §§ 77, 78. 1933, c. 1, §§ 119, 120. 1935, c. 84, § 12. 1943, c. 78. Whenever any person or family is placed in quarantine by a local health officer to protect the public against smallpox, scarlet fever, diphtheria, or any other dangerous or contagious disease, said local health officer shall assist such person or family, if indigent or in a needy condition while in quarantine, in such a manner as in his judgment may be deemed wise and necessary.

All expenses for medical care and medicine, including antitoxin, incurred in carrying out the provisions of this section, or incurred in furnishing families or persons affected with tuberculosis with supplies needed to prevent the spread of infection, shall be deemed a legitimate expenditure for the protection of the public health and shall be charged to the account of incidental expenses of the town, but not to any pauper account, nor shall any person so quarantined and assisted be considered a pauper, or be subject to disfranchisement for that cause, unless such persons are already paupers as defined in the revised statutes. All other expenses may be recovered from the person quarantined, or whose family is quarantined, or from his parents, if able; otherwise from the town in which he has legal settlement. The provisions of this section shall not release the state from the obligations which are imposed upon it by sections 21 to 24, inclusive, of chapter 82.

See §§ 52, 81. 108 Me. 494; *113 Me. 319; 130 Me. 214.

Sec. 50. Precautions against persons arriving from infected places; restrictions; may be removed if refractory; penalty. R. S. c. 22, §§ 79, 80. 1933, c. 1, §§ 121, 122. 1935, c. 84, § 12. When an infectious or malignant distemper is known to exist in any place out of the state, the local health officer of any town in the state may, by giving such public notice therein as he finds convenient, require any person coming from such place to inform him or the town clerk of his arrival and from what place he came; and if he does not, within 2 hours after arrival, or after actual notice of such requirement, give such information, he forfeits \$100 to the town.

The local health officer may prohibit any such person from going to any part of his town where he thinks that the presence of such person would be unsafe for the inhabitants; and if he does not comply, the health officer may order him,

unless disabled by sickness, forthwith to leave the state in the manner and by the road which he directs; and if such person neglects or refuses to do so, any justice of the peace or judge or recorder in the county, on complaint of said local health officer, may issue his warrant to any proper officer or other person named therein, and cause him to be removed from the state; and if during the prevalence of such distemper in the place where such person resides, he returns to any town in the state without the license of its local health officer, he forfeits not more than \$100.

See c. 88, § 6, re forfeitures inure to town where offense is committed.

Sec. 51. Precautions authorized in border towns; penalty. R. S. c. 22, § 81. 1933, c. 1, § 123. 1935, c. 84, § 12. The local health officer of any town near or adjoining the state line may, by writing under his hand, appoint suitable persons to attend at any places by which travelers may pass into such town from infected places in other states or provinces, who may examine such passengers as they suspect of bringing with them any infection dangerous to the public health, and if need be, may restrain them from traveling until licensed thereto by said local health officer; and any such passenger who without such license travels in this state, except to return by the most direct way to the state or province whence he came, after he has been cautioned to depart by the persons so appointed, forfeits not more than \$100.

See c. 88, § 6, re forfeitures inure to town where offense is committed.

Sec. 52. Antitoxin, vaccines, and drugs, in certain cases, to be furnished free. R. S. c. 22, § 73. 1933, c. 1, § 115. 1935, c. 84, § 9. To provide for the control of diphtheria and other contagious diseases, the local health officer shall furnish antitoxin, vaccines, drugs, and necessary medical attention free to all indigent persons suffering from such diseases at the expense of the town, in such manner as the department may direct.

If the health officer fails to furnish the supplies as provided in this section, the state may do so and charge the account to the town.

Sec. 53. Medical supplies to indigent non-residents. R. S. c. 22, § 75. 1933, c. 1, § 117. 1935, c. 84, § 11. The local health officer in any town furnishing an indigent person, having pauper settlement in another town, antitoxin or other medical supplies shall be reimbursed by the town in which the patient has pauper settlement. The state shall reimburse cities or towns furnishing such supplies to any person having no legal settlement in any city or town within the state.

*19 Me. 223; *108 Me. 495.

General Provisions Relating to Infectious Diseases

Sec. 54. Free vaccination provided, annually. R. S. c. 22, § 110. 1933, c. 1, § 163. 1935, c. 84, § 12. The local health officer of each city, village, town, and plantation shall annually on the 1st day of March, or oftener if he deems it prudent, provide for the free vaccination with the cowpox, of all the inhabitants, within their respective localities, to be done under the care of skilled practicing physicians, and under such circumstances and restrictions as said authorities adopt therefor.

Sec. 55. Paper mills not to employ persons not vaccinated. R. S. c. 22, § 111. 1933, c. 1, § 164. 1935, c. 84, § 12. No owner, agent, or superintendent of any paper mill where domestic or foreign rags are used in the manufacturing of paper shall hire or admit any person to work in or about said mill who has not been successfully vaccinated or revaccinated within 2 years, or to the satisfaction of the local health officer.

See § 59.

Sec. 56. Persons not vaccinated not to work in paper mill. R. S. c. 22, § 112. 1933, c. 1, § 165. 1935, c. 84, § 12. No person shall work in or about any paper mill where rags are used, who has not been successfully vaccinated or revaccinated within 2 years, or to the satisfaction of the local health officer.

See § 59.

Sec. 57. List of employees to be furnished semiannually. R. S. c. 22, § 113. 1933, c. 1, § 166. 1935, c. 84, § 12. The owner, agent, and superintendent in every paper mill where rags are used shall every year, in the months of February and September, make out and deliver to the local health officer a list containing the names, ages, kind of work, and places of residence of all persons employed in or about said mill.

See § 59.

Sec. 58. Employees to be examined semiannually. R. S. c. 22, § 114. 1933, c. 1, § 167. 1935, c. 84, § 12. In the months of March and October, annually, each and every person who is employed in a paper mill shall be examined by the local health officer as to whether he or she is successfully and sufficiently protected by vaccination, and the local health officer shall in all cases be the judge of the sufficiency of the protection by vaccination.

See § 59.

Sec. 59. Penalty. R. S. c. 22, § 115. 1933, c. 1, § 168. Whoever violates any provision of the 4 preceding sections shall be punished by a fine of not more than \$50.

Sec. 60. Enforcement of §§ 55-59. R. S. c. 22, § 116. 1933, c. 1, § 169. 1935, c. 84, § 12. The local health officers within their respective jurisdiction and the department shall enforce the provisions of the 5 preceding sections as far as comes within their power, and when said department knows or has reason to believe that any penalty or forfeiture has been incurred by reason of neglect to comply with said sections, it shall give notice thereof, in writing, to the county attorney of the county in which said penalty or forfeiture has occurred, and upon receipt of such notice the county attorney shall prosecute the defaulting person or persons.

Sec. 61. Physician shall give notice of existence of contagious disease; proceedings in cases of violation. R. S. c. 22, §§ 58, 59. 1933, c. 1, §§ 100, 101. 1935, c. 84, § 8. Whenever any physician knows or has reason to believe that any person whom he is called upon to visit has or is infected with any of the notifiable diseases, such physician shall forthwith give notice thereof to the local health officer of the town in which such person lives. Any local health officer in the state, who shall have knowledge of any violation of the provisions of this section occurring within the jurisdiction of his town, shall forthwith give notice thereof in writing and of all facts within his knowledge in relation thereto, to the county attorney of the county in which such violation has occurred, and said county attorney shall thereupon examine into the case and take such action in the matter as the circumstances of the case require.

Prevention of Infectious Diseases, Persons, Places, and Articles

Sec. 62. Notice to owner of any infected house, etc., requiring same to be disinfected; failure to comply with notice; penalty. R. S. c. 22, §§ 53, 54. 1933, c. 1, §§ 95, 96. 1935, c. 84, §§ 8, 12. When any local health officer is of opinion

that the cleansing and disinfecting of any house, building, car, vessel, or vehicle, or any part thereof, and of any article therein likely to contain infection, would tend to prevent or check infectious disease, such local health officer shall give notice in writing to the owner, agent, or occupier of such house, building, car, vessel, or vehicle, or part thereof, requiring him to cleanse and disinfect to the satisfaction of the health officer, such house, building, car, vessel, or vehicle, and said articles within a time specified in such notice.

If the person to whom notice is given fails to comply therewith, he shall be punished by a fine of not less than \$5, nor more than \$10, for every day during which he continues to make default; and the local health officer shall cause such house, building, car, vessel, or vehicle, or any part thereof, and articles to be cleansed and disinfected at the expense of the town, and the town may recover the expenses so incurred from the owner, agent, or occupier in default, by an action of special assumpsit.

Sec. 63. Schoolhouses, when infected, shall be closed. R. S. c. 22, § 66. 1933, c. 1, § 108. 1935, c. 84, § 12. When persons from houses or places which are infected with any of the diseases for which disinfection may be required by the department have entered any schoolroom, or when, from any other cause, the schoolroom has probably become infected, the teacher shall dismiss the school, and notify the school officers and local health officer, and no school shall be again held in such school room until the room has been disinfected to the satisfaction of the local health officer, and the school officers and health officer shall cause the room to be disinfected as soon as possible.

Sec. 64. When any cellar, etc., becomes unfit for occupancy, notice to be served on the owner, to cleanse the same; if owner fails, local health officer may cleanse at owner's expense. R. S. c. 22, § 67. 1933, c. 1, § 109. 1935, c. 84, § 12. The local health officer, when satisfied upon due examination, that a cellar, room, tenement, or building in his town, occupied as a dwelling-place, has become, by reason of want of cleanliness, or other cause, unfit for such purpose and a cause of sickness to the occupants or the public, may issue a notice in writing to such occupants, or the owner or his agent, or any one of them, requiring the premises to be put into a proper condition as to cleanliness, or, if they see fit, requiring the occupants to quit the premises within such time as the local health officer may deem reasonable. If the persons so notified, or any of them, neglect or refuse to comply with the terms of the notice, the local health officer may cause the premises to be properly cleansed at the expense of the owner, or may close the premises, and the same shall not be again occupied as a dwelling-place until put in a proper sanitary condition. If the owner thereafter occupies or knowingly permits the same to be occupied without putting the same in proper sanitary condition, he shall forfeit not less than \$10, nor more than \$50.

Sec. 65. Houses to be disinfected, where contagion has existed. R. S. c. 22, § 70. 1933, c. 1, § 112. 1935, c. 84, § 12. No person shall let or hire any house or room in a house in which any of the diseases have existed for which disinfection may be required by the department, without having caused the house and the premises used in connection therewith to be disinfected to the satisfaction of the local health officer.

Sec. 66. Disinfection, excreta, bedding, etc. R. S. c. 22, § 62. 1933, c. 1, § 104. 1935, c. 84, § 12. Nurses and other attendants upon persons sick with smallpox, scarlet fever, diphtheria, or other quarantinable disease shall adopt for the disinfection and disposal of excreta, and for the disinfection of utensils.

bedding, clothing, and other things which have been exposed to infection, such measures as may be ordered in writing by the local health officer.

Sec. 67. Use of bedding and clothing until disinfected, prohibited. R. S. c. 22, § 63. 1933, c. 1, § 105. 1935, c. 84, § 12. No person shall give, lend, transmit, sell, or expose any bedding, clothing, furniture, or other article which has been used by persons affected with smallpox, scarlet fever, diphtheria, or other disease for which disinfection may be required by the department, or from rooms which have been occupied by such persons, without first having said articles disinfected to the satisfaction of the local health officer.

Sec. 68. Bedding and clothing may be destroyed. R. S. c. 22, § 64. 1933, c. 1, § 106. 1935, c. 84, § 12. Any local health officer may direct the destruction of any bedding, clothing, or other articles which have been exposed to infection.

Sec. 69. Officers not to be obstructed in performance of duty. R. S. c. 22, § 71. 1933, c. 1, § 113. 1935, c. 84, § 12. Any health officer or other person employed by the local health officer may, when obstructed in the performance of his duty, call to his assistance any constable or other person he thinks fit, and every such constable or person so called upon shall render assistance.

Sec. 70. Penalty for violations. R. S. c. 22, § 72. 1933, c. 1, § 114. 1935, c. 84, § 12. 1943, c. 184. Whoever wilfully violates any provision of section 34, sections 36 to 39, inclusive, sections 41 to 47, inclusive, and sections 61 to 69, inclusive, or of said regulations and by-laws, or neglects or refuses to obey any order or direction of any local health officer authorized by said provisions, the penalty for which is not herein specifically provided, or wilfully interferes with any person or thing to prevent the execution of the provisions of said sections or of said regulations and by-laws shall be punished by a fine of not more than \$50, or by imprisonment for not more than 6 months, or by both such fine and imprisonment; judges of municipal courts shall have jurisdiction, original and concurrent with the superior court, of all offenses under said sections.

Occupational Diseases

Sec. 71. Reports from physicians. R. S. c. 22, § 26. 1933, c. 1, § 45. Every physician attending upon or called to visit a person whom he believes to be suffering from poisoning from lead, phosphorus, arsenic, or mercury, or their compounds, or from anthrax, or from compressed air illness, or any other ailment or disease contracted as a result of such person's occupation or employment shall, within 10 days after his first attendance upon such person, send to the department a written notice, stating the name, post-office address, and place of employment of such person, the nature of the occupation and the disease or ailment from which, in the opinion of the physician, the person is suffering, with such other specific information as may be required by the department.

Sec. 72. Lead poisoning. R. S. c. 22, § 27. 1933, c. 1, § 46. In like manner as is provided in the preceding section, every case of lead poisoning and of suspected lead poisoning, which has resulted from the use of water which contains lead or is suspected of containing lead, shall be reported to the department; and when such reports are received, the said department shall assist, by laboratory work and otherwise, the attending physician to determine whether the case is one of lead poisoning, and if so, the source of the poison.

Sec. 73. Penalty; prosecutions. R. S. c. 22, § 28. 1933, c. 1, § 47. Any physician who fails to perform the duty imposed by the 2 preceding sections within the time therein limited shall be deemed guilty of a misdemeanor, and shall be punished by a fine of not less than \$5, nor more than \$10. The department and the county attorney of the county wherein any such physician resides shall prosecute all violations of said sections which shall come to the knowledge of them or either of them.

Tuberculosis

Sec. 74. Tuberculosis declared infectious; duty of physicians and others. R. S. c. 22, § 16. 1933, c. 1, § 125. 1935, c. 84, § 12. Tuberculosis is declared to be an infectious and communicable disease, dangerous to the public health. Every physician in the state shall report in writing, to the local health officer within 48 hours after the fact comes to the knowledge of said physicians, the name, age, sex, color, occupation, place where last employed, if known, and address, of every person known by said physician to have tuberculosis. Such report shall be made on forms furnished by the department.

The name of the householder, where the tuberculous person lives or boards, and such other facts as may be called for on the blank reports so furnished shall also be included in the report. The chief officer having charge for the time being of any hospital, dispensary, asylum, sanatorium, or other similar private or public institution in the state shall report to the department in like manner the name, age, sex, color, occupation, place where last employed, if known, and previous address of every patient having tuberculosis who comes into his care or under his observation, within 48 hours thereafter. Such physician or chief officer shall also give notice to the department of the change of address of any tuberculous patient who is, or has lately been under his care, if he is able to give such information.

See § 372, re town and city clerks to send copy of certificate of death from tuberculosis to health officer; c. 23, § 14, re inmates of state prison and other institutions may be transferred to sanatorium; c. 88, § 7, re sanatorium prohibited unless approved; 116 Me. 426.

Sec. 75. Tuberculous persons registered in department. R. S. c. 22, § 15. 1933, c. 1, § 124. The department shall keep a register of all persons in the state who are known to be affected with tuberculosis. The department shall have sole and exclusive control of said register, and shall not permit inspection thereof nor disclose any of its personal particulars, except to its own agents or to local officials when in the interest of the public health and safety it is deemed necessary to do so.

Sec. 76. Notice of vacancy. R. S. c. 22, § 17. 1933, c. 1, § 126. 1935, c. 84, § 12. Whenever any apartment or premises are vacated by the death or removal therefrom of a person having tuberculosis, the attending physician, or if there be no such physician, or if the physician be absent, the owner, lessee, occupant, or other person having charge of said apartments or premises shall notify the local health officer of the town of said death or removal within 24 hours thereafter, and such apartments or premises so vacated shall not again be occupied until duly disinfected, cleansed, or renovated as hereinafter provided.

See c. 37, § 56, re notice of disease of any child to parents or guardians by school committee.

Sec. 77. Infected articles to be disinfected. R. S. c. 22, § 18. 1933, c. 1, § 127. 1935, c. 84, § 12. When notified as provided in the preceding section that any apartments or premises have been vacated, the local health officer or his

agent shall within 24 hours thereafter visit said apartments or premises, and shall order and direct that, except for the purposes of cleansing or disinfection, no infected article shall be removed therefrom until properly and suitably cleansed or disinfected; and said local health officer shall determine the manner in which such apartments or premises shall be disinfected, cleansed, or renovated in order that they may be rendered safe and suitable for occupancy. If the local health officer determines that disinfection is sufficient to render them safe and suitable for occupancy, such apartments or premises, together with all infected articles therein, shall immediately be disinfected by said health officer at public expense, or if the owner prefers, by the owner at his expense, to the satisfaction of the local health officer; but the methods or processes of disinfection and the material or agencies with which it shall be done shall be those which are advised by the department for work of that kind in connection with tuberculosis.

Sec. 78. When orders of local health officer are not obeyed. R. S. c. 22, § 19. 1933, c. 1, § 128. 1935, c. 84, § 12. In case the orders or directions of the local health officer requiring the disinfection, cleansing, or renovation of any apartments or premises or any articles therein, as hereinbefore provided, shall not be complied with within 48 hours after such order or directions shall be given, the health officer may cause a placard in words and form substantially as follows to be placed upon the door of the infected apartments or premises:

"Tuberculosis is a communicable disease. These apartments have been occupied by a consumptive and may be infected. They must not be occupied until the order of the health officer directing their disinfection or renovation has been complied with. This notice must not be removed under penalty of the law except by the local health officer or other duly authorized official."

Sec. 79. Tuberculous persons to exercise care; duty of local health officer. R. S. c. 22, § 20. 1933, c. 1, § 129. 1935, c. 84, § 12. Any person having tuberculosis, who shall dispose of his sputum, saliva, or other bodily secretion or excretion so as to cause offense or danger to any person or persons in the same room or apartment, house, or part of a house, shall, on complaint of any person or persons subjected to such offense or danger, be deemed guilty of a nuisance; and any person subjected to such a nuisance may make complaint in person or writing to the local health officer of any town where the nuisance complained of is committed. The local health officer upon receiving such complaint shall investigate, and if it appears that the nuisance complained of is such as to cause offense or danger to any person in the same room, apartment, house, or part of a house, he shall serve a notice upon the person so complained of, reciting the alleged cause of offense or danger, and requiring him to dispose of his sputum, saliva, or other bodily secretion or excretion in such manner as to remove all reasonable cause of offense or danger. Any person failing or refusing to comply with orders or regulations of the local health officer of any town, requiring him to cease to commit such nuisance, shall be deemed guilty of a misdemeanor and on conviction thereof shall be punished by a fine of not more than \$10.

Sec. 80. Duty of physician. R. S. c. 22, § 21. 1933, c. 1, § 130. 1935, c. 84, § 12. Any physician attending a patient having tuberculosis shall take all proper precautions and shall give proper instructions to provide for the safety of all individuals occupying the same house or apartment, and if no physician be attending such patient, this duty shall devolve upon the local health officer; all duties imposed upon physicians by the provisions of sections 74 to 84, inclusive, shall be performed by the local health officer in all cases of tuberculosis not

attended by a physician, or when the physician fails to perform the duties herein specified, and shall so report.

Sec. 81. Precautionary measures; needy patients. R. S. c. 22, § 22. 1933, c. 1, § 131. 1935, c. 84, § 12. Precautionary measures carried out by physicians, local health officers, and others to prevent the transmission of infection to other persons shall be in accordance with the advice given by the department in its printed circulars, and reports to the department shall include a statement of what procedures and precautions have been taken to prevent the spread of infection. In cases of needy patients, who are not able to provide themselves with proper supplies or material in the opinion of the attending physician needed to prevent the communication of infection, the physician may send a requisition to the local health officer of the town in which the tuberculous patient lives, for such supplies and material to aid him in preventing the spread of the disease, and all local health officers shall honor, so far as possible, any requisition signed by the attending physician, and the bill for these supplies shall be paid by the town.

See § 49.

Sec. 82. Recoveries to be reported. R. S. c. 22, § 24. 1933, c. 1, § 133. Upon the recovery of any person having tuberculosis, the attending physician shall make a report of this fact to the department, which shall record the same in the records of its office, and shall relieve said person from further liability to any requirements imposed by the 8 preceding sections.

Sec. 83. Penalty. R. S. c. 22, § 25. 1933, c. 1, § 134. Any person violating any provision of the 9 preceding sections shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished, except as herein otherwise provided, by a fine of not less than \$5, nor more than \$50.

Sec. 84. False statement by physician; penalty. R. S. c. 22, § 23. 1933, c. 1, § 132. Any physician who shall knowingly report as affected with tuberculosis any person who is not so affected, or who shall wilfully make any false statement concerning the name, age, sex, color, occupation, or other facts called for on the blanks prepared by the department of any person reported as affected with tuberculosis, or who shall certify falsely as to any of the precautions taken to prevent the spread of infection, shall be deemed guilty of a misdemeanor and on conviction thereof shall be punished by a fine of not more than \$100.

Sec. 85. Investigation of suspected cases of tuberculosis or glanders in domestic animals. R. S. c. 22, § 117. 1933, c. 1, § 170. 1935, c. 84, § 12. Whenever a local health officer has notice of, or suspects the existence of, a case of tuberculosis or glanders in domestic animals, such officer shall forthwith investigate or cause to be investigated the truth of such notification or the grounds of such suspicion; and if there appear to be good grounds for believing that such disease is present, the local health officer shall notify the commissioner of agriculture, reciting in said notification the grounds for his belief or suspicion.

See c. 88, § 6, re forfeitures under §§ 74-85 inuring to town.

Cancer Control

Sec. 86. Cancer control. 1941, c. 35. The department is authorized to make investigations concerning cancer, the prevention and treatment thereof, and the mortality therefrom; and to take such action as it may deem will assist in bringing about a reduction in the mortality due thereto.

Control and Eradication of Venereal Diseases

Sec. 87. Venereal diseases, control of; acceptance of provisions of federal law; federal grants, disposal of. 1943, c. 108, §§ 1, 2, 3. The department, through its bureau of health, is authorized to administer a program to extend and improve its services for controlling and eradicating venereal diseases.

The department is authorized to:

I. Apply for federal aid under the provisions of the Venereal Disease Control Act of 1938;

II. Cooperate with the federal government through the United States public health service in matters of mutual concern pertaining to venereal diseases, including such methods of administration as are found to be necessary for the efficient operation of the plan for such aid;

III. Make such reports in such form and containing such information as the surgeon-general of the United States public health service may require, and comply with such provisions as said surgeon-general may find necessary to assure the correctness and verification of such reports.

The treasurer of state shall be the appropriate fiscal officer of the state to receive federal grants on account of venereal disease services as contemplated by the Venereal Disease Control Act of 1938, and the state controller shall authorize expenditures therefrom as approved by the department.

Sec. 88. Examination and treatment of gonorrhea and syphilis. R. S. c. 22, § 136. 1933, c. 1, § 35. The department shall provide, at the state laboratory of hygiene or elsewhere, facilities for the free bacteriological examination of discharges for the diagnosis of gonorrheal infections, and shall also provide at cost vaccine or antitoxin for the treatment of such infections. Said department shall make at the expense of the state the Wassermann test or its equivalent for the diagnosis of syphilis; and shall furnish the treatment known as Salvarsan or other accredited specific treatment at cost.

Sec. 89. Department to include information concerning venereal diseases in bulletins. R. S. c. 22, § 137. 1933, c. 1, § 36. The department shall include in bulletins and circulars distributed by it, information concerning the diseases covered by the preceding section, provided that nothing shall be contained in such bulletins or circulars which will disclose the identity of the persons suffering from such venereal disease nor the identity of any state-aided, county-aided, or municipally-aided charitable institution in which such persons are treated or cared for.

Infectious and Communicable Diseases

Sec. 90. Definition; duties of physicians and officers of institutions; reports of bureau of health. R. S. c. 22, §§ 134, 140. 1933, c. 1, §§ 37, 310. 1943, c. 358. Syphilis, gonorrhea, chancroid, and lymphogranuloma venereum are declared to be infectious and communicable diseases, dangerous to the public health.

Every physician in the state, within 48 hours of the time the fact comes to the knowledge of said physician, shall report in writing to the bureau of health any person known by said physician to have any of the above diseases, and shall keep a record of such cases by number, and name and address. Such report shall be made on a form furnished and numbered by the bureau of health, which

shall state only the age, sex, and color of the person infected. In case such person having any of the above named diseases fails to observe the necessary precautions indicated in the treatment thereof, or in cases where financial obligations for treatment are incurred by the bureau of health, the name and address of such person shall be submitted at once to the bureau of health.

All information and reports concerning persons suffering with venereal diseases shall be made on forms furnished and numbered by the bureau of health, shall be held confidential, and shall not be available to any person not an agent of the said bureau, or for any other than a public health purpose.

The chief officer having charge for the time being of any hospital, asylum, dispensary, jail, sanatorium, or other similar private or public institution in the state shall report in like manner any cases of the above named diseases which come into his care or under his observation and shall comply with such rules and regulations as are made by the department to prevent the spread of venereal disease.

See § 93; c. 88, § 7, re sanatorium prohibited unless approved.

Sec. 91. Bureau of health may require examination; limitation. R. S. c. 22, § 141. 1933, c. 1, § 38. 1935, c. 84, § 12. 1943, c. 358. The bureau of health is empowered to make such investigations as may be necessary to ascertain the source of any infectious or communicable disease. Whenever said bureau has cause to believe that any person is infected with any of the above diseases so as to expose others to the dangers thereof, said bureau by its representative shall petition a judge of the municipal court or 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 judge or justice may order such notice thereon as he may deem proper for such person to appear and answer thereto. Upon hearing, if said court finds cause to believe that such person is so infected, he may issue an order requiring said person to be examined by a licensed physician, at the expense of the bureau; and use all necessary legal processes to carry its decrees into effect.

See § 93.

Sec. 92. Bureau to supervise cure of disease. R. S. c. 22, § 142. 1933, c. 1, § 39. 1943, c. 358. It shall be the duty of said bureau, when the report provided for in section 90 or the examination provided for in section 91 reveals that such person has any of the above diseases and has not consulted a physician or has not taken the necessary treatment, to place such person immediately under medical treatment in order to effect a cure. Such treatment shall continue until, in the opinion of the attending physician, the cure of said disease has been effected, or is rendered non-infectious.

Nothing in the provisions of sections 90 to 92, inclusive, shall be construed as denying to any person the right to be examined or treated by a licensed physician of his own choice.

See § 93.

Sec. 93. Penalty. 1943, c. 358. Any person who violates the provisions of sections 90, 91, and 92 shall be punished by a fine of not more than \$100, or by imprisonment for not more than 11 months, or by both such fine and imprisonment.

Sale of Prophylactic Rubber Goods for the Prevention of Venereal Diseases

Sec. 94. Prevention of disease. 1935, c. 154, § 1. No sanitary or prophylactic rubber or other articles for the prevention of venereal diseases shall be sold or otherwise disposed of in this state without a license therefor issued by the bureau of health.

Sec. 95. Licenses. 1935, c. 154, § 2. There shall be 2 kinds of licenses issued by the bureau of health, to wit:

- I. Wholesale license;
- II. Retail license.

Sec. 96. Wholesale licenses. 1935, c. 154, § 3. Wholesale licenses 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 sections 94 to 106, inclusive, to anyone who is not a duly licensed retailer as herein provided.

Sec. 97. Retail licenses. 1935, c. 154, § 4. Retail licenses shall be issued only to retail drug stores regularly registered and licensed by this state.

Sec. 98. Application for license. 1935, c. 154, § 5. A license provided by sections 94 to 106, inclusive, shall be issued by the 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. 99. Fees. 1935, c. 154, § 6. The annual fees for licenses under the provisions of sections 94 to 106, inclusive, shall be: wholesale license \$15; retail license \$2. All fees received for licenses under the provisions of this section shall be placed in a separate fund and expended for inspection under, and enforcement of, the provisions of sections 94 to 106, inclusive.

Sec. 100. Term of license. 1935, c. 154, § 7. All licenses issued under the provisions of sections 94 to 106, inclusive, 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 when 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 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. 101. Information to be furnished. 1935, c. 154, § 8. In addition to such other information as the bureau of health may determine shall be furnished in any application for license under sections 94 to 106, inclusive, the following information shall be given under oath, all of which shall be deemed material:

I. 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;

II. The business location, street and number, where such business is to be carried on.

Sec. 102. Licenses not transferable; exception. 1935, c. 154, § 9. A license issued to any applicant pursuant to the provisions of sections 94 to 106, inclusive, for certain premises shall not be transferable except on written consent of

the bureau of health, and each license issued shall be available only to the person or persons, firm, or corporation therein specified and for the premises licensed and for no other.

Sec. 103. License for separate locations. 1935, c. 154, § 10. Any person, firm, or corporation eligible for license under the provisions of section 94 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. 104. License to be displayed. 1935, c. 154, § 11. Every holder of a license under the provisions of section 94 shall at all times keep same on display visible for inspection within the place of business for which same is issued.

Sec. 105. Penalty. 1935, c. 154, § 12. Any person or persons, firm, corporation, or any member of a firm, or any officer, director, or employee of a corporation who violates any provision of sections 94 to 106, inclusive, 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. 106. Disposition of fines. 1935, c. 154, § 13. 1943, c. 269, § 8. When any fines shall be collected from anyone guilty of violating the provisions of sections 94 to 106, inclusive, $\frac{1}{2}$ of any sum collected as such fine shall accrue to the bureau of health and be added to the fund specified in section 99 to be expended for expenses of inspection under, and enforcement of, sections 94 to 106, inclusive.

Premarital Medical Examinations

Sec. 107. Physician's examination and standard test for application for marriage license. 1941, c. 202, § 1; c. 312, § 4. Except as herein otherwise provided in sections 108 to 115, inclusive, no application for a marriage license shall be accepted by the town or city clerk unless accompanied by or unless there shall have been previously filed with him a statement or statements signed by a physician duly licensed to practice in the state of Maine, or by a physician duly licensed to practice outside of the state of Maine who is a graduate of a class A medical school, that each applicant has been given a physical examination, including a standard blood test, as required by the bureau of health for the discovery of syphilis, made on a day specified in the statement, which shall not be more than the 30th day prior to that on which the license is applied for, said blood test to be made by the state laboratory or by a hospital laboratory approved by the bureau of health, and that in the opinion of the physician the person therein named is not infected with syphilis, or, if so infected, is not in a stage of that disease whereby it may become communicable. Provided, however, that if it appears from said first test that the applicant is infected with syphilis, every such applicant shall have the right to have a minimum of 3 tests in connection with said application, of which not less than two shall establish the opinion of the physician that such applicant is infected with such venereal disease. Provided further, that in case an application for a marriage license is finally denied, the person making such application may again apply for a marriage license when he or she has reason to believe that the cause for denial no longer exists.

Sec. 108. Waiver on emergency. 1941, c. 202, § 2. 1943, c. 251. Because of emergency or other cause shown by affidavit or other proof, any justice of the superior court, or judge of probate, if satisfied that the public health and welfare

will not be injuriously affected thereby, may make an order, in his discretion, on joint application of both of the parties desiring the marriage license, dispensing with the requirements of the preceding section as to either or both of the parties, including the laboratory statement specified below, or, if the statement or statements provided for by such section have been filed, extending the 30-day period following the examination and test to not later than a day specified, which, however, shall be not more than 90 days after the examination and test. The order shall be accompanied by a memorandum in writing of the said justice or judge reciting his reasons for granting the order. Application for such extension may be made before or on the expiration of such 30-day period. The order and the accompanying memorandum shall be filed with the town or city clerk, and he then shall accept and consider application for the marriage license without the production or filing of any of the physician's statements dispensed with by the order, or shall accept and consider the application within any such extended period, as the case may be. The clerk shall hold such memorandum of a judge or justice in absolute confidence.

Sec. 109. Physician's statement and laboratory test. 1941, c. 202, § 3. Each physician's statement shall be accompanied by a statement from the person in charge of the laboratory making the test or tests, or from some other person authorized to make such statement, setting forth the name of the test or tests, the date it was completed and the name and address of each person whose blood was tested, but not stating the result of the test or tests. The physician's statement and the laboratory statement shall be on the same form sheet. Upon a separate form a detailed report of the laboratory test or tests, showing the result of the test or tests, shall be transmitted by the laboratory to the physician, who, after examining it, shall file it with the bureau of health, and it shall be held in absolute confidence and shall not be open to public inspection; provided, however, that it may be produced under subpoena in a proceeding upon appeal as provided for in section 114.

Sec. 110. Free blood test for those unable to pay. 1941, c. 202, § 4. A blood sample may be sent to the state laboratory and shall be examined free of charge. An applicant who is unable to pay costs of the physician for taking the blood sample and making required statement may go to any of the established clinics maintained by the state for such examination and certificate or to the town or city physician in the town or city in which said applicant resides, such service to be performed without charge.

Sec. 111. Exception to the requirement of the physician's certificate. 1941, c. 202, § 5. The physician's certificate as to whether either applicant is infected with communicable syphilis at the time of application for marriage license shall not be required for the granting of such license when the woman states that she is pregnant and the license may be granted whether a report has been received from the laboratory or not and irrespective of what that report shows, but a physician's statement must be filed with the town or city clerk stating that a blood sample has been taken from each applicant.

Sec. 112. Fee. 1941, c. 202, § 6. All fees and charges of any physician making the necessary examination or examinations of and issuing the necessary certificate to any one party, as provided in sections 107 to 115, inclusive, shall not exceed the sum of \$3 for each person examined.

Sec. 113. Form sheets, certificates, etc. 1941, c. 202, § 7. The bureau of health shall arrange and provide the form sheets and certificates required in sections 107 to 115, inclusive, and shall supply without charge such form sheets and certificates upon application, to any duly licensed physician in the state.

Sec. 114. Right to appeal. 1941, c. 202, § 8. When an applicant has been refused a marriage license, such applicant shall have the right to appeal to the superior court within 90 days from the date of such refusal. The court may try such appeal without the intervention of a jury upon the evidence provided by the certificate or certificates of the medical examiner or examiners, and the decision of such court shall be final.

Sec. 115. Penalty for misrepresentation. 1941, c. 202, § 9. Any applicant for marriage license, any physician, or any representative of a laboratory who shall misrepresent any of the facts called for by the physician's statement and the laboratory report or statement, or any town or city clerk who shall issue a license without the required certificate, or any officer of the bureau of health or any employee of said department who shall not hold the laboratory record confidential, except as provided in section 109 with respect to its production for evidence on order of the justice or judge of any court, shall be guilty of a misdemeanor, and shall be punished by a fine of not less than \$100, nor more than \$500, or by imprisonment for not less than 30 days, nor more than 90 days, in the county jail.

Prenatal Examination

Sec. 116. Physician to take sample of blood for laboratory test. 1939, c. 290, § 1. Every physician attending a woman in the state by reason of her being pregnant during gestation shall in the case of every woman so attended take or cause to be taken with her consent a sample of blood of such woman, and submit such sample for a standard serological test for syphilis to a laboratory of the department or to a laboratory approved for this test by the department. Such laboratory tests as are required by sections 116 to 119, inclusive, shall be made on request without charge by the department.

Sec. 117. Standard tests to be approved by the department. 1939, c. 290, § 2. The department is authorized to approve one or more tests for syphilis which shall be known as standard tests, and may approve and appoint other laboratories in addition to the state laboratory to make such tests.

Sec. 118. Blood specimens to be accompanied by information blank; report. 1939, c. 290, § 3. Blood specimens sent to a laboratory in compliance with section 116 shall be accompanied by an information blank which shall contain the initials of the person whose blood is submitted or a number or other suitable means of identification, and also the word "Prenatal" to indicate the purpose of the examination.

If the person in question is found to be infected with syphilis, the physician in charge shall make a report to the bureau of health on a regular blank, supplied by the bureau for the reporting of venereal diseases, adding thereto the word "Prenatal" in addition to such other information as may be indicated on said blanks.

Such reports shall be kept in a special file at the bureau and shall not be considered a public record. However, such reports may be produced in any court

procedure where they may be material and relevant, on an order of the justice presiding.

Sec. 119. Civil action not maintainable. 1939, c. 290, § 4. No civil action shall be maintainable for failure to comply with the provisions of the 3 preceding sections.

Prevention of Blindness

Sec. 120. Duty of physician, midwife, or nurse to prevent blindness; penalty. R. S. c. 22, § 130. 1933, c. 1, § 185. If one or both eyes of an infant become reddened or inflamed at any time within 4 weeks after birth, the midwife, nurse, or person having charge of said infant shall report the condition of the eyes at once to some legally qualified practitioner of medicine of the town in which the parents of the infant reside. Every physician, midwife, or nurse in charge shall instil or cause to be instilled into the eyes of the infant immediately upon its birth, 1 or 2 drops of a prophylactic solution prescribed by the department, unless either parent or the guardian of the infant shall offer conscientious objections thereto. Any failure to comply with the provisions of this section shall be punishable by a fine of not more than \$100, or by imprisonment for not more than 6 months.

Analysis of Water Sold for Domestic Purposes

Sec. 121. Persons selling water for domestic purposes may be required to submit samples for examination; sale may be prohibited if polluted. R. S. c. 22, § 143. 1933, c. 1, § 43. The department may require any person selling water for domestic purposes to furnish samples thereof for chemical and bacteriological examination, and if said water is found to be contaminated, polluted, and unfit for domestic use, the department may issue an order prohibiting the transporting, sale, distribution, or supplying of such water as long as such contamination, pollution, and unfitness remains.

Sec. 122. Penalty. R. S. c. 22, § 144. 1933, c. 1, § 44. Whoever neglects or refuses to furnish such samples of water, or violates or disobeys any order of said department as provided in the preceding section shall be punished by a fine of not less than \$5, nor more than \$50, or by imprisonment for not less than 10 days, nor more than 30 days.

Inspection and Sale of Milk

Sec. 123. Inspector or agent of department may make inspection of dairy buildings. R. S. c. 42, § 7. 1933, c. 1, § 48. Whenever, in the opinion of any officer or duly authorized inspector or agent of the department, it may be necessary to guard against the spread of any infectious or communicable disease, or to investigate the source of infection of any case or outbreak of said disease, or to facilitate the control of said disease, said officer, inspector, or agent may at all times enter and inspect premises, rooms, carriages, or other places occupied or used in the production, manufacture, storage, sale, transportation, or distribution of milk, cream, ice cream, or other dairy product, and may inspect all cans and other utensils or things used in, or appertaining to, the work or business.

Sec. 124. Officer may prohibit sale or transportation of infected products; duty of department. R. S. c. 42, § 8. 1933, c. 1, § 49. When any officer, inspector, or duly authorized agent of the department has reason to believe that the milk, cream, ice cream, or other dairy product from any farm, home, or other place has been or is contaminated or infected by being handled or otherwise exposed to any person who has infectious or communicable disease, or to any person of whom there is reason to believe that he may be an infection carrier, or that the milk is otherwise infected; said officer, inspector, or agent may issue an order prohibiting the transportation, sale, distribution, or use of such milk or other dairy product from that farm, home, or other place so long as the danger of contamination or infection is believed to exist; but when such order is given, the department shall, so far as possible, determine the time when the danger of transmitting infection has passed, and shall endeavor to shorten the period during which the milk or other dairy product shall be debarred or withheld from transportation, sale, distribution, or use.

Sec. 125. Officers may take samples to aid in investigation. R. S. c. 42, § 9. 1933, c. 1, § 50. Any officer or authorized inspector or agent of the department may, upon tendering the market price of a sample of milk, cream, ice cream, or other dairy product, take such sample from any person, firm, corporation, association, or society, when it is believed that such sample may help in any investigations which it may be thought desirable to make.

Sec. 126. Department may make rules and regulations as to diseases transmitted through milk. R. S. c. 42, § 10. 1933, c. 1, § 51. The department may make, alter, or modify such rules and regulations as may be thought necessary relating to the diseases which it believes may be carried or transmitted through milk or other dairy products, or relating to the ways and means through which the danger of the spread of infection may be prevented or lessened, and the methods which shall be followed by any officer, inspector, or agent of the department in the performance of his duties in relation thereto.

Infected Vessels. Quarantine

Sec. 127. Masters, seamen, or passengers of vessels may be examined on oath in reference to infectious distempers; penalty. R. S. c. 22, § 93. 1933, c. 1, § 145. 1935, c. 84, § 12. If a master, seaman, or passenger of a vessel in which there is, has lately been, or is suspected to have been any infection, or which has come from a port where any infectious distemper prevails, dangerous to the public health, refuses to answer, on oath, such questions as are asked him relating to such infection or distemper, by the local health officer of the town to which such vessel comes, which oath the said health officer may administer, he shall forfeit not more than \$200, or be imprisoned for not more than 6 months.

Sec. 128. Vessels with infected persons to anchor at a distance from towns; penalty. R. S. c. 22, §§ 94, 95. 1933, c. 1, §§ 146, 147. 1935, c. 84, § 12. When a vessel arrives at a port having on board any person infected with a malignant disease, the master, commander, or pilot shall anchor it at some convenient place below the town of such port, at a distance safe for the inhabitants thereof and the persons on board other vessels in said port: and no person or thing on board shall be brought on shore, until the local health officer gives his written permit. For the wilful violation of the provisions of this section, such master or com-

mander forfeits not more than \$200 and the pilot not more than \$50 for each offense.

45 Me. 503.

Sec. 129. Local health officer may establish quarantine regulations; penalty. R. S. c. 22, §§ 96, 100. 1933, c. 1, §§ 148, 152. 1935, c. 84, § 12. The local health officer of a seaport town may cause vessels arriving there to perform quarantine at such place and under such regulations as he judges expedient, when he thinks that the safety of the inhabitants requires it; and whoever neglects or refuses to obey such orders and regulations shall forfeit not more than \$500, or be imprisoned for not more than 6 months.

Sec. 130. Duty of pilots to give notice thereof; penalty. R. S. c. 22, § 97. 1933, c. 1, § 149. 1935, c. 84, § 12. When the local health officer thinks it necessary to order all vessels, arriving there from any particular port or ports, to perform quarantine, he shall give notice thereof to the pilots of his port; who shall make it known to the masters of all vessels which they board. A pilot who neglects to do so, or who contrary thereto pilots any vessels up to said seaport town, forfeits not more than \$100.

Sec. 131. Penalty for violation or evasion of quarantine, after notice. R. S. c. 22, § 98. 1933, c. 1, § 150. 1935, c. 84, § 12. If the master or commander of a vessel takes it up to any seaport town after notice that a quarantine has been so directed for all vessels coming from the port or place whence his vessel sailed; or by false declarations, or otherwise, fraudulently attempts to elude such directions; or lands or suffers to be landed from his vessel any person or thing, without permission of the local health officer, he shall be punished as provided in section 129.

Sec. 132. Local health officer to furnish signals; restrictions on persons visiting vessels at quarantine. R. S. c. 22, § 99. 1933, c. 1, § 151. 1935, c. 84, § 12. The local health officer of every seaport town requiring vessels to perform quarantine shall provide, at the expense of such town, a suitable number of red flags at least 3 yards in length; and the master of every vessel ordered to perform quarantine shall, during the term thereof, cause one of them to be continually kept at the head of the mainmast of his vessel; and no person shall board such vessel during said term unless by permission of said local health officer; if he does, he shall be thereafter held liable to the same regulations and restrictions as those belonging to said vessel; and shall there be detained by force, if necessary, until discharged by said local health officer.

Sec. 133. Expenses, how paid. R. S. c. 22, § 101. 1933, c. 1, § 153. Expenses incurred on account of any person, vessel, or goods, under quarantine regulations, shall be paid by such person, or the owner of the vessel or goods, as the case may be.

See § 374, re proceedings as to burial of body of person dying of contagious disease; c. 88, § 6, re forfeitures under §§ 127-133 inuring to town; c. 124, § 1, re penalty for polluting water supply; c. 124, §§ 4, 5, re selling milk from cows diseased or fed upon injurious substances; c. 124, §§ 2-9, re selling unwholesome provisions or drinks.

Removal of Infected Persons and Goods

Sec. 134. Process for removal or separate accommodations of infected persons. R. S. c. 22, § 82. 1933, c. 1, § 135. 1935, c. 84, § 12. 1939, c. 203. Upon complaint made to any trial justice or judge of a municipal court, such trial jus-

tice or judge of a municipal court may issue a warrant, directed to a proper officer, requiring him to remove any person infected with contagious sickness, under the direction of the local health officer of the town where he is; or to impress and take convenient houses, lodgings, nurses, attendants, and other necessities for the accommodation, safety, and relief of the sick, or for the protection of the public health.

66 Me. 72, 314.

Sec. 135. Process for securing infected articles. R. S. c. 22, § 83. 1933, c. 1, § 136. 1935, c. 84, § 12. 1939, c. 203. When on application of the local health officer of a town it appears to any trial justice or judge of a municipal court that there is just cause to suspect that any baggage, clothing, or goods therein are infected with any malignant contagious distemper, he shall, by a warrant directed to a proper officer, require him to impress so many men as said trial justice or judge thinks necessary, to secure such infected articles, and to post said men as a guard over the place where the articles are lodged, who shall prevent any persons from removing or approaching such articles, until due inquiry is made into the circumstances.

Sec. 136. Justice may by warrant require officers to remove them to suitable places. R. S. c. 22, § 84. 1933, c. 1, § 137. 1935, c. 84, § 12. Any trial justice or judge of a municipal court may by the same warrant, if it appears to him necessary, require said officer, under the direction of the local health officer, to impress and take convenient houses or stores for the safe-keeping of such infected articles, and cause them to be removed thereto, or otherwise detained, until the local health officer thinks that they are free from infection.

Sec. 137. Powers of officers in executing such process. R. S. c. 22, § 85. 1933, c. 1, § 138. Said officer, if need be, may break open any house, shop, or other place mentioned in the warrant, where infected articles are, and require such aid as is necessary to execute it; and any person who, at the command of any such officer, fails to assist in such execution shall be punished by a fine of not more than \$10.

Sec. 138. Expenses, how paid. R. S. c. 22, § 86. 1933, c. 1, § 139. 1935, c. 84, § 12. The charges for securing such infected articles and of transporting and purifying them shall be paid by the owners thereof, at the price determined by the local health officer.

Sec. 139. Compensation for men or property impressed. R. S. c. 22, § 87. 1933, c. 1, § 140. When the officer impresses or takes any house, store, lodging, or other necessities, or impresses any man, as herein provided, the parties interested shall have a just compensation therefor, to be paid by the town in which such persons or property were impressed.

65 Me. 404.

Sec. 140. Removal of infected prisoners from places of confinement. R. S. c. 22, § 89. 1933, c. 1, § 141. 1935, c. 84, § 12. When any person in a jail, house of correction, or workhouse is attacked with a disease which the local health officer of his town, by medical advice, considers dangerous to the safety and health of other prisoners, or of the inhabitants of the town, he shall, by his order in writing, direct his removal to some place of safety, there to be securely kept and provided for until his further order; and if he recovers from such disease, he shall be returned to his place of confinement.

Sec. 141. Order for removal, how returned; such removal, not an escape. R. S. c. 22, § 90. 1933, c. 1, § 142. 1935, c. 84, § 12. If any person was committed under the provisions of the preceding section by an order of court or judicial process, the order for his removal, or a copy thereof attested by the local health officer, shall be returned by him with the doings thereon into the office of the clerk of the court from which such order or process was issued. No such removal shall be deemed an escape.

Sec. 142. May order removal of private nuisances; proceedings; penalty. R. S. c. 22, § 91. 1933, c. 1, § 143. 1935, c. 84, § 12. When any source of filth, or other cause of sickness is found on private property, the owner or occupant thereof shall, within 24 hours after notice from the local health officer, at his own expense, remove or discontinue it; and if he neglects or unreasonably delays to do so, he forfeits not exceeding \$100; and said local health officer shall cause said nuisance to be removed or discontinued; and all expenses thereof shall be repaid to the town by such owner or occupant, or by the person who caused or permitted it.

See c. 88, § 51, re lunch wagons; c. 128, § 21, re steam engines, etc. as nuisances; 57 Me. 438, 440; 65 Me. 436; 87 Me. 475.

Sec. 143. Depositing carcass of dead animal where it may cause nuisance forbidden; penalty. R. S. c. 22, § 92. 1933, c. 1, § 144. 1935, c. 84, § 12. Whoever personally or through the agency of another leaves or deposits the carcass of a dead horse, cow, sheep, hog, or of any other of the larger domestic animals in any place where it may cause a nuisance shall, upon receiving a notice to that effect from the local health officer, promptly remove, bury, or otherwise dispose of such carcass, and if he fails to do so within such time as may be prescribed by the local health officer, and in such manner as may be satisfactory to such health officer, he shall be punished by a fine of not less than \$5, nor more than \$25, or by imprisonment for not more than 1 month.

See c. 88, § 6, re forfeitures under §§ 134-143 inuring to town.

Extermination of Mosquitoes

Sec. 144. Department to use methods for the extermination of mosquitoes; to cooperate with state entomologist in study of mosquito life-history, breeding places, etc.; to spread information concerning mosquitoes. R. S. c. 22, § 150. 1933, c. 1, § 40. The department is authorized and directed to use all lawful methods for the extermination of mosquitoes and prevention of their breeding. In cooperation with the state entomologist it is authorized to carry on such investigation of mosquito life-history and control and of the prevalence of mosquito breeding places in this state and particularly in any locality when so requested by the local health officer as will in its judgment furnish information necessary to the successful carrying on of mosquito extermination by any agency within the state. It shall also be the duty of said department to cause to be carried on, by such means as it may deem best, the spread of information concerning the nature and results of mosquito extermination among the people of the state.

Sec. 145. Department authorized to enter breeding places and to carry out necessary control methods; may delegate authority to local health officers or other officials. R. S. c. 22, § 151. 1933, c. 1, § 41. Representatives of the department shall be authorized to enter upon areas suspected of being breeding places of salt-marsh or fresh-water mosquitoes wheresoever located and to carry out necessary control measures for the abatement of mosquito nuisances and the eradication of such mosquitoes. Said department may delegate authority to carry

out such control measures to local health officers or other officials of cities, towns, or plantations in which control work is deemed necessary.

Sec. 146. Department to have power to expend such money as the legislature may appropriate for the extermination of mosquitoes. R. S. c. 22, § 152. 1933, c. 1, § 42. For the purpose of carrying into effect the provisions of sections 144 and 145, said department shall have power to expend such amount of money annually as may be appropriated by the legislature.

Bedding

Sec. 147. Second-hand material in mattresses and pillows to be sterilized and mattress and pillow tagged as containing such material. R. S. c. 22, § 145. 1933, c. 1, § 55. 1935, c. 84, § 2. No person shall manufacture for sale, sell, lease, offer to sell or lease, or deliver or consign in sale or lease, or have in his possession with intent to sell, lease, deliver, or consign in sale or lease any mattress or pillow, which in making or remaking has been filled with any material of which prior use has been made, unless since last used such material has been thoroughly sterilized and disinfected by a reasonable process approved by the department, and unless such mattress or pillow shall bear securely attached thereto a substantial cloth tag upon which shall be plainly and indelibly stamped or printed in English, a statement showing that the material so used is second-hand in part or in whole, as the case may be, and that it has been disinfected or sterilized according to law.

Sec. 148. Department of health to enforce regulations in regard to the manufacture of bedding. R. S. c. 22, § 146. 1933, c. 1, § 56. 1935, c. 84, § 3. The commissioner, his agents, any local health officer, or any officer qualified to serve civil or criminal processes shall have the power to seize and hold for evidence at a trial for the violations of the provisions of sections 147 to 151, inclusive, any mattress or pillow made, remade, or offered for sale in violation of said section 147; and all places where mattresses or pillows are made, remade, or offered for sale, or where sterilizing or disinfecting is performed under the provisions of said sections, shall be subject to inspection by the commissioner or any of his agents, including local health officers.

Sec. 149. False statement on or removal of tags to be unlawful. R. S. c. 22, § 147. 1933, c. 1, § 57. 1935, c. 84, § 4. It shall be unlawful to make any false statement on any tag required under the provisions of section 147, or to remove, alter, or deface any such tag placed on any mattress or pillow in accordance with the provisions of said section.

Sec. 150. Certain persons exempted. R. S. c. 22, § 149. 1933, c. 1, § 59. 1935, c. 84, § 5. Any person making, remaking, or renovating mattresses or pillows not intended for sale, lease, or consignment in sale or lease, and executors and administrators of estates of decedents shall not be subject to the provisions of the 3 preceding sections.

Sec. 151. Penalty. R. S. c. 22, § 148. 1933, c. 1, § 58. Any person violating any provision of sections 147 to 151, inclusive, shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not less than \$10, nor more than \$50, for each offense.

Recreational Camps and Roadside Places

Sec. 152. Eating and lodging places, recreational and overnight camps to be licensed. R. S. c. 36, § 28. 1933, c. 1, § 186. 1935, c. 83, § 1. No person, corporation, firm, or copartnership shall conduct, control, manage, or operate, directly or indirectly, any eating or lodging place, recreational or overnight camp, unless the same shall be licensed by the department.

Sec. 153. Definition, "overnight camp." 1937, c. 167. The designation "overnight camp" shall include in addition to the usual interpretation; filling stations, seashore resorts, lakeshore places, picnic and lunch grounds, or other premises where trailers, auto homes, or house cars are permitted to be parked for compensation, either directly or indirectly, and such places shall be subject to the license requirements of the department as now provided by the provisions of sections 152 to 158, inclusive, and to such regulations as may be adopted by the department for regulating the conduct and sanitation of such establishments.

Sec. 154. Department authorized to license; terms and fees. R. S. c. 36, §§ 29, 30. 1933, c. 1, § 187. 1935, c. 83, § 1. 1943, c. 117. The department is empowered to license eating and lodging places, recreational and overnight camps. Such licenses shall be issued by the department under such terms and conditions as it deems advisable, and fees for licenses not exceeding \$5 may be charged. The fees thus received shall constitute a permanent fund to carry out the provisions of sections 152 to 158, inclusive.

Sec. 155. Licenses when, duration of, not transferable. 1935, c. 83, § 2. No person, corporation, firm, or copartnership shall engage in the business of conducting an eating or lodging place, recreational camp, or overnight camp without first procuring a license from the department for each eating or lodging place, recreational camp, or overnight camp so conducted or proposed to be conducted, provided that one license shall be sufficient for each combined eating place and lodging place where both are conducted in the same building and under the same management. Each license shall expire on the 30th day of June next following the issuance and shall not be transferable.

Sec. 156. Exceptions to license requirements. 1935, c. 83, § 2. 1941, c. 38. Private homes shall not be deemed or considered lodging places and subject to a license where not more than 2 rooms are let to other than transient guests, unless they hold themselves in any way as ready to accept or do accept transient guests. Licenses shall not be required from dormitories of charitable, educational, or philanthropic institutions, nor from private homes used in emergencies for the accommodation of persons attending conventions, fairs, or similar public gatherings, nor from temporary eating and lodging places for the same, nor from railroad dining or buffet cars, nor from construction camps, nor from boarding houses and camps conducted in connection with wood cutting and logging operations.

Stores or other establishments where bottled soft drinks and/or ice cream are sold for consumption from the original containers only, and where no tables, chairs, glasses, or other utensils are provided in connection with such sale shall not be considered eating places within the meaning of this section; but at such establishments straws or spoons may be provided to aid in the consumption of such bottled soft drinks or ice cream, provided they shall be supplied in original individual single service sterile packages.

Such establishments and all eating places, subject to license under the provisions of this chapter, shall be subject to such inspections as may be deemed necessary by the department to insure compliance with the rules and regulations of the department relating to sanitation and the prevention of communicable diseases.

Sec. 157. Revocation of licenses; appeal. 1935, c. 83, § 2. 1943, c. 318. The bureau of health shall have the power to issue, renew, suspend, and revoke such licenses and to hold hearings on violations of the provisions of sections 152 to 158, inclusive, and regulations adopted under the provisions of said sections. The director of health, or his duly authorized representative in charge of the hearings, may administer oaths and issue subpoenas for witnesses.

Whenever the commissioner of agriculture informs the bureau of health that a licensee holding a license to operate an eating place in a hotel, restaurant, lunch cart, or lunch counter, or any eating place is not complying with the laws and regulations governing the sale of food, the bureau of health shall revoke the license of the licensee.

The licensee shall have notice in writing of the charge or charges against him and shall have reasonable opportunity to be heard in his defense. Any license suspended or revoked shall be delivered to any agent of the bureau of health upon demand. Any person whose license has been suspended or revoked may apply to have same reissued and it shall be reissued upon satisfactory evidence that the violations no longer exist. Any person operating an eating or lodging place after such license shall have been revoked shall be considered as operating without a license and liable to all the penalties therefor.

Any person aggrieved by the decision of the bureau of health in revoking or suspending a license or by the refusal of said bureau of health to issue a license may within 10 days thereafter appeal to any justice of the superior court, by presenting to him a petition therefor, in term time or vacation. Such justice shall fix a time and place for hearing, which may be in vacation, and cause notice thereof to be given to the bureau of health; and after hearing, such justice may affirm or reverse the decision of the bureau of health, and the decision of such justice shall be final. Pending judgment of the court, the decision of the bureau of health in revoking or suspending any license shall remain in full force and effect. The bureau shall, within 3 days after notice of such appeal, forward to the said court a certified copy of the proceedings.

Sec. 158. Penalty. 1935, c. 83, § 2. Whoever violates any of the provisions of sections 152 to 158, inclusive, shall be punished by a fine of not less than \$10, nor more than \$100, for each offense.

Treatment of Persons Suffering from Opiates

Sec. 159. Persons suffering from use of opiates may be committed to general hospital. R. S. c. 22, § 131. 1933, c. 1, § 52. A person alleged to be suffering from the effects of the use of an opiate, cocaine, chloral hydrate, or other narcotic may be committed to the care of any hospital or any legally qualified physician of not less than 5 years' actual practice for treatment; and the medical authorities of said hospital or said physician to whom said patient is committed may restrain said patient, so committed, in such manner as may be necessary for his protection, for a period of not more than 90 days.

Sec. 160. Agreement for personal restraint. R. S. c. 22, § 132. 1933, c. 1, § 53. Before any restraint shall be imposed under the authority of the preceding

section, a voluntary agreement shall be made in writing by the person suffering from the effects of any drug mentioned in said section, to the imposition of restraint upon his actions, if necessary, and such agreement must be witnessed by the husband, wife, or parent of the person aforesaid, or one of the municipal officers of the city or town in which the person, so suffering, is a resident, and approved, after reasonable notice, by a justice of the superior court or the judge of probate in the county where the patient resides.

Sec. 161. Investigation as to progress of cases may be required. R. S. c. 22, § 133. 1933, c. 1, § 54. Any justice of the superior court or the judge of probate in the county where the patient resides may, at his discretion, require the department, or one of the county examiners of insane criminals, to investigate as to the progress of any such case; and, upon his or its certificate that further restraint is unnecessary, may annul the agreement and the person restrained shall be immediately released upon the order of said justice.

Inspection of Plumbing; Plumbers

Sec. 162. Inspectors of plumbing; appointment and tenure. R. S. c. 22, § 118. 1933, c. 1, § 171. 1935, c. 84, §§ 12, 13. 1941, c. 136. In every city or town where there is a system of water supply or sewerage, the local health officer may, whenever necessary, appoint one or more inspectors of plumbing, who may or may not be residents of the town or city for which they are appointed, and who shall hold office for 1 year.

The appointments of local plumbing inspectors shall be subject to the approval of the commissioner, and any vacancies in their offices not filled subject to the commissioner's approval may be filled by the commissioner for the unexpired term, provided the commissioner may delegate authority to approve appointments of plumbing inspectors to the director of health.

Sec. 163. Compensation of inspectors; their duties. R. S. c. 22, § 119. 1933, c. 1, § 172. 1935, c. 84, § 12. The compensation of said inspectors shall be determined by the local health officer appointing them, subject to the approval of the municipal officers, and shall be paid from the treasury of their respective cities or towns. Such inspectors shall inspect all plumbing, for which permits are granted, within their respective cities or towns, which is in process of construction, alteration, or repair, and shall report to said health officer all violations of any law, ordinance, by-law, rule, or regulation relative to plumbing; and also perform such other appropriate duties as may be required. The approval of plumbing by any inspector, other than those appointed as provided in the preceding section, shall not be a compliance with the provisions hereof.

See §§ 34, 162.

Sec. 164. No inspector shall approve his own work; inspection of work done by regular inspector. R. S. c. 22, § 120. 1933, c. 1, § 173. 1935, c. 84, § 12. No inspector of plumbing shall inspect or approve any plumbing work done by himself, or by any person by whom he is employed, or who is employed by or with him; but in a city or town which is subject to the provisions of the 2 preceding sections, the local health officer shall appoint an additional inspector of plumbing, in the same manner and subject to the same qualifications as the regular inspector of plumbing, who shall inspect, in the manner herein prescribed, plumbing done by the regular inspector or by any person by whom he is employed, or who is employed by or with him. Said additional inspector may act in

case of the absence or inability of the regular inspector, and shall receive for his services the same compensation as the regular inspector for a like duty.

Sec. 165. Cities and towns may prescribe plumbing regulations, subject to state minimum. R. S. c. 22, § 121. 1931, c. 235, § 1. 1933, c. 1, § 174. Any city or town, may by ordinance or by-law, prescribe regulations for the materials, construction, alteration, and inspection of all pipes, tanks, faucets, valves, and other fixtures by and through which waste or sewage is used and carried, and for the materials and sizes of pipe which carry water to all plumbing fixtures, which regulations shall provide not less than the minimum requirements of the rules and regulations of the department in relation to plumbing work, for the carrying of such waste and sewage and for the materials and sizes of pipe which carry water to all plumbing fixtures, and shall provide that such pipes, tanks, faucets, valves, or other fixtures shall not be placed in any building in such city or town (except to repair leaks or replace an old fixture to be used for the same purpose) except after the issuing of a permit for the installation of such work, issued by the inspector of plumbing in such city or town in accordance with a written description or information on such application blanks as shall be approved and furnished to such cities or towns by the department.

118 Me. 452.

Sec. 166. Issue of permits, fees; distribution of fees; hearings on regulations. 1931, c. 235, § 2. 1933, c. 1, § 175. The permit required by the preceding section shall be issued on the payment of a fee of not less than 50c for each such permit but not more than \$1 per fixture, up to a total of 5 fixtures; for over 5 fixtures not less than 10c and not more than 30c shall be charged for each additional fixture, as shall be determined by such ordinance or by-law; $\frac{1}{3}$ of the amount of such fees shall be paid through the department to the treasurer of state to be maintained as a permanent fund and used by the department for the carrying out of the provisions of sections 165 to 167, inclusive. The remainder shall be paid to the treasury of the city or town and used exclusively for carrying out the plumbing laws in such cities or towns. Fixtures for the purposes of sections 165 to 167, inclusive, shall be defined as: receptacles intended to receive and discharge water, liquid, or water carried wastes into a drainage system with which they are connected.

The department shall hold hearings on the 1st Tuesdays of February and August of each year or oftener if deemed advisable for the purpose of considering changes in the rules and regulations pertaining to plumbing.

Sec. 167. Regulations of department control where no local regulations are made; provision for local inspectors. 1931, c. 235, § 2. 1933, c. 1, § 176. In any city or town which does not prescribe plumbing regulations as provided for in section 165, the rules and regulations of the department in relation to plumbing work for the carrying of such waste and sewage and for the materials and sizes of pipe which carry water to all plumbing fixtures shall have full force and effect. Permits for the installation of such plumbing in such cities or towns shall be issued by a local inspector appointed or approved by the department on the payment of such fees as shall be determined by that department within the limitations as to amount set forth in section 166. All amounts so received shall be paid into the state fund described in section 166.

Sec. 168. Annual reports. R. S. c. 22, § 122. 1933, c. 1, § 177. 1935, c. 84, § 12. Inspectors of plumbing and local health officers shall annually, before the 1st day of June, make a full report in detail to their respective cities or towns of

all their proceedings during the year under the provisions of the 5 preceding sections.

Sec. 169. Penalty. R. S. c. 22, § 124. 1931, c. 235, § 2. 1933, c. 1, § 179. Whoever violates any provision of the 7 preceding sections and of section 171, or any ordinance, by-law, or regulation made thereunder, shall be punished by a fine of not less than \$10, nor more than \$50, for each offense. Trial justices shall have jurisdiction of all offenses under said sections.

Sec. 170. Plumbers. R. S. c. 22, § 125. 1933, c. 1, § 180. 1937, c. 149, § 1. No plumbing shall hereafter be done for compensation, except as hereinafter provided, unless done by a plumber or other person licensed by the plumbers' examining board hereinafter created.

See § 184.

Sec. 171. Definitions. R. S. c. 22, §§ 123, 126. 1933, c. 1, §§ 178, 181. 1937, c. 149, §§ 2, 4. The following words and phrases when used in sections 170 to 185, inclusive, shall be construed as follows:

I. A "master plumber" shall mean any person, firm, or corporation that as a business, hires or employs a person or persons to do plumbing work, or without hiring any person does such work as a principal business or as auxiliary to a principal business for his or its own account.

II. A "journeyman plumber" shall mean any person who customarily performs the work of installing plumbing and drainage under the direction of a master plumber, or, not being a master plumber as herein defined, does plumbing repair work as a regular part time occupation.

III. "The board" shall be the plumbers' examining board appointed under the provisions of section 172.

IV. "Apprentice" shall mean any person other than a journeyman plumber or master plumber who is engaged in learning and assisting in the installation of plumbing and drainage.

V. "Plumbing" is the art of installing in buildings the pipes, fixtures, and other apparatus for bringing in the water supply and removing liquid and water-carried wastes.

Sec. 172. Appointment of plumbers' examining board; vacancies; removal of members; compensation. R. S. c. 22, § 127. 1933, c. 1, § 182. 1937, c. 149, § 2. A plumbers' examining board as heretofore established, and hereinafter in sections 172 to 185, inclusive, called "the board," shall consist of an executive officer who shall be the director of the division of sanitary engineering of the bureau of health and 2 other members, hereinafter called the appointive members, who shall be appointed by the governor with the advice and consent of the council. One of said appointive members shall be a master plumber as defined in section 171, and the other a journeyman plumber as defined in section 171, and who has been engaged in the business of plumbing for at least 2 years. As the terms of said appointive members expire, new appointive members shall be appointed for terms of 2 years. Any vacancy in said board caused by death, resignation, or removal of any member shall be filled by the appointment of a person qualified as aforesaid, to hold office during the unexpired term of the member whose place is thus filled. Any member of said board may be removed from office for cause, by the governor, with the advice and consent of the council. The members of the board shall each be allowed the sum of \$10 per day

and their necessary traveling expenses for actual attendance upon any examination of candidates for license, and for any necessary hearings.

Sec. 173. Employees. 1937, c. 149, § 2. The board shall be empowered to appoint and remove such employees as it shall deem necessary and to fix their compensation within the limitations of the funds provided by sections 170 to 185, inclusive.

Sec. 174. Meetings; rules and regulations. R. S. c. 22, § 128. 1933, c. 1, § 183. 1937, c. 149, § 2. The plumbers' examining board shall hold regular meetings semiannually and shall hold additional meetings at such other times as they shall determine by their rules, or upon request of the 2 appointive members of their board, or upon request of the director of the division of sanitary engineering. Said board shall keep correct records of all its proceedings and shall be authorized to make such rules and regulations as it shall deem necessary for the holding of examinations and for carrying out the purpose of the provisions of sections 170 to 185, inclusive, and to provide for reciprocity of licensing with similar boards of other states which maintain standards at least equal to this state.

Sec. 175. Licensing of master plumbers. 1937, c. 149, § 2. Any person shall, upon the payment of a fee of \$15, be entitled to examination and, if found qualified by a majority of the members of the board, shall be licensed as a master plumber and shall receive a certificate thereof under the seal of the board and with the signature of the executive officer, which shall state the facts and which must be publicly displayed at the principal place of business of said master plumber as long as said person continues in the business as herein defined. Any person refused a license may be reexamined at any subsequent meeting of said board, within 1 year of the time of such refusal, without additional fee and thereafter may be examined as often as he may desire upon payment of the fee of \$15 for each examination.

Sec. 176. Licensing of journeymen plumbers. 1937, c. 149, § 2. Any person shall, upon payment of a fee of \$3, be entitled to examination and, if found qualified by a majority of the members of the board, shall be licensed as a journeyman plumber and shall receive a certificate thereof under the seal of the board and with the signature of the executive officer, which shall state the facts, and which shall be carried on the person and displayed at any time upon request. Any journeyman plumber refused a license may be reexamined at any subsequent meeting of said board, within 1 year of the time of such refusal, without additional fee and thereafter may be examined as often as he may desire upon payment of a fee of \$3 for each examination.

Sec. 177. Examinations for license. 1937, c. 149, § 2. Each applicant for license shall present to the executive officer of the board on blanks furnished by the board, a written application for examination and license, containing such information as the board may require, accompanied by the fee provided for in sections 175 and 176. Examinations shall be in whole or in part in writing and shall be of a thorough and practical character. They shall cover the theoretical and practical nature of plumbing and such branches thereof as the board may deem necessary.

Sec. 178. Renewal of licenses; master plumbers. 1937, c. 149, § 2. All licenses issued as aforesaid shall expire on the last day of the calendar year in which issued, and they may be renewed thereafter for periods of 1 year without

further examination on payment of a fee of \$10 for each year for a master plumber. Any master plumber who fails to renew his license during any fiscal year, in subsequent years may renew his license only after payment of all unpaid renewal fees.

Sec. 179. Renewal of licenses; journeymen plumbers. 1937, c. 149, § 2. All licenses issued as aforesaid shall expire on the last day of the calendar year in which issued, and they may be renewed thereafter for periods of 1 year without further examination on payment of a fee of \$1.50 for each year for a journeyman plumber. Any journeyman plumber who fails to renew his license during any fiscal year, in subsequent years may renew his license only after payment of all unpaid renewal fees.

Sec. 180. Corporations and partnerships may be licensed. 1937, c. 149, § 2. The board may issue its license to corporations and partnerships engaged in the plumbing business and applying therefor, provided that one or more officers or employees of any such corporation directly in charge of the business affairs of such corporation, or the members of such partnership directly in charge of the business affairs, apply for the examinations hereinbefore provided and satisfy the board of their qualifications as master plumbers.

Sec. 181. Disposal of fees. 1937, c. 149, § 2. All fees received by the board shall be paid by the executive officer thereof into the treasury of the state and may be used for carrying out the provisions of sections 170 to 185, inclusive.

See c. 15, § 27, re fund for payment of fees, etc.

Sec. 182. Investigation of complaints; licenses may be revoked. 1937, c. 149, § 2. The board shall investigate all complaints made to it and all cases of non-compliance with or violation of the provisions of sections 170 to 185, inclusive, and shall bring all such cases to the notice of the proper prosecuting officers. The board, after a conviction for crime in the course of plumbing business, of any person, firm, or corporation to whom a license has been issued by them and after hearing, may by vote of majority of the board revoke the license and cancel the registration of the person, firm, or corporation to whom the same was issued. Said board may also suspend or revoke any license by a majority vote of the board, in any case where such license has been wrongfully obtained or for any fraud connected with the said registration.

Sec. 183. Records. 1937, c. 149, § 2. The board shall keep a record of the name and residences of all persons registered under the provisions of sections 170 to 185, inclusive, and a record of all moneys received and disbursed by it, and said records or duplicates thereof shall be open for inspection during office hours.

Sec. 184. Exceptions. 1937, c. 149, § 2. 1941, c. 299. The provisions of sections 170 to 185, inclusive, shall not apply to regular employees of public utilities as defined in section 15 of chapter 40 when working as such, nor to regular employees of owners or lessees of real property when working as such, nor to persons whose occupation is the doing of miscellaneous jobs of manual labor in the course of which some incidental plumbing repairs or alterations are made by them. The provisions of sections 170 to 185, inclusive, shall not apply in cities, towns, or plantations that have a population of 3,000 people or less. All plumbing installed by any person whatsoever shall comply with the requirements of the rules and regulations of the bureau of health relating to plumbing and to all local plumbing ordinances, but such rules, regulations, and ordinances

shall not apply to privately owned premises to which neither public water nor sewerage service is available, provided that neither entertainment, meals, nor lodging be furnished the public thereon and that the disposal of sewerage therefrom may not drain into any stream or body of water designated by the bureau of health as a public water supply.

Sec. 185. Penalty for violation. 1937, c. 149, § 2. Any person who installs any plumbing or drainage without having first obtained a license either as a master plumber or as a journeyman plumber or employing a person to do plumbing who has not such a license, unless he be an apprentice within the meaning of sections 170 to 185, inclusive, or procures any license wrongfully or by fraud, or violates any of the provisions of sections 170 to 185, inclusive, shall be deemed guilty of a misdemeanor and if convicted thereof shall be punished by a fine of not more than \$100, or by imprisonment for not more than 3 months, or by both such fine and imprisonment.

Sec. 186. Provisions in city charters not affected. R. S. c. 22, § 129. 1933, c. 1, § 184. 1937, c. 149, § 3. The preceding sections 170 to 185, inclusive, shall not prevent the licensing of plumbers licensed hereunder by cities under the provisions of the charters or ordinances thereof.

Funeral Directors and Embalmers

Sec. 187. Business of funeral director and practice of embalming regulated; qualifications. R. S. c. 22, § 34. 1933, c. 1, § 21. 1939, c. 243, § 1. Any person wishing to become an embalmer of dead human bodies for burial, shall be at least 21 years of age, with not less than a high school education or its equivalent, shall have practiced embalming, caring for and preparing for burial, dead human bodies, for at least 2 years, under the direction and supervision of a licensed embalmer and shall have taken and completed at least a 9 months' course of study of some school or college of embalming, the requirements and standards of which said school or college shall meet or equal the requirements and standards established by the Conference of Embalmer's Examining Boards of the United States, Incorporated, and shall have had the approval of the board of examiners of funeral directors and embalmers. Such person shall also present to said board a certificate or diploma, certifying that he has taken and successfully passed the required examination of said school or college of embalming, and shall have an intelligent comprehension of such rudiments of anatomy, pathology, bacteriology, hygiene, and of the characteristics of, and 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 appointed under the following section before he is permitted to practice said profession within the state, provided, however, that the provisions of sections 187 to 197, inclusive, shall apply only to persons who hold themselves out to embalm dead human bodies for burial or to prepare the same for transportation or cremation. Embalmer's assistants, partners, or members of firms who have not received a license as provided in the following sections shall not engage in the practice of embalming dead human bodies for burial, transportation, or cremation, except under the personal supervision of a licensed or registered embalmer.

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 and of this state, 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 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.

Sec. 188. State board of examiners of funeral directors and embalmers; compensation; expenses. R. S. c. 22, § 35; c. 125, §§ 52, 55, 56. 1931, c. 216, Art. II, § 15. 1933, c. 1, § 22. 1939, c. 243, § 2. 1943, c. 320. The board of examiners of funeral directors and embalmers, as heretofore established, shall consist of 5 members, one of whom shall be the director of health, who shall be secretary of said board, and the other members shall be licensed funeral directors and embalmers, who shall be appointed by the governor, with the advice and consent of the council, and they shall hold office for the term of 4 years. In case of a vacancy due to death, resignation, or other cause, the vacancy shall be filled by an appointment for the unexpired term, as is provided for original appointments.

The members of the board shall each receive \$5 a day and expenses during each session of the board. The secretary shall receive the same compensation as the other members of the board and \$5 additional per day while actually employed in the performance of his duties.

The secretary of the board shall be the treasurer thereof and shall receive all fees, charges, and assessments payable to the board, and account for and pay over the same according to law.

Sec. 189. Examinations for licenses; board may revoke licenses. R. S. c. 22, § 36. 1933, c. 1, § 23. 1939, c. 243, § 3. Examinations for licenses shall be given by the board at least twice a year, at such times and places as it may determine. Applicants for embalmers' licenses shall pass an examination upon their knowledge of embalming, sanitation, preservation of the dead, disinfection of a deceased person, and 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 embalmer shall be issued to the applicant under which he shall have legal authority to perform all acts relating to preparing, embalming, shipping, or burying dead human bodies, and to do work coming within the province of said vocation.

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

The board may revoke for cause any license issued by it, and failure to comply with the law and the regulations of the department shall be deemed sufficient cause for the revocation of a license.

Sec. 190. Blanks and forms of procedure; lists of licensees and examinations to be kept. R. S. c. 22, § 37. 1933, c. 1, § 24. 1939, c. 243, § 4. The department may adopt such blanks and forms of procedure as it may deem necessary to carry out the provisions of sections 187 to 197, inclusive, and shall keep on file a list of all registered and licensed embalmers and funeral directors and a record of examinations, together with the examination papers, all of which shall be open to public inspection.

Sec. 191. Record of licensed embalmers and funeral directors to be kept; report of board of examiners. R. S. c. 22, § 38. 1933, c. 1, § 25. The board of examiners shall keep a record containing the names and residences of all persons licensed hereunder, and a record of all moneys received and disbursed by said board, and said records, or duplicates thereof, shall always be open to inspection in the office of the director of health during regular office hours. The board of examiners shall report to the department, on or before the 1st day of May in each year, a full and complete account of all of its official acts during the year, together with a statement of its receipts and disbursements and such comment as may be deemed proper.

Sec. 192. Fees; expiration and renewal of licenses. R. S. c. 22, § 39. 1933, c. 1, § 26. 1939, c. 243, § 5. The fee for examinations under the provisions of section 189 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 \$4, revival and renewal fee. 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.

Sec. 193. Application of moneys collected. R. S. c. 22, § 40. 1933, c. 1, § 27. 1939, c. 243, § 6. The money received under the provisions of sections 187 to 197, inclusive, shall constitute a permanent fund for carrying on the work of the

board of examiners of funeral directors and embalmers and the compensation of its members, and for such expenses as may be necessarily incurred from time to time by said board on account of investigations which said board may be required to make by reason of the provisions of sections 187 to 197, inclusive; and for such educational purposes as said board may deem for the best interests and advantage to the funeral directors and embalmers of this state; provided always, that none of the expenses designated hereunder shall reduce the fund hereby created under the sum of \$1,000.

See c. 15, § 27, re fees, fund for payment of expenses, etc.

Sec. 194. List of licensed funeral directors and embalmers to be supplied to transportation companies. R. S. c. 22, § 41. 1933, c. 1, § 28. 1939, c. 243, § 7. In the month of January of each year, the secretary of the board of examiners shall supply each licensed embalmer and funeral director, and the various transportation companies within the state, with a list of all registered funeral directors and all funeral directors and embalmers holding licenses, then in force, giving the names of such persons, their business addresses, and the numbers of their licenses.

Sec. 195. Holders of expiring licenses, how notified. R. S. c. 22, § 42. 1933, c. 1, § 29. The secretary of the board of examiners shall, at least 40 days prior to the expiration of any license, mail to the holder of any license about to expire a notice, advising him or her to that effect, and enclosing a blank application for renewal thereof. The secretary of said board shall also mail a notice to each holder of a license that has not been renewed in accordance with the foregoing provisions, advising him or her of the expiration of his or her license, and of the penalty for embalming, caring for or preparing for burial, transportation, or cremation of dead human bodies without holding a license, and the conditions and terms upon which his or her license may be revived and renewed. All notices required to be mailed by provisions of this section shall be directed to the last known post-office address of the person to whom the notice is addressed.

Sec. 196. In case of accidental death, embalming fluids not to be injected until cause of death be legally determined. R. S. c. 22, § 43. 1933, c. 1, § 30. No person shall inject into any cavity or artery of the body of any person who has died from an accidental or sudden death or under suspicious circumstances, any fluid or substance until a legal certificate of the cause of death from the attending physician or medical examiner has been obtained, nor until a legal investigation has determined the cause of death. 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.

Sec. 197. Penalties; jurisdiction of offenses. R. S. c. 22, § 44. 1933, c. 1, § 31. 1939, c. 243, § 8. Whoever violates any provision of the 10 preceding sections, or any rule or regulation prescribed by the department, for the preparation, embalming, shipping, or burial of any dead human body shall be punished by a fine of not less than \$10, nor more than \$50, or by imprisonment for not less than 10 days, nor more than 60 days, and the county attorney of the county in which violation occurs shall prosecute all such persons. Trial justices within their county shall have jurisdiction, original and concurrent with municipal courts and the superior court, of any and all prosecutions for violations hereof.

I. No applicant for an embalmer's license shall present to the board of exam-

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iners of embalmers any written statement, signed either by himself or any other person, which is misleading or untrue.

II. No licensed funeral director or licensed embalmer shall, directly or indirectly, offer to give any money or other valuable consideration to any person who is not a licensed funeral director, a licensed embalmer, or a student embalmer for soliciting, suggesting, advising, requesting, or inducing any person to employ him as a funeral director or embalmer.

III. No person shall receive, directly or indirectly, any money or other valuable consideration for soliciting, suggesting, advising, requesting, or inducing any person to engage, employ, or arrange with any licensed funeral director or licensed embalmer for the funeral of any person or burial of any deceased body.

IV. No person, except a licensed funeral director or licensed embalmer, shall advertise on any billhead, sign, or card, or orally, or in any other manner, that he is competent, willing, or desirous to arrange for or to conduct funerals.

V. No licensed funeral director or licensed embalmer shall advertise in any manner which shall be deceptive, misleading, improbable, or unethical.

VI. Any person who shall violate any provision of this section shall be fined not more than \$100 for each offense.

Regulation of Cosmetics

Sec. 198. Department authorized to issue certificate of registration. 1933, c. 278, § 2. 1935, c. 109, §§ 2, 11. The department is 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 1st day of January in each succeeding year on the payment of a fee of 50c.

The 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 the department for any preparation pending investigation of the same.

The department is authorized to make such regulations as may be necessary for carrying out the purposes of sections 198 to 204, inclusive, to safeguard the public health.

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

From the refusal of the 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. 199. Definition, "cosmetic preparations"; exception. 1933, c. 278, § 3. 1935, c. 109, §§ 3, 11; c. 112, § 1. "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

manicure the fingernails of any person, or to arrange, dress, curl, wave, cleanse, bleach, color, or similarly treat the hair of any person, and shall include all shampoo preparations. Household and toilet soaps shall not be held to be cosmetic preparations but shall be subject to the provisions of sections 198 to 204, inclusive, if such soaps are represented by the manufacturer or the producer thereof as a preparation for the treatment of disease.

Sec. 200. Registration of cosmetics. 1933, c. 278. 1935, c. 109, §§ 1, 11. No person, firm, corporation, or copartnership shall hold for sale, sell, or offer for sale in intrastate commerce; or give away or deal in within this state; or 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.

Sec. 201. Cosmetic preparations kept or deposited for unlawful sale or use in this state are liable to forfeiture. 1935, c. 109, § 5. 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. 202. Duty of officer or duly authorized agent of the department. 1935, c. 109, § 6. When cosmetic preparations and vessels are seized as provided in the preceding sections, the officer or duly authorized agent of the 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 the 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. 203. Forfeiture in case no claimant appears; proceedings when claimant to be admitted as a party. 1935, c. 109, § 7. 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 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, upon hearing, is 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 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 sureties as on appeals in civil causes from a magistrate.

Sec. 204. Penalty. 1933, c. 278, § 4. 1935, c. 109, §§ 10, 11. Any person, firm, or corporation that violates any provision of the preceding sections, or regulation made thereunder, shall be punished by a fine of not more than \$100.

All fines, forfeitures, and costs collected under the provisions of sections 198 to 204, inclusive, shall be paid to the county.

Registering and Licensing of Barbers and Barber Shops and Regulation of the Practice of Hairdressing and Beauty Culture

Sec. 205. State board of barbers and hairdressers; executive secretary; compensation. 1933, c. 227, §§ 7, 8; c. 282, §§ 7, 8, 18. 1935, c. 112, §§ 7, 8. 1937, c. 190, §§ 5, 6. The state board of barbers and hairdressers, as heretofore established and hereinafter in sections 205 to 222, inclusive, designated as the "board", shall consist of 5 members who shall be citizens of this state, two of whom shall have been engaged in the practice of barbering for at least 5 years prior to their appointment, and two of whom shall have been engaged in the practice of hairdressing and beauty culture in this state for at least 5 years prior to their appointment. The 5th member of the board shall be the director of health, who shall be the executive secretary of the board. Each of the appointive members of the board shall be appointed by the governor with the advice and consent of the council for a term of 2 years and until his successor is appointed and qualified.

The chief clerk of the board shall be paid a salary not in excess of \$500 per year, subject to the approval of the governor and council, to be paid from funds received under the provisions of sections 205 to 222, inclusive.

No person operating or employed by a school of barbering or of hairdressing and beauty culture shall be appointed as a member of the board, and if any member of the board, after appointment, shall affiliate himself in any way with any such school either of barbering or of hairdressing and beauty culture, his membership on the board shall immediately terminate and the vacancy shall be filled by the governor and council in the manner provided for the appointment of new members.

Members shall be appointed in the same manner to fill vacancies caused by death, resignation, or removal, who shall serve during the unexpired term of their predecessors.

Each member of the board shall be allowed the sum of \$10 per day and their necessary traveling 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 once a year of shops and other establishments subject to license under the provisions of sections 205 to 222, inclusive, and perform such other duties as shall be designated by the board.

See c. 15, § 27, re fees, fund for payment of expenses of board, etc.

Sec. 206. Definitions. 1933, c. 227, § 1; c. 282, §§ 1, 18. 1935, c. 112, § 1. 1937, c. 190, § 2. The following words and phrases, when used in sections 205 to 222, inclusive, shall be construed as follows:

I. "The practice of barbering" shall mean any one or any combination of the following practices (when done upon the upper part of the human body for cosmetic purposes and not for the treatment of disease or physical or mental ailments and when done for payment either directly or indirectly):

- A. Shaving or trimming the beard or cutting the hair;
- B. Giving facial and scalp massage or treatments with cosmetic preparations, either by hand or mechanical or electrical appliances;
- C. Singeing, shampooing, or applying cosmetic preparations to the scalp, face, neck, or upper part of the body;
- D. Removing superfluous hair from the face, neck, or upper part of the body.

II. "Apprentice barber" shall mean any person who is engaged in learning and acquiring a knowledge of the practice of barbering under the direction and supervision of a person duly authorized under the provisions of sections 205 to 222, inclusive, to practice barbering.

III. "The practice of hairdressing and beauty culture" shall mean the engaging by any person for hire or reward in any one or more of the following practices: the application of the hands or of mechanical or electrical apparatus with or without cosmetic preparations, tonics, lotions, creams, antiseptics, or clays, to massage, cleanse, stimulate, manipulate, exercise, or otherwise to improve or to beautify the scalp, face, neck, shoulders, arms, hands, or to manicure the finger nails of any person; or to arrange, dress, curl, wave, cleanse, cut, singe, bleach, color, or similarly treat the hair of any person.

IV. "Apprentice" shall mean any person who is engaged in learning and acquiring a knowledge of the practice of hairdressing and beauty culture under the direction and supervision of a person duly authorized under the provisions of sections 205 to 222, inclusive, to practice hairdressing and beauty culture.

See § 199.

Sec. 207. Rules and regulations. 1933, c. 227, § 9; c. 282, §§ 9, 18. 1935, c. 112, § 9. 1937, c. 190, § 11. The board shall make rules and regulations not contrary to law to be approved by the bureau of health concerning the proper use of appliances, apparatus, and electrical machines used in any establishment for or in connection with any of the practices defined in section 206, and prescribing the sanitary requirements to be observed by proprietors of shops and other establishments where barbering or hairdressing and/or beauty culture are practiced and by persons engaged in such practice and shall make rules and regulations not contrary to law relative to the applications for licenses and certificates of registration. The board shall cause such rules and regulations to be printed in suitable form and a copy thereof to be sent to the proprietors of such shops and establishments, which shall be kept posted in a conspicuous place in such shops so as to be easily read by customers.

The board shall also make rules and regulations not contrary to law to be approved by the bureau of health, prescribing the requirements for the construction, operation, maintenance, and sanitary requirements of any school of barbering, or of any school of hairdressing and beauty culture, subject to a license under the provisions of sections 205 to 222, inclusive.

Any member of the board shall have power to enter and make reasonable examination of any such shop or establishment during business hours, for the purpose of ascertaining whether or not the rules and regulations are being observed.

No person shall give service in any establishment licensed under the provisions of sections 205 to 222, inclusive, who has a disease in a communicable stage.

The failure of any person to observe the requirements of any rule or regulation made by said board shall be cause for the suspension or revocation of such license, but no license shall be suspended or revoked without a reasonable opportunity being offered to such person to show cause to said board why such license shall not be suspended or revoked. Any such license suspended or revoked shall be delivered to any agent of the board upon demand.

Any such shop or establishment in which tools, appliances, and furnishings in use therein are kept in an unclean and insanitary condition so as to endanger health is declared to be a common nuisance, and the proprietor thereof shall be subject to prosecution and punishment by a fine of not less than \$200, nor more than \$1,000, and in addition thereto by imprisonment for not less than 60 days, nor more than 11 months, and in default of payment of said fine shall be imprisoned for an additional term of not less than 60 days, nor more than 11 months.

The board shall have the right to require the physical examination of any person employed in any barber shop or beauty parlor suspected of having any contagious or infectious disease.

Sec. 208. Sale or use of apparatus and cosmetics, regulated. 1933, c. 227, § 2; c. 282, §§ 2, 18. 1935, c. 112, § 2. 1937, c. 190, § 4. No mechanical or electrical apparatus or cosmetic preparation shall be sold or offered for sale to any person or establishment subject to a license under the provisions of sections 205 to 222, inclusive, until after a permit has been secured from the bureau of health. Such apparatus shall not be used for any surgical or medical purpose.

The bureau of health shall have the right to refuse a permit for the sale or offering for sale of any such apparatus or cosmetic preparation which, in its judgment, shall be dangerous or which shall contain any substances in such amounts as to be poisonous, injurious, or detrimental to the person.

The use of electrolysis for the removal of hairs is prohibited.

No person shall use or keep for use or sale in any shop or establishment licensed under the provisions of sections 205 to 222, inclusive, any electrical or mechanical apparatus or cosmetic preparation for which a permit has not been granted as provided in said sections.

Sec. 209. Registration and licenses. 1933, c. 227, § 3; c. 282, §§ 3, 18. 1935, c. 112, § 3. 1937, c. 190, §§ 1, 3. No person shall practice barbering or hairdressing and beauty culture in this state unless he shall first have obtained a certificate of registration as provided in sections 205 to 222, inclusive, or unless he shall be acting within the scope of his employment as an apprentice.

No apprentice barber may independently practice barbering, but he may, as an apprentice, do any or all acts constituting the practice of barbering under the

immediate personal supervision of a registered barber, and only one such apprentice shall be employed in any licensed barber shop.

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 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 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.

Booths, attached to or within a beauty shop, that are operated independently thereof, shall be subject to license fees in the same manner as an independent shop.

Sec. 210. Persons exempted. 1933, c. 227, § 18; c. 282, §§ 17, 18. 1935, c. 112, § 17. 1937, c. 190, §§ 19, 21. The prohibitions and penalties of sections 205 to 222, inclusive, shall not apply to the following persons when acting within the scope of their profession or occupation:

- I. Persons authorized by law of this state to practice medicine and surgery;
- II. Commissioned medical officers of the United States army, navy, or marine hospital service;
- III. Registered nurses.

The provisions of sections 205 to 222, inclusive, apply only to those cosmetic preparations and apparatus sold or offered for sale in intrastate commerce.

The provisions of sections 205 to 222, inclusive, shall not apply to the practice of barbering or the conducting of shops or establishments where barbering is practiced in municipalities of the state having a population of 1,000 or less according to the last United States census.

Sec. 211. Requirements for registration for barbers. 1937, c. 190, § 8. Any person shall be eligible to obtain a certificate of registration under the provisions of sections 205 to 222, inclusive, as a barber:

- I. Who is at least 18 years of age;
- II. Who is of good respectable character and temperate habits;
- III. Who has satisfactorily completed a course of instruction 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 a period of at least 18 months.
- IV. Who has satisfactorily passed an examination conducted by said board to determine his fitness to receive such certificate.

Each applicant for such examination shall make written application therefor on a form prescribed and supplied by said board, which application shall contain satisfactory evidence of the qualifications required of the applicant under the provisions of sections 205 to 222, inclusive, and shall be sworn to by the applicant. Said applications shall be filed with the secretary of said board and shall be accompanied by an examination fee of \$5 which shall include registration, if examination is satisfactory; if not successful, applicant shall have the privilege of taking a second examination without fee at any subsequent examination held by the board within a period of 1 year.

Sec. 212. Requirements for registration for hairdressing and beauty culture. 1933, c. 227, § 4; c. 282, §§ 4, 18. 1935, c. 112, § 4. 1939, c. 236. Any person

shall be eligible to obtain a certificate of registration under the provisions of sections 205 to 222, inclusive, for the practice of hairdressing and beauty culture:

- I. Who is at least 18 years of age;
- II. Who is of good respectable character;
- III. Who has satisfactorily completed a course of instruction in a school of hairdressing and beauty culture approved by said board, or in lieu thereof has had a total experience in the practice of hairdressing and beauty culture or as an apprentice of 1,000 hours distributed over a period of at least 6 months;
- IV. Who has satisfactorily passed an examination conducted by said board to determine his fitness to receive such certificate.

Each applicant for such examination shall make written application therefor on a form prescribed and supplied by said board, which application shall contain satisfactory evidence of the qualifications required of the applicant under the provisions of sections 205 to 222, inclusive, and shall be sworn to by the applicant. Said applications shall be filed with the secretary of said board and shall be accompanied by an examination fee of \$5 which shall include registration, if examination is satisfactory; if not successful, applicant shall have the privilege of taking a second examination without fee at any subsequent examination held by the board within a period of 1 year.

Sec. 213. Registration without examination. 1933, c. 227, § 6; c. 282, §§ 6, 18. 1935, c. 112, § 6. 1937, c. 190, § 10. 1939, c. 236. Any person licensed to practice hairdressing and beauty culture or barbering in another state whose requirements are substantially equal to those specified in sections 205 to 222, inclusive, shall upon the payment of a fee of \$25, be entitled to a certificate of registration without examination, providing that each such state accepts without examination applicants registered in this state for registration or licenses, as the case may be, in a similar manner.

Sec. 214. Schools of barbering, hairdressing, and beauty culture; approval of; fees. 1933, c. 227, § 5; c. 282, §§ 5, 18. 1935, c. 112, § 5. 1937, c. 190, § 9. 1939, c. 236. 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, 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, 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 206 unless said instructor has a certificate to practice barbering under the provisions of sections 205 to 222, 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 1,000 hours distributed over a term of not less than 6 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. 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 206 unless said instructor has a certificate to practice hairdressing and beauty culture under the provisions of sections 205 to 222, inclusive, excepting physicians as specified above.

Sec. 215. Apprentices to file statement. 1933, c. 227, § 13; c. 282, §§ 12, 18. 1935, c. 112, § 12. 1937, c. 190, § 14. 1939, c. 236. Every apprentice barber, in order to avail himself of the provisions of sections 205 to 222, inclusive, shall within 10 days after entering upon his apprenticeship, file with the secretary of the board, on blanks which shall be provided by said 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 17 years, and said blanks shall be accompanied by a registration fee of \$3. Any such apprentice who shall change his place of employment 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.

Every apprentice barber, after serving an apprenticeship of 18 months, shall file application for examination at the next examination held by the board in accordance with the requirements of section 211.

The board shall furnish to each registered apprentice a certificate of registration of said apprenticeship.

Every apprentice, in order to avail himself of the provisions of sections 205 to 222, 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 17 years. Any such apprentice who shall change his place of employment 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.

Every apprentice, after serving an apprenticeship of 6 months, shall file application for examination at the next examination held by the board in accordance with the requirements of section 212.

Sec. 216. **Examinations by board.** 1933, c. 227, § 12; c. 282, §§ 11, 18. 1935, c. 112, § 11. 1937, c. 190, § 13. The board shall hold 2 public examinations each year, one on the 1st 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 examinations shall be held.

Sec. 217. **Certificate of registration; limited certificate for manicuring, renewal; fees.** 1933, c. 227, § 14; c. 282, §§ 13, 18. 1935, c. 112, § 13. 1937, c. 190, § 15. The board shall furnish to each registered barber a certificate of registration bearing the seal of the board certifying that the holder thereof is entitled to practice barbering in this state, and it shall be the duty of the holder of such certificate of registration to post the same in a conspicuous place where it may be readily seen by all persons whom he may serve. Said certificate of registration shall be renewed on or before the 1st day of January in each year, and the holder of said certificate of registration shall pay to the secretary of said board the sum of \$3 for said renewal.

Said board shall furnish to each registered operator in the practice of hairdressing and beauty culture a certificate of registration bearing the seal of the board and the names of all of its members, certifying that the holder thereof is entitled to practice hairdressing and beauty culture in this state, and it shall be the duty of the holder of such certificate of registration to post the same in a conspicuous place where it may be readily seen by all persons whom he may serve. Said certificate of registration shall be renewed on or before the 1st day of July in each year, and the holder of said certificate of registration shall pay to the secretary of said board the sum of \$3 for said renewal. Certificate of registration limited to manicuring only may be issued upon complying with such examination requirements as may be determined by the board and upon payment of the fees as provided by sections 205 to 222, inclusive.

Any registered barber or any person registered to practice hairdressing or beauty culture who fails to renew his certificate of registration during any license year, in subsequent years may renew his certificate of registration only after payment of all unpaid renewal fees.

Sec. 218. **Board to keep register.** 1933, c. 227, § 15; c. 282, §§ 14, 18. 1935, c. 112, § 14. The board shall keep a register in which shall be entered the names of all persons to whom certificates are issued under the provisions of sections 205 to 222, inclusive, and said register shall be at all times open to public inspection.

Sec. 219. **Board may suspend or revoke certificates of registration, when; appeal.** 1933, c. 227, § 16; c. 282, §§ 15, 18. 1935, c. 112, § 15. 1937, c. 190, § 16. The board may either refuse to issue or renew or may suspend or revoke any certificate of registration granted by it under the provisions of sections 205 to 222, inclusive, for:

- I. Conviction of a felony shown by a certified copy of the record of the court of conviction;
- II. Gross malpractice or gross incompetency;
- III. Continued practice by a person knowingly having an infectious or contagious disease;

IV. Habitual drunkenness or habitual addiction to the use of morphine, cocaine, or other habit forming drugs;

V. Immoral or unprofessional conduct;

VI. The keeping of a shop or other establishment, or the tools, appliances, or furnishings thereof in an unclean or insanitary condition;

VII. Failure to comply with any of the prescribed requirements of sections 205 to 222, inclusive;

VIII. For misrepresentation of qualifications; provided that before any certificate shall be suspended or revoked, the holder thereof shall have notice in writing of the charge or charges against him, and shall have reasonable opportunity to be heard in his defense. Any person whose certificate has been so suspended or revoked may apply to have the same reissued, and the same shall be reissued upon satisfactory evidence that the disqualifications have ceased.

Any such certificate of registration suspended or revoked shall be delivered to any agent of the board upon demand.

Sec. 220. Hearings. 1937, c. 190, § 17. The board may neither refuse to issue, nor refuse to renew, nor suspend, nor revoke any certificate of registration, however, for any of these causes enumerated in section 219, unless the person accused has been given at least 10 days' notice in writing of the charge against him and an opportunity to be heard at a public hearing held by the board.

It shall be deemed that the board has duly notified the person accused of such hearing, when the notice has been sent to the last known address of accused by registered letter.

Upon hearing of any such proceeding, the board may administer oaths and may procure by its subpoena, the attendance of witnesses and the production of relevant books and papers.

Any justice of the superior court or of the supreme court, either in term time or in vacation, upon application either of the accused or of the board may, by order duly entered, require the attendance of witnesses and the production of relevant books and papers before the board in any hearing relating to the refusal, suspension, or revocation of certificates of registration.

Sec. 221. Disposition of fees. 1933, c. 227, § 10; c. 282, §§ 10, 18. 1935, c. 112, § 10. 1937, c. 190, § 12. The fees received by the board under the provisions of sections 205 to 222, inclusive, shall be paid to the treasurer of state. Fees received under the provisions of said sections shall be used for carrying out the purposes of sections 205 to 222, inclusive.

See c. 15, § 27, re fees, payment of expenses of board, etc.

Sec. 222. Penalties. 1933, c. 227, § 17; c. 282, §§ 16, 18. 1935, c. 112, § 16. 1937, c. 190, § 18. Any person engaged in the practice of barbering in this state without having obtained a certificate of registration as provided by sections 205 to 222, inclusive, or employing a person to practice barbering who has not such a certificate of registration or who has not a certificate of registration as an apprentice barber, or falsely pretending to be qualified to practice barbering under the provisions of sections 205 to 222, inclusive, or violating any of the provisions of said sections, and any person engaged in the practice of hairdressing and beauty culture in this state without having obtained a certificate of registration as provided by sections 205 to 222, inclusive, or employing a person to practice hairdressing and beauty culture who has not such a certificate, unless

he be an apprentice within the meaning of said sections, or falsely pretending to be qualified to practice hairdressing and beauty culture under the provisions of sections 205 to 222, inclusive, or violating any of the provisions of said sections, shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine of not more than \$100, nor less than \$20, or by imprisonment for not more than 3 months, and every such person shall be deemed guilty of a separate and distinct offense for each month or part thereof during which such practice or employment shall be repeated or continued after prosecution has been begun against any such person for the violation of any of the provisions of sections 205 to 222, inclusive.

Child Welfare Services

Sec. 223. Purposes of §§ 223-225. 1937, c. 138, § 1. The department, through its bureau of social welfare, is authorized to cooperate with the federal government, through the children's bureau of the department of labor, in establishing, extending, and strengthening, especially in predominantly rural areas, child welfare services for the protection and care of homeless, dependent, and neglected children, and children in danger of becoming delinquent, and in expending funds made available for such purposes, provided, however, that nothing in sections 223 to 225, inclusive, shall be construed as authorizing any public official, agent, or representative, in carrying out provisions of said sections, to take charge of any child over the objection of either the father or the mother of such child, or of the person standing in loco parentis to such child, except pursuant to a proper court order.

Sec. 224. Acceptance of provisions of federal law. 1937, c. 138, § 2. The department is authorized to:

I. Apply for federal aid under the provisions of Title V, part 3, of the Social Security Act (Public No. 271, 74th Congress).

II. Cooperate with the federal government in the establishment and administration of such child welfare services on the basis of plans developed jointly by the state agency and the children's bureau, and acceptable to both.

III. Make such reports in such form and containing such information as the secretary of labor may from time to time require, and comply with such provisions as the secretary of labor may from time to time find necessary to assure the correctness and verification of such reports.

Sec. 225. Federal grants. 1937, c. 138, § 3. The treasurer of state shall be the appropriate fiscal officer of the state to receive federal grants on account of child welfare services and administration thereof, as contemplated by Title V, part 3, of the Federal Social Security Act, and the state controller shall authorize expenditures therefrom as approved by the department of health and welfare.

Aid to Dependent Children

Sec. 226. Definitions. R. S. c. 161, §§ 1-11. 1933, c. 1, §§ 190-200. 1937, c. 177, § 1. 1941, c. 152.

I. The term "dependent child" wherever used in sections 226 to 235, inclusive, shall be construed to mean a needy child under the age of 16, or under the age of 18 if found by the state agency to be regularly attending school, who has been deprived of parental support or care by reason of the death, continued absence from home, or the physical or mental incapacity of a parent and who is living

with his father, mother, grandfather, grandmother, brother, sister, stepfather, stepmother, stepbrother, stepsister, uncle, or aunt in a place of residence maintained by one or more of such relatives as his or their own home;

II. The word "parent" shall include any relatives described in subsection I of this section in respect to dependent children in his or her custody;

III. The word "aid" means money payments with respect to a dependent child or children made to the parent with whom the child is living.

Sec. 227. Eligibility for aid to dependent children. R. S. c. 161, §§ 1-11. 1933, c. 1, §§ 190-200. 1937, c. 177, § 2. Aid shall be granted under the provisions of sections 226 to 235, inclusive, to any dependent child who is living in a suitable family home meeting the standards of care and health fixed by the laws of this state and the rules and regulations of the department thereunder. No person receiving aid under the provisions of said sections shall be considered a pauper. During the period that a dependent child is receiving aid under the provisions of said sections, if such child is living with either its mother or its father, such mother or father shall not acquire or lose a settlement or be in the process of acquiring or losing a settlement. The provisions of sections 226 to 235, inclusive, shall apply to any dependent child who has resided in the state for 1 year immediately preceding the application for such aid; or who was born within the state within 1 year immediately preceding the application, and whose mother has resided in the state 1 year immediately preceding the birth of the child.

Sec. 228. Municipal boards. R. S. c. 161, §§ 1-11. 1933, c. 1, §§ 190-200. 1937, c. 177, § 3. In each city, town, and plantation there shall be a municipal board of child welfare, hereinafter referred to as the municipal board, to consist of the overseers or board of overseers of the poor ex officio, unless the city by ordinance or the town or plantation by vote upon warrant shall provide for a special board of not fewer than 3 persons, one of whom at least shall be a woman, appointed or elected for 3-year terms, 1 term expiring each year, to serve as such municipal board. The members of such municipal board shall serve without compensation as such. In addition to the duties prescribed by sections 226 to 235, inclusive, the municipal boards of child welfare shall perform all the duties and assume all the functions heretofore imposed upon municipal boards of children's guardians.

Sec. 229. Application for aid. R. S. c. 161, §§ 1-11. 1933, c. 1, §§ 190-200. 1937, c. 177, § 4. Application for aid under the provisions of sections 226 to 235, inclusive, shall be made to the municipal board on forms provided for this purpose by the department. Such applications shall be made by the parent having custody of the dependent child and shall contain such information as may be required by the department. The municipal board shall file promptly such application with its recommendation with the department, which shall then make such investigation of the case as may be necessary to determine the eligibility of the applicant for the aid desired. If the municipal board should not perform the duties above required of it within a reasonable time, application may be made direct to the department.

Sec. 230. Amount of aid. R. S. c. 161, §§ 1-11. 1933, c. 1, §§ 190-200. 1937, c. 177, § 5. The department shall confer with the municipal board in deciding all matters in question. If, after said conference, the department decides that the applicant is entitled to aid, it shall then determine the character and amount. The amount of aid which shall be granted for any dependent child shall be deter-

mined with due regard to the resources and necessary expenditures of the family and the conditions existing in each case and shall be sufficient, when added to all other income and support available to the child, to provide such child with a reasonable subsistence compatible with decency and health.

Sec. 231. Department to administer all funds. R. S. c. 161, §§ 1-11. 1933, c. 1, §§ 190-200. 1937, c. 177, § 6. The department shall administer all funds appropriated for the purposes of sections 226 to 235, inclusive. It shall make such rules and regulations with respect to the administration of said sections as it deems advisable. It may grant prompt and suitable temporary aid to any dependent child when in its opinion such aid is immediately necessary. Any moneys heretofore or hereafter appropriated or allocated for mothers aid or aid to dependent children are made available for the purposes of sections 226 to 235, inclusive. Nothing in said sections shall be construed as authorizing any public official, agent, or representative, in carrying out any provision of this chapter, to take charge of any child over the objection of either the father or the mother of such child, or of the person standing in loco parentis to such child, except pursuant to a proper court order.

See § 15.

Sec. 232. Right of appeal. R. S. c. 161, §§ 1-11. 1933, c. 1, §§ 190-200. 1937, c. 177, § 7. Any person who is denied aid or who is not satisfied with the amount of aid allotted to him by the department, or any municipality which is dissatisfied with a decision of the department made under any provision of sections 226 to 235, inclusive, 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.

Sec. 233. Acceptance of provisions of federal law. R. S. c. 161, §§ 1-11. 1933, c. 1, §§ 190-200. 1937, c. 177, § 8. The department is authorized to:

I. Apply for federal aid under the provisions of Title IV of the Federal Social Security Act (Public No. 271, 74th Congress);

II. Cooperate with the federal government in matters of mutual concern pertaining to aid to dependent children, including the provision of such methods of administration as are found to be necessary for the efficient operation of the plan for such aid;

III. 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.

Sec. 234. Towns to be assessed. R. S. c. 161, §§ 1-11. 1933, c. 1, §§ 190-200. 1937, c. 177, § 9. The state shall recover from the city, town, or plantation in which the child so aided has legal settlement, $\frac{1}{2}$ of the amount expended for aid to each dependent child, which shall be credited to the regular legislative appropriation for aid to dependent children; provided, however, that in the event that the federal allowance for aid to each dependent child should be increased subsequent to July 24, 1937, the reimbursement to the state by the city, town, or plantation shall be decreased accordingly. Whenever it appears that a city,

town, or plantation is delinquent in making reimbursements to the state, the amounts shall be collected by the state in the same manner and subject to the same penalties as state taxes. Any balance due shall be assessed in the succeeding year in the same manner as other state taxes.

Sec. 235. Federal grants. R. S. c. 161, §§ 1-11. 1933, c. 1, §§ 190-200. 1937, c. 177, § 10. The treasurer of state shall be the appropriate fiscal officer of the state to receive federal grants on account of aid to dependent children and administration thereof, as contemplated by Title IV of the Federal Social Security Act, and the state controller shall authorize expenditures therefrom as approved by the department.

Neglect of Children. Custody

Sec. 236. Compensation of probation officers for services. R. S. c. 72, § 50. 1933, c. 1, § 202. County probation and associate probation officers performing any of the duties specified in the 11 following sections shall be allowed, by their respective counties, their actual expenses and such compensation as their respective boards of county commissioners may from time to time determine.

Sec. 237. Investigations and prosecutions. R. S. c. 72, § 51. 1933, c. 1, § 203. All municipal boards, their agents and employees, all county probation officers and associate probation officers, and the department and its agents, so far as funds are available, shall investigate all cases of cruel or injurious treatment of children coming to their knowledge, and shall cause offenders against any law for the protection of children or prevention of cruelty to the same to be prosecuted. The costs of court proceedings under the provisions of this section shall be taxed and paid in the same manner as in any criminal process. All fines imposed for the punishment of offenses under any of the provisions of the 10 following sections shall be paid over to the county treasurer of the county in which the offenses may have been committed.

Sec. 238. Warrants to be issued on complaint of cases of neglect to children; child may be given into custody of individual or child welfare institution; court may direct municipal board to care for child pending hearing. R. S. c. 72, § 52. 1933, c. 1, § 204. 1937, c. 5. 1939, c. 244. When complaint in writing signed by an agent of the department, sheriff, county probation officer, police officer, member of a municipal board, or by three or more citizens of any town or city is made under oath to the probate court of the county or the municipal court having jurisdiction in said city or town, alleging that such child in such city or town is cruelly treated or wilfully neglected by its parents or parent or by the wilful failure of such parents or parent is not provided with suitable food, clothing, or privileges of education, or is kept at or allowed to frequent any disorderly house, house of ill fame, gambling place, or place where intoxicating liquors are sold, or other places injurious to the health and morals, or that such child is an orphan, or is a child whose mother is an inmate of a state institution, without means of support or kindred of sufficient ability who will furnish such support, and praying that suitable and proper provision be made for the care, custody, support, and education of the child named in such complaint, the court to whom such complaint is made shall issue a warrant causing the parents or other persons having custody or control of such child, if any, and the child, if necessary, to be brought before it, or shall cause notice to be given to said parents or said other persons in such manner or in such length of time as the court deems proper. The court shall cause notice in writing to be given by mail or otherwise to the department, to the municipal board of the town, and to the county attorney of the county

where the child is residing at least 10 days before the date set for the hearing, provided, however, that the department and the municipal board and the county attorney may waive such notice. It shall be the duty of the county attorney to represent the interests of the department at the hearing. If, upon hearing, it shall appear that any material allegations of said complaint are true, the court may order said child committed into the custody of the department itself or into the custody of any suitable person or duly incorporated children's institution or child welfare organization, whose standards of care and maintenance are approved by the department, and who consent to receive said child, at their own expense, unless the payment of such expense by the state shall be approved by the department which approval and payment may at any time be withdrawn. The court shall cause a copy of the order of commitment and of any subsequent modifications thereof to be sent forthwith to the department. The court may direct the municipal board where the child is residing to make such provision for its care as may be necessary pending hearing, and the expense, if any, of such care shall be paid by the town or city in which the child has a lawful settlement. When any child has been committed to the custody of the department under the provisions of this section, the court may order the parent of such child to contribute to the support of his minor child or children such sums payable weekly, monthly, or quarterly, as deemed reasonable and just, and may enforce obedience by appropriate decrees. Execution may also issue for said sums, when payable, and for costs as in actions of tort. Whoever, being a parent of any child committed under the provisions of this section, shall be found guilty of having without just and sufficient cause failed or neglected to support said child, shall be punished by a fine of not more than \$1,000, or by imprisonment for not more than 11 months, or by both such fine and imprisonment. It shall be the duty of the county attorneys in their respective counties to prosecute all violations of this section that are brought to their attention.

Sec. 239. Orders of court to divest parent of legal rights, but not to relieve of responsibility for support; appeal; condition of child may be investigated and decree altered; guardianship. R. S. c. 72, § 53. 1931, c. 204. 1933, c. 1, § 205. 1939, c. 154. Orders and decrees provided for in the 3 preceding sections shall have the same effect to divest the parent or parents of all legal rights in respect to said child as specified in section 38 of chapter 145, but shall not relieve the parent or parents of liability for the support of such child or from the penalties for failure to support which are provided in sections 1 to 4, inclusive, and section 14 of chapter 125. Such original orders shall not extend beyond the time when the child shall reach the age of 18 years; but upon application by the department the court, for sufficient cause, may extend such orders to the time when the child shall reach the age of 21 years. The children's institution or organization or suitable person or department to which said child is committed shall have full custody and control over said child thereafter for said time and, if no other guardian is appointed, the department shall have all the powers as to the person, property, earnings, and education of every child committed to its custody, during the term of commitment, which a guardian has as to a ward, and shall have authority to give the consent required in section 36 of chapter 145. An appeal may be taken from the order or decree of any probate or municipal court determining the custody of the child under the provisions of sections 236 to 247, inclusive, to the next term of the superior court to be holden within the county not earlier than 14 days after the date of said order or decree. The proceedings under such appeal from the probate court shall follow the form prescribed for appeal

from probate courts and under such appeal from a municipal court shall follow the provisions of any special charter of the municipal court concerned, but pending action upon any such appeal, the court may order the custody of the child to be retained by said suitable person, children's institution, child welfare organization, or the department. Upon application by the department, by a municipal board, by the parent or parents or guardian of any such child, or by the children's institution or child welfare organization or suitable person to which such child may have been committed, to the court making the commitment said court shall examine into the conditions and welfare of the said child and may at any time make such further order in relation to his care, custody, support, and education as justice may demand and may discharge any child from custody or restore its custody to its parents, or either of them, if satisfied that the objects of commitment have been accomplished; this latter provision shall not apply, however, to a child who was legally adopted subsequent to the date of commitment.

See c. 133, § 7, re support of child committed to agency; c. 23, § 57, re care of children of women committed to reformatory for women.

Sec. 240. Bond required when child given into custody of individual; department may provide for maintenance and education; state to recover from town; children or parents not to be considered paupers. R. S. c. 72, § 54. 1933, c. 1, § 206. 1941, c. 65. 1943, c. 56. Whenever the court deems it suitable and conducive to the public welfare that any such child be placed under the control of an individual, the court shall first take a bond from such person running to the state in such sum and with such sureties as the court approves, conditioned that such person shall humanely treat and properly support, clothe, and educate the child, and in case of non-performance of the conditions of said bond, a suit may be commenced thereon and the sum so recovered shall be paid into the treasury of the state for the joint benefit of the state and town of settlement, if any, of said child in proportion to the amount of expenses incurred by the state and said town because of the failure of said person so to treat, support, clothe, and educate said child. The department shall provide for the maintenance and education in or by duly incorporated children's institutions and child welfare organizations, or in family homes, of any children committed to its custody under the provisions of the preceding sections. Bills itemizing the expense of maintenance and education of children committed under the provisions of sections 236 to 247, inclusive, when approved by the department, shall be paid by the state, as provided by law, which shall recover from the town of settlement, if any, of any such child, $\frac{2}{3}$ of any such payments on account of said child. At the request of the parents or next friend of any dependent child under 18 years of age who is without parent or grandparent of sufficient ability, or without other relatives able and willing to provide for its care, the department may make provision, without intervention of court, for the care of such child. No such child, nor the parents or grandparents of such child who are unable to provide for its care, shall be deemed paupers by reason of any care furnished to the child under the provisions of sections 236 to 247, inclusive. The settlement of a child committed to custody other than that of a parent under the provisions of sections 236 to 247, inclusive, shall not change during the period of such custody.

See c. 23, § 57; c. 133, § 7, re support of child committed to agency; 122 Me. 172.

Sec. 241. Child to be placed in family or institution of same religious faith as that of the parents; written promise made by either parent to be carried out. R. S. c. 72, § 55. 1933, c. 1, § 207. Any child who shall come in any way under the inspection or supervision of the department or under the provisions of sections 236 to 247, inclusive, shall, when placed in a family, be placed in a family of

the same religious faith as that of the parents or surviving parent of such child, where a suitable family of such faith can be found willing to take such child. Any written promise made to either parent shall be faithfully carried out by the agent, institution, or private person concerned. If such family cannot be found, then such child shall be placed in an institution maintained for children of such faith. In case no institution of such faith exists in this state or is able to take care of said child, then it may be placed in such family or institution as may be approved by the department until such a family has been secured; provided, however, that if the parents of such child are of different religious faiths, or the faith of its parents cannot for any reason be ascertained, then such child shall be placed in a family or institution of that religious faith in which such child has been reared and educated, but where no such family or institution can be found to take such child, then in some family or institution approved by said department until such family or institution can be found. No child when placed in any home or institution shall be denied the opportunity of attending the religious worship or exercising the religious belief of its parents or surviving parent or in which it was reared and educated.

See c. 23, § 57; c. 133, § 7, re support of child committed to agency.

Sec. 242. No child under 16 to be placed in almshouse; exceptions. R. S. c. 72, § 56. 1933, c. 1, § 208. No child under 16 years of age shall be placed in any almshouse in this state or be suffered by the overseers of the poor to remain in such almshouse except in cases of emergency, and then for a period not exceeding 60 days, provided that children under 2 years of age may be kept in almshouses when their mother is also an inmate; provided further, that with the consent of the department children when in need of medical or surgical treatment may be kept in hospitals or infirmaries connected with such almshouses for such length of time as they are in need of such treatment; provided also that when upon a certificate of 2 physicians who are graduates of some legally organized medical college and have practiced 3 years in this state, it shall be made to appear that any child is a proper subject for the Pownal state school, such child may with the consent of and under such regulations as the department may determine, be kept in the almshouse until such time as it can, under the provisions of section 154 of chapter 23, be committed to said school. Whenever any child or children under 16 years of age are placed or allowed by the overseers of the poor to remain in an almshouse, or in hospitals or infirmaries connected therewith, notice of that fact giving the name, parentage, and such other facts as the department may require, shall be sent by the overseers of the poor to said department within 48 hours of the entrance of such child into the almshouse, infirmary, or hospital. A similar notice within the same time shall be sent by the overseers of the poor to the said department when the child is discharged from said almshouse, hospital, or infirmary.

Sec. 243. Persons maintaining children's homes to have licenses. 1931, c. 225, § 7. 1933, c. 1, § 209. 1935, c. 35. No person, firm, corporation, or association shall conduct or maintain a boarding-house or home for one or more children under 16 years of age, unattended by parents or guardian, excepting children related to such persons by blood or marriage, or who have been legally adopted by such persons, or engage in, or assist in conducting a business of placing out or finding homes or otherwise disposing of children under 16 years of age, without having in full force a written license therefor from the department; provided that nothing in this section shall apply to any institution, which is or shall come under the supervision of the department of institutional

service. Whoever violates the provisions of this section shall be punished by a fine of not more than \$500, or by imprisonment for not more than 60 days.

Sec. 244. Definition of "boarding-house for children"; "home for children". 1931, c. 225, § 7. 1933, c. 1, § 210. 1935, c. 35. The term "boarding-house for children" as used in the preceding section shall be held to mean a house or other place conducted or maintained by any one who advertises himself or holds himself out as conducting a boarding place for children under 16 years of age, or who receives illegitimate children under 16 years of age, or who has in his custody or control one or more children under 16 years of age unattended by parents or guardians, for the purpose of providing such children with food or lodging, excepting children related to him by blood or marriage or who have been legally adopted by him.

The term "home for children" as used in said preceding section shall be held to mean any children's home, orphanage, or other institution, association, organization, or individual engaged in receiving, caring for, and finding homes for orphaned, dependent, and neglected children.

Whoever advertises himself or holds himself out as placing or finding homes for, or otherwise disposing of children under 16 years of age, or whoever actually places or assists in placing in homes of persons other than relatives, or causes or assists in causing the adoption or disposal otherwise of one or more children under 16 years of age shall be deemed as engaged or assisting in conducting a business of placing out or finding homes for children within the meaning of said section.

Sec. 245. Parents or guardians may petition for restoration of custody. R. S. c. 72, § 57. 1933, c. 1, § 211. Whenever a child is in the custody of any children's institution, or child's welfare organization, or suitable person, or of the department, the parents or either of them may make application in writing to any justice of the superior court to have its custody restored to him or them, such notice on the application and the time and place of the hearing thereon as the court orders shall be given to such person, institution, or organization, or to the department and to the municipal board of the town where the proceedings therein were commenced; and if, upon such hearing it appears that the applicant is of sufficient ability and inclination suitably to provide for maintenance and education of said child, and that justice requires that its custody be restored to said applicant, the judge shall so order, and the custody and control of said child shall thereafter be given to said applicant until the further order of the court.

Sec. 246. State or town may recover from parents. R. S. c. 72, § 58. 1933, c. 1, § 212. The state or any town or county incurring expenses under sections 237, 238, 239, 240, and 245, through the fault of parents who are able to support and educate their children but wrongfully neglect and refuse to do so, may recover of them or either of them, in an action of debt, the amount so expended.

Sec. 247. Penalty for failure to perform duty. R. S. c. 72, § 59. 1933, c. 1, § 213. Whoever violates any provision of section 241, or wilfully fails, neglects, or refuses to perform any of the duties imposed upon him by the provisions of the 11 preceding sections shall be punished by a fine of not more than \$500, or by imprisonment for not more than 6 months.

See c. 125, §§ 5-14, re crimes against children; c. 125, §§ 1-4, re criminal proceedings for desertion of families; c. 136, §§ 33-39, re proceedings when child under age of 16 years is arrested and charged with crime.

**[DUE TO ITS SIZE, THIS CHAPTER HAS BEEN DIVIDED
INTO TWO ELECTRONIC FILES. FOR THE REMAINDER
OF THE CHAPTER, SEE THE SECOND FILE.]**