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state a permanent place of business where said applicant is principally engaged in the business of buying and selling aircraft. The annual fee for every such certificate of registration shall be $15. The commission shall furnish applicant with 3 dealer aircraft tags free of cost, and upon payment of $5 per tag additional dealer tags shall be furnished. On application for registration, or for additional tags applied for during the period between the 1st day of September and the 31st day of December in any year ½ of the registration fee shall be charged. [1957, c. 116, § 2]. (R. S. c. 21. 1949, c. 389. 1951, c. 16, §§ 1, 2; c. 17, § 2; c. 264, § 5. 1953, cc. 57, 58, 59. 1955, c. 161. 1957, c. 116, §§ 1, 2. 1959, c. 308, § 4.)

Effect of amendments. — The 1955 amendment added the words "and not engaged in the air commerce within the state" at the end of paragraphs B and F, and the words "or otherwise qualified therein" at the end of paragraphs C and G, of subsection IV.

The 1957 amendment inserted in the first paragraph of this section all of the provisions relative to manufacturers and dealers and added subsection VI.

The 1959 amendment added paragraph A to subsection II of this section.

As only the first paragraph of the section, paragraphs B, C, F and G of subsection IV, and paragraph A of subsection II and subsection VI were changed or added by the amendments, the rest of the section is not set out.

Sec. 20. Airport construction fund.

II. State aid. The commission with the consent of the governor and council may, from the amount appropriated to aid in the construction, extension and improvement of state or municipal airports, known as the "Airport Construction Fund," grant to cities and towns separately and cities and towns jointly with one another or with counties an amount not to exceed 50% of the total cost of the construction, extension or improvement of such airport or airports. (1955, c. 372)

Effect of amendment.—The 1955 amendment deleted "25%" in line five of subsection II and inserted in place thereof "an amount not to exceed 50%." The amendment also deleted from the end of the subsection the words "or any lesser per cent of said costs." As the rest of the section was not changed, only subsection II is set out.

Chapter 25.

Department of Health and Welfare.

Departmental Organization. Powers and Duties.

Sec. 1. Organization; commissioner; powers; bureau chiefs and qualifications; compensation; employees.

Cross references.—See c. 25-B, § 2, re designation of commissioner of health and welfare as administrator of the interstate compact on welfare services. See c. 27, § 7-A, re amendment of words "insane" and "insanity" to "mentally ill" and "mental illness", except when the word "insane" is in reference to the word "criminal". See c. 158-A, §§ 1-10, re Uniform Gifts to Minors Act.

Sec. 3. Duties.

The department shall consult with and advise the authorities of municipalities and persons and corporations having, or about to have, systems of water supply, as to the most appropriate source of water supply and the best method of assuring its purity, and all such authorities and persons shall submit to the department for its advice, their plans and specifications for all new systems of water supply and all new purification plants, and for any replacement of a major portion of an existing system of water supply or purification plant, before installing or replacing such facilities, but they shall not be required to submit to the department for such advice any proposed repair, alteration, relocation or extension of their existing systems of water supply. (R. S. c. 22, § 2. 1945, c. 195, § 1. 1957, c. 269, § 1.)

Effect of amendment. — The 1957 amendment added the above paragraph as the last paragraph of this section. As the first paragraph was not changed by the amendment, it is not set out.

Sec. 5. Inspection and licensing of institutions, agencies and boardinghomes.

The term "boardinghouse or home", as used in this section, shall mean a house or other place, having more than 2 boarders not related by blood or marriage to the proprietor, maintained by any association, organization or individual partly or wholly for the purpose of boarding and caring for any of the persons enumerated in the first paragraph of this section.

(1957, c. 192.)

Effect of amendment. — The 1957 amendment inserted the clause "having more than two boarders not related by blood or marriage to the proprietor" in the second paragraph of this section. As only the second paragraph was changed by the amendment, the rest of the section is not set out.

Welfare Laws.

Sec. 9. Transfer of paupers and public assistance recipients between states.—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 and to continue payments of public assistance until eligibility to receive assistance under a similar program has been established in the other state and the first payment from the other state has been received by such recipient. Such reciprocal agreements shall in no way commit the state to support persons who are not, in the opinion of the department, entitled to support under the laws of this state. (R. S. c. 22, § 12. 1947, c. 351. 1957, c. 160.)

Effect of amendment. — The 1957 amendment substituted the words "public assistance" for "old age assistance, aid to the blind, aid to dependent children and world war assistance" and made a former proviso into a separate sentence.

Sec. 18. Appropriations for aid of public and private hospitals.— 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 is authorized to compensate hospitals located in the state of New Hampshire within 15 miles from the Maine-New Hampshire state line or hospitals located in the Provinces of Quebec or New Brunswick, Canada, within 5 miles of the international boundary, for cases where the hospital care is for persons resident in the state of Maine and, in the judgment of the commissioner, adequate local hospital facilities are not available. 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. (R. S. c. 22, § 16. 1951, c. 206. 1955, c. 86. 1957, c. 226.)

Effect of amendments. — The 1955 amendment inserted in the second sentence the provision for compensation of hospitals in Quebec or New Brunswick, and added at the end of the second sentence the words "and, in the judgment of the commissioner, adequate local hospital facilities are not available."

The 1957 amendment made the second sentence applicable to New Hampshire hospitals within 15 miles from the state line in lieu of "within 5 miles" which appeared formerly.

Local Health Officers.

Sec. 61. Local health officer to assist persons placed in quarantine; expenses incurred charged to town.

Cited in Bethel v. Hanover, 151 Me. 318, 118 A. (2d) 787.

Infectious Diseases. General Provisions.

Sec. 66. Free vaccination annually.—The local health officer of each municipality shall annually on a day or days specified by him during the month of March, or oftener if he deems it prudent, provide for the free vaccination with cowpox of all inhabitants within his jurisdiction; and shall provide for free inoculation with suitable material as defined by the department of health and welfare against diphtheria, whooping cough, tetanus and poliomyelitis of all children under 16 years of age at a time specified by him. Vaccinations and inoculations shall be done under the care of skilled, practicing physicians and under such circumstances and restrictions as the health officer may adopt therefor, not contrary to law or in violation of any regulations of the department of health and welfare.

The health officer is authorized and empowered to arrange with any available, skilled, practicing physician for the purpose of carrying out the provisions of this section, and when he deems it necessary for the proper discharge of his duties as outlined in section 48, anything in any city charter to the contrary notwithstanding.

The municipal officers of cities, towns and plantations shall approve, and the cities, towns and plantations shall pay any reasonable bills or charges incident to the foregoing when approved by the local health officer.

Nothing in this section is to be interpreted so as to relieve the local health officer or any selectman of the duty imposed by section 52. (R. S. c. 22, § 54. 1947, c. 173. 1959, c. 76.)

Effect of amendment.—The 1959 amendment rewrote the first sentence of this section.

Removal of Infected Persons and Goods.

Sec. 87. Depositing carcass of dead animal or fowl where it may cause nuisance.—Whoever personally or through the agency of another leaves or deposits the carcass of a dead horse, cow, sheep, hog or of any domestic animals or domestic fowl or parts thereof 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. 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 $10 nor more than $100, or by imprisonment for not more than 3 months. (R. S. c. 22, § 143. 1957, c. 27.)

Effect of amendment. — The 1957 amendment omitted language which made the section applicable to "other of the larger" domestic animals, inserted the provision as to "domestic fowl or parts thereof", and increased the fine and imprisonment.

Tuberculosis.

Sec. 105. Control of tuberculosis. — The department or any full-time municipal health officer is empowered to make such investigations as may be necessary to ascertain the source of any infectious or communicable disease. Whenever said department or any full-time municipal health officer has cause to believe that any person is infected with tuberculosis so as to expose others to the dangers thereof, said department by its representative or full-time municipal health officer shall petition 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 justice, in term or vacation, may order such notice thereon as he may deem proper for such person to appear and answer thereto. Upon hearing, if said justice finds cause to believe that such person is so infected, he may issue an order requiring said person to be examined by a board of 3 physicians licensed to practice in this state at the expense of said department. Said board shall be comprised of the superintendent of one of the state sanatoriums, a physician chosen by the person suspected of having tuberculosis and the third appointed by the justice. The board shall make a report to the justice within the time designated by him.

If the board finds and reports that the alleged tuberculous infected person does not have active infectious tuberculosis and is not dangerous to the public health the court shall enter an order dismissing the petition. If the board finds and reports that the alleged tuberculous infected person has active infectious tuberculosis and is dangerous to the public health, the justice shall hold a hearing at the time fixed. If the justice determines that such person has active infectious tuberculosis and is dangerous to the public health he may commit such person to a sanatorium for such period of time as shall in the opinion of the superintendent of the sanatorium be necessary to remove the danger of infection to the public health and improve the health of the person, so that he will not have active infectious tuberculosis. The justice, in his order committing a person to a sanatorium, may direct the sheriff to take such person into his custody and forthwith deliver him to the sanatorium. (1949, c. 208, § 1. 1955, c. 371, §§ 1, 2. 1959, c. 180.)

Effect of amendments. — The 1955 amendment repealed the former last sentence of the first paragraph. The amendment also repealed the former second and third paragraphs and inserted in place thereof the second paragraph above.

The 1959 amendment amended the first and second sentences of this section by adding the phrase "or any full-time municipal health officer".

Sec. 105-A. Return of person to sanatorium.—Any person committed under section 105 who leaves the sanatorium to which he has been committed without having been discharged by the superintendent shall be recommitted to the sanatorium by a justice of the superior court in the county from which the person was originally committed upon an affidavit being filed before such justice by the superintendent of the sanatorium from which the person left, said affidavit shall state that such person has left the sanatorium and has not been discharged by the superintendent of said sanatorium. The order of recommitment shall direct the sheriff to forthwith deliver such person to the superintendent of the sanatorium named in the recommitment order. (1955, c. 371, § 3.)

Sec. 105-B. Appeal.—Any person who shall feel aggrieved by the order of commitment shall have the right to appeal such order to the supreme judicial

court; however, the filing of notice of appeal shall not operate to supersede the effect of the order from which the appeal is taken. Every order shall be executed forthwith unless the justice entering the order or the supreme judicial court, in its discretion, enters a supersedeas order and fixes the terms and conditions thereof. In all respects, except the entry of a supersedeas order, the existing statutes and rules pertaining to appeals of civil causes shall apply to such appeals. (1955, c. 371, § 4.)

State Sanatoriums.

Sec. 105-C. Establishment and maintenance of one or more sanatoriums.—The state shall maintain by building, lease or by purchase one or more sanatoriums in such districts of the State as shall seem best to serve the needs of the people for the care and treatment of persons affected with tuberculosis. Where lease or purchase is made, the state shall have the right to enlarge or otherwise adapt the property to meet the needs of the situation; and such additions or improvements shall be considered permanent. At the expiration of the original lease of any property for use as a tuberculosis sanatorium, the State shall have the right of renewal or of purchase. (1955, c. 437, § 1.)

Transfer of duties.—Section 3 of the act which inserted this section and § 105-D provides: "The duties imposed upon the department of institutional service under the provisions of sections 157 and 158 of chapter 27 of the revised statutes are hereby transferred and imposed upon the department of health and welfare."

Sec. 105-D. Admittance of patients; charges for treatment. — Patients may be admitted to these sanatoriums upon application to the department of health and welfare, if found to be suffering from tuberculosis or if suspected of having tuberculosis. All patients in said sanatoriums, the parents of minor children or the spouse, shall pay to the state for treatment, including board, supplies and incidentals necessary to the prescribed medical and surgical treatment both for in-patient and out-patient services, the amount determined by the department. The department may, if it finds that such patient or relatives liable by law are unable to pay the amount determined, in whole or in part, waive payment or so much thereof as the circumstances appear to warrant.

All funds collected from this source shall be credited to the general fund. No pauper disabilities shall be created by reason of any aid or assistance given under the provisions of this section.

The provisions of this section shall not apply to persons who may be committed under the provisions of section 105. (1955, c. 437, § 1. 1957, c. 346.)

Effect of amendment. — The 1957 amendment rewrote the first paragraph of this section.

Water Sold for Domestic Purposes or Used in Schools.

Sec. 141. Samples for examination of water sold for domestic purposes; if polluted; cost; inspection.—The department may require any person, firm, corporation, municipality or water district 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, and may issue an order directing the installation and operation of such purification equipment as may be reasonable and proper, and may make reasonable rules and regulations for the adequate operation of all water purification equipment.

Representatives of the department may enter upon the premises and inspect any water purification equipment to determine compliance with the law, depart-

ment orders and department rules and regulations. Any person, firm, corporation, municipality or water district required under the provisions of this section to furnish samples of the water sold or to be sold by it for domestic purposes shall pay the shipping charges thereon, and the department shall charge the average cost of the analysis for such examination to the person, firm, corporation, municipality or water district required to have such test made. (R. S. c. 22, § 121. 1949, c. 52. 1957, c. 269, § 2.)

Effect of amendment. — The 1957 amendment made this section applicable also to firms, corporations, municipalities and water districts, inserted all of the provisions relative to water purification equipment, and inserted the provision as to shipping charges on samples.

Sec. 145. Fluoride in public waters; authorization.—No such public utility or agency shall add any fluoride to any such water supply without first having been authorized to do so by the municipality or municipalities served by it. Any public utility or agency duly authorized to add fluoride to any water supply shall do so within 9 months after being notified in accordance with the provisions of this section. The town or city clerk shall, within 10 days after the vote, notify the public utility or agency of the vote favoring the addition of fluoride to the public water supply. In the case of a city, such authorization shall be by a majority vote of the legal voters voting at a regular or special city election. In the case of a town or plantation, such authorization shall be by a majority vote of the inhabitants present at an annual town or plantation meeting. In the case of a public utility or agency serving more than one municipality, such authorization shall be by a majority vote of the voters voting at such city election and a majority vote of the inhabitants present at an annual town or plantation meeting of each town or plantation served by such public utility or agency. Authorization by municipalities representing 80% of the customers served by such public utility or agency shall be sufficient. Whenever a municipality shall have approved fluoridation it may not again vote on the matter for a minimum period of 2 years from the date of installation of fluoride. The public utilities commission, upon application, shall determine and allocate the cost of such fluoridation among the customers of such public utility or agency and shall from time to time review such determination and allocation as required. In the event that a municipality which shall have approved fluoridation shall vote to discontinue such fluoridation and the public utility or agency serving such municipality has constructed or installed fluoridation facilities, such public utility or agency shall be entitled to amortize the remaining cost of its investment in such facilities, and to allocate the cost of such amortization among its customers, over such period of time as shall be approved by the public utilities commission. (1953, c. 324, § 2. 1957, c. 303.)

Effect of amendment. — The 1957 amendment inserted the present second, third and eighth sentences, added the last sentence, and made other minor changes.

Recreational Camps and Roadside Places.

Cross reference. — See c. 91-A, §§ 123-132, re excise tax on house trailers.

Inspection of Plumbing; Plumbers.

Sec. 174. Permits, fees; distribution of fees; hearings on regulations.—The permit required by section 173 shall be issued on the payment of a fee of not less than 50¢ for each such permit but not more than $2 per fixture, up to a total of 5 fixtures; for over 5 fixtures not less than 20¢ and not more than 60¢ shall be charged for each additional fixture, and shall be determined by such ordinance or by-law; ⅓ 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 173 to 175. 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 173 to 175, 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. (R. S. c. 22, § 166. 1959, c. 200.)

Effect of amendment. — The 1959 amendment rewrote the first sentence of this section by changing the amount of the fees.

Funeral Directors and Embalmers.

Sec. 195. Business of funeral director and practice of embalming; qualifications.

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, 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 graduated from a 12 months' course of study in a school or college of mortuary science, the requirements and standards of which school or college shall have the approval of the state board of examiners of funeral directors and embalmers, 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. (R. S. c. 22, § 187. 1949, c. 333, § 1. 1955, c. 213, § 1.)

Effect of amendment.—The 1955 amendment deleted from the second paragraph the words "and graduated from a 12 months' course in an approved school" and inserted in place thereof the words "and graduated from a 12 months' course of study in a school or college of mortuary science, the requirements and standards of which school or college shall have the approval of the state board of examiners of funeral directors and embalmers." As the first paragraph was not changed, it is not set out.

Sec. 197. Examinations for licenses; revocation of licenses.

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

Applicants for the combination license of funeral director and embalmer may be given a single examination.

(1955, c. 213, §§ 2, 3.)

Effect of amendment.—The 1955 amendment inserted the word "bacteriology" in the first sentence of the second paragraph and added the third paragraph. As the first and six last paragraphs were not changed, they are not set out.

Sec. 200. Fees; expiration and renewal of licenses.—The fee for examinations under the provisions of section 197 shall be $10, and all licenses and certificates of registration which have been or may be issued to funeral directors and embalmers by the board 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 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 $4 for an embalmer's license, $4 for a funeral director's license, $6 for a combination embalmer's and funeral director's license and $2 for an apprentice's license. Any person neglecting or failing to have his or her license or certificate of registration renewed may have the same renewed by making application therefor within 30 days after the date of such expiration and upon the payment of the regular renewal fee plus a revival fee of $2. 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. (R. S. c. 22, § 192. 1955, c. 213, § 4. 1957, c. 23.)

Effect of amendments. — The 1955 amendment changed the former second sentence by substituting at the end thereof "and upon the payment of the regular renewal fee plus a revival fee of $1" for "and upon the payment of $4, revival and renewal fee."

The 1957 amendment substituted three sentences for the former first two sentences of this section, increased the fees in such sentences and struck out the words "of examiners" where they formerly appeared in such sentences.

Sec. 204. Violent or sudden deaths, embalming fluids not injected until cause of death legally determined.—No person shall inject into any cavity or artery of the body of any person who has died from violence, by the action of chemical, thermal or electrical agents, or following abortion, or suddenly when not disabled by recognizable disease, any fluid or substance, until a legal certificate as to the cause of death from the medical examiner has been obtained, or until legal investigation has determined the cause of death, or written permission to embalm such body has been given by the medical examiner. 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 or until an autopsy has been performed. (R. S. c. 22, § 196. 1955, c. 326, § 4.)

Effect of amendment.—The 1955 amendment rewrote this section.

Sec. 205-A. Pre-arranged funerals or burial plans.—After the effective date of this act, all moneys paid during a person's lifetime to any individual, firm, association, partnership or corporation, by such person or by someone in his behalf under an agreement that services be performed or personal property be delivered in connection with the disposition of such person's body after his death shall be deposited by the payee within 30 days after receipt thereof in a separate account in a bank, trust company or savings institution in this state in the name of the payee as a mortuary trustee for the person for whose benefit the payment was made and shall be held in such account together with interest if any thereon. Nothing in this section shall be construed to prevent transfer of such funds to

another such bank, trust company or savings institution by merger or consolidation or by operation of law.

Such funds may be withdrawn, if otherwise lawful, by the payee on written instructions of the person who originally paid the money or his legal representative or on the death of the person for whose benefit such funds were paid, in which latter event they shall be used in accordance with the agreement.

Such bank, trust company or savings institution shall be discharged from liability for payment of the funds in any such account upon presentation of a written consent to withdrawal signed by the party who paid the funds or his legal representative and by the payee, or upon presentation of proof of death of such person for whose benefit such funds were paid. This section shall not apply to the sale of cemetery lots, crypts, niches, cemetery burial privileges, cemetery space or perpetual care.

Any person who violates this section shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not less than $50 and not more than $500, or by imprisonment for not more than 3 months. (1959, c. 151.)

Barbers and Barber Shops. Hairdressing and Beauty Culture.

Sec. 213. State board of barbers and hairdressers; executive secretary; compensation.

Each member of the board shall be allowed the sum of $20 per day and their necessary 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 twice a year of shops and other establishments subject to license under the provisions of sections 213 to 230, inclusive, and perform such other duties as shall be designated by the board. (R. S. c. 22, § 205. 1955, c. 193.)

Effect of amendment.—The 1955 amendment changed the compensation in the fifth paragraph from $10 to $20 per day and deleted the word "traveling" formerly appearing before "expenses" in line two of the paragraph. It also substituted "twice" for "once" in the sixth paragraph. As the rest of the section was not changed, only the fifth and sixth paragraphs are set out.

Sec. 217. Registration and licenses.

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 but not exceeding $5, 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 but not exceeding $5 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.

(1955, c. 48.)

Effect of amendment.—The 1955 amendment, which became effective on its approval, March 10, 1955, inserted the words "but not exceeding $5" in the fourth sentence of the third paragraph. As the rest of the section was not changed by the amendment, only the third paragraph is set out.

Sec. 219. Registration for barbers.

I. Who is at least 17 years of age; (1955, c. 360, § 1)

III. Who has satisfactorily completed a course of instruction, of 1,000 hours in not less than 6 months, in a school of barbering approved by said board and

a total experience as an apprentice of a period of at least 6 months under a licensed barber; or in lieu thereof has satisfactorily completed a course of instruction of 1,500 hours in not less than 9 months 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 2,500 hours distributed over a period of at least 18 months. (1951, c. 262, § 1. 1953, c. 306, § 2. 1955, c. 360, § 2)

Effect of amendment.—The 1955 amendment changed the age in subsection I from 18 to 17, and inserted in subsection III the clause set off by semicolons. As the rest of the section was not changed by the amendment, only subsections I and III are set out.

Sec. 222. Schools of barbering, hairdressing and beauty culture; fees.—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 who shall instruct the students by lectures or demonstrations at least twice but not more than 4 times during the course on subjects of sanitation, sterilization, general anatomy and diseases, 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 214 unless said instructor has a certificate to practice barbering under the provisions of sections 213 to 230, 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 1,500 hours distributed over a term of not less than 9 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. Time spent in any out-of-state school of hairdressing and beauty culture may be credited in full or in part against said 1,500 hours, subject to the decision and approval of the 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 pro-

posed 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 214 unless said instructor has a certificate to practice hairdressing and beauty culture under the provisions of sections 213 to 230, inclusive, excepting physicians as specified above. (R. S. c. 22, § 214. 1951, c. 262, § 3. 1955, cc. 148, 390. 1957, c. 397, § 23.)

Effect of amendments. — The first 1955 amendment inserted the second sentence of the second paragraph. The second 1955 amendment inserted in the first sentence of the first paragraph the provisions as to lectures or demonstrations on sanitation, sterilization, general anatomy and diseases. It also inserted a provision as to instruction of not less than 1,500 hours in not less than 9 months in an approved school, which provision was deleted by the 1957 amendment.

Sec. 223. Apprentices.

Every apprentice, in order to avail himself of the provisions of sections 213 to 230, 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 16 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.

(1955, c. 164.)

Effect of amendment.—The 1955 amendment susbtituted "16 years" for "17 years" at the end of the first sentence of the next to the last paragraph. Only the paragraph changed by the amendment is set out.

Sec. 224. Examinations; permit issued to applicant before examination.—The board shall hold 2 public examinations each year, one on the 2nd 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 examination shall be held.

If any applicant to practice hairdressing and beauty culture, who has been a resident of the state of Maine for a period of at least 6 months, qualifies for examination, the board may issue to such applicant until the results of the applicant's examination have been given a permit to practice hairdressing and beauty culture under the supervision of a person registered to practice hairdressing and beauty culture. Such applicant shall not be considered an apprentice. The applicant shall pay to the board a fee of $3.

If any applicant to practice barbering, who has been a resident of the State of Maine for a period of at least 6 months, qualifies for examination, the board may issue to such applicant, until the results of the applicant's examination have been given, a permit to practice barbering under the supervision of a person registered to practice barbering. The permit shall terminate with the examination following applicant's qualification. No permit shall be renewable. Such applicant shall be considered an apprentice. The applicant shall pay to the board a fee of $3. (R. S. c. 22, § 216. 1955, cc. 79, 104. 1957, c. 63. 1959, c. 232.)

Effect of amendments.—The first 1955 amendment added the second paragraph. The second 1955 amendment changed the time for holding the first examination from the first to the second Tuesday in June.

The 1957 amendment, which became effective on its approval, March 22, 1957, changed the period of the permit mentioned in the second paragraph from "until the time for holding an examination" to "until the results of the applicant's examination have been given."

The 1959 amendment added the last paragraph.

Aid to Dependent Children.

Sec. 234. Definitions.—

I. The term "dependent child," wherever used in sections 234 to 246, inclusive, shall be construed to mean a needy child under the age of 18, 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, aunt, first cousin, nephew or niece in a place of residence maintained by one or more of such relatives as his or their own home. (1953, c. 308, § 24. 1957, c. 98.)

Effect of amendment. — The 1957 amendment, which became effective on its approval, April 2, 1957, changed the age of a dependent child from "under the age of 16, or under the age of 18 if found by a state agency to be regularly attending school" to "under the age of 18" and inserted the words "first cousin, nephew or niece" in subsection I. As only subsection I was changed by the amendment, the rest of the section is not set out.

Sec. 240. Department to administer all funds.—The department shall administer all funds appropriated for the purposes of sections 234 to 246, 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 aid to dependent children are made available for the purposes of sections 234 to 246, 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. (R. S. c. 22, § 231. 1953, c. 308, § 24. 1957, c. 397, § 24.)

Effect of amendment. — The 1957 amendment deleted the words "mothers' aid or" which formerly preceded the word "aid" in the fourth sentence.

Sec. 245. Aid may be paid to a guardian or conservator.—When a relative with whom a child is living is found by the department to be incapable of taking care of his money, payment shall be made only to a legally appointed guardian or conservator and, notwithstanding the provisions of section 9 of chapter 158 in the matter of infirmities of age or physical disability to manage his estate with prudence and understanding, the probate court may appoint any suitable person as a conservator. (1951, c. 270, § 4. 1955, c. 273.)

Effect of amendment.—The 1955 amendment deleted the words "of such relative" formerly after the word "conservator" in line four, and added the part of the section appearing after such word.

Neglect of Children. Custody.

Sec. 247. Repealed by Public Laws 1959, c. 307, § 1.

Sec. 248. Investigations and prosecutions. — 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 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 sections 249 to 258 shall be paid over to the county

treasurer of the county in which the offenses may have been committed. (R. S. c. 22, § 237. 1949, c. 349, § 37. 1951, c. 266, § 25. 1959, c. 307, § 2.)

Effect of amendment.—The 1959 amendment deleted at the beginning of the section the words "all municipal boards, their agents and employees, all county probation officers and associate probation officers and" and substituted "sections 249 to 258" for "any of the 10 following sections" in the last sentence.

Sec. 249. Neglect to children; warrants; hearings; custody.—When complaint in writing signed by an agent of the department, sheriff, police officer, 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 willfully neglected by its parents or parent or other person having custody or control of such child or by the willful failure of such parents or parent or other person having custody or control of such child 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 or 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 in term time or vacation may fix a time for hearing upon said complaint to be held in term time or vacation, and may issue a warrant causing the parents or parent or other persons having custody or control of such child and the child, if necessary, to be brought before said court forthwith in term time or vacation, or may order notice to be given to said parents or parent or said other persons in such manner or in such length of time as the court deems proper. The court shall order 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 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, after hearing, it appears 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, in term time or vacation, may order said child, pending hearing upon said complaint, committed into the custody of the department or into the custody of any suitable person approved by the court, without regard to the provisions of section 251 as to bond, or into the custody of a duly incorporated children's institution or child welfare organization approved and direct the department, person or organization to make such provision for its care as may be necessary pending hearing. The expense, if any, of such care shall be paid by the department, person or organization to whom the child is committed. When any child has been committed to the custody of the department, or into the custody of any suitable person or duly incorporated children's institution or child welfare organization 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 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. (R. S. c. 22, § 238. 1945, c. 286. 1947, c. 135. 1957, c. 82. 1959, c. 307, § 3.)

Effect of amendments. — Prior to the 1957 amendment the direction was to the municipal board where the child was residing and the expenses were paid by the town or city where the child was residing.

The 1959 amendment struck out the words "county probation officer", formerly appearing after the word "sheriff" and before the words "police officer" and the words "member of a municipal board", formerly appearing after the words "police officer" and before the word "or" near the beginning of this section.

Rule as to findings of fact in cases heard on appeal by single justice. — The rule "that in cases heard by a judge without the intervention of a jury, findings of fact are conclusive if supported by credible evidence" is applicable to appeals in child neglect cases heard by a single justice under this and the following section. State v. Harnden, 154 Me. 76, 143 A. (2d) 750.

Sec. 250. Parent divested of legal rights by court order; responsibility for support; decree altered; guardianship.—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 40 of chapter 158, 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, of chapter 138. 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 37 of chapter 158. An appeal may be taken to the superior court from the order or decree of any probate or municipal court determining the custody of the child under sections 247 to 258. The proceedings under such appeal shall follow the form prescribed for appeal from probate courts or from a municipal court, as the case may be, 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. (R. S. c. 22, § 239. 1945, c. 378, § 20. 1959, c. 317, § 9.)

Effect of amendment.—The 1959 amendment rewrote the fourth and fifth sentences of this section.

Effective date and applicability of Public Laws 1959, c. 317.—Section 420, Chapter 317, Public Laws 1959, provides as follows: "This act shall become effective December 1, 1959. It shall apply to all ac-

tions brought after December 1, 1959 and also to all further proceedings in actions at law or suits in equity then pending, except to the extent that in the opinion of the court the application of this act in a particular action pending on December 1, 1959 would not be feasible or would work injustice, in which event the laws in effect prior to December 1, 1959 would prevail."

Rule as to findings of fact in cases heard on appeal by single justice.—See notes to § 249.

Licensing of Hospitals and Related Institutions.

Sec. 273-A. Violations; penalties.—Any person, partnership, association or corporation, including county or local governmental units, establishing, conducting, managing or operating any hospital, maternity home or hospital, sanatorium, convalescent home, rest home, nursing home or institution within the meaning of sections 265 to 274, inclusive, without first obtaining a license therefor as herein provided, or who shall violate any of the provisions of said sections or regulations thereunder, shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not more than $100, or by imprisonment for not more than 90 days. (1945, c. 355, § 1. 1959, c. 330, § 1.)

Editor's note.—This section appears in the original as section 274. P. L. 1959, c. 330, adding section 273-B, provided in section 1 thereof that section 274 of chapter 25 should be renumbered 273-A.

Sec. 273-B. Investment of hospital trust funds. — Hospitals may treat any 2 or more trust funds as a single fund solely for the purpose of investment, if such investment is not prohibited by the instrument, judgment, decree or order creating such trust funds. Unless ordered by decree, the hospital so investing said funds is not required to render a court accounting with regard to such funds, but it, as accountant, or any interested person, may by petition to the supreme judicial court, the superior court, or the probate court in the county where said hospital is located secure approval of such accounting on such conditions as the court may establish. (1959, c. 330, § 2.)

Sec. 274. Renumbered by Public Laws 1959, c. 330, § 1.

Cross reference.—See § 273-A and note thereto.

Solicitation of Charitable Funds.

Sec. 274-A. Definitions.—The following words and phrases as used in sections 274-A to 274-D, inclusive, shall have the following meanings unless a different meaning is required by the context:

"Charitable organizations" shall mean any group of benevolent, philanthropic, patriotic or eleemosynary persons or persons purporting to be such;

"Contribution" shall mean the promise or grant of any money or property of any kind or value;

"Person" shall mean any individual, organization, group, association, partnership, corporation or any combination of them.

"Professional fund raiser" shall mean any person who, for compensation or other consideration plans, conducts, manages or carries on any drive or campaign in this state for the purpose of soliciting contributions for or on behalf of any charitable organization or any other person, or who engages in the business of, or holds himself out to persons in this state as independently engaged in the business of soliciting contributions for such purpose. A bona fide officer or employee of a charitable organization shall not be deemed a professional fund raiser

"Professional solicitor" shall mean any person who is employed by any person or charitable organization for compensation or other consideration to solicit contributions for charitable purposes from persons in this state. (1955, c. 422, § 1.)

Sec. 274-B. License.—No professional fund raiser and no professional solicitor shall solicit funds for charitable or benevolent purposes outside of the municipalities where such persons reside or where such firm, corporation or association has its place of business, without having in full force a written license therefor from the department of health and welfare. No license shall be granted for a term exceeding one year. The department shall grant such license whenever it shall be shown to its satisfaction that the person or organization requesting the license is reputable and responsible and has suitable facilities for applying the funds to the purpose for which they are to be solicited, and that the records of such funds and the purpose for which they are used will be properly and accurately kept. Such license shall be furnished to the licensee without fee or charge, and may be revoked by the department whenever in its discretion it seems for the best interest of the public to do so.

Application for such a license shall contain the following:

I. The name under which the charitable organization intends to solicit contributions;

II. The names and addresses of president, secretary and treasurer and places where records will be kept; addresses shall include both residence and place of business.

III. The names and addresses of any paid professional fund raisers and paid professional solicitors who act or will act on behalf of the charitable organization, together with a statement setting forth the terms of the arrangements for salaries, bonuses, commissions or other remuneration to be paid the paid professional fund raisers, and the paid or professional solicitors;

IV. The general purpose for which the charitable organization is organized;

V. The purpose for which the contributions to be solicited will be used;

VI. The period of time during which the solicitation will be made;

VII. Such other information as may be necessary or appropriate in the public interest or for the protection of contributors;

VIII. The application form and any other documents prescribed by the department, shall be signed by the president or other authorized officer and the chief fiscal officer of the charitable organization. (1955, c. 422, § 1.)

Sec. 274-C. Out of state organizations.—Any charitable organization having its principal place of business without the state or organized under and by virtue of the laws of a foreign state, or which shall solicit contributions from people in this state, shall be deemed to have irrevocably appointed the department of health and welfare as its agent upon whom may be served any summons, subpœna, subpœna duces tecum or other process directed to such charitable organization, or any partner, principal, officer or director thereof, in any action or proceeding brought by the attorney general under the provisions of sections 274-A to 274-D, inclusive. (1955, c. 422, § 1.)

Sec. 274-D. Enforcement and penalties.—In the event that any solicitation is conducted without compliance with the terms of sections 274-A to 274-C, inclusive, the department shall have the right to enjoin the solicitation and the person concerned 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. (1955, c. 422, § 1.)

Sec. 275. Repealed by Public Laws 1955, c. 422, § 2.

Old Age Assistance.

Sec. 277. Definitions.

When the parent-child relationship between a parent and child was broken during the minority of the child and no significant relationship has ever been

resumed, such person shall not be considered as a child of such parent in sections 276 to 297, inclusive. (1951, c. 269, § 1. 1957, c. 351, § 1.)

Effect of amendment. — The 1957 amendment added the paragraph appearing above as the last paragraph of this section. As the first paragraph was not changed by the amendment, it is not set out.

Sec. 283. Requisites for assistance.

II. Has not sufficient income or other resources to provide a reasonable subsistence compatible with decency and health. (1947, c. 402, § 2. 1957, c. 97.)

III. Has resided in the state continuously for one year immediately preceding the application; (1959, c. 365, § 1.)

VII. Repealed by Public Laws 1957, c. 352. (R. S. c. 22, § 261. 1947, c. 402, § 2. 1949, c. 345, §§ 1, 2. 1951, c. 269, § 2. 1957, cc. 97, 352. 1959, c. 365, § 1.)

Effect of amendments.—The first 1957 amendment deleted from subsection II a former provision requiring sworn statements and facts as to income, etc., of applicants for old age assistance. The second 1957 amendment deleted subsection VII which required citizenship in the United States.

The 1959 amendment amended subsection III by reducing the residence requirement from 5 years to 1 year. As only subsections II, III and VII were changed by the amendments, the rest of the section is not set out.

Sec. 287. Disqualification of applicant and recipient.—Any applicant for or recipient of old age assistance who divests himself directly or indirectly of any property without a reasonable consideration shall forfeit all right to receive assistance under the provisions of sections 276 to 297, inclusive, for a period of 2 years from the date of the property transfer unless the property or its equivalent value is restored to the applicant or recipient.

Any recipient of old age assistance shall be disqualified from receiving old age assistance unless he files with the department, whenever the department may require it, the following information:

I. A sworn statement concerning income, assets and liabilities of the recipient sworn to by the recipient;

II. An individual sworn statement made on the part of each adult child residing in this state or spouse of said recipient, and such statements shall include full information regarding individual income, assets and liabilities.

If the recipient is unable to obtain the sworn statement from such child or spouse then upon proof of his inability to do so, the department shall determine whether such inability to do so is real and genuine, and if it decides that it is real and genuine, then the merits of his case may be considered. Any determination made under the provisions of this section shall be subject to the right of appeal by the recipient under the provisions of section 284. (R. S. c. 22, § 265. 1947, c. 402, § 3. 1949, c. 258, § 2. 1953, c. 279, § 1. 1955, c. 99, § 1. 1957, c. 64, § 1.)

Effect of amendments. — The 1955 amendment substituted "1952" for "1950" in the first paragraph. The 1957 amendment, however, rewrote this section.

Sec. 291. Funeral expenses.—On the death of a recipient, reasonable funeral expenses not exceeding $150 shall be paid by the state if the estate of the deceased is insufficient to pay the same. (R. S. c. 22, § 269. 1953, c. 381, § 1. 1955, c. 458.)

Effect of amendment.—The 1955 amendment increased the maximum amount of funeral expenses from $125 to $150.

Sec. 295. Claims against estate.—Upon the death of a beneficiary, the state shall have a claim against his estate, enforceable in the probate court, for all

amounts paid to him under the provisions of sections 276 to 297, inclusive. Such claim shall have priority over all unsecured claims against such estate, except:

I. Administrative expenses, including probate fees and taxes;

II. Expenses of the last sickness; (1955, c. 246)

III. Funeral expenses, not exceeding $400, exclusive of clergymen's honorarium and cemetery expenses. (1955, c. 246)

Effect of amendment.—The 1955 amendment deleted the words "and burial expenses" at the end of the subsection II and added subsection III. As the last paragraph of the section was not changed, it is not set out.

Enforcement of claims. — The state must file its claim for old age assistance within twelve months after an administrator for the recipient of assistance has qualified, as required by chapter 165, § 15, which gives notice that the state has a claim against the real estate of the deceased, but the state is not compelled under the provisions of chapter 165, § 17 to commence suit within the twenty months period because said § 17 of chapter 165 is not applicable to claims by the state for old age assistance furnished by the state. State v. Crommett, 151 Me. 188, 116 A. (2d) 614.

Aid to the Blind.

Sec. 298. Definitions.—

III. When the parent-child relationship between a parent and child was broken during the minority of the child and no significant relationship has ever been resumed, such person shall not be considered as a child of such parent in sections 298 to 318, inclusive. [1957, c. 351, § 2]. (R. S. c. 22, § 275. 1951, c. 44, § 1. 1957, c. 351, § 2.)

Effect of amendment. — The 1957 amendment added subsection III. As subsections I and II were not changed by the amendment, they are not set out.

Sec. 299. Requisites for aid.

III. Has resided in the state continuously for one year immediately preceding the application;

(1959, c. 365, § 2.)

Effect of amendment.—The 1959 amendment amended subsection III by reducing the residence requirement from 5 years to 1 year. Since the rest of the section was not affected by the amendment, it is not set out.

Sec. 303. Application procedure.—Applications for aid to the blind shall be made to the department on forms provided by the department. Said applications shall contain such information as may be required by the department. (1957, c. 106.)

Effect of amendment. — The 1957 amendment rewrote the second sentence of the first paragraph. As only the first paragraph was changed by the amendment, the rest of the section is not set out.

Sec. 312. Disqualification of applicant and recipient.—Any applicant for or recipient of aid to the blind who divests himself directly or indirectly of any property without a reasonable consideration shall forfeit all right to receive aid to the blind under the provisions of sections 298 to 318, inclusive, for a period of 2 years from the date of the property transfer unless the property or its equivalent value is restored to the applicant or recipient. (R. S. c. 22, § 288. 1951, c. 44, § 11. 1953, c. 279, § 2. 1955, c. 99, § 2. 1957, c. 64, § 2.)

Effect of amendments. — The 1955 amendment inserted the words "or recipient of" and substituted "1952" for "1950." The 1957 amendment, however, rewrote this section.

Sec. 313. Claims against estate.—Upon the death of a beneficiary, occurring after August 20, 1951, the state shall have a claim against his estate,

enforceable in the probate court, for all amounts paid to him under the provisions of sections 298 to 318, inclusive. Such claims shall have priority over all unsecured claims against such estate, except:

I. Administrative expenses, including probate fees and taxes;

II. Expenses of the last sickness;

III. Funeral expenses, not exceeding $400, exclusive of clergymen's honorarium and cemetery expenses.

(1957, c. 20, § 1.)

Effect of amendment. — The 1957 amendment deleted the words "and burial expenses" which formerly appeared at the end of subsection II, and added subsection III. As the last paragraph of this section was not changed by the amendment, it is not set out.

Sec. 315. Funeral expenses of persons aided.—On the death of a recipient, reasonable funeral expenses not exceeding $150 shall be paid by the state if the estate of the deceased is insufficient to pay the same. (R. S. c. 22, § 291. 1953, c. 381, § 2. 1957, c. 273, § 1.)

Effect of amendment. — The 1957 amendment increased the maximum amount to be paid by the state from $125 to $150.

Aid to the Disabled.

Sec. 319-A. Definitions. — The words "aid to the disabled" mean money payments to, or medical care in behalf of or any type of remedial care in behalf of, needy individuals 18 years of age or older who are permanently and totally disabled, but does not include any such payments to or care in behalf of any individual who is an inmate of a public institution, except as a patient in a medical institution, or any individual who is a patient in an institution for tuberculosis or mental disease, or who has been diagnosed as having tuberculosis or psychosis and is a patient in a medical institution as a result thereof.

When the parent-child relationship between a parent and child was broken during the minority of the child and no significant relationship has ever been resumed, such person shall not be considered as a child of such parent in sections 319-A to 319-T, inclusive. (1955, c. 405, § 30. 1957, c. 351, § 3.)

Effect of amendment. — The 1957 amendment added the second paragraph of this section.

Sec. 319-B Department to administer aid to the disabled.—The department shall administer the law relating to aid to the disabled and may make rules and regulations necessary to the administration thereof. It is empowered to employ, subject to the provisions of the personnel law, such assistants as may be necessary to carry out the provisions of sections 319-A to 319-T, inclusive, and to coordinate their work with that of the other social welfare work of said department. All aid granted under the provisions of said sections shall be paid monthly by the state. The amount of aid which any person shall receive shall be determined on a budgetary basis with due regard to the conditions existing in each case and in accordance with the rules and regulations of said department. This aid shall be sufficient, when added to all other income and support of the recipient, to provide such person with a reasonable subsistence compatible with decency and health, but not exceeding $55 per month. Whenever the federal matching maximum is changed the department may change the maximum grant with the approval of the governor and council. (1955, c. 405, § 30.)

Sec. 319-C. Acceptance of provisions of federal law.—The department is authorized to:

I. Apply for federal assistance under the provisions of Title XIV of the Federal Social Security Act (Public No. 271, 74th Congress) and acts additional

thereto or amendatory thereof; and to comply with such conditions, not inconsistent with the provisions of sections 319-A to 319-T, inclusive, as may be required for such aid.

II. 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. (1955, c. 405, § 30.)

Sec. 319-D. Federal grants.—The treasurer of state shall be the appropriate fiscal officer of the state to receive federal grants on account of aid to the disabled and administration thereof, as contemplated by Title XIV of the Federal Social Security Act, and the state controller shall authorize expenditures therefrom as approved by said department. (1955, c. 405, § 30.)

Sec. 319-E. Application procedure.—Applications for aid to the disabled shall be made to the department on forms provided by the department. Said applications shall contain such information as may be required by the department.

An application shall not be considered unless accompanied by an individual sworn statement made on the part of the spouse, parents and each adult child of said applicant residing in this state, and such statements shall include full information revealing individual income, assets and liabilities, provided that if such applicant has previously applied and there are on file with the department any of the necessary sworn statements, then the applicant need only furnish such additional sworn statements as the department may require.

If the applicant is unable to obtain the sworn statement from such spouse, parents or child as above provided, then upon proof of his inability to do so the department shall determine whether such inability to do so is reasonable, and if it decides that it is reasonable, then the merits of his application may be considered. Any determination made under the provisions of this section shall be subject to the right of appeal by the applicant under the provisions of section 319-G. (1955, c. 405, § 30. 1957, c. 96.)

Effect of amendment. — The 1957 amendment rewrote the second sentence of the first paragraph.

Sec. 319-F. Requisites for aid.—Aid to the disabled shall be granted only to a person who:

I. Is between 18 and 65 years of age and is permanently and totally disabled as defined in the rules and regulations of the department:

II. Has not sufficient income or other resources to provide a reasonable subsistence compatible with decency and health;

III. Has resided in the state continuously for 1 year immediately preceding the application;

IV. Is not an inmate of any public institution, except as a patient in a medical institution as provided in section 319-A; but an inmate of any institution may file application for aid under the provisions of sections 319-A to 319-T, inclusive, and any allowance made thereon shall take effect and be paid upon his ceasing to be an inmate of such institution;

V. Has no spouse, parents, adult child or children residing in this state and able to support him;

VI. Is not receiving aid to the blind, old age assistance or aid to dependent children. (1955, c. 405, § 30. 1959, c. 365, § 3.)

Effect of amendment.—The 1959 amendment amended subsection III by reducing the residence requirement from 5 years to 1 year.

Sec. 319-G. Right of appeal.—Any person who is denied aid, or who is not satisfied with the amount of aid allotted to him, or is aggrieved by a decision

of the department made under any provisions of sections 319-A to 319-T, inclusive, or whose application is not acted upon with reasonable promptness, 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. (1955, c. 405, § 30.)

Sec. 319-H. Aid may be paid to a guardian or conservator.—If an applicant for or a recipient of aid is found by the department to be incapable of taking care of himself or his money, payment shall be made only to a legally appointed guardian or conservator for his benefit. (1955, c. 405, § 30.)

Sec. 319-I. Inalienability of aid.—All rights to aid shall be absolutely inalienable by any assignment, sale, execution, pledge or otherwise, and shall not pass, in case of insolvency or bankruptcy, to any trustee, assignee or creditor. (1955, c. 405, § 30.)

Sec. 319-J. Transfer of property prohibited.—Any applicant for or recipient of aid to the disabled, who divests himself directly or indirectly of any property without a reasonable consideration shall forfeit all right to receive aid under the provisions of sections 319-A to 319-T, inclusive, for a period of 2 years from the date of the property transfer unless the property or its equivalent value is restored to the applicant or recipient. (1955, c. 405, § 30. 1957, c. 64, § 3.)

Effect of amendment. — The 1957 amendment rewrote this section.

Sec. 319-K. Disqualification of applicant and recipient.—Any recipient of aid to the disabled shall be disqualified from receiving aid to the disabled unless he files with the department, whenever the department may require it, the following information:

I. A sworn statement revealing his income, assets and liabilities;

II. An individual sworn statement made on the part of the spouse, parents and each adult child of said recipient residing in this state, and such statements shall include full information revealing individual income, assets and liabilities.

Provided, however, if the recipient is unable to obtain the sworn statement from such spouse, parents or child as above provided, then upon proof of his inability to do so, the department shall determine whether such inability to do so is reasonable and if it decides that it is reasonable then the merits of his case may be considered. Any determination made under the provisions of this section shall be subject to the right of appeal by the recipient under the provisions of section 319-G. (1955, c. 405, § 30.)

Sec. 319-L. Report to department of increase in assets or income.—Every recipient of aid to the disabled shall forthwith notify the department upon the receipt or possession of any property or income in excess of the amount last disclosed to the department. (1955, c. 405, § 30.)

Sec. 319-M. Payments illegally received may be recovered.—The department may recover from any adult child or children, spouse or parents of any beneficiary under the provisions of sections 319-A to 319-T, inclusive, who is able to support the said beneficiary, but who fails to provide such support, in an action on the case for the amount expended by the department for the said support. The department may also recover the amount expended for aid in an action on the case from a recipient or a former recipient who has failed to disclose assets which would have rendered him ineligible had he disclosed the assets. Such actions shall be prosecuted by the attorney general in the name of the state, and

the amount recovered shall be credited to the aid to the disabled fund. (1955, c. 405, § 30.)

Sec. 319-N. Funeral expenses of person assisted.—On the death of a recipient, reasonable funeral expenses not exceeding $150 shall be paid by the state, if the estate of the deceased is insufficient to pay the same. (1955, c. 405, § 30. 1957, c. 273, § 2.)

Effect of amendment. — The 1957 amendment increased the maximum amount to be paid by the state from $125 to $150.

Sec. 319-O. Payment of certain obligations of deceased recipients of aid to the disabled.—When for any reason whatsoever a recipient of aid to the disabled is unable to properly indorse the check for the last payment approved for him prior to his death or commitment to an institution, the department may approve payment by the state of obligations incurred by the recipient for board, medical, osteopathic or nursing services in anticipation of the receipt of such check, but not in excess of the amount of the check; provided, however, that any claim which may be paid under the provisions of this section must be presented to the department in writing within 60 days of the date of the death or commitment of the recipient. (1955, c. 405, § 30.)

Sec. 319-P. Entire aid suspended, when.—If at any time the grant available to the state of Maine under the provisions of the Social Security Act of the United States relating to aid to the disabled shall cease to be available to match funds provided by law and to be distributed under the provisions of sections 319-A to 319-T, inclusive, the governor shall forthwith publicly so proclaim, and upon the date of such proclamation the provisions of said sections shall be suspended. (1955, c. 405, § 30.)

Sec. 319-Q. Claims against estate of person assisted.—Upon the death of a beneficiary, the state shall have a claim against his estate, enforceable in the probate court, for all amounts paid to him under the provisions of sections 319-A to 319-T, inclusive. Such claim shall have priority over all unsecured claims against such estate, except:

I. Administrative expenses, including probate fees and taxes;

II. Expenses of the last sickness;

III. Funeral expenses, not exceeding $400, exclusive of clergymen's honorarium and cemetery expenses.

The attorney general shall collect any claim which the state may have hereunder against such estate; provided, however, that no such claim shall be enforced against any real estate while it is occupied as a home by the surviving spouse of the beneficiary and said spouse does not marry again. If the state participates in federal funds for the purposes of sections 319-A to 319-T, inclusive, a sum equal to the pro rata share to which the United States is equitably entitled of the net amount collected from the estate of the beneficiary, with respect to aid to the disabled furnished him, shall be promptly paid by the treasurer of state to the United States as required by the laws of the United States. (1955, c. 405, § 30. 1957, c. 20, § 2.)

Effect of amendment. — The 1957 amendment deleted the words "and burial expenses" which formerly appeared at the end of subsection II, and added subsection III.

Sec. 319-R. Recipients of aid to the disabled not to be pauperized.—The receipt of aid to the disabled shall not pauperize the recipient thereof, and the receipt of general relief by such recipient shall not be considered to be pauper support. General relief expense incurred by any municipality or by the state in behalf of such recipient may be paid from funds made available for the relief of the poor, but shall in no other respect be treated as pauper expense. The town of

settlement, or the state in nonsettled cases, shall reimburse the place of residence for such general relief in the same manner as is provided by sections 24 and 28 of chapter 94. During the period that such aid is being paid, the recipient thereof shall not acquire or lose a settlement or be in the process of acquiring or losing a settlement. (1955, c. 405, § 30.)

Sec. 319-S. Fraudulent representations; penalty.—Any person, who by means of a willfully false statement or representation, or by impersonation or other fraudulent devices, obtains or attempts to obtain, or aids or abets any person to obtain:

I. Aid to which he is not entitled;

II. A larger aid than that to which he is entitled;

III. Payment of any forfeited installment of aid;

and any person, who knowingly buys or aids or abets in buying or in any way disposing of the property of a recipient in such a way as to constitute a fraud upon the department, 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. (1955, c. 405, § 30.)

Sec. 319-T. General penalty.—Any person who violates any of the provisions of sections 319-A to 319-T, inclusive, for which no penalty is specifically provided, 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. If a recipient of aid is convicted of an offense under the provisions of this section, the department may cancel the aid. (1955, c. 405, § 30.)

Medical Care for Recipients of Public Assistance.

Sec. 319-U. Medical care accumulation fund; rules and regulations; shall not lapse.—The department is authorized to establish a medical care accumulation fund to be used solely for the payment of medical, hospital or remedial care costs of recipients of public assistance under the provisions of this chapter. The fund shall be created by periodic payments into it based on a monthly amount per case as determined by the department, which monthly amount may be paid into the fund even though the monthly amount added to the assistance payment exceeds the maximum assistance payment in this particular category. Said payment shall be made from the respective appropriations for the four public assistance categories and from federal grants available under the provisions of the Social Security Act as heretofore and hereafter amended. The payments out of the fund of the costs of medical, hospital or remedial care shall be made to those persons furnishing such services.

The department is authorized and empowered to make all necessary rules and regulations for the administration of and expenditures from said fund.

The medical care accumulation fund shall not lapse but shall be a continuing fund so long as federal grants are available to match the state's contribution. All payments into said fund shall cease whenever either federal grants or state appropriations are withdrawn. No payments shall be made out of said fund if federal grants or state appropriations are withdrawn, except that care contracted for before the date of such withdrawal shall be paid. Any money left in the fund in the event of withdrawal of federal grants or State appropriations shall be divided between the state and the federal government in proportion to the amount contributed by each. (1955, c. 111.)

Effective date.—This section became effective July 1, 1955.

Indian Tribes.

Sec. 326. Clerks of Indian tribes. — A clerk of the reservation of each Indian tribe shall be appointed by the tribal governor subject to the approval of

the tribal council, if any. The clerks shall keep a record of the births and deaths of persons living on such reservation and perform all other duties with respect to the same as are required of the clerks of towns under section 378-A. He shall receive a fee of 25¢ for each certificate returned to the bureau of vital statistics. (1945, c. 264, § 1. 1959, c. 363, § 15.)

Effect of amendment.—The 1959 amendment substituted the words "section 378-A" for the words "the provisions of sections 394 and 396", formerly appearing at the end of the second sentence of this section.

Indians: General Provisions.

Sec. 336. Constables.—The tribal governor, with the advice and consent of the tribal council, is hereby authorized to appoint one or more reliable Indians, in each of the Indian tribes in this state, as special constables with like powers and duties of constables and police officers, within towns and cities, in the enforcement of the laws of the state, within the limits of the reservation of his tribe, with authority to take any offender before any court of competent jurisdiction within his county. Such constables shall act as school attendance officers for their respective tribes. They shall receive such compensation as may be determined by the department. (1945, c. 124, § 1. 1957, c. 158, § 1.)

Effect of amendment. — The 1957 amendment inserted the word "tribal" preceding the word "governor" and also preceding the word "council", inserted the word "hereby", and deleted the words "and well commended" which formerly appeared following the word "reliable", in the first sentence of this section.

Sec. 337. Term of office.—Said constables shall be appointed for a term of 2 years from the date of his appointment or until his successor has been duly appointed and qualified. Any constable may be removed by the tribal governor upon recommendation of the department. (1945, c. 124, § 1. 1957, c. 158, § 2.)

Effect of amendment. — The 1957 amendment inserted the word "tribal" preceding the word "governor".

Penobscot Tribe.

Sec. 338. Repealed by Public Laws 1957, c. 164, § 1.

Sec. 339. Repealed by Public Laws 1957, c. 164, § 2.

Sec. 349. Persons not belonging to tribe to remove from reservation. — Any person residing or commorant upon the tribal reservation of the Penobscot tribe of Indians, not being a member nor the husband, wife or legally adopted child of a member of said tribe, may be required to remove therefrom by a written notice given to him in hand under the signature of the governor or, in his absence, the lieutenant governor, and the commissioner. A copy of such notice attested by said commissioner, with a return of service thereon by any officer qualified to serve criminal precepts, or an affidavit of service by any other person, shall be filed with said commissioner and be sufficient evidence of such service. If the person so notified shall not remove from said reservation within 2 days after service of said notice upon him, the commissioner or any member of the tribe may make complaint to the judge of the Old Town municipal court, who shall cause a certified copy of said complaint with a notice of the time and place of hearing thereon to be given in hand to said person or left at his place of last and usual abode at least 2 days before the time fixed for said hearing, or may cause said person to be at once apprehended and brought before said court. After due hearing, said judge with the recommendation of the tribal governor and council may order the respondent to remove within a specified time beyond the tribal reservation limits. If the respondent fails to obey said order,

or if within 1 year after the service of said notice he shall again become resident or commorant upon any reservation of said tribe without the consent of said commissioner and said governor or lieutenant governor, said judge may cause such person to be apprehended and brought before said court and may punish him by fine of not more than $20, or by imprisonment for not more than 30 days, or by both such fine and imprisonment. The costs of all such court proceedings under the provisions of this section may be included in the order or sentence of said judge; and if the respondent fails to pay the same, he may be committed to jail for not more than 30 days additional to any imprisonment otherwise imposed upon him; and in such case, or if the judge does not include said costs in his order or sentence, such costs shall be paid by said commissioner from the tribal fund. Costs shall be taxed as in ordinary proceedings upon complaint. (R. S. c. 22, § 333. 1953, c. 378, § 3. 1957, c. 184.)

Effect of amendment. — The 1957 amendment rewrote the fourth sentence of this section which relates to the authority of the judge to order removal of respondent after hearing.

Sec. 353. School moneys of tribe; schools; free tuition in high school. —All moneys appropriated for schools for the Penobscot tribe of Indians shall be expended under the supervision of the commissioner, subject to the approval of the department; said commissioner and the superintendent of the Old Town schools shall jointly employ the teachers and fix their salaries, limited by such appropriation. Said teachers shall meet all minimum qualifications as required for certification in the public schools of the state. The schools upon island number 1, commonly called Indian Old Town Island, shall be under the care and supervision of the superintendent of schools of the city of Old Town; and those within the territorial limits of any other town under the care and supervision of the superintending school committee of such town. Said superintendent or school committee shall visit such schools at least 3 times during each school term; regulate the grades and courses of study; assist the teachers and scholars by counsel; and make reports to the commissioner and to the commissioner of education once each year, noting therein such facts and information as may seem of importance in the interest of education among said tribe or as may be required by the said department. The superintendent of schools of Old Town shall have such authority over the schools on Indian Island as superintendents in any town may have, except as limited by this section. Said superintendent shall be paid from the state appropriation for school superintendents a sum not exceeding $100 per year for his services. The children of Indian Island may have the option of attending the Old Town schools whenever their parents may express a desire for them to so attend and the superintendent of schools shall transfer them to the building appropriate and suitable for their grades. The said children of said island shall be subject to all compulsory attendance laws as provided in chapter 41, sections 92 to 97, except that the superintendent of the Old Town schools and the commissioner shall jointly have full authority to enforce the full provisions of said attendance laws, and for purposes of such enforcement the attendance officer for the city of Old Town shall act as attendance officer for Indian Island. All laws relating to the public schools shall be applicable to the schools on Indian Island, and the superintendent of the Old Town schools and the commissioner shall be jointly responsible for the enforcement of the provisions of said laws. Whenever it shall be shown that any of the children of the Penobscot tribe of Indians shall have completed the course of study for elementary schools as prescribed or shall have passed the examination prepared by the commissioner of education for entrance into high school, such children shall be granted entrance to any high school in this state, to which said children may apply under the same conditions as pupils residing in towns that do not maintain a free high school, as provided in section 107 of chapter 41, except that such tuition for such pupils shall be paid by the department from Indian funds.

Said tuition shall be based on the average cost per pupil for the year preceding that for which the tuition is paid and the tuition rates shall be determined by the formula prescribed in section 108 of chapter 41 for secondary schools. Tuition likewise for the children of the Penobscot tribe of Indians who attend the elementary schools of any city or town in this state shall be paid said city or town by the department in similar manner and based on the average cost per pupil in the year preceding that for which tuition is paid and the tuition rates shall be determined by the formula prescribed in section 108 of chapter 41 for secondary schools. (R. S. c. 22, § 337. 1949, c. 349, § 40. 1953, c. 378, § 3. 1959, c. 342, § 2.)

Effect of amendment.—The 1959 amendment substituted "sections 92 to 97" for "sections 89 to 97" in the eighth sentence of this section.

Sec. 363. Conveyances by release deed; record; lots on Old Town Island.—Conveyances made by virtue of section 356 shall be by release deed, executed and acknowledged, and the approval of the commissioner shall be written thereon; said deed and approval shall be recorded by the register of deeds of Penobscot county in a book kept in the registry of deed in said county, upon payment of 25¢ for each deed so recorded; and until recorded as herein provided, no deed made as aforesaid shall pass any title. Sections 321 to 377, inclusive, apply to house lots on the point of Old Town Island, as well as to land allotted for agricultural purposes. (R. S. c. 22, § 347. 1949, c. 349, § 41. 1953, c. 378, § 3. 1955, c. 58.)

Effect of amendment.—The 1955 amendment eliminated a former requirement that the deed and approval be recorded by the commissioner, as well as by the register of deeds of Penobscot county.

Sec. 369. Census of Penobscot Indians; annual meeting; notices; correction of lists. — An accurate census of the Penobscot tribe shall be taken early each January by the tribal committee upon the best information which they can obtain, stating, as nearly as may be, the name, sex and age of each Indian as it existed on the 1st day of such January, each family by itself. On or before the 10th day of January, annually, the original, certified under oath, shall be delivered to the commissioner, and a copy thereof to the governor of said tribe for their use. On the 1st Wednesday of January, annually, the said committee shall hold a meeting with said tribe on Old Town Indian Island, for receiving information from such of the tribe as may attend, as to the membership of the tribe, the identity of persons and the correctness of names. Due notice in writing of the time and place of which meeting shall be given by said committee. At said meeting 5 of said tribal committee shall constitute a quorum thereof.

Corrections of the list, by reason of births, deaths or omissions, may, as they come to the knowledge of the committee, be certified to the commissioner and he shall correct his list accordingly. (R. S. c. 22, § 353. 1953, c. 378, § 3. 1957, c. 164, § 3.)

Effect of amendment. — The 1957 amendment deleted the words "as hereinafter provided" from the first sentence of this section, deleted a provision relative to report at the annual meeting and entry on census rolls of names of persons entitled to membership from the last sentence of the first paragraph, and deleted provisions relative to return of lists and compensation of tribal committee from the second paragraph.

Sec. 370. Biennial election of tribe.—Biennially on the even-numbered years, on the 1st Tuesday of September, the Penobscot Indians shall hold their election for the choice of governor and lieutenant governor of said tribe, and a representative at the legislature of this state, and a tribal committee to consist of 12 members of said tribe, each of whom must be at least 21 years of age. The governor shall preside over all meetings of the committee and be a member ex-officio. In the absence of the governor, the lieutenant governor shall preside. The commissioner shall give notice of the time and place, 7 days before said

day of election, by posting notices thereof, one at his office and one in some conspicuous place on Old Town Island. Said commissioner shall receive, sort and count the votes given in at said election, in presence of the members of the tribe, and shall give to those elected certificates thereof. All persons so elected shall hold office for 2 years or until their successors are elected. Whenever any vacancy occurs the commissioner shall call a meeting of the tribe to fill such vacancy.

On the first Tuesday of August biennially on the even-numbered years, the Penobscot Indians shall hold a caucus for the purpose of nominating candidates to be elected as provided in this section. (R. S. c. 22, § 354. 1953, c. 378, § 3. 1957, c. 161; c. 164, § 4.)

Effect of amendments.—The first 1957 amendment added the second paragraph of this section. The second 1957 amendment inserted the provision as to the tribal committee in the first sentence of the first paragraph, inserted the second and third sentences, and added the sixth and seventh sentences at the end of such paragraph.

Passamaquoddy Tribe.

Sec. 371. Biennial election.—Biennially on the even-numbered years, on the 1st Tuesday of November, the Passamaquoddy tribe of Indians shall hold their election for the choice of governor and lieutenant governor of said tribe, a representative at the legislature of this state, all of whom shall alternate between the 2 reservations, and a tribal committee to consist of 6 members of said tribe from each reservation, all of whom must be at least 21 years of age. The governor shall preside over all meetings of the committee and be a member ex-officio. In the absence of the governor, the lieutenant governor shall preside. The commissioner shall give notice of the time and place, 7 days before said day of election, by posting notices thereof in some conspicuous place on the reservations at Pleasant Point and Peter Dana's Point. Said commissioner shall receive, sort and count the votes given in said election, in the presence of members of the tribe, and those elected shall be given certificates therefor. All persons so elected shall hold office for 2 years or until their successors are elected. Whenever any vacancy occurs the commissioner shall call a meeting of the tribe to fill such vacancy. (R. S. c. 22, § 356. 1953, c. 378, § 3. 1957, c. 164, § 5.)

Effect of amendment. — The 1957 amendment rewrote this section.

Sec. 371-A. Census of Passamaquoddy Indians.—An accurate census of the Passamaquoddy tribe shall be taken early each January by the tribal committee upon the best information which they can obtain, as hereinafter provided, stating, as nearly as may be, the name, sex and age of each Indian as it existed on the 1st day of such January, each family by itself. On or before the 10th day of January, annually, the original, certified under oath, shall be delivered to the commissioner, and a copy thereof to the governor of said tribe for their use. On the 1st Wednesday of January, annually, the said committee shall hold a meeting with said tribe, for receiving information from such of the tribe as may attend, as to the membership of the tribe, the identity of persons and the correctness of names; due notice in writing of the time and place of which meeting shall be given by said committee. At said meeting 5 of said tribal committee shall constitute a quorum thereof.

Corrections of the list, by reason of births, deaths or omissions, may, as they come to the knowledge of the committee, be certified to the commissioner and he shall correct his list accordingly. (1957, c. 164, § 6.)

Sec. 373. Forest commissioner may sell timber on Indian Township; improvement fund.—The forest commissioner may sell to the best advantage,

at public or private sale, to a citizen of the state, the timber and grass from township numbered 2 on the St. Croix river, called the Indian Township, expressly retaining in the written contract of sale a lien on the timber and grass cut, until the amount due for stumpage thereon is paid. Every surveyor appointed by said forest commissioner to scale or survey the lumber so sold, before entering on his duties, shall be sworn to the faithful performance of his trust, and shall file a certificate of his oath with the commissioner. The net proceeds from such sales shall be placed in the Passamaquoddy tribe trust funds until a sum equal to that used from said trust funds for housing has been placed therein then the net proceeds shall be set up in the state treasury as an improvement fund for the reservation of the Passamaquoddy tribe of Indians to be expended with the approval and under the direction of the department. In the event the balance in said improvement fund shall at the end of any fiscal year exceed the sum of $10,000, the excess over $10,000 shall be added to the permanent trust funds of said tribe. From said improvement fund the department in charge shall make payment to the treasurer of state to be allotted the Maine forestry district in lieu of taxes on the basis of 3¢ per acre per year for all lands within Indian Township not already paying a Maine forestry district tax for the prevention, control and extinguishment of forest fires. (R. S. c. 22, § 359. 1947, c. 147. 1949, c. 83. 1953, c. 378, § 3. 1957, c. 162.)

Effect of amendment. — The 1957 amendment inserted the provision which requires the net proceeds to be placed first in the tribe trust funds in the third sentence and made a former proviso of the third sentence into a separate sentence.

Office of Vital Statistics.

Sec. 378. Duties of department.—The department shall establish an office of vital statistics which shall maintain a state-wide system for the registration of vital statistics.

I. The commissioner shall appoint a state registrar of vital statistics, who shall be qualified in accordance with the standards of education and experience prescribed by the state department of personnel.

II. The state registrar shall have charge of the office of vital statistics and be custodian of its files and records. He shall preserve all certificates, records and other reports returned to him under the provisions of this chapter. He shall have general supervision of the provisions of this chapter and the regulations of the department relating to the registration of vital statistics, and shall direct the activities of municipal clerks in the registration of vital statistics.

III. The state registrar shall prescribe and furnish forms and issue instructions necessary to the administration of the vital statistics system. He shall prepare and publish annual reports of vital statistics and such other reports as are requested by the department.

IV. The forms of certificates, records and other reports required by the laws governing the registration of vital statistics shall be designed with due consideration for national uniformity in vital statistics and record service. (R. S. c. 22, § 366. 1945, c. 320, §§ 1-3. 1957, c. 298, § 1.)

Effect of amendment. — The 1957 amendment rewrote this section, which formerly related to the registrar of vital statistics.

Legislative intent.—P. L. 1957, c. 298, which rewrote this section, amended or repealed many of the sections which follow in this chapter, and also inserted three new sections therein, provided in section 12 of such act as follows: "It is the intent of the legislature that this act shall in no way affect the present tenure of office of the present registrar of vital statistics and the present employees in the office of vital statistics."

Registration of Vital Statistics.

Sec. 378-A. Duties of municipal clerks.—The clerk of each municipality in this state shall keep a chronological record of all live births, marriages, deaths and fetal deaths reported to him under the provisions of this chapter. Such record shall be kept as prescribed by the state registrar.

I. Each municipal clerk in this state shall enforce, so far as comes within his jurisdiction, the provisions of this chapter and the regulations of the department relating to the registration of vital statistics.

II. Between the 10th and 15th of each month, the clerk of each municipality in this state shall transmit to the state registrar each original certificate of live birth, death and fetal death, and a certified copy of each original certificate of marriage returned to him under the provisions of this chapter during the calendar month next previous. If a municipal clerk has received no original certificates during said month for which certificates or records are to be transmitted, he shall notify the state registrar that he has no certificates or records to transmit.

III. When the parents of any child born are residents of any other municipality in this state, or when any deceased person was a resident, or was buried in any other municipality in this state, the clerk of the municipality where such live birth or death occurred shall, between the 10th and the 15th of the month next following, transmit a certified copy of the certificate of such live birth or death to the clerk of the municipality where such parents reside, or where the deceased was a resident, or was buried. (1957, c. 298, § 2.)

Sec. 379. Repealed by Public Laws 1959, c. 291, § 1.

Sec. 380. Copy of record of marriages. — Every person authorized to unite persons in marriage shall make and keep a record of every marriage solemnized by him in conformity with the forms and instructions prescribed by the state registrar of vital statistics. That person shall forthwith, following each marriage solemnized by him, return each original certificate or certificates to the clerk who issued the same; and if the marriage was solemnized in a town other than the place or places where the parties to the marriage reside, return a copy of the certificate or of either certificate if 2 were issued, to the clerk of the town where the marriage was solemnized. Each certificate and copy so returned shall contain a statement giving the names of the parties united in marriage, place and date of the marriage, the signature of the person by whom the same was solemnized and the names of the 2 witnesses. The person who solemnized the marriage shall add the title of the office by virtue of which marriage was solemnized, his residence and the date of his commission. All certificates or copies so returned shall be recorded by the clerk receiving them. (R. S. c. 22, § 368. 1959, c. 363, § 16.)

Effect of amendment.—The 1959 amendment rewrote the first sentence of this section.

Sec. 381. Issuance of marriage certificates to nonresidents; submitting certificate of divorce.—Before issuing a marriage certificate to a person who resides and intends to continue to reside in another state, the town or city clerk shall satisfy himself by requiring affidavits or otherwise that such person is not prohibited to marry by the laws of the state where he or she resides.

Persons filing notice of intention to marry, one or both of whom have previously been married and divorced, shall submit therewith a certificate of divorce or certified copy of the divorce decree from the clerk of the court by which the divorce was granted. The clerk shall make a notation on the reverse side of the marriage intention form showing the title and location of the court, the names of the parties

to the proceeding for divorce and the date when the decree became absolute. If there has been more than one divorce, the said certificate or certified copy as to every such divorce shall be submitted with and noted on each notice of intention. (R. S. c. 22, § 369. 1949, c. 58, §§ 1, 2. 1959, c. 291, § 2.)

Effect of amendment.—The 1959 amendment deleted the last part of this section, relating to sending information of marriages of nonresidents to the registrars of their states and to the contents, execution and form of marriage certificates.

Sec. 382. Registration of deaths.—Except as authorized by the department, a certificate of each death which occurs in this state shall be filed with the clerk of the municipality where death occurred within 3 days after the day on which death occurred and prior to the removal of the body from the state.

I. The funeral director or other person in charge of the disposition of the dead human body or its removal from the state shall be responsible for filing the certificate. He shall obtain the personal data from the best qualified person or source available and he shall present the certificate to the physician or medical examiner responsible for completing the medical certification of the cause of death.

II. The medical certification of the cause of death shall be completed and signed within 24 hours after death by the physician in charge of the patient's care for the illness or condition which resulted in death except when an inquiry as to the cause of death is required by law.

III. When death occurs without medical attendance, or when inquiry as to the cause of death is required by law, the medical examiner shall complete and sign the medical certification and verify or provide the date of death within 24 hours after death. (R. S. c. 22, § 370. 1949, c. 59, § 1. 1951, c. 319, § 1. 1955, c. 326, § 3. 1959, c. 291, § 3.)

Effect of amendments. — The 1959 amendment rewrote this section. In view of that fact, a comparison of the section as it read before and after the 1955 amendment is not practicable here.

Sec. 383. Registration of fetal deaths.—Except as authorized by the department a certificate of each fetal death which occurs in this state shall be filed with the clerk of the municipality where the delivery occurred within 3 days after delivery and prior to removal of the fetus from the state.

I. The funeral director or person acting as such who first assumes custody of the fetus shall be responsible for filing the certificate. In the absence of such a person, the physician or other person in attendance at or after the delivery shall be responsible for filing the certificate. He shall obtain the personal data from the best qualified person or source available and shall present the certificate to the person responsible for completing the medical certification of the cause of death.

II. The medical certification shall be completed and signed within 24 hours after delivery by the physician in attendance at or after the delivery except when an inquiry as to the cause of fetal death is required by law.

III. When the fetal death occurs without medical attendance upon the mother at or after delivery, or when inquiry as to the cause of fetal death is required by law, the medical examiner shall complete and sign the medical certification within 24 hours after delivery. (R. S. c. 22, § 371. 1959, c. 291, § 4.)

Effect of amendment.—The 1959 amendment rewrote this section.

Sec. 384. Repealed by Public Laws 1957, c. 298, § 10.

Sec. 385. Repealed by Public Laws 1957, c. 298, § 10.

Sec. 386. Permits for final disposition of dead human bodies.—Except as authorized by the department, no dead human body shall be buried, cremated or otherwise disposed of, or removed from the state, until the person in charge of such final disposition or removal has obtained a permit from the clerk of the municipality where death occurred.

I. Each dead human body transported into this state for final disposition shall be accompanied by a permit issued by the duly constituted authority at the place of death. Such permit shall be sufficient authority for final disposition in any place where dead human bodies are disposed of in this state.

II. Except as ordered by a court of competent jurisdiction, no dead human body shall be disinterred or removed from any vault or tomb until the person in charge of such disinterment or removal has obtained a permit from the clerk of the municipality where such dead human body is buried or entombed.

III. The person in charge of each burying ground or crematory in this state shall endorse each such permit with which he is presented, and return it to the clerk of the municipality in which such burying ground or crematory is located within 7 days after the date of burial. (R. S. c. 22, § 375. 1953, c. 308, § 28. 1957, c. 298, § 3.)

Effect of amendment. — The 1957 amendment rewrote this section.

Sec. 387. Cremation.—Any person, firm or corporation within the state, with the approval of the department, may establish and maintain suitable buildings and appliances for the cremation of bodies of the dead and, subject to the regulations of the department, may cremate such bodies and dispose of the ashes of the same.

(1957, c. 298, § 4.)

Effect of amendment. — The 1957 amendment deleted the words "but if the ashes are interred in a cemetery a permit for burial shall be required" from the end of the first paragraph and made other minor changes in such paragraph. As the second and third paragraphs were not changed by the amendment, they are not set out.

Sec. 389. Repealed by Public Laws 1959, c. 291, § 5.

Sec. 390. Registration of live births. — A certificate of each live birth which occurs in this state shall be filed with the clerk of the municipality in which such live birth occurred within 7 days after the date of birth.

I. When the live birth occurs in a hospital or related institution, the person in charge of such institution shall be responsible for entering information on the certificate, for securing signatures required on the certificate, and for filing the certificate with the clerk of the municipality.

II. On each such certificate, the physician in attendance shall verify or provide the date of birth and medical information required within 5 days after birth.

III. Except as provided in this section, the certificate shall be prepared and filed by:

A. The physician or other person in attendance on the birth, or in the absence of such a person,

B. The father; or in the absence of both of these,

C. The mother; or in the absence of the aforesaid, and in the inability of the mother,

D. The person in charge of the premises where the live birth occurred.

IV. In the case of the birth of an illegitimate child, the name of the putative father shall not be entered on the certificate without his written consent. In

the case of a birth of a child out of wedlock, the child's surname shall be entered on the certificate as that of the mother.

V. In every case, the father or mother of the child shall sign the certificate and shall attest to the accuracy of the personal data entered thereon in time to permit its filing within the 7 days prescribed. If father and mother are unable to sign, then no signature need be required. (R. S. c. 22, § 379. 1951, c. 319, § 3. 1957, c. 298, § 5.)

Effect of amendment. — The 1957 amendment rewrote this section, which formerly related to reports of both live and stillborn births and of deaths.

Sec. 392. New certificate of birth following adoption or legitimation.—**I.** The state registrar shall establish a new certificate of birth for a person born in this state when he receives the following:

A. A certificate of adoption as provided in chapter 158, section 38, or a certified copy of the decree of adoption along with the information necessary to identify the original certificate and establish the new certificate of birth; except that a new certificate shall not be established if so requested by the adopting parents or the adopted person.

B. A request that a new certificate be established and such evidence as the department may require by regulation proving that such person has been legitimated.

II. When a new certificate of birth is established the actual place and date of birth shall be shown. It shall be substituted for the original certificate of birth. Thereafter, the original certificate of birth and the evidence of adoption or legitimation shall not be subject to inspection except upon order of a probate court or the superior court.

III. Upon receipt of notice of an annulment or revocation of adoption the original certificate shall be restored to its place in the files and the new certificate and evidence of adoption shall not be subject to inspection except upon order of a probate court or the superior court.

IV. If no certificate of birth is on file for the person for whom a new certificate is to be established under this section, a delayed birth registration shall be filed as provided by law before a new certificate of birth is established.

V. When the new certificate of birth is established, the state registrar shall provide each municipal clerk who is required by law to have a copy of the certificate of birth on file with a copy of the new certificate of birth. All copies of the original certificate in the custody of any municipal clerk shall be sealed from inspection or surrendered to the state registrar as he shall direct. (R. S. c. 22, § 381. 1959, c. 291, § 6.)

Effect of amendment.—The 1959 amendment rewrote this section.

Sec. 392-A. Registration of births and deaths at veterans administration center.—Certificates of live births, deaths and fetal deaths occurring at the veterans administration center at Togus shall be filed directly with the state registrar. The state registrar shall forward copies of all such certificates of live birth, death and fetal death to the clerk of the municipality where the parents of the child reside or where the deceased was a resident or was buried. (1959, c. 291, § 7.)

Sec. 393-A. Delayed birth registration.—In order to provide an official record of statements concerning births which have occurred in this state, the state registrar shall accept a registration of any birth of which no record can be found in either the files of the state registrar or the clerk of the municipality where the birth occurred, provided such registration is filed in accordance with the provisions of this section.

I. A certificate of live birth on the prescribed form shall be filed with the clerk of the municipality where birth occurred if the date of filing is more than 7 days but not more than 7 years after the date of birth. The state registrar may prescribe the evidence of the facts of birth to be presented in the event none of the persons specified in section 390 are available to sign the certificate.

II. When the birth occurred more than 7 years prior to the date of filing, it shall be registered on a form entitled "Delayed Registration of Birth." The form shall provide for the following information and such other data as may be required by the department:

A. A statement by the applicant including the name and sex of the person whose birth is to be registered, the place and date of birth, the name and birthplace of the father, the maiden name and birthplace of the mother;

B. The signature of the registrant, or a parent or guardian if the registrant is under 15 years of age or is mentally incompetent;

C. The signature of the registrant shall be acknowledged before an official authorized to take oaths;

D. A description of each document submitted in support of the delayed birth registration; and

E. The date of filing.

III. The state registrar shall complete the description of evidence required on the delayed registration of birth and accept and file the certificate, provided the following evidence is submitted in support of the facts of birth:

A. If the birth occurred more than 7 but less than 15 years prior to the date of filing, the facts of birth stated by the applicant shall be supported by at least 2 documents, only one of which may be an affidavit of personal knowledge; or

B. If the birth occurred more than 15 years prior to the date of filing, the date and place of birth must be supported by at least 3 documents, only one of which may be an affidavit of personal knowledge, and the names of the parents must be supported by at least one document, which may be any one of the 3 submitted in evidence of the place and date of birth.

C. Any document accepted as evidence, other than the affidavit of personal knowledge, shall be at least 5 years old, or shall be a copy or abstract of a record made at least 5 years prior to the date of filing and certified as a true and correct copy by the custodian of the record.

IV. When the applicant does not submit documentation as specified in subsections II and III in support of his statements, or when the state registrar finds reason to question the adequacy of the documentation, the said state registrar shall not sign or accept the delayed registration of birth, but shall advise the applicant of its deficiencies and request that further documentation be submitted.

V. After the delayed birth registration has been accepted, the state registrar shall forward a certified copy to the clerk of the municipality where the birth occurred.

VI. Any certified copy of a delayed birth registration filed under the provisions of this section shall be issued on a form which indicates that it is a copy of a delayed birth registration, and shall contain a description of the documents submitted in evidence. (1957, c. 298, § 6.)

Sec. 394. Repealed by Public Laws 1957, c. 298, § 10.

Sec. 396. Repealed by Public Laws 1957, c. 298, § 10.

Cross reference.—See § 378-A for present provisions re duties of municipal clerks.

Sec. 397-A. Disclosure of vital records.—Custodians of certificates and records of birth, marriage and death may permit inspection of records, or issue certified copies of certificates or records, or any parts thereof, when satisfied that the applicant therefor has a direct and legitimate interest in the matter recorded, the decision of the state registrar or the clerk of a municipality being subject to review by the superior court or any justice thereof in vacation, under the limitations of this section.

I. No official in this state shall permit inspection, or issue a certified copy of any certificate or record of birth disclosing illegitimacy. Such a record may be disclosed or a certified copy issued upon request of the illegitimate himself, or his legal guardian or counsel or of petitioners for adoption or in response to court process.

II. The state registrar may permit the use of data contained in vital records for purposes of statistical research. Such data shall not be used in a manner which will identify any individual.

III. The national agency responsible for compiling national vital statistics may be furnished such copies or data as it may require for national statistics. The state shall be reimbursed for cost of furnishing such copies or data, and such data shall not be used in a manner which will identify any individual, except as authorized by the state registrar.

IV. It shall be unlawful for any employee of the state or of any municipality in the state to disclose data contained in such records except as authorized in this section. (1957, c. 298, § 7.)

Sec. 398. Repealed by Public Laws 1957, c. 298, § 10.

Sec. 399. Evidentiary character of vital records.—Any certificate or record of any live birth, marriage, death or fetal death filed under the provisions of this chapter, or a copy thereof duly certified by its official custodian, shall be prima facie evidence of the fact of such birth, marriage, death or fetal death, if not "amended" or "delayed." The probative value of "amended" or "delayed" records shall be determined by the judicial or administrative body or official before whom the certificate is offered in evidence. (R. S. c. 22, § 388. 1945, c. 320, § 4. 1957, c. 298, § 8.)

Effect of amendment. — The 1957 amendment rewrote this section.

Sec. 400. Correction of errors on vital statistics records.—Except as provided by this chapter, a certificate or record filed under the provisions of sections 378 to 403, inclusive, may be altered or amended only in accordance with such regulations as the department may adopt to protect the integrity of vital statistics records.

I. A certificate which has been altered or amended after its filing shall be marked "amended," and the date on which the certificate or record was amended and a summary description of the evidence submitted in support of the correction shall be endorsed on the record. Any certified copies of certificates or records amended under the provisions of this section shall be marked "amended."

II. Incomplete certificates and records may be completed from a supplemen-

tary form within one year after the date of filing without being considered altered or amended. (R. S. c. 22, § 389. 1957, c. 298, § 9.)

Effect of amendment. — The 1957 amendment rewrote this section.

Sec. 401. Penalties.—

I. Any person who willfully falsifies, willfully provides false information, makes or alters any certificate or certified copy except as provided for in this chapter shall be guilty of a felony and upon conviction shall be punished by a fine of not less than $100 and not more than $1,000 or by imprisonment for not more than one year, or by both.

II. Any person who knowingly transports or accepts for transportation, interment or other disposition, a dead body without an accompanying permit issued in accordance with this chapter; any person who refuses to provide information required by this chapter; or any person who violates any of the provisions of this chapter having to do with the registration of vital statistics or neglects or refuses to perform any of the duties imposed upon him by this chapter having to do with the registration of vital statistics, shall be guilty of a misdemeanor, and upon conviction shall be fined not less than $25 nor more than $100. (R. S. c. 22, § 390. 1959, c. 291, § 8.)

Effect of amendment.—The 1959 amendment rewrote this section.

Sec. 402. Repealed by Public Laws 1957, c. 298, § 10.

Sec. 403. Duty of state registrar when law violated.—When the state registrar of vital statistics believes that, in any place in this state, the certificates or records of live births, marriages, deaths or fetal deaths are not made or kept as is provided by law, or that any person neglects or fails to perform any duty required in the law relating to the registration of vital statistics, the said registrar may visit such places and make such investigations as he may deem necessary, and all records, blanks and papers of town clerks relating to live births, marriages, deaths or fetal deaths shall be open to his examination. Any person who refuses to permit or hinders the examination or investigation shall be punished by a fine of not less than $25 nor more than $50.

When the state registrar knows, or has good reason to believe, that any penalty or forfeiture under the law relating to vital statistics has been incurred, he shall forthwith give notice thereof, in writing, to the county attorney of the county in which said penalty or forfeiture has occurred, which notice shall state as near as may be the time of such neglect, the name of the person or persons incurring the penalty or forfeiture, and such other facts relating to the default of duty as said registrar may have been able to learn, and upon receipt of such notice the county attorney shall prosecute the defaulting person or persons. (R. S. c. 22, § 392. 1959, c. 291, § 9.)

Effect of amendment.—The 1959 amendment rewrote the first paragraph of this section.

Chapter 25-A.

Interdepartmental Board on Mental Retardation.

Sec. 1. Declaration of intent; creation of board. — In order to make possible joint and mutual planning and action by several state agencies in regard to those problems of the mentally retarded of Maine which are of direct concern to more than one department or agency of state government, there is created a