

**PUBLIC LAWS**  
OF THE  
**STATE OF MAINE**

As Passed by the Eighty-sixth Legislature

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**1933**

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**Chapter 1.**

**AN ACT to Revise the Health and Welfare Laws.**

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

**Sec. 1. Organization of department.** The department of health and welfare shall be organized into 3 bureaus as follows: health, social welfare, and institutional service, the heads of which shall be called "directors".

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

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

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

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The director of institutional service shall be a person experienced in institutional administration, either as a superintendent, chief medical officer, or business manager, or who has had other satisfactory experience in the direction of work of a comparable nature.

**Sec. 2. Distribution of functions.** The commissioner shall have the power to distribute the functions and duties outlined in this chapter among the various bureaus so as to integrate the work properly and to promote the most economical and efficient administration of the department.

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

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

**Sec. 4. Advisory council of health and welfare.** There shall be an advisory council of health and welfare in connection with the department of health and welfare, which shall consist of 7 members, at least 2 of whom shall be members of the minority party and at least 1 of whom shall be a woman, and the commissioner of health and welfare serving ex officio. Six members shall be appointed by the governor and council for overlapping terms of 6 years each. The members of said council, other than the commissioner, shall serve without compensation, but they may be allowed actual and necessary expenses for attendance at all meetings. Said council shall hold regular meetings 4 times a year and at such other times as the commissioner may deem necessary.

**Sec. 5. Powers and duties of advisory council of health and welfare.** The advisory council of health and welfare shall have authority:

- (1) To make such investigation of the social problems of the state, with the aid of the departmental staff, as the commissioner may request;
- (2) To advise the commissioner with reference to the policy of the department and other matters falling within the jurisdiction of said department;

(3) To recommend to the commissioner the enactment of such laws as may be deemed necessary relative to the activities of the department;

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

**Sec. 6. Additional duties.** In addition to the specified functions and duties of the department as outlined by the provisions of this chapter the department shall perform such other functions for the care, custody, treatment and relief of the sick, dependent, defective and delinquent as may be consistent with the general purposes therein defined and not otherwise contrary to law.

**Sec. 7. Report of commissioner.** The commissioner as soon as practicable after the close of the fiscal year which is indicated by an even number shall report to the governor and council the activities of the department during the biennial period just ended with such suggestions as to legislative action as he deems necessary or important.

**Sec. 8. Rules and regulations of department.** The department shall prepare such rules and regulations for the consideration of the advisory council of health and welfare as it shall think necessary and proper for the protection of life, health and welfare, and the successful operation of the health and welfare laws. The said rules and regulations shall be published in such manner as the department may direct.

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

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

**Sec. 11. Information upon request.** The commissioner shall give to

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the governor or council or to the legislature or any committee thereof at any time upon their request information and advice with reference to any charitable or correctional institution about which he has information. The officers in charge of any institution of a charitable or correctional nature under the inspection of the department and local boards or committees having any powers or duties relative to the management of the same, and those who are in any way responsible for the administration of public funds used for the relief or maintenance of the poor, shall furnish to the department such information and statistics as may be demanded on such forms as the department may consider necessary to secure uniformity and accuracy in the statements.

**Sec. 12. Charitable and benevolent institutions to submit itemized bills.**

No part of any appropriation made by the state for the care, treatment, support, or education of any person in any charitable or benevolent institution not wholly owned or controlled by the state shall be paid until duly itemized bills, showing the name of the person cared for, the date on which the service was rendered, and the rate charged therefor per day or week, shall have been filed with the state controller together with a certificate from the department that satisfactory evidence has been filed in its office by the institution furnishing the service that the persons receiving care were in need of such treatment, support, or education; that they were not able to pay for the same; that the rates charged are not greater than those charged to the general public for the same service, and that the rates charged to those who are able to pay are not less than the cost of the service rendered.

**Sec. 13. Persons receiving benefit not to be deemed paupers.** No person shall be deemed a pauper by reason of having received the benefit of any funds, either state or municipal, which shall have been expended in his behalf under the provisions of the preceding section for care, support, medical or surgical treatment or education.

**Laws Relating to Health.**

**Sec. 14. Supervision of department.** The department shall have the general supervision of the interests of health and life of the citizens of the state. It shall study the vital statistics of the state, and endeavor to make intelligent and profitable use of the collected records of deaths and of sickness among the people; it shall make sanitary investigations and inquiries respecting the causes of disease and especially of communicable diseases and epidemics, the causes of mortality, and the effects of localities, employments, conditions, ingesta, habits, and circumstances on the health of the people; it shall investigate the causes of disease occurring among the stock and domestic animals in the state, and the methods of remedy-

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ing the same; it shall gather such information in respect to all these matters as it may deem proper for diffusion among the people; it shall, when required or when it shall deem it best, advise officers of the government, or other boards within the state, in regard to the location, drainage, water supply, disposal of excreta, heating, and ventilation of any public institution or building; it shall from time to time examine and report upon works on the subject of hygiene for the use of the schools of the state; it shall have general oversight and direction of the enforcement of the statutes respecting the preservation of health; and it may direct any officer or employee of the department to assist in the study, suppression or prevention of disease in any part of the state.

**Sec. 15. District health officers, appointment, duties, qualifications.** The commissioner, with the advice of the director, shall from time to time, divide the state into 3 or more health districts and shall appoint and may remove district health officers for each district. The district health officers shall not be engaged in any other occupation and shall give their entire time to the performance of their duties. The department may order 2 or more of said district health officers to work in 1 district in order to study, suppress, or prevent disease. Each district health officer shall, under the direction of the department, perform such duties as may be prescribed by the department and shall act as the representative of the department and under its direction shall secure the enforcement within his district of the public health laws and regulations. Said district health officers shall be graduates of an incorporated medical school and admitted to practice medicine in this state, or shall have been certified in public health by a reputable institution of collegiate grade.

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

**Sec. 17. Emergency rules and regulations.** In case of emergency or threatened epidemic of disease which may affect more than one city, town or plantation, the said department, if it shall appear to it necessary and proper for the protection of life and health, may make such further orders and regulations as in its opinion the public exigency may require which shall become effective immediately on their promulgation.

**Sec. 18. Information to department.** In order to afford to this department better advantages for obtaining knowledge important to be incorporated with that collected through special investigations and from other sources, all officers of the state, the physicians of all incorporated companies

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and the president or agent of any company chartered, organized, or transacting business under the laws of this state, as far as practicable, shall furnish to the department any information bearing upon public health which may be requested by said department for the purpose of enabling it better to perform its duties of collecting and distributing useful knowledge on this subject.

**State Laboratory of Hygiene.**

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

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

**Registration of Undertakers.**

**Sec. 21. Business of undertaker and practice of embalming regulated; qualifications.** Any person wishing to become an undertaker, or an embalmer of dead human bodies for burial, or to engage in the business of preparing dead human bodies for transportation or cremation, as a regular or permanent business or profession, shall be at least 21 years of age, with not less than a high school education, or its equivalent, shall have practiced embalming, caring for, and preparing for burial dead human bodies, for at least 2 years, under the direction and supervision of a licensed or registered undertaker, or embalmer, and shall have taken and completed the prescribed course of study of some school or college of embalming, the standing and requirements of which shall be approved by the board of embalming examiners. Such person shall also present to said board a certificate, or diploma, certifying that he, or she, has taken and successfully passed the required examination of said school or college of embalming, and shall have an intelligent comprehension of such rudiments of anatomy, and of the characteristics of, and the dangers from, contagious and infectious diseases, and of the actions and uses of disinfectant

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agencies, as the department may prescribe as necessary for the protection of the living, and shall pass an examination before a board of examiners appointed under the following section, before he or she is permitted to practice said business or profession within the state, providing, however, that the provisions of sections 21 to 31, inclusive, shall apply only to persons who advertise or hold themselves out to embalm dead human bodies for burial, or to prepare the same for transportation or cremation. Undertakers' assistants, partners, or members of firms, who have not received a license as provided in the following 10 sections, shall not engage in the practice of embalming dead human bodies for burial, transportation, or cremation, except under the personal supervision of a licensed or registered undertaker or embalmer.

**Sec. 22. State board of examiners.** The board of examiners shall consist of 4 members, 1 of whom shall be the director of health, who shall be secretary of said board, and the other members shall be licensed undertakers and embalmers, who shall be appointed by the governor, with the advice and consent of the council, at the expiration of the terms of the members now serving, and they shall hold office for the term of 3 years. In case of a vacancy due to death, resignation, or other cause, the vacancy shall be filled by an appointment for the unexpired term, as is provided for original appointments.

**Sec. 23. Examinations for licenses; board may revoke licenses.** Examinations for licenses shall be given by the board at least twice a year, at such times and places as it may determine. Applicants shall pass an examination upon their knowledge of embalming, sanitation, preservation of the dead, disinfection of a deceased person, and the apartments, bedding, clothing, or anything likely to be affected in the case of death from infectious, or contagious diseases in accordance with the rules and regulations of the department. They shall also be conversant with the law and rules governing the transportation of dead human bodies, and such other subjects as the board may, from time to time, see fit to name, and if found qualified, a certificate of a licensed embalmer shall be issued to the applicant, under which he shall have legal authority to perform all acts relating to preparing, embalming, shipping, or burying dead human bodies and to do any work coming within the province of said vocation. The board may revoke for cause, any license issued by it, and failure to comply with the law and the regulations of the department shall be deemed sufficient cause for the revocation of a license.

**Sec. 24. Blanks and forms of procedure; lists of licenses and examinations to be kept.** The department may adopt such blanks and forms of procedure as it may deem necessary to carry out the provisions of sections 21 to 31, both inclusive, and shall keep on file a list of all registered and

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licensed embalmers and undertakers and a record of examinations, together with the examination papers, all of which shall be open to public inspection.

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

**Sec. 26. Fees; expiration and renewal of licenses.** The fee for examination under section 23 shall be \$5, and all licenses and certificates of registration which have been, or may be issued to undertakers and embalmers by the board of examiners, shall expire on the 31st day of December, annually, provided that the licenses and certificates of registration hereafter issued, shall be valid and shall not expire until the last day of the following year. Any person holding an embalmer's license or certificate of registration, issued under the provisions of this or any other law, may have the same renewed by making and filing with the secretary of said board of examiners an application therefor within 30 days preceding the expiration of his, or her, license or certificate of registration, upon blanks prescribed by said board, and upon the payment of a renewal fee of \$2, provided, however, that any person neglecting or failing to have his, or her, license or certificate of registration, renewed as above, may have the same renewed by making application therefor within 30 days after the date of such expiration, and upon the payment of \$4, revival and renewal fee.

**Sec. 27. Application of moneys collected.** The money thus received shall constitute a permanent fund for carrying on the work of the board and the compensation of its members, and for such expenses as may be necessarily incurred from time to time by said board on account of investigations which said board may be required to make by reason of the provisions of sections 21 to 31, inclusive; and for such educational purposes as said board may deem for the best interests and advantage to the embalmers and undertakers of the state of Maine; provided always, that none of the expenses designated hereunder shall reduce the fund hereby created under the sum of \$1,000.

**Sec. 28. List of licensed undertakers and embalmers to be supplied to transportation companies.** In the month of January of each year, the sec-

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retary of the board of examiners shall supply each licensed embalmer, and the various transportation companies within the state, with a list of all registered undertakers and all undertakers and embalmers holding licenses, then in force, giving the names of such persons, their business addresses, and the numbers of their licenses.

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

**Sec. 30. In case of accidental death, embalming fluids not to be injected until cause of death be legally determined.** No person shall inject into any cavity or artery of the body of any person who has died from an accidental or sudden death or under suspicious circumstances, any fluid or substance until a legal certificate of the cause of death from the attending physician or medical examiner has been obtained, nor until a legal investigation has determined the cause of death. If a criminal cause of death is alleged or suspected, no fluid or other substance shall be injected into a body until the cause of death is legally established.

**Sec. 31. Penalties; jurisdiction of offenses.** Whoever violates any provision of the 10 preceding sections, or any rule or regulation prescribed by the department, for the preparation, embalming, shipping, or burial of any dead human body shall be punished by a fine of not less than \$10, nor more than \$50, or by imprisonment for not less than 10 days, nor more than 60 days, and the county attorney of the county in which violation occurs shall prosecute all such persons. Municipal courts and trial justices shall have original jurisdiction, concurrent with the superior court, of any and all prosecutions for violations hereof.

#### Regulations Against Infectious Diseases.

**Sec. 32. System of inspection.** The more effectually to protect the public health, the department may establish such systems of inspection as in its judgment may be necessary to ascertain the actual or threatened presence of the infection of Asiatic cholera, smallpox, diphtheria, scarlet

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fever, plague, typhoid fever, or other dangerous, infectious, or contagious disease; and any duly authorized agent or inspector of said department may enter any building, vessel, railroad car, or other public vehicle, to inspect the same and to remove therefrom any person affected by said diseases; and for this purpose he may require the person in charge of any vessel or public vehicle other than a railroad car to stop such vessel or vehicle at any place, and he may require the conductor of any railroad train to stop his train at any station or upon any side-track and there detain it for a reasonable time; provided, that no conductor shall be required to stop his train when telegraphic communication with the dispatcher's office cannot be obtained or at such times or under such circumstances as may endanger the safety of the train and passengers; and provided further, that any such agent or inspector may cause any car which he may think may be infected with any of said diseases to be side-tracked at any suitable place and there be cleansed, fumigated, and disinfected. And the said department may from time to time, make, alter, modify, or revoke rules and regulations for guarding against the introduction of any infectious or contagious diseases into the state, including rabies or hydrophobia of animals and men; for the control and suppression thereof if within the state; for the quarantine and disinfection of persons, localities, and things infected or suspected of being infected by such diseases; for guarding against the transmission of infectious and contagious diseases through the medium of common towels, common drinking-cups, and other articles which may carry infection from person to person; for the sanitation of railroad service and that of other common carriers; for the transportation of dead bodies; for the speedy and private interment of the bodies of persons who have died from said diseases; and, in emergency, for providing those sick with said diseases with necessary medical aid and with temporary hospitals for their accommodation and for the accommodation of their nurses and attendants. And the said department may declare any and all of its rules and regulations made in accordance with the provisions of this section to be in force within the whole state, or within any specified part thereof, and to apply to any person or persons, family, camp, building, vessel, railroad car, or public vehicle of any kind.

**Sec. 33. Rules must be approved by advisory council; publication; supersede all local rules.** Any rules and regulations adopted by the department under the provisions of the preceding section shall be immediately submitted by it to the advisory council of health and welfare, and unless disapproved in writing by the advisory council such rules and regulations shall remain effective. Such rules and regulations, if of general application, shall be published in the state paper; but whenever in the judgment of the department it shall be necessary to do so, special

rules and regulations, or orders relating to said diseases may be made for any town, village, or city without such publication, and the service of copies of such rules, regulations, or orders upon such town, village, or city through the officers thereof shall be a sufficient notice thereto; and the rules, regulations, or orders of the department made in accordance with the provisions of this section shall, for the time being and until the same are revoked, supersede all local rules, regulations, by-laws, or ordinances that may be inconsistent or in conflict therewith.

**Sec. 34. Penalty for refusing to obey rules.** All health officers, local boards of health, municipal officers, sheriffs, constables, police officers, and marshals shall enforce the rules and regulations of the department made as provided in the 2 preceding sections in every particular affecting their respective localities and duties; and any person who shall neglect or refuse to obey the said rules and regulations, or who shall wilfully obstruct or hinder the execution thereof, shall be punished by a fine of not more than \$500, or by imprisonment for a period of not more than 6 months, or by both such fine and imprisonment. And all authorities of every county, city, town, and village corporation, all local boards of health, and all officers and persons in charge of the institutions, buildings, and vehicles mentioned in section 32 shall cooperate with the department in carrying out the provisions of this section and the 2 preceding sections; and in case such cooperation be refused, withheld, or neglected, the said department may execute its orders and directions by agents of its own appointment; and all expenses incurred by members of the department or by duly appointed agents of said department under the provisions of this section shall be paid by the state.

**Sec. 35. Examination and treatment of gonorrhoea and syphilis.** The department shall provide, at the state laboratory of hygiene or elsewhere, facilities for the free bacteriological examination of discharges for the diagnosis of gonorrhoeal infections, and shall also provide at cost vaccine or antitoxin for the treatment of such infections. And said department shall make at the expense of the state the Wassermann test or its equivalent for the diagnosis of syphilis; and shall furnish the treatment known as Salvarsan or other accredited specific treatment at cost.

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

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**Marriage of Persons Having Syphilis.**

**Sec. 37. Syphilitic persons not to marry.** No person having syphilis shall marry until he has a certificate from the attending physician or physicians that he is cured of syphilis. The department is hereby empowered to make regulations prescribing the methods to be employed in diagnosing said disease.

**Sec. 38. Physicians to keep record of syphilitic cases; to notify health officer of intention of persons so affected to marry.** Every physician shall keep a record of all cases of syphilis that come under his observation and care, and shall use reasonable means to ascertain the intention of syphilitic patients as to marriage. The physician shall warn said patients of the legal, moral, and physical evils of marriage contracted by them. If the physician learns that a patient as aforesaid has filed intentions of marriage as required by law, or if the physician believes that the patient as aforesaid intends to marry, the physician shall notify the local board of health or the health officer in the town or city in which the patient resides, who are hereby empowered and directed to notify the other party to the intended marriage.

**Sec. 39. Penalty for violations; court jurisdiction.** Any person failing to comply with the provisions of the 2 preceding sections and any physician making a certificate as aforesaid falsely shall be punished by a fine of not less than \$200, nor more than \$500, or by imprisonment for not less than 3 months nor more than 11 months, or by both such fine and imprisonment. Municipal courts and trial justices shall have jurisdiction of the above concurrently with the superior court.

**Extermination of Mosquitoes.**

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

**Sec. 41.** Department authorized to enter breeding places and to carry out necessary control methods; may delegate authority to local boards or officials. Representatives of the department shall be authorized to enter upon areas suspected of being breeding places of salt-marsh or fresh-water mosquitoes wheresoever located and to carry out necessary control measures for the abatement of mosquito nuisances and the eradication of such mosquitoes. Said department may delegate authority to carry out such control measures to local health officers or other officials of cities, towns or plantations in which control work is deemed necessary.

**Sec. 42.** Department to have power to expend such money as the legislature may appropriate for the extermination of mosquitoes. For the purpose of carrying into effect the provisions of sections 40 and 41, said department shall have power to expend such amount of money annually as may be appropriated by the legislature.

#### Analysis of Water Sold for Domestic Purposes.

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

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

#### Occupational Diseases.

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

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

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

**Inspection and Sale of Milk.**

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

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

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

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

#### **Treatment of Persons Suffering from Opiates.**

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

**Sec. 53. Agreement for personal restraint.** Before any restraint shall be imposed under the authority of the preceding section, a voluntary agreement shall be made in writing by the person suffering from the effects of any drug mentioned in said section, to the imposition of restraint upon his actions, if necessary, and such agreement must be witnessed by the husband, wife, or parent of the person aforesaid, or 1 of the municipal officers of the city or town in which the person, so suffering, is a resident, and approved, after reasonable notice, by a justice of the superior court or the judge of probate in the county where the patient resides.

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

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**Manufacture of Bedding.**

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

**Sec. 56. Department of health to enforce regulations in regard to the manufacture of bedding.** The commissioner by himself, his agents, any local health officer, or any officer qualified to serve civil or criminal processes, shall have the power to seize and hold for evidence at a trial for the violations of sections 55 to 59, both inclusive, any mattress made, remade, or offered for sale in violation of said section; and all places where mattresses are made, remade, or offered for sale or where sterilizing or disinfecting is performed under the said sections, shall be subject to inspection by the commissioner or any of his agents, including local health officers.

**Sec. 57. False statement on or removal of tags to be unlawful.** It shall be unlawful to make any false statement on any tag required under section 55, or to remove, alter or deface any such tag placed on any mattress in accordance with the provisions of said section.

**Sec. 58. Penalty.** Any person violating any provision of sections 55 to 59, both inclusive, shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not less than \$10, nor more than \$50 for each offense.

**Sec. 59. Not to include persons remaking mattresses not intended for sale.** The word "person" as used in the 4 preceding sections shall include individuals, corporations, co-partnerships and associations, but shall not include persons making, remaking or renovating mattresses not intended for sale, lease or consignment in sale or lease, and shall not include executors and administrators of estates of decedents.

**Registration of Vital Statistics.**

**Sec. 60. Registrar of vital statistics; to furnish blanks for registration of births, marriages, deaths, and divorces.** The commissioner or such director as he may designate shall be the registrar of vital statistics for the

state, and shall furnish to clergymen, and others authorized to marry, to sextons, to physicians, town clerks, clerks of the society of Friends, and clerks of courts, a copy of the provisions of the laws of this state relating to the registration of vital statistics, and suitable blanks for recording births, marriages, deaths, and divorces, so printed, with appropriate headings, as readily to show the following facts and such others as may be deemed necessary to secure an accurate registration.

I. The record of birth shall state its date and place of occurrence, full christian and surname, if named, color and sex of child, whether living or stillborn, and the full christian and surnames, color, occupation, residence and birthplace of parents.

II. The record of marriage shall state its date and place of occurrence, the name, residence, and official character of the person by whom solemnized, the full christian and surnames of the parties, the age, color, birthplace, occupation, and residence of each, the condition, whether single or widowed, whether 1st, 2nd, or other marriage; and the full christian and surnames, residence, color, occupation, and birthplace of their parents.

III. The record of death shall state its date, the full christian and surname of the deceased, the sex, color, condition, whether single or married, age, occupation, place of birth, place of death, the full christian and surnames and birthplaces of parents, and the disease or other cause of death, so far as known.

**Sec. 61. Report of birth to town clerk.** The attending physician, accoucheur, midwife, or other person in charge, who shall attend at the birth of any child, living or stillborn, within the limits of any town or city in this state, shall report to the clerk of such town or city within 6 days thereafter, all the facts regarding such birth, as required in section 60.

**Sec. 62. Copy of record of marriages, forwarded to town clerks.** Every person authorized to unite persons in marriage shall make a record of every marriage solemnized before him, in conformity with the requisitions prescribed for blank records of marriages in section 60, and shall within 6 days thereafter, deliver or forward to the clerk of each town in which the marriage intention was recorded, and to the clerk of the town in which the marriage was solemnized, a copy of such record of marriage.

**Sec. 63. Physicians in attendance to furnish certificate of name, age, disease, and date of birth of deceased.** A physician who has attended a person during his last illness shall within 24 hours after the death of said person make a certificate stating, to the best of his knowledge and belief, the name of the deceased, his age, the disease of which he died, and the date of his death, and shall either deliver it to the person superintending

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the burial or leave it with the family of the deceased or at the said physician's office where it may be obtained when called for; and a physician or midwife who has attended at the birth of a child dying immediately thereafter, or at the birth of a stillborn child, shall, when requested, forthwith furnish for registration a certificate, stating to the best of his knowledge and belief the fact that such child died after birth or was born dead. It shall be a misdemeanor for any person to make a false return in regard to any birth or death.

**Sec. 64. Town clerk to be furnished with record of any death in town; permit for burial.** Whenever any person shall die, or any stillborn child be brought forth in this state, the undertaker, town clerk, or other person superintending the burial of said deceased person, shall obtain from the physician attending such bringing forth or last sickness, a certificate, duly signed, setting forth as far as may be, the facts required by section 63; and the undertaker or other person having charge of the burial of said deceased person, shall add to said certificate the other facts required by section 60; and having duly signed the same, shall forward it to the clerk of the town or city where said person died and obtain a permit for burial; and in case of any contagious or infectious disease, said certificate shall be made and forwarded immediately.

**Sec. 65. Notice of death from tuberculosis.** When a town or city clerk receives a certificate of the death of any person who has died of tuberculosis in his town, he shall forthwith send a copy of said certificate to the health officer of his town or city, or where there is no health officer, to the secretary of the local board of health.

**Sec. 66. If no attending physician in last sickness, clerk may issue certificate, upon such facts as can be obtained.** Whenever any deceased person did not have the attendance of a physician in his or her last sickness, the town clerk may issue and sign the certificate of death, upon presentation of such facts as may be obtained of relatives, persons in attendance upon said deceased person during said last sickness or present at the time of death, or from any other source, and the permit for burial shall be issued upon such information. Said certificate and permit shall not be required before burial in cases where it is impracticable to obtain the same within a reasonable time after death, but in all such cases said certificate shall be obtained as soon as practicable after death.

**Sec. 67. Regulation of removal of bodies of persons dying of cholera, or other pestilential disease; certificate of cause of death; heart failure not deemed sufficient cause for burial permit; permit, when body is brought into this state for burial.** No body of a deceased person whose death was caused by cholera, yellow fever, diphtheria, scarlet fever, typhus fever,

typhoid fever, smallpox, or other pestilential disease, shall be removed from place to place in this state by any railroad, steamboat, or other common carrier, unless there shall be attached to the outer case in which said body is enclosed, a certificate from the board of health where such person died, stating the disease causing such death, and that necessary precautions against infection satisfactory to said board have been observed. A certificate of death giving heart failure as the only cause of death shall not be deemed sufficient upon which to issue a burial permit, and such certificate must be returned to the physician who made it for the proper correction and definition. If the body of a deceased person is brought into this state from without for burial, and if it is accompanied by a permit issued by the legally constituted authorities of the state from which it was brought, such permit shall be received as sufficient authority upon which the clerk of the town in which said body is to be buried shall issue a permit for burial; but if it is not accompanied by such permit, then the person or persons in charge of it shall apply for a burial permit to the clerk of the town in which it is to be buried, and the clerk of the town shall issue such permit when furnished with satisfactory information.

**Sec. 68. Reports to clerk of births and deaths.** Within 6 days following such events, parents shall report to the clerk of their city or town the births or deaths of their children; householders shall report every birth or death happening in their houses; the eldest person, next of kin, shall report the death of his kindred; the keeper of a workhouse, house of correction, prison, hospital, almshouse, or other institution, and the master or other commanding officer of a ship, shall report every birth or death happening among the persons under his charge; and parents and other persons enumerated in this section shall not be absolved from the duty of reporting births until the names of the children have been given to the clerk of the city or town in which the births occur.

**Sec. 69. Birth, marriage, or death, in unincorporated place.** When a birth, marriage, or death occurs in an unincorporated place, it shall be reported to the town clerk in the town which is nearest to the place at which the birth, marriage, or death took place, and shall be recorded by the town clerk to whom the report is made; and all such reports and records shall be made and recorded and returned to the state registrar as is provided herein.

**Sec. 70. Clerk to make certified copy of record on 1st Monday of each month, and transmit to clerk of town where person or parents of child were resident at time of death.** The clerk of each town shall, on the 1st Monday of each month, make a certified copy of the record of all deaths and births recorded in the books of said town during the previous month, whenever the deceased person or the parents of the child born were resident in any

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other town in this state at the time of said death or birth, or whenever they were recently resident in any other town, or whenever the remains of any deceased person have been carried to any other town for burial or whenever the deceased person was born in any other town of this state, and shall transmit said certified copies to the clerk of the town in which said deceased person or parents were resident at or near the time of said birth or death, or to which the remains of such deceased person have been carried for burial, or in which said deceased person was born as aforesaid, stating in addition the name of the street and the number of the house, if any, where such deceased person or parents so resided, whenever the same can be ascertained; and the clerk so receiving such certified copies shall record the same in the books kept for recording deaths or births. Such certified copies shall be made upon blanks to be furnished for that purpose by the registrar of vital statistics.

**Sec. 71. No interment, or disinterment, to be made without permit.** Except as provided in section 66, no interment, disinterment, or placing in a tomb, or vault, of a dead human body shall be made without a permit, as aforesaid, from the clerk of the town, or city, where said person died, or is buried; and no disposition of a dead human body from any tomb, or vault, shall be made without a permit, as aforesaid, from the clerk of the town, or city, where said body has been entombed, or placed in such vault. No undertaker, or other person, shall assist in, assent to, or allow any such interment, or disinterment, to be made, except as provided in section 66 until such permit has been given, as aforesaid; and every undertaker, or other person, having charge of any burial place, as aforesaid, who shall receive such permit, shall preserve and forward the same to the clerk of the town in which burial takes place within 6 days after the day of burial.

**Sec. 72. Subregistrars may be appointed who may issue burial permits.** The town or city clerk may appoint 2 or more suitable and proper persons, in each town or city, as subregistrars, who shall be authorized to issue burial permits, and permits for transportation of dead human bodies, based upon a death certificate, as hereinbefore provided, in the same manner as is required of the town or city clerk; and the said death certificate upon which the permit is issued shall be forwarded to the town clerk within 6 days after receiving the same, and all permits by whomsoever issued shall be returned to the town clerk as required by section 71. The appointment of subregistrars shall be made with reference to locality, so as to best suit the convenience of the inhabitants of the town, and such appointment shall be in writing and recorded in the office of the town or city clerk; the subregistrars in any town shall hold office at the pleasure of the town clerk.

**Sec. 73. Clerks and subregistrars may issue burial permits in contigu-**

ous towns. Town clerks and subregistrars may issue burial permits to persons in contiguous towns, when by so doing it would be more convenient for those seeking a permit, but in all cases the permit shall be made returnable to the town clerk of the town in which the death occurred.

**Sec. 74. Assessors to make return of all births.** The assessors shall, when taking the annual inventory, collect and return to the town clerk, before the 1st day of June, the births which have occurred within their respective jurisdictions during the year ending December 31st next preceding, together with the names of such children.

**Sec. 75. Town clerks required to make returns to state registrar, monthly; copies to be typewritten or in legible hand.** The clerk of every town shall keep a chronological record of all births, marriages, and deaths reported to him, or known to him, and shall, between the 10th and the 15th of every month, transmit to the state registrar a copy of the record of all births, marriages, and deaths which have occurred within the month next preceding, together with the names, residences, and official stations of all persons who have neglected to make returns to him in relation to the subject matters of such records, which the law required them to make, all to be made upon blanks to be prepared and furnished by the state registrar; and if no births, marriages, or deaths have occurred in the aforementioned period of time or month, for which returns are to be made, the town clerk shall send the state registrar a statement to that effect. Whenever a birth, marriage, or death, required by law to be returned to such clerk, is reported to him, or he learns of it, too late for inclusion in his returns as provided hereunder to the state registrar, he shall, after it is reported to him, or after he has knowledge of it, make due returns thereof to the state registrar forthwith. The registrar of vital statistics shall require all copies which are transmitted under the provisions of this section to be typewritten or written with black durable ink in a fair or legible hand.

Any city or town clerk who neglects or refuses to make or cause to be made the returns as required by this section shall forfeit not less than \$20 nor more than \$100 to the use of the state.

**Sec. 76. Clerk of courts required to make return of divorces, annually.** The clerks of courts for the several counties shall, annually, during the month of February, make returns to the registrar of vital statistics relating to libels for divorce in their respective counties for the calendar year next preceding. Such returns shall specify the following details; the number of divorces granted; and the names of the parties including the maiden name and any other former name of female, if any, when ascertainable.

**Sec. 77. Duty of state registrar.** The state registrar shall cause the returns made to him in pursuance of the 2 preceding sections to be ar-

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ranged alphabetically for convenient reference, and carefully preserved in his office. He shall annually make and publish a general abstract and report of the returns of the preceding year in such form as will render them of practical utility, not more than 2000 copies of which shall be printed and bound in cloth, 1 copy of which shall be forwarded to every town, 1 copy to each senator and representative, 1 copy to each state and territory in the union, and the remainder to such departments, libraries, and persons as the state registrar shall direct.

**Sec. 78. Clerk's record or certified copy, prima facie evidence.** The town clerk's record of any birth, marriage, or death, or a duly certified copy thereof, shall be prima facie evidence of such birth, marriage, or death, in any judicial proceeding.

**Sec. 79. Defective and erroneous records, how perfected.** If the record relating to a birth, marriage, or death does not contain all the required facts, or if it is alleged that the facts are not correctly stated therein, the town clerk shall receive an affidavit containing the facts required for record, if made by a person who was required by law to furnish information for the original record, or, at the discretion of the town clerk, by 1 or more credible persons having knowledge of the case. The town clerk shall file such affidavit and record it in a separate book to be kept for that purpose, with the name and residence of any deponent and the date of such record, and shall thereupon draw a line through the incorrect statements in the original record without erasing them, and shall then enter the facts required to amend the record; and forthwith, if a copy of the record has been sent to the state registrar of vital statistics, shall forward to the registrar a certified copy of the corrected record upon blanks to be provided by said registrar; and the registrar shall thereupon amend the record in his office and state in the margin thereof his authority therefor. Reference to the record of the affidavit shall be made by the clerk on the margin of the original record. If the clerk furnishes a copy of such record, he shall certify to the facts contained therein as amended, and shall state in addition that the certificate is issued under the provisions of this section, a copy of which shall be printed on every such certificate. Such affidavit, or a certified copy of the record of any other city or town or of a written statement made at the time by any person since deceased who was required by law to furnish evidence thereof, may, at the discretion of the clerk, be made the basis for the record of a birth, marriage, or death not previously recorded, and such copy of a record may also be made the basis for completing the record of a birth, marriage, or death which does not contain all the required facts. Any oath which is required by the provisions of this section may be administered by the clerk or deputy clerk of a city or town; they shall receive no fee therefor.

**Sec. 80. Penalty.** If any person wilfully neglects or refuses to perform any duty imposed upon him by the provisions of sections 60 to 79, inclusive, of this chapter, he shall be punished by a fine of not more than \$100 for each offense, for the use of the town in which the offense occurred, and the state registrar shall enforce this section as far as comes within his power.

**Sec. 81. Duties of clerks.** The clerk of each city or town shall enforce, so far as comes within his power, sections 61, 62, 63, 64, 68, 71, and 74 of this chapter, and section 10 of chapter 72, and when he knows of any birth, marriage, or death, which is not reported to his office in accordance with the provisions of the law relating to vital statistics, he shall collect so far as he is able to do so, the facts called for in the blank certificates of birth, of marriage, or of death, as furnished by the state registrar, and shall record them as is herein prescribed; for each birth or death or marriage duly reported to the town clerk, physicians or persons solemnizing marriages shall receive 25 cents from the town in which the birth or death or marriage has occurred.

**Sec. 82. Duty of state registrar of vital statistics, when provisions of law as to registration of vital statistics are not complied with.** When the state registrar of vital statistics believes that, in any place in this state, the records of births, marriages, or deaths are not made 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 births, marriages, or deaths shall be open to his examination. Any person who refuses to permit or hinders the examination or investigation herein provided for shall be punished by a fine of not less than \$5, nor more than \$20. All actual traveling and other necessary expenses thus incurred by the state registrar, or incurred in attending the prosecution of cases brought by county attorneys, hereunder, shall be paid by the state, but not more than \$200 shall thus be paid to the state registrar for such expenses in 1 year.

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.

**Sec. 83. Registrar of vital statistics to ascertain from what towns com-**

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plete returns are lacking, and to send blanks to clerks for completion. The state registrar of vital statistics shall, as soon as practicable, ascertain from what cities, towns, and plantations and from what years, prior to 1892, complete returns of births, marriages, and deaths have not been made to the state, or are not to be found among the records of his office, and shall convey this information to the clerks of such cities, towns, and plantations, together with suitable blanks upon which to make returns.

**Sec. 84. Clerks of towns to complete returns.** Such clerks may, within a period of 10 years, from July 15, 1927, under the direction of the state registrar of vital statistics, cause to be transcribed in full upon such blanks all records of births, marriages, and deaths prior to 1892 in the possession of the city, town, or plantation and of the churches situated in the city, town, or plantation, not already returned, and shall transmit the same, properly certified, to the state registrar of vital statistics, within such reasonable time as he may prescribe.

**Sec. 85. Inscriptions on gravestones may be copied and recorded; blank forms to be furnished by registrar; fees.** If the death records of the city, town, or plantation prior to 1892 are incomplete, the clerk of such city, town, or plantation may, within 10 years from July 15, 1927, as may be prescribed by the said state registrar of vital statistics, cause to be copied at the expense of the city, town, or plantation, under the direction of the said state registrar of vital statistics, the inscriptions on all gravestones in the city, town, or plantation erected to the memory of any person who died prior to 1892, so far as the same relates to the name of the deceased, date of death, age or date of birth, if given, and the name of the cemetery, and shall cause such records to be recorded in the books or archives of the city, town, or plantation. The state registrar of vital statistics shall furnish each of said clerks with suitable blank forms for the return of such records, which shall be copied, certified, and returned to the said state registrar of vital statistics within such reasonable time as he may prescribe as provided in section 84 hereof. The work of transcription and certification shall be distributed as fairly and evenly as may be over said period of 10 years.

**Sec. 86. Certified copies of vital statistics; fees; appropriation.** When required for any lawful and proper purpose, certified copies of the records provided for by the preceding section shall be furnished by the state registrar of vital statistics for a fee of 50 cents, to be paid by the applicant. For any search of the files and records, when no certified copy is made, the fee shall be 50 cents for each hour or fractional part of an hour of time of search, said fee to be paid by the applicant.

The treasurer of state shall make available for the registrar of vital statistics on the 1st day of July annually the sum of \$500 to pay for the

clerical and incidental expenses incurred in carrying out the provisions of sections 83 to 86, inclusive.

#### Local Health Officers and Boards of Health.

**Sec. 87. Duties of municipalities in regard to local health officers; state aid under certain circumstances; duties of local health officers.** Every city, town, and organized plantation shall employ an official who shall be known as the local health officer and who shall be appointed by the officers of the municipality subject to the approval of the commissioner. Upon the failure to fill said office as hereinbefore stated within 30 days after a vacancy occurs therein, the commissioner may appoint said official. In case any local health officer neglects or refuses to carry out the public health laws and regulations of the department, the said commissioner may remove him from office. The local health officer shall be ex officio a member and the executive officer of the local board of health, and shall be 1 of the 3 members of which the board consists, or at the option of the municipal officers, may take the place of the local board of health. The municipal officers shall fix and the town pay the salary or other compensation of the local health officer who shall be appointed under the provisions of this section, and shall fix and audit all salaries, fees, and charges of persons employed by the local board of health in the execution of the health laws, of the local ordinances, and of the rules and regulations of the department. He may be employed to devote a part or all of his time to the performance of the duties of his office. If employed to give his entire time and if he possesses the qualifications of a district health officer as stated in section 15 hereof, or is approved by the commissioner on the basis of experience in public health administration, the department is authorized and directed to pay from money appropriated to said department for said purpose  $\frac{1}{3}$  of the total salary of said official, but not exceeding \$800 a year, payment to be made directly by the state to the town by which said local health officer is employed.

Said local health officers shall assist in the reporting, prevention and suppression of diseases and all conditions dangerous to health, and shall be subject to the supervision and direction of the department.

**Sec. 88. Local boards of health; appointment, etc.** There shall be a local board of health in each city and town in the state, to be composed of 2 members appointed by the municipal officers and the local health officer, anything in the charter of such city to the contrary notwithstanding; but the municipal officers may appoint the local health officer to act as and in the place of the local board. The board first appointed in any town shall be appointed to serve, 1 for 2 years, and 1 for 1 year, and thereafterwards the municipal officers in each town shall annually before the 15th day of April, appoint a member of such board to serve 2 years, and to hold office

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until another is appointed in his stead. Any vacancy arising from any cause, shall be filled for the unexpired term at the 1st meeting thereafter, of the municipal officers. If for any reason, the appointments are not made at said date, the same shall be made as soon as may be thereafter unless the local health officer has been appointed in place of the board.

**Sec. 89. Department may appoint local boards, if towns fail to appoint.** If the municipal officers of any city or town shall fail to appoint a local board of health, or to fill any vacancy in said board, in accordance with the provisions of the preceding section, the commissioner may in writing request such municipal officers to make such appointment, and if the municipal officers shall neglect or refuse to do so for a period of 30 days after receiving such written request, the department may appoint such local board of health, or fill any vacancy therein.

**Sec. 90. Annual meetings.** Before the 15th day of May in each year, the board of health shall meet for the transaction of business, and shall choose a chairman and secretary from their number.

**Sec. 91. Municipalities may combine into districts; state aid.** Subject to the approval of the commissioner, several towns, cities or organized plantations may unite in employing the same local health officer who shall possess the qualifications enumerated in section 15 or be approved by the commissioner on the basis of experience in public health administration. He shall devote his entire time to the performance of his duties, and shall receive  $\frac{1}{3}$  of his salary, but not more than \$800 a year, from the state.

**Sec. 92. Duties of officers.** The chairman shall preside at all meetings of the board. The secretary shall, in a book kept for that purpose, make and keep a record of all the proceedings at the meetings and of all transactions, doings, orders, and regulations of the board of health.

**Sec. 93. Reports to department.** The health officer, at least once in each year, shall report to the department their proceedings, and such other facts required, on blanks, and in accordance with instructions received from said department. He shall also make special reports whenever required to do so by the department. He shall, within 1 week following their meeting and election of officers, report to the commissioner, the name and address of each member of the local board, of the chairman and secretary, and of the health officer when one is appointed.

**Sec. 94. Powers and duties.** Each local board of health constituted under section 88 shall:

I. Hold regular quarterly meetings, and special meetings whenever considered necessary by its executive officer, also whenever requested by the department.

II. Prescribe the powers and duties of the local health officer, and direct him, from time to time in the performance of his duties.

III. Guard against the introduction of contagious and infectious diseases, by the exercise of proper and vigilant medical inspection and control of all persons and things coming within the limits of its jurisdiction from infected places, or which for any cause, are liable to communicate contagion; give public notice of infected places, by displaying red flags or by posting placards on the entrances of the premises; require the isolation of all persons and things that are infected with, or have been exposed to, contagious or infectious diseases, and provide suitable places for the reception of the same; and furnish medical treatment and care for persons, sick with such diseases, who cannot otherwise be provided for; prohibit and prevent all intercourse and communication with, or use of, infected premises, places, and things, and require, and if necessary, provide the means for the thorough cleansing and disinfection of the same before general intercourse therewith, or use thereof, shall be allowed. And it shall report to the department, promptly, facts which relate to infectious and epidemic diseases occurring within the limits of its jurisdiction, and shall report to said department every case of such infectious or contagious diseases as the rules and regulations of said department shall require. Those diseases which the rules and regulations of the department may require to be reported shall be known, under the terms of this chapter, as notifiable diseases. Diseases which the department may promulgate as those which shall be quarantined or isolated shall be known as quarantinable diseases.

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

V. Make, alter, and amend such orders and by-laws as they shall think necessary and proper for the preservation of life and health and the successful operation of the health laws of the state, subject to the approval of any justice of the superior court. Notice shall be given by the board of health, of all by-laws made or amended by them, by publishing the same in some newspaper, if there is one published in such town; if there is none, then in the nearest newspaper published in the county; or by posting copies of said by-laws in 6 conspicuous and public places within the town; and a record

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of such publication, or posting, of said orders and by-laws in the office of the town clerk shall be deemed a legal notice to all persons.

The powers vested in local boards of health by authority of this section shall be exercised under the control and direction of the department.

**Powers and Duties of Local Boards of Health, and Prevention of Infectious Diseases.**

**Sec. 95. Notice to owner of any infected house, etc., requiring same to be disinfected.** When any local board of health is of opinion that the cleansing and disinfecting of any house, building, car, vessel, or vehicle, or any part thereof, and of any article therein likely to contain infection, would tend to prevent or check infectious disease, such local board of health shall give notice in writing to the owner, agent, or occupier of such house, building, car, vessel, or vehicle, or part thereof, requiring him to cleanse and disinfect to the satisfaction of the health officer, or board of health, such house, building, car, vessel, or vehicle, and said articles within a time specified in such notice.

**Sec. 96. Penalty for failure to comply with notice.** If the person to whom notice is given fails to comply therewith, he shall be punished by a fine of not less than \$5, nor more than \$10 for every day during which he continues to make default; and the local board of health shall cause such house, building, car, vessel, or vehicle, or any part thereof, and articles to be cleansed and disinfected at the expense of the town, and the town may recover the expenses so incurred from the owner, agent, or occupier in default, by an action of special assumpsit.

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

**Sec. 98. Infected person shall not be removed without permission of board.** No householder in whose dwelling there occurs any of the notifiable diseases shall permit any person suffering from any such disease or any clothing or other property to be removed from his house without the

consent of the board, or of the health officer, and the said board or health officer shall prescribe the conditions of removal.

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

**Sec. 100. Physician shall give notice of existence of contagious disease.** Whenever any physician knows or has reason to believe that any person whom he is called upon to visit has or is infected with any of the notifiable diseases, such physician shall forthwith give notice thereof to the secretary of the local board of health, or the health officer of the town in which such person lives.

**Sec. 101. Proceedings in cases of violation of § 100.** The secretary or health officer of each local board of health in the state, who shall have knowledge of any violation of the provisions of the preceding section occurring within the jurisdiction of such local board of health, shall forthwith give notice thereof in writing and of all facts within his knowledge in relation thereto, to the county attorney of the county in which such violation has occurred, and said county attorney shall thereupon examine into the case and take such action in the matter as the circumstances of the case require.

**Sec. 102. Persons affected with smallpox, etc., shall not mingle with the public.** No person affected with smallpox, scarlet fever, diphtheria, or other quarantinable disease, and no person having access to any person affected with any of the said diseases shall mingle with the general public until such sanitary precautions as may be prescribed by the local board of health shall have been complied with.

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

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**Sec. 104. Disinfection, excreta, bedding, etc.** Nurses and other attendants upon persons sick with smallpox, scarlet fever, diphtheria, or other quarantinable disease shall adopt for the disinfection and disposal of excreta, and for the disinfection of utensils, bedding, clothing, and other things which have been exposed to infection, such measures as may be ordered in writing, by the local board of health.

**Sec. 105. Use of bedding and clothing until disinfected, prohibited.** No person shall give, lend, transmit, sell, or expose any bedding, clothing, furniture, or other article which has been used by persons affected with smallpox, scarlet fever, diphtheria, or other disease for which disinfection may be required by the department, or from rooms which have been occupied by such persons, without first having said articles disinfected to the satisfaction of the local board of health.

**Sec. 106. Bedding and clothing may be destroyed.** Any local board of health may direct the destruction of any bedding, clothing, or other articles, which have been exposed to infection.

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

**Sec. 108. Schoolhouses, when infected, shall be closed.** When persons from houses or places which are infected with any of the diseases for which disinfection may be required by the department have entered any schoolroom, or when, from any other cause, the schoolroom has probably become infected, the teacher shall dismiss the school, and notify the school officers and local board of health, and no school shall be again held in such schoolroom until the room has been disinfected to the satisfaction of the local board of health, and the school officers and board of health shall cause the room to be disinfected as soon as possible.

**Sec. 109. When any cellar, etc., becomes unfit for occupancy, notice to be served on the owner, to cleanse the same; if owner fails, board may cleanse, at owner's expense.** The board, when satisfied upon due examination, that a cellar, room, tenement, or building in its town, occupied as a dwelling-place, has become, by reason of want of cleanliness, or other

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cause, unfit for such purpose and a cause of sickness to the occupants or the public, may issue a notice in writing to such occupants, or the owner or his agent, or any 1 of them, requiring the premises to be put into a proper condition as to cleanliness, or, if they see fit, requiring the occupants to quit the premises within such time as the board may deem reasonable. If the persons so notified, or any of them, neglect or refuse to comply with the terms of the notice, the board may cause the premises to be properly cleansed at the expense of the owner, or may close the premises, and the same shall not be again occupied as a dwelling-place until put in a proper sanitary condition. If the owner thereafter occupies or knowingly permits the same to be occupied without putting the same in proper sanitary condition, he shall forfeit not less than \$10, nor more than \$50.

**Sec. 110. Persons infected, not to be allowed to enter any conveyance without notice to owner.** No person having smallpox, diphtheria, scarlet fever, cholera, or other disease dangerous to public health, shall enter, nor shall any person allow any one under his charge who has any such disease, to enter any conveyance without having previously notified the owner or person in charge of such conveyance of the fact of his having such disease.

**Sec. 111. When such conveyance has been so used, it shall be disinfected.** The owner or person in charge of any such conveyance shall not, after the entry of any person so infected into his conveyance, allow any other person to enter it, without having sufficiently disinfected it under the direction of the local board of health, or the supervision of the health officer.

**Sec. 112. Houses to be disinfected, where contagion has existed.** No person shall let or hire any house or room in a house in which any of the diseases have existed for which disinfection may be required by the department, without having caused the house and the premises used in connection therewith to be disinfected to the satisfaction of the local board of health.

**Sec. 113. Officers not to be obstructed in performance of duty.** Any member of a local board of health, or any health officer or other person employed by the local board of health, may, when obstructed in the performance of his duty, call to his assistance any constable or other person he thinks fit, and every such constable or person so called upon shall render assistance.

**Sec. 114. Penalty for violations.** Whoever wilfully violates any provision of the 25 preceding sections, or of said regulations and by-laws, or neglects or refuses to obey any order or direction of any local board of health or health officer authorized by said provisions, the penalty for which is not herein specifically provided, or wilfully interferes with any person

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or thing to prevent the execution of the provisions of said sections or of said regulations and by-laws shall be punished by a fine of not more than \$50; judges of municipal courts and trial justices shall have jurisdiction original and concurrent with the superior court, of all offenses under said sections.

**Sec. 115. Antitoxin, in certain cases, to be furnished free.** To provide for the control of diphtheria and other contagious diseases, local boards of health shall furnish antitoxin free to all indigent persons suffering from such diseases, in such manner as the department may direct.

**Sec. 116. Contracts for supply of antitoxin.** The state shall make contracts with reputable manufacturers for the sale of antitoxin to the local boards of health in such manner as is deemed best and most economical for the several towns, and may arrange several towns and plantations into groups for the purchase of antitoxin when it appears that such arrangement would be best, most convenient, and most economical for them.

**Sec. 117. Antitoxin to be furnished physicians.** The antitoxin shall be kept by the secretary or chairman of the local board, and shall be furnished physicians upon application on blanks provided and furnished by the department. The local board shall provide a repository for antitoxin which may be furnished to physicians at the same rates as furnished by the state, and to their patients on prescriptions. The local board of health in any town furnishing an indigent person residing in another town antitoxin upon application, as above provided, shall be reimbursed by the town where the patient belongs. The state shall reimburse cities or towns furnishing antitoxin to any person having no legal residence in any city or town within the state.

**Sec. 118. Precautions against infected persons.** When any person is or has recently been infected with any disease or sickness dangerous to the public health, the local board of health of the town where he is, shall provide for the safety of the inhabitants, as they think best, by removing him to a separate house, if it can be done without great danger to his health, and by providing nurses and other assistants and necessaries, at his charge or that of his parents, if able.

**Sec. 119. Board of health to assist persons placed in quarantine.** Whenever any person or family is placed in quarantine by a board of health to protect the public against smallpox, scarlet fever, diphtheria, or any other dangerous or contagious disease, said board shall assist such person or family, if indigent or in a needy condition while in quarantine, in such a manner as in the judgment of the board may be deemed wise and necessary.

**Sec. 120. Expenses incurred to be deemed legitimate, and charged to**

**town.** All expenses including all supplies of food and medicine, including antitoxin, incurred in carrying out the provisions of the preceding section, or incurred in furnishing families or persons affected with tuberculosis with supplies needed to prevent the spread of infection, or such part thereof as the board may determine, shall be deemed a legitimate expenditure for the protection of the public health and shall be charged to the account of incidental expenses of the town, but not to any pauper account, nor shall any person so quarantined and assisted be considered a pauper, or be subject to disfranchisement for that cause unless such persons are already paupers as defined by the revised statutes. All or such portion of such expenses as the board of health may determine are not a legitimate expenditure for the protection of the public health may be recovered from the person quarantined, or whose family is quarantined, or from his parents, if able; otherwise from the town to which he belongs. The provisions of this section shall not release the state from the obligations which are imposed upon it by sections 22 to 25, both inclusive, of chapter 33.

**Sec. 121. Precautions against persons arriving from infected places; penalty.** When an infectious or malignant distemper is known to exist in any place out of the state, the local board of health of any town in the state, may, by giving such public notice therein as they find convenient, require any person coming from such place to inform one of them or the town clerk of his arrival and from what place he came; and if he does not, within 2 hours after arrival, or after actual notice of such requirement, give such information, he forfeits \$100 to the town.

**Sec. 122. Restrictions on such persons; may be removed if refractory; penalty if they return.** The local board of health may prohibit any such person from going to any part of their town where they think that his presence would be unsafe for the inhabitants; and if he does not comply, they may order him, unless disabled by sickness, forthwith to leave the state in the manner and by the road which they direct; and if he neglects or refuses so to do, any justice of the peace or judge or recorder, in the county, on complaint of 1 of said local board of health, may issue his warrant to any proper officer or other person named therein, and cause him to be removed from the state; and if during the prevalence of such distemper in the place where he resides, he returns to any town in the state, without the license of its local board of health, he forfeits not more than \$100.

**Sec. 123. Precautions authorized in border towns; penalty.** The local board of health of any town near or adjoining the state line, may, by writing under their hands, appoint suitable persons to attend at any places by which travelers may pass into such town from infected places in other states or provinces, who may examine such passengers as they suspect of

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bringing with them any infection dangerous to the public health, and if need be, may restrain them from traveling until licensed thereto by 1 of said board; and any such passenger who without such license travels in this state, except to return by the most direct way to the state or province whence he came, after he has been cautioned to depart by the persons so appointed, forfeits not more than \$100.

## Tuberculosis.

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

**Sec. 125. Duty of physicians and others.** Tuberculosis is hereby declared to be an infectious and communicable disease, dangerous to the public health. Every physician in the state shall report in writing, to the local board of health within 48 hours after the fact comes to the knowledge of said physicians, the name, age, sex, color, occupation, place where last employed, if known, and address, of every person known by said physician to have tuberculosis. Such report shall be made on forms furnished by the department.

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

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

**Sec. 127. Infected articles to be disinfected.** When notified as provided in the preceding section, that any apartments or premises have been vacated, the health officer or secretary of the local board of health or his agent, shall within 24 hours thereafter visit said apartments or premises, and shall order and direct that, except for the purposes of cleansing or disinfection, no infected article shall be removed therefrom until properly and suitably cleansed or disinfected; and said local board of health shall determine the manner in which such apartments or premises shall be disinfected, cleansed, or renovated in order that they may be rendered safe and suitable for occupancy. If the health authorities determine that disinfection is sufficient to render them safe and suitable for occupancy, such apartments or premises together with all infected articles therein, shall immediately be disinfected by the health authorities at public expense, or, if the owner prefers, by the owner at his expense, to the satisfaction of the health authorities; but the methods or processes of disinfection and the material or agencies with which it shall be done shall be those which are advised by the department for work of that kind in connection with tuberculosis.

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

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

**Sec. 129. Tuberculous persons to exercise care; duty of board of health.** Any person having tuberculosis, who shall dispose of his sputum, saliva, or other bodily secretion or excretion so as to cause offense or danger to any person or persons in the same room or apartment, house, or part of a house, shall, on complaint of any person or persons subjected to such offense or danger, be deemed guilty of a nuisance; and any person subjected to such a nuisance may make complaint in person or writing to the local board of health of any town where the nuisance complained of is committed. The local board of health upon receiving such complaint shall investigate, and if it appears that the nuisance complained of is such as to cause offense or danger to any person in the same room, apartment, house,

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or part of a house, they shall serve a notice upon the person so complained of, reciting the alleged cause of offense or danger, and requiring him to dispose of his sputum, saliva, or other bodily secretion or excretion in such manner as to remove all reasonable cause of offense or danger. Any person failing or refusing to comply with orders or regulations of the local board of health of any town, requiring him to cease to commit such nuisance, shall be deemed guilty of a misdemeanor and on conviction thereof shall be punished by a fine of not more than \$10.

**Sec. 130. Duty of physician.** Any physician attending a patient having tuberculosis shall take all proper precautions, and shall give proper instructions to provide for the safety of all individuals occupying the same house or apartment, and if no physician be attending such patient this duty shall devolve upon the local board of health; all duties imposed upon physicians by sections 124 to 134, both inclusive, shall be performed by the local board of health in all cases of tuberculosis not attended by a physician, or when the physician fails to perform the duties herein specified, and shall so report.

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

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

**Sec. 133. Recoveries to be reported.** Upon the recovery of any person having tuberculosis, the attending physician shall make a report of this fact to the department, which shall record the same in the records of its office, and shall relieve said person from further liability to any requirements imposed by the 9 preceding sections.

**Sec. 134. Penalty.** Any person violating any provision of the 10 preceding sections shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished, except as herein otherwise provided, by a fine of not less than \$5 nor more than \$50.

#### **Removal of Infected Persons and Goods.**

**Sec. 135. Process for removal or separate accommodation of infected persons.** Any 2 justices of the peace may issue a warrant, directed to a proper officer, requiring him to remove any person infected with contagious sickness, under the direction of the local board of health of the town where he is; or to impress and take convenient houses, lodgings, nurses, attendants, and other necessaries for the accommodation, safety, and relief of the sick.

**Sec. 136. Process for securing infected articles.** When on application of the local board of health of a town it appears to any justice of the peace that there is just cause to suspect that any baggage, clothing, or goods therein are infected with any malignant contagious distemper, he shall, by a warrant directed to a proper officer, require him to impress so many men as said justice thinks necessary, to secure such infected articles, and to post said men as a guard over the place where the articles are lodged, who shall prevent any persons from removing or approaching such articles, until due inquiry is made into the circumstances.

**Sec. 137. Justice may by warrant require officers to remove them to suitable places.** He may by the same warrant, if it appears to him necessary, require said officer, under the direction of the local board of health, to impress and take convenient houses or stores for the safe-keeping of such infected articles, and cause them to be removed thereto, or otherwise detained, until the local board of health think that they are free from infection.

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

**Sec. 139. Expenses, how paid.** The charges for securing such infected

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articles and of transporting and purifying them shall be paid by the owners thereof, at the price determined by the local board of health.

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

**Sec. 141. Removal of infected prisoners from places of confinement.** When any person in a jail, house of correction, or workhouse is attacked with a disease which the local board of health of his town, by medical advice, consider dangerous to the safety and health of other prisoners, or of the inhabitants of the town, they shall, by their order in writing, direct his removal to some place of safety, there to be securely kept and provided for until their further order; and if he recovers from such disease, he shall be returned to his place of confinement.

**Sec. 142. Order for removal, how returned; such removal, not an escape.** If he was committed by an order of court or judicial process, the order for his removal, or a copy thereof attested by the local board of health, shall be returned by them with the doings thereon into the office of the clerk of the court from which such order or process was issued. No such removal shall be deemed an escape.

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

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

**Infected Vessels. Quarantine.**

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

**Sec. 146. Vessels with infected persons to anchor at a distance from towns.** When a vessel arrives at a port having on board any person infected with a malignant disease, the master, commander, or pilot shall anchor it at some convenient place below the town of such port, at a distance safe for the inhabitants thereof and the persons on board other vessels in said port; and no person or thing on board shall be brought on shore, until the local board of health gives its written permit.

**Sec. 147. Penalty for violation of § 146.** For the wilful violation of the preceding section, such master or commander forfeits not more than \$200, and the pilot not more than \$50 for each offense.

**Sec. 148. Board of health may establish quarantine regulations; penalty.** The local board of health of a seaport town may cause vessels arriving there to perform quarantine at such place and under such regulations as they judge expedient, when they think that the safety of the inhabitants requires it; and whoever neglects or refuses to obey such orders and regulations, shall forfeit not more than \$500, or be imprisoned for not more than 6 months.

**Sec. 149. Duty of pilots to give notice thereof; penalty.** When such local board of health thinks it necessary to order all vessels, arriving there from any particular port or ports, to perform quarantine, they shall give notice thereof to the pilots of their port; who shall make it known to the masters of all vessels which they board. A pilot who neglects to do so, or who contrary thereto pilots any vessels up to said seaport town, forfeits not more than \$100.

**Sec. 150. Penalty for violation or evasion of quarantine, after notice.** If the master or commander of a vessel takes it up to any seaport town after notice that a quarantine has been so directed for all vessels coming from the port or place whence his vessel sailed; or by false declarations, or otherwise, fraudulently attempts to elude such directions; or lands or

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suffers to be landed from his vessel any person or thing, without permission of the local board of health, he shall be punished as provided in section 148.

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

**Sec. 152. Authority of health officer, as to quarantine.** In every seaport town the health officer may perform all the duties and exercise all the authority of the local board of health in requiring vessels to perform quarantine.

**Sec. 153. Expenses, how paid.** Expenses incurred on account of any person, vessel, or goods, under quarantine regulations, shall be paid by such person, or the owner of the vessel or goods, as the case may be.

**Town Hospitals.**

**Sec. 154. Hospitals may be established.** A town may establish therein 1 or more hospitals for the reception of persons having the smallpox or other diseases dangerous to the public health; or its local board of health may license any building therein as a hospital, which shall be under the control of said board.

**Sec. 155. Physicians and others subject to hospital regulations.** When a hospital is so established or licensed, the physicians, the persons who are infected, infectious, or sick therein, the nurses, attendants, and all who come within its limits, and all furniture or other articles used or brought there shall be subject to the regulations made by the local board of health.

**Sec. 156. Hospital to be provided, on breaking out of infectious diseases; regulations.** When smallpox or other disease dangerous to the public health breaks out in a town, the local board of health shall immediately provide such hospital or place of reception for the sick and infected, as they judge best for the accommodation and safety of the inhabitants; such hospitals and places are subject to their regulations the same as established hospitals; and they shall cause such sick and infected to be removed thereto, unless their condition will not permit it without imminent

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danger; in which case, the house or place where the sick are shall be deemed a hospital for every purpose aforesaid; and all persons residing in, or in any way concerned with it, are subject to hospital regulations.

**Sec. 157. Precautions to prevent the spread of such diseases.** When any disease dangerous to the public health exists in a town, the municipal officers shall use all possible care to prevent its spread and shall give public notice of infected places to travelers, by displaying red flags at proper distances, and by all other means most effectual in their judgment, for the common safety.

**Sec. 158. Penalty for violation of hospital regulations by persons subject thereto.** If any physician or other person in such hospitals or places of reception, attending, approaching, or concerned therewith violates any lawful regulation in relation thereto, with respect to himself or his or another's property, he forfeits not less than \$10, nor more than \$100, for each offense.

**Sec. 159. Forfeitures, how appropriated.** All forfeitures mentioned in sections 121 to 123, inclusive, and 125 to 158, inclusive, except otherwise provided, inure to the town where the offense is committed.

**Sec. 160. Persons maintaining maternity hospitals to have license.** No person, firm, corporation or association shall conduct or maintain a maternity hospital without having in full force a written license therefor from the department, provided that nothing in this section shall apply to any institution which is or shall come under the supervision of the department under the provisions of law.

The term maternity hospital as used in this section shall be held to mean a house or other place maintained or conducted by any one who advertises himself or holds himself out as having or conducting a maternity hospital as herein defined, or a house or any other place in which any person receives, cares for or treats within a period of 6 months more than 1 woman during pregnancy or during or after delivery except women related to him by blood or marriage; provided, however, that nothing herein shall be construed to prevent a nurse from practicing her profession in the home of the patient or in any hospital which is otherwise under the supervision of the department other than a maternity hospital.

**Sec. 161. Sanatorium or hospital for infectious diseases, prohibited unless approved.** No person, firm, or corporation shall establish or maintain within the populous districts of any city or town in this state, any sanatorium or hospital designed for the treatment of persons suffering from tuberculosis or other infectious or contagious disease unless approval has been obtained from the municipal officers of the city or town in question and from the department.

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**Sec. 162. Penalty.** Any person, firm, or corporation found guilty of violating the provisions of the preceding section shall be punished by a fine of not more than \$1,000 or by imprisonment for not more than 11 months; and jurisdiction in equity to enjoin threatened violations of the said section is hereby conferred upon the supreme judicial and superior courts.

**General Provisions.**

**Sec. 163. Free vaccination provided, annually.** The board of health of each city, village, town, and plantation shall annually on the 1st day of March, or oftener if they deem it prudent, provide for the free vaccination with the cowpox, of all the inhabitants within their respective localities, to be done under the care of skilled practicing physicians, and under such circumstances and restrictions as said authorities adopt therefor.

**Sec. 164. Paper mills not to employ persons not vaccinated.** No owner, agent, or superintendent of any paper mill where domestic or foreign rags are used in the manufacturing of paper shall hire or admit any person to work in or about said mill who has not been successfully vaccinated or revaccinated within 2 years, or to the satisfaction of the local board of health.

**Sec. 165. Persons not vaccinated not to work in paper mill.** No person shall work in or about any paper mill where rags are used, who has not been successfully vaccinated or revaccinated within 2 years, or to the satisfaction of the local board of health.

**Sec. 166. List of employees to be furnished semi-annually.** The owner, agent, and superintendent in every paper mill where rags are used shall every year, in the months of February and September, make out and deliver to the local board of health, a list containing the names, ages, kind of work, and places of residence of all persons employed in or about said mill.

**Sec. 167. Employees to be examined semi-annually.** In the months of March and October, annually, each and every person who is employed in a paper mill, shall be examined by the local board of health as to whether he or she is successfully and sufficiently protected by vaccination, and the local board of health shall in all cases be the judges of the sufficiency of the protection by vaccination.

**Sec. 168. Penalty.** Whoever violates any provision of the 4 preceding sections shall be punished by a fine of not more than \$50.

**Sec. 169. Enforcement of §§ 164-168.** The local boards of health within their respective jurisdiction and the department shall enforce the provisions of the 5 preceding sections as far as comes within their power, and when

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said department knows or has reason to believe that any penalty or forfeiture has been incurred by reason of neglect to comply with said sections, it shall give notice thereof, in writing, to the county attorney of the county in which said penalty or forfeiture has occurred, and upon receipt of such notice the county attorney shall prosecute the defaulting person or persons.

**Sec. 170. Suspected cases of tuberculosis or glanders to be investigated.** Whenever a local board of health or its executive officer has notice of, or suspects the existence of, a case of tuberculosis or glanders in domestic animals, such board or officer shall forthwith investigate or cause to be investigated the truth of such notification or the grounds of such suspicion; and if there appear to be good grounds for believing that such disease is present, the local board of health or its executive officer shall notify the commissioner of agriculture, reciting in said notification the grounds for their belief or suspicion.

#### Inspection of Plumbing.

**Sec. 171. Inspectors of plumbing; appointment and tenure.** In every city or town where there is a system of water supply or sewerage, the board of health may, whenever necessary, appoint 1 or more inspectors of plumbing, who may or may not be residents of the town or city for which they are appointed, and who shall hold office for 1 year; in every city or town where there is a system of water supply or sewerage, at least 1 member of the board of health shall be a practical plumber within the meaning of section 178.

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

**Sec. 173. No inspector shall approve his own work; inspection of work done by regular inspector.** No inspector of plumbing shall inspect or approve any plumbing work done by himself, or by any person by whom he is employed, or who is employed by or with him; but in a city or town which is subject to the provisions of the 2 preceding sections, the board of health shall appoint an additional inspector of plumbing, in the same manner and subject to the same qualifications as the regular inspector

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of plumbing, who shall inspect, in the manner herein prescribed, plumbing done by the regular inspector or by any person by whom he is employed, or who is employed by or with him. Said additional inspector may act in case of the absence or inability of the regular inspector, and shall receive for his services the same compensation as the regular inspector for a like duty.

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

**Sec. 175. Issue of permits, fees; distribution of fees; hearings on regulations.** Such permit shall be issued on the payment of a fee of not less than 50 cents for each such permit but not more than \$1 per fixture, up to a total of 5 fixtures; for over 5 fixtures not less than 10 cents and not more than 30 cents shall be charged for each additional fixture, as shall be determined by such ordinance or by-law;  $\frac{1}{3}$  of the amount of such fees shall be paid through the department to the treasurer of state to be maintained as a permanent fund and used by the department for the carrying out of the provisions of sections 174 to 176, inclusive. The remainder shall be paid to the treasury of the city or town and used exclusively for carrying out the plumbing laws in such cities or towns. Fixtures for the purposes of this chapter shall be defined as: receptacles intended to receive and discharge water, liquid, or water carried wastes into a drainage system with which they are connected.

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

**Sec. 176. Regulations of department control where no local regulations are made; provision for local inspectors.** In any city or town which does

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not prescribe plumbing regulations as provided for in section 174, the rules and regulations of the department in relation to plumbing work for the carrying of such waste and sewage and for the materials and sizes of pipe which carry water to all plumbing fixtures, shall have full force and effect. Permits for the installation of such plumbing in such cities or towns shall be issued by a local inspector appointed or approved by the department on the payment of such fees as shall be determined by that department within the limitations as to amount set forth in section 175. All amounts so received shall be paid into the state fund described in section 175.

**Sec. 177. Annual reports.** Inspectors of plumbing and boards of health shall annually, before the 1st day of June, make a full report in detail to their respective cities or towns of all their proceedings during the year under the provisions of the 5 preceding sections.

**Sec. 178. Definitions.** The words "practical plumber", as used in the 7 preceding sections shall mean a person who has learned the business of plumbing by working for at least 2 years as an apprentice or under a verbal agreement for instruction, and who has then worked for at least 1 year as a first class journeyman plumber. The word "journeyman" as used in said sections shall mean a person who himself does any work in plumbing which is by law, ordinance, by-law, rule, or regulation subject to inspection. The provisions of said sections shall apply to all persons learning the business of plumbing when they are sent out to do the work of a journeyman plumber.

**Sec. 179. Penalty.** Whoever violates any provision of the 8 preceding sections, or any ordinance, by-law, or regulation made thereunder, shall be punished by a fine of not less than \$10, nor more than \$50 for each offense. Municipal courts and trial justices shall have jurisdiction of all offenses under said sections.

#### Licensing of Plumbers.

**Sec. 180. Plumbers in municipalities which own water-works, to be licensed.** In water districts and in cities and towns which own and control municipal water-works, either by direct ownership of the plant or by ownership of the majority of the stock thereof, no plumbing shall hereafter be done on any pipes or fixtures for the use of water from such water-works, unless done by a plumber or other person licensed by the trustees of such district, or the board of water commissioners of such cities, or the municipal officers of such towns. Said trustees, commissioners, and municipal officers are hereby authorized to grant and revoke licenses.

**Sec. 181. Reports of fixtures set up, etc., to superintendent of water**

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**district or works.** Every plumber or the person who shall set up any pipes or fixtures for the use of water from such municipal water-works, or from any other water-works in the state, or shall make repairs upon, additions to, or alterations of, any pipes or fixtures set up previous thereto, shall, between the 1st and 10th days of the succeeding month, after the same shall be completed, fill up and return to the superintendent of the water-works on which such work, repairs, or alterations are made, a report, stating particularly what new pipes and fixtures he has set up and what repairs, additions, and alterations he has made upon or to those previously set up, describing all fixtures both new or old for the use of water on the premises.

**Sec. 182. Suspension of license and penalty for misrepresentation.** For any misrepresentation or omission in the report of the work done, such plumber or other person shall be liable, if licensed, to suspension or to have his license revoked and whether licensed or not to pay a fine of not less than \$5, nor more than \$20, to be recovered in an action of debt in the name of the treasurer of the city or town in which such work is done, before the municipal court of such city or a trial justice in such town.

**Sec. 183. Acting without license; penalty.** If any plumber or person not duly licensed shall set up any pipes or fixtures for the use of water from any water-works designated in section 181, or make any repairs upon, additions to, or alterations of, any pipes or fixtures previously thereto set up, he shall forfeit and pay a sum of not less than \$5, nor more than \$20, to be recovered by complaint, or in an action of debt in the name of the treasurer of the water district or the city or town in which such work is done, before the municipal court of such city or a trial justice in such town.

**Sec. 184. Provisions in city charters not affected.** The 4 preceding sections shall not affect any provisions in city charters and ordinances, inconsistent therewith.

**Prevention of Blindness.**

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

### Recreational Camps and Roadside Places.

**Sec. 186. Overnight and recreational camps, eating and lodging places to be licensed; penalty.** No person, corporation, firm, or copartnership shall conduct, control, manage, or operate, directly or indirectly, any overnight camp, recreational camp, eating or lodging place, which is operated only part of each year, unless the same shall be licensed by the department. Any person, corporation, association, firm, or copartnership violating the provisions of this section shall be punished by a fine of not more than \$100.

**Sec. 187. Department authorized to license; terms and fees.** The department is empowered to license overnight camps, recreational camps, eating and lodging places which are operated only part of each year. Such licenses shall be issued by the department under such terms and conditions as it deems advisable, and fees for licenses not exceeding \$5 may be charged.

### Laws Relating to Welfare.

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

*Revisor's note: P. L. 1933, c. 188 will become §188-A.*

**Sec. 189. License for solicitation of charitable funds.** No person, firm, corporation, or association shall solicit funds for charitable or benevolent purposes outside of the municipality where such person resides or where such firm, corporation, or association has its place of business, without having in full force a written license therefor from the department; provided, that this section shall not apply to any person or organization already under the supervision of the former department of public welfare on the 3rd day of July, 1915, by virtue of the provisions of law then in force. No license shall be granted for a term exceeding 1 year. It shall state the name of the licensee, his residence or place of business, and for what purpose the funds are to be solicited. 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 so to do.

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## Provisions for Mothers with Dependent Children.

**Sec. 190. Cities and towns to render aid to mothers with dependent children.** Every city and town shall, subject to the provisions hereinafter contained, render suitable and needful aid to any mother residing therein, with a dependent child or children under the age of 16 years, who needs and desires such aid to enable her to maintain herself and children in her home and who is fit and capable, mentally, morally, and physically to bring up her children.

**Sec. 191. Settlement or residence in state necessary; not to be deemed paupers.** The provisions of sections 190 to 200, inclusive, shall apply to all mothers and their dependent children who may have a settlement in this state, or who shall have resided in the state for not less than 5 consecutive years next prior to making application for aid. No mother, nor any of her children shall acquire a settlement or be in process of acquiring a settlement while receiving aid nor be deemed a pauper by reason of receiving such aid.

**Sec. 192. Aid may be in money or supplies.** The aid to be furnished hereunder may be furnished either in money or supplies or both.

**Sec. 193. Municipal board, duties.** In each city, town, and plantation there shall be a municipal board of mothers' aid, hereinafter referred to as the municipal board, to consist of the overseers or board of overseers of the poor ex officio, unless the city by ordinance or the town or plantation by vote upon warrant shall provide for a special board of not fewer than 3 persons, 1 of whom at least shall be a woman, appointed or elected for 3-year terms, 1 term expiring each year, to serve as such municipal board. The members of such municipal board shall serve without compensation as such.

The municipal board shall keep a record of all applicants investigated, visit regularly or cause to be visited by some agent in their behalf the home of each mother aided hereunder; see that her children are actually living with her in her home, observe the conditions of the home and of the family and make and keep a record of such visits and any fact observed which bears upon the necessity or advisability of continuance of aid under the provisions of sections 190 to 200, inclusive, and report the same to the department.

**Sec. 194. Mother to make application to municipal board; form of blank; penalty for false statement.** Any mother entitled thereto needing and desiring aid herein provided for may apply therefor personally or by letter to said municipal board. The board shall thereupon cause the applicant to fill out and sign an application blank or shall fill out the same from information furnished by the applicant who shall sign it, in which shall

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be stated: 1st, name of the applicant and that of her husband, the time and place of her marriage, and whether her husband is living or deceased; 2nd, the names and ages of her children, whether those required by law to attend school are attending and what school; and if not, the reason of such non-attendance; 3rd, her present residence and address, the length of time she has been a resident of this state and where she has resided therein; 4th, the nature and amount of any property possessed by herself or her husband if living, and her children, and the extent and source of their income and hers; 5th, the name and addresses of her near relatives and those of her husband, and of 1 or more persons to whom reference may be made for information; 6th, a statement that the applicant will agree to employ all aid received by her under the provisions of sections 190 to 200, inclusive, solely for the support of herself and her children under the age of 16 years, and for their proper upbringing in her home. The board may, if it deems proper, require any such application and the statements made therein to be substantiated by the oath or affirmation of the applicant.

Any person who shall knowingly, wilfully, and with intent to deceive make any false statement in said application blank 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.

**Sec. 195. Investigation of applications to be made by municipal board.** When such application has been made to the municipal board, it shall forthwith make careful investigation by personally interviewing the mother in her home, looking up her references, and pursuing such other sources of information as are available, for the purpose of determining: 1st, the truth of the statements contained in her application; 2nd, whether she is a fit and capable person to bring up her children, and whether the inmates and surroundings of her household are such as to render it suitable for her children to reside at home; 3rd, whether the child or children of the applicant are attending school, and if not why; 4th, whether under all the circumstances, considering her own resources and the ability of any member of her family to contribute to her support, the possibility of receiving aid from other relatives, individuals, agencies, or child welfare organizations, and the possibility of compelling contributions by any person under legal obligation so to do, such mother is in need of aid under the provisions of sections 190 to 200, inclusive, and if so, in what amount.

**Sec. 196. Department to make final decision.** The municipal board shall thereupon file with the department a copy of said application and a written report embodying the results of their investigation and their recommendations thereon, and the department shall determine all matters in question, and communicate in writing its decision to the municipal board.

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If the applicant is held entitled to aid, the department shall determine its character and amount, which may be less than, but shall not exceed, the amount recommended by the municipal board. The state shall thereupon, by order of the department, pursuant to such decision, pay the same in money or its value to the applicant, or to some person designated by the department upon the recommendation of the municipal board, who shall expend it for the purposes and in the manner set forth in the decision. The department may revise its decision whenever it deems it necessary or equitable so to do, but shall not increase the amount of aid previously awarded except with the consent of the municipal board, nor decrease it without giving said board opportunity to be heard.

**Sec. 197. Department to investigate upon failure of municipal board; expenses charged to town.** If the said municipal board shall fail for 30 days to act upon and report upon said application, the said mother may make application for aid to the department who shall communicate with the municipal board; and if the municipal board shall thereafter neglect or fail to act for a period of 10 additional days the department itself shall proceed to investigate the merits of said application and to determine what, if any, aid shall be awarded the applicant, and the decision of said department shall be of the same effect and validity as if the municipal board had in the 1st instance proceeded according to sections 194, 195, and 196. The expenses incurred by the department by reason of the default of the municipal board shall be paid by the state, which shall collect said amount of the town in which the municipal board so failing to act as aforesaid is located, by an action at law in the name of the state.

**Sec. 198. Proceedings when mother seeking aid has husband living.** In any case when application for aid hereunder is made by a mother who has a husband living, who is able by means of his property or labor to contribute to her support and that of her children, but who wilfully neglects or refuses so to do, or who has deserted her or her children, it shall be the duty of the municipal board of the town where the applicant resides to advise the mother in making complaint to compel such husband to contribute to the support of his said wife and children, under the provisions of sections 44 to 48, inclusive, of chapter 129 or in filing a petition under the provisions of section 9 of chapter 74; and until such proceedings have been begun, and are being prosecuted in good faith to the satisfaction of the municipal board and the department, and until, in cases of desertion, at least 1 year has elapsed from date of commencement of such desertion, no aid shall be given under the provisions of sections 190 to 200, inclusive.

**Sec. 199. Department to have general supervision; to make annual report.** The department shall prescribe appropriate forms for application, reports and other proceedings required by the provisions of sections 190

to 200, inclusive; the department shall keep a record of all cases reported to it thereunder and action taken by it in relation to the same; and shall keep on file all reports made to it by municipal boards; it shall see that families aided thereunder are visited as therein required and shall have access to any records of the municipal boards or of the overseers of the poor relating to any proceedings thereunder. In order to aid the department in determining any questions presented to it for decision by any municipal boards under the provisions of sections 190 to 200, inclusive, it may, in addition to their reports, make further investigation in such manner as it may deem best.

**Sec. 200. Towns to be assessed.** The state shall recover from the town in which the mother so aided has legal settlement,  $\frac{1}{2}$  the amount expended, which shall be credited to the regular legislative appropriation for aid to mothers with dependent children. Whenever it appears that a city or town is delinquent in making reimbursements to the state, the amounts due shall be collected by the state in the same manner and subject to the same penalties as state taxes. Any balance due shall be assessed in the succeeding year in the same manner as other state taxes.

#### Protection of Children.

**Sec. 201. Designation of state and municipal boards changed.** In each city, town, or plantation, the municipal board of mothers' aid, as provided for in the 11 preceding sections, shall be a municipal board of children's guardians, hereinafter referred to as the municipal board.

**Sec. 202. Compensation of probation officers for services.** County probation and associate probation officers performing any of the duties specified in the following 12 sections shall be allowed, by their respective counties, their actual expenses and such compensation as their respective boards of county commissioners may from time to time determine.

**Sec. 203. Investigations and prosecutions.** All municipal boards, their agents and employees, all county probation officers and associate probation officers, and the department and its agents, so far as funds are available, shall investigate all cases of cruel or injurious treatment of children coming to their knowledge, and shall cause offenders against any law for the protection of children or prevention of cruelty to the same to be prosecuted. The costs of court proceedings under this section shall be taxed and paid in the same manner as in any criminal process. All fines imposed for the punishment of offenses under any of the provisions of the following 11 sections shall be paid over to the county treasurer of the county in which the offenses may have been committed.

**Sec. 204. Warrants to be issued on complaint of cases of neglect to**

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children; child may be given into custody of individual or child welfare institution; court may direct municipal board to care for child pending hearing. When complaint in writing signed by an agent of the department, sheriff, county probation officer, police officer, member of a municipal board or by three or more citizens of any town or city is made under oath to the probate court of the county or the municipal court having jurisdiction in said city or town, alleging that such child in such city or town is cruelly treated or wilfully neglected by its parents or parent or by the wilful failure of such parents or parent is not provided with suitable food, clothing or privileges of education, or is kept at or allowed to frequent any disorderly house, house of ill fame, gambling place, or place where intoxicating liquors are sold, or other places injurious to the health and morals, or that such child is an orphan without means of support or kindred of sufficient ability who will furnish such support, and praying that suitable and proper provision be made for the care, custody, support and education of the child named in such complaint, the court to whom such complaint is made shall issue a warrant causing the parents or other persons having custody or control of such child, if any, and the child, if necessary, to be brought before it, or shall cause notice to be given to said parents or said other persons in such manner or in such length of time as the court deems proper. The court shall cause notice in writing to be given by mail or otherwise to the department, to the municipal board of the town, and to the county attorney of the county where the child is residing at least 10 days before the date set for the hearing, provided, however, that the department and the municipal board and the county attorney may waive such notice. It shall be the duty of the county attorney to represent the interests of the department at the hearing. If, upon hearing, it shall appear that any material allegations of said complaint are true, the court may order said child committed into the custody of any suitable person or duly incorporated children's institution or child welfare organization consenting to receive same, 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, whose standards of care and maintenance are approved by the department or into the custody of the department itself. The court shall cause a copy of the order of commitment and of any subsequent modifications thereof to be sent forthwith to the department. The court may direct the municipal board where the child is residing to make such provision for its care as may be necessary pending hearing, and the expense, if any, of such care shall be paid by the town or city in which the child has a lawful settlement. Whoever being a parent of any child committed under this section shall be found guilty of having without just and sufficient cause failed or neglected to support said child shall be punished by a fine of not

more than \$1,000 or by imprisonment for not more than 11 months or by both such fine and imprisonment. It shall be the duty of the county attorneys in their respective counties to prosecute all violations of this section that are brought to their attention.

**Sec. 205. Orders of court to divest parent of legal rights, but not to relieve of responsibility for support; appeal; condition of child may be investigated and decree altered; guardianship.** Orders and decrees provided for in the preceding 4 sections shall have the same effect to divest the parent or parents of all legal rights in respect to said child as specified in section 38 of chapter 80, 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 44, 45, 46, 47 and 48 of chapter 129. Such original orders shall not extend beyond the time when the child shall reach the age of 18 years; but upon application by the department the court, for sufficient cause, may extend such orders to the time when the child shall reach the age of 21 years. The children's institution or organization or suitable person or department to which said child is committed shall have full custody and control over said child thereafter for said time and, if no other guardian is appointed, the department shall have all the powers as to the person, property, earnings and education of every child committed to its custody, during the term of commitment, which a guardian has as to a ward, and shall have authority to give the consent required in section 36 of chapter 80. An appeal may be taken from the order or decree of any probate or municipal court determining the custody of the child under the provisions of sections 201 to 213, inclusive, to the next term of the superior court to be holden within the county not earlier than 14 days after the date of said order or decree. The proceedings under such appeal from the probate court shall follow the form prescribed for appeal from probate courts and under such appeal from a municipal court shall follow the provisions of any special charter of the municipal court concerned, but pending action upon any such appeal the court may order the custody of the child to be retained by said suitable person, children's institution or child welfare organization or 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.

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**Sec. 206.** Bond required when child given into custody of individual; department may provide for maintenance and education; state to recover from town; children or parents not to be considered paupers. Whenever the court deems it suitable and conducive to the public welfare that any such child be placed under the control of an individual, the court shall first take a bond from such person running to the state in such sum and with such sureties as the court approves, conditioned that such person shall humanely treat and properly support, clothe, and educate the child, and in case of non-performance of the conditions of said bond a suit may be commenced thereon and the sum so recovered shall be paid into the treasury of the state for the joint benefit of the state and town of settlement, if any, of said child in proportion to the amount of expenses incurred by the state and said town because of the failure of said person so to treat, support, clothe, and educate said child. The department shall provide for the maintenance and education in or by duly incorporated children's institutions and child welfare organizations, where such are available, and otherwise direct in family homes, of any children committed to its custody under the provisions of the preceding sections. Bills itemizing the expense of maintenance and education of children committed under the provisions of sections 201 to 213, when approved by the department, shall be paid by the state, as provided by law, which shall recover from the town of settlement, if any, of any such child,  $\frac{2}{3}$  of any such payments on account of said child. At the request of the parents or next friend of any dependent child under 16 years of age who is without parent or grandparent of sufficient ability, or without other relatives able and willing to provide for its care, said request being approved by the municipal board of the city or town where the child is domiciled or by any duly incorporated children's institution or organization, the department may make similar provision, without intervention of court, for the care of such child. No such child, nor the parents or grandparents of such child who are unable to provide for its care, shall be deemed paupers by reason of any care furnished to the child under the provisions of sections 201 to 213.

**Sec. 207.** Child to be placed in family or institution of same religious faith as that of the parents; written promise made by either parent to be carried out. Any child who shall come in any way under the inspection or supervision of the department or under the provisions of sections 203 to 213, inclusive, shall, when placed in a family be placed in a family of the same religious faith as that of the parents or surviving parent of such child, where a suitable family of such faith can be found willing to take such child. Any written promise made to either parent shall be faithfully carried out by the agent, institution, or private person concerned. If such family can not be found, then such child shall be placed in an institution

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

**Sec. 208. No child under 16 to be placed in almshouse; exceptions.** No child under 16 years of age shall be placed in any almshouse in this state or be suffered by the overseers of the poor to remain in such almshouse except in cases of emergency, and then for a period not exceeding 60 days, provided that children under 2 years of age may be kept in almshouses when their mother is also an inmate; provided further, that with the consent of the department children when in need of medical or surgical treatment may be kept in hospitals or infirmaries connected with such almshouses for such length of time as they are in need of such treatment; provided also that when upon a certificate of 2 physicians who are graduates of some legally organized medical college and have practiced 3 years in this state, it shall be made to appear that any child is a proper subject for the Pownal state school, such child may with the consent of and under such regulations as the department may determine, be kept in the almshouse until such time as it can, under the provisions of section 451, be committed to said school. Whenever any child or children under 16 years of age are placed or allowed by the overseers of the poor to remain in an almshouse, or in hospitals or infirmaries connected therewith, notice of that fact giving the name, parentage, and such other facts as the department may require, shall be sent by the overseers of the poor to said department within 48 hours of the entrance of such child into the almshouse, infirmary, or hospital. A similar notice within the same time shall be sent by the overseers of the poor to the said department when the child is discharged from said almshouse, hospital, or infirmary.

**Sec. 209. Persons maintaining children's homes to have license.** No person, firm, corporation, or association shall conduct or maintain a boarding-house or home for 3 or more children under 16 years of age, unattended by parents or guardian, excepting children related to such persons by blood or marriage, or who have been legally adopted by such persons,

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or engage in, or assist in conducting a business of placing out or finding homes or otherwise disposing of children under 16 years of age, without having in full force a written license therefor from the department; provided, that nothing in this section shall apply to any institution, which is or shall come under the supervision of the department under any other provisions of this chapter. Whoever violates the provisions of this section shall be punished by a fine of not more than \$500 or by imprisonment for not more than 60 days.

**Sec. 210. Definition of "boarding-house for children".** The term "boarding-house for children" as used in the preceding section shall be held to mean a house or other place conducted or maintained by any one who advertises himself or holds himself out as conducting a boarding place for children under 16 years of age, or who receives illegitimate children under 16 years of age, or who has in his custody or control 3 or more children under 16 years of age unattended by parents or guardians, for the purpose of providing such children with food or lodging, excepting children related to him by blood or marriage or who have been legally adopted by him.

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

Whoever advertises himself or holds himself out as placing or finding homes for, or otherwise disposing of children under 16 years of age, or whoever within a period of 6 months actually places or assists in placing in homes of persons other than relatives or causes or assists in causing the adoption or disposal otherwise of more than 2 children under 16 years of age, shall be deemed as engaged or assisting in conducting a business of placing out or finding homes for children within the meaning of said section.

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

custody and control of said child shall thereafter be given to said applicant until the further order of the court.

**Sec. 212. State or town may recover from parents.** The state, any town or county incurring expenses under sections 203, 204, 205, 206, and 211, through the fault of parents who are able to support and educate their children, but wrongfully neglect and refuse to do so, may recover of them or either of them, in an action of debt, the amount so expended.

**Sec. 213. Penalty for failure to perform duty.** Whoever violates any provision of section 207, or wilfully fails, neglects or refuses to perform any of the duties imposed upon him by the provisions of the 12 preceding sections, shall be punished by a fine of not more than \$500, or by imprisonment for not more than 6 months.

#### **Pensions for Soldiers and Sailors.**

**Sec. 214. Pensions to soldiers and sailors.** Any person who has served by enlistment in the army or navy of the United States in the war of 1861, on the quota of Maine, and any person not on the quota of Maine; who has served in the army or navy of the United States in said war, and at time of making application for pension shall have been a resident of the state at least 5 years; also any person who has served by enlistment in the army or navy of the United States in the war with Spain, on the quota of Maine, and any person whether on or not on the quota of Maine, who has served in the army or navy of the United States in the war with Spain or the Philippine insurrection at any time prior to the 4th day of July, 1902, and at time of making application for pension shall have been a resident of the state at least 5 years, and who is unable from his own resources and the United States pension to obtain a livelihood for himself and those dependent upon him, shall be entitled to a pension from the state, not exceeding \$12 a month, provided, he has been honorably discharged from said service. No such pension shall be paid by this state to persons residing in other states.

**Sec. 215. Pensions to widow, orphan children, and dependent relatives.** The widow during her widowhood, children under 16 years of age, minor children over 16 years of age who are partially or totally disabled by physical or mental infirmity, or the son, daughter, parent, or sister of any soldier or seaman deceased, who was dependent upon him at the time of his decease, are entitled to the same pension as is provided in the preceding section and under similar conditions; provided, that not more than \$12 a month shall be paid the dependents of any such soldier or seaman. Any son, daughter, parent, or sister of any such soldier or seaman deceased, who was receiving a pension on July 10th, 1925, shall not be rendered ineligible by reason of anything herein contained.

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**Sec. 216. Benefits are limited to residents; necessary proof.** The 2 preceding sections do not include any soldier or seaman who was not a resident of this state at the time of entering the service, or who has not since become a resident thereof. The department shall regulate the proof required to entitle applicants to the benefits of the provisions of sections 214 to 217, inclusive, and shall issue its certificate therefor.

**Sec. 217. Pensioners, to be paid quarterly, by town treasurers.** Upon the issue of such certificate, the treasurer of the city, town or plantation where the pensioner resides shall be notified thereof, and shall pay quarterly from the treasury of said city, town or plantation, to the pensioner, the amount specified and for the time specified in said certificate, and take vouchers therefor, and the same shall be reimbursed to said treasurer from the state.

**Pensions for the Blind.**

**Sec. 218. Persons entitled to aid.** All persons over the age of 21 years, who are declared to be blind, in the manner hereinafter set forth, and who come within the provisions of the following 8 sections shall, at the discretion of the department, receive from the state not exceeding \$300 a year, for their exclusive benefit and support, payable at the close of each regular quarter, to said persons or their legal representatives during the life of said persons while they are residents of this state or until the said disability is removed.

**Sec. 219. Persons excluded from receiving aid.** No person or persons who are charges of any charitable or penal institution of this state or of any charitable or penal institution of any county, city, or town thereof, no person or persons who are able to earn or obtain an income sufficient for their support, and no person who has not resided within the state continuously for 10 consecutive years immediately before applying for said benefit shall be entitled to benefits under the provisions of the following 7 sections; provided, however, that this section shall not be so construed as to exclude persons receiving pauper supplies or persons who may wish to leave any charitable institution in order to avail themselves of the provisions of the said sections.

**Sec. 220. Procedure for securing aid.** Any person claiming the benefits provided herein may go before the clerk of the city, town, or plantation where he resides and make affidavit to the facts which bring him within the provisions of sections 218 to 225, both inclusive; said affidavit shall be deemed an application for said benefit; the clerk shall transmit the same, together with the affidavit of 2 witnesses having knowledge of the facts as to the places and periods of residence of said applicant, to the municipal officers of the city, town, or plantation in which said blind person resides.

**Sec. 221. Appointment of examiner of the blind.** The municipal officers of cities, towns, and plantations shall appoint a regular practicing physician whose official title shall be examiner of the blind, and said municipal officers shall promptly forward to said examiner all applications received from the clerk of the city, town, or plantation where the applicant resides.

**Sec. 222. Duties of examiner of the blind; his compensation.** The examiner of the blind shall with reasonable promptness examine all applicants for said benefits referred to him by the municipal officers, and shall endorse on the applications certificates showing whether or not the applicant is blind, the word "blind" within the meaning of the provisions of sections 218 to 226 being construed as having less than 1/10 vision. He shall also state, as fully as his knowledge will permit, the cause of the blindness, or partial blindness, of the applicant, and the percentage of vision, if any, actually retained. He shall keep a register in which he shall enter all the facts contained in each certificate and shall forthwith return said application with his certificate thereon to the municipal officers from whom it was received. He shall be paid from the municipal treasury \$2 for each examination.

**Sec. 223. Duties of municipal officers to certify names of applicants entitled.** The municipal officers shall register the name, address, number, and the date of examination of each applicant, shall promptly make or cause to be made careful investigation by personally interviewing the applicant in his home, looking up his references, and pursuing such other sources of information as are available for the purpose of determining the truth of the statements contained in the application; and whether, under all the circumstances, considering his own resources, and the ability of any member of his family to contribute to his support, the possibility of receiving aid from other relatives, the possibility of compelling contributions from any person under obligation to do so, under the provisions of chapter 33, and the possibility of the applicant receiving such education or instruction as will enable him to become at least partially self-supporting, the applicant is in need of a benefit under the provisions of sections 218 to 225, and if so, to what amount, and shall forward the application to the department with their recommendations endorsed thereon.

**Sec. 224. Duty of department.** The department shall prescribe such blank forms, and make such rules and regulations, not inconsistent with law, as it deems proper for carrying out the provisions of the preceding 6 sections, shall review the evidence submitted to it under the provisions of said sections, and shall determine what applicants are entitled to benefits, and the amount thereof, and the benefit shall begin on the 1st day of the month next succeeding the date on which the decision is made; it may at any time require a reexamination of any applicant or applicants.

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**Sec. 225. Penalty for making false affidavit.** Whoever makes a false affidavit in order to secure the benefit provided for in sections 218 to 225 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.

**Sec. 226. Cities and towns may grant additional aid; beneficiaries not pauperized.** Whenever the benefits granted by the department under sections 218 to 225, inclusive, are insufficient, the cities and towns in which such persons reside may grant additional aid to such persons without creating any pauper disabilities, and the expense of such additional aid shall be borne by the cities and towns in which such persons respectively have a settlement. Cities and towns are hereby authorized to raise money for the purpose of granting such additional aid. Any blind person shall not acquire a settlement or be in process of acquiring a settlement while receiving such aid from his city or town.

**Pensions for State Employees.**

**Sec. 227. How retirement may be recommended.** The superintendent of any state institution and the head of any state department may recommend the retirement from active service and the placing upon a pension roll, any employee who has been employed in any 1 or more of the state institutions or departments of this state, with a good record for the term of 25 years or more; or has attained the age of 70 years and has been so employed with a good record for 20 years; or the governor and council may recommend the retirement from active service and the placing upon such a roll one who has served as an official, or for part of the time as an official and a part of the time as an employee, and such official or employee shall be so retired and pensioned.

**Sec. 228. Any officer or employee who is retired; pension amount.** Any officer or employee who is retired, as provided in the preceding section, shall be allowed such amount as the governor and council shall determine not to exceed  $\frac{1}{2}$  of the average wage or salary he was receiving for the 5 years previous to the time of his retirement.

**Sec. 229. "Employee" defined.** The word "employee" shall be held to include clerks and other employees of the several state departments and state institutions; also teachers in the state normal schools and the Madawaska training school, including such teachers as have retired since March 1st, 1920.

**Sec. 230. Application of law limited.** No person receiving retirement pay under sections 227 to 229, inclusive, shall receive retirement pay under any other law of this state.

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**Sec. 231. Officers of state prison may be retired and pensioned.** The commissioner may, with the approval of the governor and council, retire from active prison service and place upon a pension roll any officer of the prison, who has been employed in the prison service in the state, with a good record, for the term of 30 years or who, after 20 years of continuous service in said prison, has attained the age of 60 years.

**Sec. 232. Terms "prison service" and "good record", how construed.** The words "prison service" as used in the preceding section shall be construed to mean service in the state prison, and an officer of the state prison, shall, for the purpose of said section, be credited with all the time which he has served as an officer, with a good record. The words "good record" shall be construed to mean that the officer has not been discharged for misconduct from the state prison, or that, if so discharged; it was afterwards found that he was not at fault; and the restoration to duty or reappointment in the prison from which he was discharged shall be sufficient evidence for the exoneration of any officer.

**Sec. 233. Amount of pension; conditions for retirement and pension.** An officer who is retired, as provided in section 231, shall be allowed a pension which shall be paid from the state treasury, equal to  $\frac{1}{2}$  the salary he was receiving at the time of his retirement. Prison officers shall only be retired and pensioned, as provided in section 231, upon the recommendation of the warden, approved by the department and by the governor and council.

### **The Support of Dependents of Soldiers, Sailors, and Marines of the World War.**

**Sec. 234. Department to administer relief to dependents of veterans.** The department shall consider and pass on all applications for relief under the provisions of sections 234 to 240, inclusive. It shall establish a separate division to administer the relief provided and make such rules and orders for the regulation of the proceedings of said division as it may deem necessary. It shall utilize its agents and field workers for visitorial duties.

**Sec. 235. Persons entitled to relief defined.** The wife, children under the age of 16 years, the infirm and dependent father or mother, incapable of self maintenance, of any soldier, sailor or marine of the armed forces of the United States on active duty during the World war before the 11th day of November, 1918, killed in battle or dead, or who is disabled, and in necessitous circumstances, and who was honorably discharged, provided that on the 1st day of April, 1919, such soldier, sailor or marine, if living, was a resident of the state, shall be eligible for relief to such amount as hereinafter provided. Any person entitled to receive relief hereunder shall not forfeit the same by reason of temporary absence from the state.

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**Sec. 236. Conditions of the relief.** Such relief shall be granted in sums not exceeding \$7 a week, to relieve the necessitous circumstances, if such exist, of the wife, the infirm and dependent father or mother of such soldier, sailor or marine, and in sums not exceeding \$3 a week to relieve the necessitous circumstances of each child under the age of 16 years, incapable of self maintenance, who was or is dependent on such soldier, sailor or marine, provided, that the department, in determining amount to be paid, shall give consideration to allowances received by said dependents from the federal government. In the administration of the provisions of sections 234 to 240, the department shall endeavor to give preference to the applications of dependents of veterans deceased from or suffering with disabilities of service origin, or that the department might presume to be of service origin.

**Sec. 237. Payment of relief.** Relief granted under the provisions of sections 234 to 240 shall be paid monthly by the state. Such relief may, in the discretion of the department, be paid to any other persons whom it may designate for the benefit of such dependents.

**Sec. 238. Not to be considered paupers.** No pauper disabilities shall be created by reason of receiving the relief provided in sections 234 to 240.

**Sec. 239. Form of application to be designated by commission.** Application for relief shall be made in any form designated by the department.

**Sec. 240. Penalty for false statements or fraudulent claims.** Whoever knowingly makes a false statement, oral or written, relating to a material fact in support of claim to war allowance or state aid under the provisions of sections 234 to 240, shall be punished by a fine of not more than \$500, or by imprisonment for not more than 11 months. Whoever, being entitled to the benefits of said sections, fraudulently claims or receives pay for a period of time following a termination of his right to receive the same, 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.

#### Indian Tribes.

**Sec. 241. Department to have general supervision, to keep records; controller to file and audit accounts.** The department shall have general supervision over the Indian tribes and shall keep in its office all records pertaining to the tribes except such matters as pertain to the filing and auditing of accounts, which shall be kept in the office of the state controller.

**Sec. 242. Agents, appointment and tenure.** Agents for the Penobscot and Passamaquoddy tribes of Indians shall be appointed by the governor, with the advice and consent of the council, and hold their office during the pleasure of the governor and council.

**Sec. 243. Vacancies.** Vacancies shall be filled by the governor with the advice and consent of the council, but there shall never be more than 3 agents for each tribe.

**Sec. 244. Duties of agents.** Such agents shall have the care and management of the property belonging to the tribes for their benefit; each of said agents shall at least once in 6 months visit each Indian reservation within his agency limits where Indians reside, and incorporate into his reports the dates of such visits and the condition in which he found the Indians on each reservation at each visit.

**Sec. 245. Record of proceedings; account of receipts and expenditures.** The agents shall keep a true record of their proceedings, and correct accounts of all receipts and expenditures of every kind; and shall carry into effect all treaties with said tribes.

**Sec. 246. Contracts of Indians for timber and grass, void.** Contracts relating to the sale or disposal of trees, timber, or grass on the Indian lands made with any Indian belonging to either of said tribes, unless examined and allowed by the agent of his tribe, are void.

**Sec. 247. Limitations of leases and contracts made by agents.** No lease of land, or contract for trees, timber, or grass, made by the agent of either tribe, has effect for more than 1 year; nor shall an agent, in any 1 year, sell or dispose of trees or timber of said Indians to an amount exceeding \$500, except as provided in sections 266 and 279.

**Sec. 248. Agents may sue in their own names.** Such agents may, in their own names and capacity, maintain actions for money due to any Indians, and for injuries done to them or their property; and all sums or damages so recovered shall be distributed to the Indians of the tribe, according to their usages, or be invested in useful articles.

#### Penobscot Tribe.

**Sec. 249. Tribal committee chosen annually; membership.** A tribal committee of the Penobscot tribe of Indians shall be chosen annually, in the month of November, to consist of 12 members of said tribe. No member of said committee shall be less than 21 years of age. The said members shall be chosen at a meeting held as hereinafter provided.

**Sec. 250. Meetings for election of committee; certificates of election; vacancies.** A meeting for the election of members of said committee shall be called by the agent of said tribe, who shall give notice thereof in the same manner as notice of the meeting for the election of governor of said tribe is required to be given; and at such meeting said agent or some person appointed in writing by him shall preside, who shall receive, sort,

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count, and declare in open meeting the vote given in for members of said committee. The said agent shall issue certificates of election to the persons thus elected, who shall hold office as such members, until a new election is had, unless their term of office is sooner terminated by resignation or by ceasing to be members of said tribe. Whenever any vacancy occurs in said committee, the agent shall call a meeting of the tribe to fill such vacancy.

**Sec. 251. Committee may adopt person into tribe.** The tribal committee at any regularly held meeting may, by  $\frac{3}{4}$  vote of its total membership, adopt into said tribe any person who is in whole or in part of Indian blood, and who has had his or her residence for at least 1 year next preceding such adoption upon any reservation of said tribe; and the decision of said committee upon such residence and Indian descent shall be conclusive. The adoption of a child by any member of the tribe under ordinary legal process shall not of itself constitute such child a member of said tribe; but the power of adoption into the tribe shall in all cases rest with the aforesaid tribal committee.

**Sec. 252. Certificate of adoption to be filed with agent; such person not to hold certain offices.** Whenever said tribal committee shall vote to adopt any person into said tribe, a certificate of such vote of adoption shall be signed by the person presiding at the meeting, and said certificate shall be filed with the agent of said tribe; and said adopted person shall thereafter be deemed and accepted to be a member of said tribe for all intents and purposes, and shall be enrolled as such upon the list of its members. But no person hereafter adopted into the tribe shall be eligible to hold the office of governor, lieutenant-governor, or representative of said tribe.

**Sec. 253. Persons adopted, required to make oath.** Every male person adopted as above provided, shall, within 1 month after such adoption, or if a minor within 1 month after becoming 21 years of age, make oath before the agent of said tribe that he will demean himself as a discreet, industrious, and good member of said tribe, and will faithfully fulfil the duties incumbent upon him as such member.

**Sec. 254. Membership, how acquired.** Membership in the Penobscot tribe of Indians may, after March 22, 1901, be acquired only as follows:

I. By birth.

II. By adoption into the tribe as determined by its tribal committee, in accordance with the provisions of sections 251 and 252.

III. By marriage to a male member of said tribe; but membership by marriage can be acquired only by such persons as are in whole or in part

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of Indian blood, and it shall not include the previous issue of the person acquiring it.

**Sec. 255. Evidence of marriage.** A certificate of marriage signed by the person solemnizing the same, or an attested copy of the record thereof, shall be sufficient evidence of such marriage.

**Sec. 256. Membership deemed lost when tribe is abandoned.** If any member of said tribe shall abandon it and join another tribe of Indians, he shall be deemed to have lost his membership in the Penobscot tribe, and shall not be entitled to any share of dividends, rentals, or other money thereafter apportioned among the members of said tribe, nor to any other subsequent rights of membership.

**Sec. 257. Dividends payable if member resides within state and reports to agent once a year; otherwise not.** If any member of the tribe shall reside outside the tribal reservation, but within the state, he shall report to the agent of the tribe at least once in each year in order to be entitled to his share of dividends, rentals, or other money apportioned to members of the tribe. During such time as he shall reside without the state he shall not be entitled to any part of the dividends, rentals, or other money apportioned to members of the tribe.

**Sec. 258. Loss of membership does not affect membership of other members of the family.** When any member loses his membership under section 256, or his right to share in dividends, rentals, or other moneys under section 257, no member of his family to whom the provisions of said sections do not personally apply shall be deemed to have lost such membership or right.

**Sec. 259. Restoration to membership; proceedings.** Any person a member of said tribe on March 22nd, 1901, as shown by the tribal census taken under the laws of the state, who shall have forfeited any rights of membership may regain said rights by petition, under oath, to the Indian agent, alleging 1 year's continuous residence within the state. If at the end of 60 days said agent shall have refused or neglected to restore said person to membership he shall have the right of appeal to the tribal committee which shall thereupon forthwith hear the facts and enter such judgment as to restoration to membership as is just and right. Such renewal of rights shall not entitle such person to any share of the dividends, rentals, or moneys which previously thereto have come into the hands of the agent, nor have any other retrospective effect.

**Sec. 260. Money forfeited may be used for benefit of family.** If any member of said tribe shall desert his family, or fail to provide properly for said family's support, the agent may in his discretion use for the benefit

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of such family any part or all of said member's dividends or share of rentals or any money assigned to him from state funds or coming to him in any way by apportionment or distribution through the hands of said agent.

**Sec. 261.** Persons not belonging to tribe may be required to remove from reservation; proceedings; penalty if respondent does not comply with order to remove; costs. 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 of the agent of said tribe. A copy of such notice attested by said agent, 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 agent 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 agent 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 may, if he is satisfied that such removal is approved by the majority of the adult members of said tribe or is for any cause proper to be enforced, 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 agent 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 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 agent from the tribal fund. Costs shall be taxed as in ordinary proceedings upon complaint.

**Sec. 262.** Relief of persons found destitute on reservation, not members of tribe. For all relief to any person not a member of the Penobscot tribe of Indians, nor having a pauper settlement in this state, found destitute

and in distress upon any tribal reservation of said tribe, which has been furnished by the agent of said tribe or by the overseers of the poor of the town within whose territorial limits such person is so found, the state shall reimburse said agent or said town to such extent as the department adjudges to have been necessarily expended therefor. The reasonable expenses and services of said overseers relative to said pauper shall be included in the amount to be so reimbursed.

**Sec. 263. Relief of members of tribe found destitute beyond tribal reservations.** When any member of said tribe is found destitute and in distress beyond the tribal reservation and is relieved by the town in this state where he is so found, the overseers of the poor of said town may send to the agent a statement specifying the nature, dates and amounts of the supplies furnished, which shall be transmitted to the department with such additional statements of fact as said agent may think proper; and the state shall reimburse said town for the relief so furnished, to such extent as the department adjudges to have been necessarily expended therefor. Any member of said tribe found destitute and in distress beyond the tribal reservation may be removed by the agent from any place in which he may be residing, or be found, to said tribal reservation, whenever, in the judgment of the agent, such removal should be made.

**Sec. 264. Payments by agent.** The agent for the Penobscot tribe shall provide, furnish, pay, and deliver to said tribe, on account of the state, such articles, goods, provisions, and moneys, as from time to time become due under any treaty or law.

**Sec. 265. School moneys of tribe, how expended.** All moneys appropriated for schools for the Penobscot tribe of Indians shall be expended under the supervision of the agent of said tribe, subject to the approval of the department; said agent and the superintendent of the Old Town schools shall jointly employ the teachers and fix their salaries, limited by such appropriation. Said teacher 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 agent 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

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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 per sections 74 to 82, inclusive, of chapter 19, except that the superintendent of the Old Town schools and the agent of the Penobscot tribe of Indians, 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 agent of the Penobscot tribe of Indians shall be jointly responsible for the enforcement of the provisions of said laws.

*Revisor's note: This section is amended by P. L., 1933, c. 146, § 1*

**Sec. 266. Islands of Penobscot tribe may be leased; assent.** The islands belonging to said tribe may be leased by their agents for the benefit of such tribe, for a term not exceeding 12 years, if such lease, and the terms and conditions thereof are assented to by the governor and lieutenant-governor of the tribe, and approved by the department; if such lease is on credit, it shall be at the risk of the agent, and accounted for as money; and the avails thereof shall be placed by him in the state treasury, subject to the order of the department according to law.

**Sec. 267. Members of tribe not to sell standing wood or timber on reservation except to members of tribe.** No member of Penobscot tribe of Indians shall hereafter be permitted to sell any standing wood or timber growing on any islands or lands in the Penobscot river within the limits of the Indian reservation except to members of the tribe for firewood only; nor shall any member of said tribe lease any portion of his lands or islands within the limits of said reservation for the purpose of permitting any standing wood or timber to be cut and removed therefrom, except with the consent and approval of the Indian agent.

**Sec. 268. Indian holding land under certificate, may convey same to another Indian of same tribe.** Any Indian holding lands under a certificate issued under authority of chapter 137 of the public laws of 1883, or by virtue of any assignment under the laws for the apportionment of the lands of said Penobscot tribe, may sell and convey the same to any member of

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the same tribe with the approval of the agent; provided, that no Indian shall purchase lands upon the reservation of said tribe beyond his fair proportion of such reservation.

**Sec. 269. Lots not to be sold or leased.** No such Indian shall sell or lease his lot except as provided by law; and if he carries off the growth faster than is necessary for cultivation, except by permission of the agent, or commits strip or waste, he shall be dealt with as a trespasser.

**Sec. 270. Surveys and plans of islands deemed authentic; water privileges and wood and timberlands reserved for public use of tribe.** Surveys of the islands in Penobscot river from Old Town Falls to Mattawamkeag Point and field notes thereof, as made under chapter 158 of the public laws of 1835 and chapter 396 of the public laws of 1839, plans of which were returned to the land office and to the Indian agent, shall be deemed authentic in all matters to which they relate; and the water privileges belonging to said islands, valuable for mills, booms, fisheries, tracts of wood and timberland, and other lots indicated on said plans as reserved for public use, (except the public farm which is subject to allotment by chapter 22, of the private and special laws of 1878,) are not subject to assignment or distribution to members of said tribe, but shall remain for the benefit of the whole tribe.

**Sec. 271. Assignments of unassigned lands.** The agent of said tribe, on application of any Indian thereof, male or female, 21 years of age or more, to whom his proportion of the tribe's lands has never been assigned, or has never come by inheritance, or who does not already hold by assignment, purchase, or otherwise his fair share of said lands, may cause a lot suitable for cultivation to be surveyed to such applicant from the unassigned lands of the tribe, if any, and may assign the same to him and designate the same upon the plan aforesaid. All lots so designated shall be limited by said plan and occupied accordingly, and any lot, when so assigned, shall be the property of the person to whom it is assigned during the pleasure of the legislature.

**Sec. 272. Assignments accompanied by certificate of agent; form of certificate.** Such assignments shall be accompanied by a certificate from the agent to be recorded as in section 275, in form substantially as follows:

"Know all men by these presents, that I, ——— ———, agent of the Penobscot tribe of Indians, have caused to be surveyed and set off to ——— ———, a portion of the lands belonging to said tribe on the islands in Penobscot river, as contemplated by acts of the legislature, bounded and described as follows, viz:

\* \* \* \* \*

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To have and to hold to him, his heirs and assigns, as contemplated by said acts, during the will of the legislature.

In witness whereof I have hereunto set my hand and seal as agent of the Penobscot tribe of Indians, this —— day of ——, nineteen hundred and —— ————.”

**Sec. 273. Abandonment of tribe forfeits lands.** Any member of said tribe who abandons it and joins any other tribe, forfeits all lands assigned to him, and the same may be assigned anew, as provided in section 271.

**Sec. 274. Death of owner and description of lots to be recorded.** Said agent shall enter upon his record a memorandum of the death of any Indian owning lands, the date thereof, a description of the lots owned by the deceased, and the names of those persons, so far as ascertainable, who are entitled to such lands by inheritance.

**Sec. 275. Conveyances to be by release deed; record; lots on Old Town island.** Conveyances made by virtue of section 268 shall be by release deed, executed and acknowledged, and the approval of the agent shall be written thereon; said deed and approval shall be recorded by the agent, without fee, in a suitable book kept by him; also by the register of deeds of Penobscot county in a like book kept in the registry of deeds in said county, upon payment of 25 cents for each deed so recorded. And until recorded as herein provided, no deed made as aforesaid shall pass any title. Sections 241 to 299 apply to house lots on the point of Old Town island, as well as to lands allotted for agricultural purposes.

**Sec. 276. Deeds made and deposited with agent may be delivered after death of grantor.** Deeds made by any Indian of the Penobscot tribe as provided in the preceding section, may be deposited with said agent to be delivered by him to the grantee named therein, after the death of the grantor, if the fact that such deed is so deposited to be so delivered appears by the deed itself; and when delivered by said agent, it shall pass all the title of the grantor in the premises at the time of his death.

**Sec. 277. Copies of deeds are evidence.** Copies of deeds or certificates recorded as provided in sections 241 to 299, duly attested by the register of deeds or by the agent of said tribe, shall be evidence in all actions or controversies relating to title to lands between members of said tribe.

**Sec. 278. Lease of island shores; rents of shores, how appropriated.** The shores of the islands in the Penobscot river belonging to said tribe shall be leased for booming or hitching logs, under the orders of the department. Such leases shall not run longer than 5 years. All sums received from rent of said shores shall be paid to the state, to be held in trust, and

paid to said tribe as provided in section 1 of chapter 267 of the special laws of 1873.

**Sec. 279.** Agents may lease privileges for mills, booms, and fisheries. The agent may, with the approval of the department, lease any reserved privileges for mills, booms, and fisheries for a term sufficiently long to induce persons to take leases of them; and all rents shall be paid into the treasury, to be expended for the benefit of the tribe, under the direction of the department.

**Sec. 280.** Warrants for interest on 4 townships purchased; also for rents. The governor and council may draw warrants on the treasury for any sum not exceeding the interest on the price of the 4 townships purchased by the state of the Penobscot tribe in June, 1833, and of any other money paid into the treasury; and for the full amount of rents paid in as aforesaid; and when the whole amount of such sums, in the opinion of the department, is more than is necessary for said tribe, the excess may be invested for their benefit.

**Sec. 281.** Census of Penobscot Indians; annual meeting with school committee of Old Town; notices; tribal committee to meet school committee; persons entitled to membership to be reported; correction of lists; compensation of committee. An accurate census of the Penobscot tribe shall be taken early each January by 1 or more of the superintending school committee of the city of Old Town 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 agent, and a copy thereof to the governor of said tribe for their use. On the 1st Wednesday of January, annually, said committee shall hold a meeting with said tribe on Old Town 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. The tribal committee shall meet the said superintending school committee at the time and place so appointed. At said meeting any member of said school committee shall preside, and 15 of said tribal committee shall constitute a quorum thereof; and on said 1st Wednesday of January annually, the names of all persons entitled to membership under section 254 shall be reported by the tribal committee to the person authorized by law to take the census of said tribe, and shall thereupon be placed on the census roll.

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 agent,

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and he shall correct his list accordingly. This list, so corrected, shall, with his account, be returned to the department. A reasonable compensation shall be paid to the committee by the agent and charged in his account, and allowed and paid to him out of the state treasury.

**Sec. 282. Biennial election of tribe.** Biennially on the even numbered years, on the 1st Tuesday of November, the Penobscot Indians shall hold their election for the choice of governor and lieutenant-governor of said tribe, and a representative to the legislature of this state. The agent of said tribe shall give notice of the time and place, 7 days before said day of election, by posting notices thereof, 1 at his office and 1 in some conspicuous place on Old Town island. Said agent 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.

**Passamaquoddy Tribe.**

**Sec. 283. The department may sell timber on Indian township; surveyor to be sworn.** The department 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, usually called the Indian township, to the amount of \$1,000 annually, and may in any year sell such larger amount as the governor, with the advice and consent of his council, shall approve; 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 department 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 agent.

**Sec. 284. No sale or permit to a foreigner.** No citizen or subject of a foreign government shall purchase, cut, or carry off trees, timber, or grass from the township reserved for the benefit of the Passamaquoddy tribe; and if their agent gives to such citizen or subject a permit for such unlawful purpose, he forfeits not more than \$500, nor less than \$100, to be recovered by an action of debt, half to the state and half to the prosecutor.

**Sec. 285. Lands in Indian township may be leased or sold.** The department, subject to the approval of the governor and council, may, at the expense of the state, and for the benefit of the Passamaquoddy tribe, lease or sell the whole or any part of the Indian township, on such terms as they deem just, and all sums received from such leases or sales shall be credited to the funds of said tribe.

**Sec. 286. Amounts due Indians to be certified to controller by agent; controller to prepare warrants for payment of fund.** Out of the interest accruing upon the funds belonging to said tribe, the agent shall certify

to the state controller the amounts due to said Indians in conformity to resolves of the legislature and for any further amounts that the legislature may appropriate, and the state controller shall prepare warrants for the same, making all payments so far as possible direct to the person to whom such payment is due.

**Sec. 287. Agent may remove distressed poor to reservation; towns to be reimbursed for relief furnished.** Any member of the Passamaquoddy tribe requiring assistance may be removed by the agent of said tribe from any place in which he may be residing, or be found, to either of the Indian reservations provided for said tribe, or may be removed from one of such reservations to another such reservation, whenever, in the judgment of the agent, such removal should be made. And when any member of said tribe is found destitute and in distress beyond the tribal reservation and is relieved by the town in this state where he is so found, the overseers of the poor of said town may send to the agent a statement specifying the nature, dates, and amounts of the supplies furnished, which shall be transmitted to the department with such additional statements of fact as said agent may think proper; and the state shall reimburse said town for the relief so furnished, to such extent as the department adjudges to have been necessarily expended therefor.

**Sec. 288. Supervision of schools at Pleasant Point and at Peter Dana's Point; reports and compensation of superintendent; teaching in English and use of textbooks; free tuition in high schools.** The school at the Pleasant Point reservation shall be under the care and supervision of the superintendent of schools of the town of Perry or of the school union of which Perry may be a member. The school at Peter Dana's Point shall be under the care and supervision of the superintendent of schools of the town of Princeton, or of the school union of which Princeton may be a member. All subjects shall be taught in the English language, and the textbooks used shall be the same as those used in the town in which said schools are located. Said superintendents shall visit said schools at least 4 times during each school term; regulate the grades and courses of study; assist the teachers and scholars by counsel, or discipline; and make report once each year to the agent and to the department, noting therein such facts and information as may seem of importance in the interest of education among the Indians of said reservation, or as may be required by the department. The governor and council are hereby authorized to pay said superintendents reasonable compensation for said services; but the compensation shall not be less than \$100 in each case, and shall be paid out of the state fund for the superintendence of school unions. Whenever it shall be shown that any of the children of the Passamaquoddy tribe shall have completed the course of study for elementary schools as pre-

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scribed or shall have passed the examination prepared by the state commissioner of education for entrance into high school under the free attendance act, such children shall be granted free entrance to any high school in the state to which said children may apply. When the children of the Passamaquoddy tribe shall have entered any high school they shall be given free tuition by said high school, and so long as they shall apply themselves with due diligence and shall make reasonable progress they shall be allowed to continue in said school to the completion of the standard secondary school course.

*Revisor's note: This section is amended by P. L. 1933, c. 146, § 2*

**Sec. 289. Police officers to act as attendance officers.** It shall be the duty of the police officer at Pleasant Point and at Peter Dana's Point, in addition to the regular duties of his office, to act as a school attendance officer. Said police officer shall receive the salary provided in the appropriation made by the legislature, and \$50 in addition thereto at Pleasant Point, and \$25 at Peter Dana's Point, in consideration of the extra duties herein provided for. Such salary and such additional sum shall be payable by the agent quarterly, but no such payment shall be made unless it shall appear from the records of attendance at the school in the reservation in which the police officer is acting, that the attendance at the school shall have been maintained at not less than  $\frac{2}{3}$  of the total registration of children of school age, as defined by the laws of the state during the quarter for which payment is due; provided that absences caused by epidemics, regular school holidays, and the necessary absence of pupils from the reservations shall not be counted against the said attendance average. Said sums for attendance officers shall be paid out of the appropriations for the Passamaquoddy tribe of Indians.

**Sec. 290. Health officers provided for.** The duty of caring for the health of the residents and for the general sanitation of the reservations at Pleasant Point and at Peter Dana's Point shall be vested in a person who shall be appointed by and hold office during the pleasure of the governor and council, and who shall exercise all the powers, rights, and privileges of a local board of health and health officer, as defined by the laws of the state. Said person shall have received training equivalent to that of a graduate nurse or of a nurse Sister of the Order of Sisters of Mercy, and shall receive as compensation not less than \$500 per year, to be paid out of the appropriation for the Passamaquoddy tribe of Indians. Said person shall, as nearly as may be, spend  $\frac{2}{3}$  of his or her time at the reservation at Pleasant Point, and  $\frac{1}{3}$  at the reservation at Peter Dana's Point; and shall at all times act under the direction of the commissioner.

**Sec. 291. Provisions of § 261 made applicable to Passamaquoddy res-**

ervation. All the provisions of section 261 shall apply to the Passamaquoddy tribe of Indians as well as to the Penobscot tribe, except that complaints under said section relating to the Passamaquoddy tribe shall be made to the judge of the Calais or Eastport municipal court instead of the Old Town municipal court as provided in said section.

**Sec. 292. Biennial election of Passamaquoddy tribe; procedure.** 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 governors and lieutenant-governors of said tribe, and a representative to the legislature of this state. The agents of said tribe shall give notice of the time and place, 7 days before said day of election, by posting notices thereof, 1 at their respective offices and 1 in some conspicuous place on the reservations at Pleasant Point and Peter Dana's Point. Said agents shall receive, sort, and count the votes given in at said election, in the presence of members of the tribe, and those elected shall be given certificates therefor.

*Revisor's note: This section is amended by P. L., 1933, c. 146, § 3*

#### General Provisions.

**Sec. 293. Warrants, how drawn.** The governor and council may draw warrants on the treasurer for such sums as are payable to the Indians, for the salary of the agent, and for the bounties on agricultural products as hereinafter provided.

**Sec. 294. Penalty for selling or giving liquor to Indians.** Whoever sells or give to an Indian intoxicating liquors, forfeits not less than \$5, nor more than \$20, half to the state and half to the complainant.

**Sec. 295. Bounties on produce.** Bounties shall be paid to every Indian of either of said tribes for produce raised by him either on his own land, or on land belonging to the tribe, as follows:

- I. For every bushel of wheat, 20 cents.
- II. For every bushel of rye, oats, barley, buckwheat, peas, or beans, 10 cents.
- III. For every bushel of potatoes, turnips, parsnips, beets, or carrots, 5 cents.

**Sec. 296. Proof made to agent.** Before any bounty is paid to such Indian, he shall prove to the satisfaction of the agent the number of bushels of each article before named, raised by him on such land.

**Sec. 297. Agent to settle account annually.** Agents shall keep an account of appropriations so paid out, and present it duly certified to the department in July annually for examination.

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**Sec. 298. Relief of Indians not members of Penobscot or Passamaquoddy tribes; overseers of poor to transmit to department a statement of such cases; contents of statement.** Whenever any Indian, not a member of the Penobscot or Passamaquoddy tribe of Indians or any member of the family of such Indian, is found destitute and in distress, and is relieved by the overseers of the poor of the town required by law to provide relief for such person, the overseers of the poor shall transmit to the department a statement specifying the nature, dates, and amounts of the supplies furnished, together with a statement of fact relating to the condition, tribe, length of time in the state so far as may be ascertained, and such other data as may be required concerning such Indian, whereupon the state shall reimburse said town for the relief so furnished to such extent as the department adjudges to have been expended necessarily therefor.

**Sec. 299. Department may expend fund of Indian tribes; conditions, consent of tribe.** The department, subject to the approval of the governor and council, may expend for the benefit of either Indian tribe, any portion of the funds of that tribe; provided, however, that the expenditure will not decrease the principal of the fund to such an extent as to prevent compliance with any existing provisions of statute, and provided further, that the tribe whose funds are used shall consent to the expenditure at a meeting duly called for the purpose.

#### Laws Relating to Institutions.

**Sec. 300. Supervision of institutions; heads; enforcement of laws.** The department of health and welfare shall have the general supervision, management and control of the grounds, buildings and property, officers and employees, and patients and inmates of all of the following state institutions: the insane hospitals, the state prisons, the reformatories for men and women, the juvenile institutions, the state sanatoriums, the school for the deaf, the military and naval children's home and such other charitable or correctional state institutions as may be created from time to time. The heads or superintendents of the several state institutions under the department shall be appointed by the commissioner subject to the approval of the governor and council, and shall report directly to the said commissioner or to a bureau under the department designated by the commissioner. Each institutional head shall be experienced in the management of the particular type of institution to which he or she is assigned.

The department shall be charged with the enforcement of all laws concerning the aforesaid institutions except in those cases where specific duties are given elsewhere.

**Sec. 301. Inspection and licensing of institutions; administration of funds.** The department shall inspect and investigate as frequently as it

deems necessary the condition and management of all institutions and agencies of a charitable or correctional nature for the treatment of defectives, dependents, or delinquents which derive their support wholly or in part from state, county or municipal appropriations or funds; but not including any institutions of a purely educational or industrial nature. Any private institution of a charitable or correctional nature may upon application and request in writing made to the department become subject to the inspection of the department. It shall classify all inmates, having regard to age, character and offenses, and shall order such alteration in jails and other institutions as shall permit proper classification of the said inmates.

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

**Sec. 302. Department to advise on incorporation of institutions.** The department shall give its opinion as to the advisability of the proposed organization and incorporation of all institutions of a charitable, eleemosynary, correctional or reformatory character which are or shall be subject to the supervision and inspection of the department.

**Sec. 303. Improper conduct of officers of institutions; procedure.** The department may inquire into any improper conduct imputed to its officers in relation to the concerns of their institutions, and for that purpose may issue subpoenas for witnesses and compel their attendance and the production of papers and writings by punishment for contempt in case of wilful failure, neglect or refusal; may examine witnesses under oath administered by the commissioner and may adjudicate on such alleged improper conduct in like cases and with like effect as in cases of arbitration.

**Sec. 304. Rules and regulations; fees.** The department shall establish such rules and regulations not inconsistent with law as it may deem expedient for the care and management and the custody and preservation of the property of all state institutions and for the government and discipline of the various patients and inmates of the said institutions; and for the production and distribution of farm, dairy and industrial products of the said institutions.

It shall also establish such rules and regulations for the instruction and employment of the patients and inmates of the various institutions having due regard to their age, sex, strength and disposition for the purpose of securing their improvement and future welfare.

It shall also fix rates and collect fees for the support of patients in state

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hospitals, sanatoriums and other state institutions and provide for the training of nurses in state hospitals and sanatoriums.

**Sec. 305. Plans for new institutions to be submitted to department.** All plans and specifications for new institutions and buildings for charitable or correctional purposes, which are to be in any way under the inspection of the department, shall be submitted to the department for criticism and suggestions before the same are accepted.

**Sec. 306. Institutional officials may sue for state in certain cases.** Actions founded on any contract made with the state purchasing agent or any official of the department under the authority granted by the said agent on behalf of any of the state institutions enumerated in section 300 may be brought by the official making the contract, or his successor in office; and actions for injuries done or occasioned to the real and personal property of the state and appropriated to the use of any state institution and under the management of any officer thereof, may be prosecuted in his name; and no such action shall abate by the retirement, removal or death of such officer, but his successor, upon notice, shall assume its prosecution.

**Sec. 307. Parole board; parole standards; probation officer.** There shall be a parole board in the department of health and welfare consisting of the commissioner of health and welfare, and any 2 members of the executive council designated by the governor. Such board shall have authority to grant or revoke all paroles in connection with the state penal and correctional institutions. The department shall establish parole standards and procedure and supervise the parole of inmates in the state penal and correctional institutions. The department may appoint a state probation officer to serve during its pleasure and who shall perform such duties in connection with the employment, care and supervision of paroled convicts as the parole board may determine.

**Sec. 308. Reward for escaped prisoners or inmates.** The department shall take all proper measures for the apprehension and return of any prisoner or inmate of a state penal or correctional institution and may offer a reward of not more than \$100 for the apprehension and return of any such prisoner or inmate who has escaped from the control of the department, or who having been released on parole shall have violated the terms of the release. Upon satisfactory proof that the terms of the offer have been complied with, the reward shall be paid by the state.

**Sec. 309. Aiding escape from state institutions; penalty.** Whoever induces, aids or abets anyone committed to any state institution in escaping therefrom or from the custody of the department, or who knowingly aids, harbors or conceals in any way anyone who has escaped therefrom, or

who elopes with or marries a female committed to the custody of the department or any state institution without the consent of the department 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 any sheriff, deputy sheriff, constable, police officer or other person finding any fugitive from any of said institutions at large to apprehend them without a warrant and return said fugitive to the institution from which the escape was made or to any officer or agent of the department. Such officer shall be paid a reasonable compensation by the state for his services.

**Sec. 310. Venereal diseases; cases found in charitable or correctional institutions to be reported.** It shall be the duty of every superintendent, manager, or physician in charge of any state, county, or municipal, charitable or correctional institution immediately to report to the department every case of venereal disease among the inmates of said institution of which he has knowledge. It shall be the duty of every superintendent, manager, or physician in charge of any state-aided, county-aided, or municipally-aided charitable institution to make a similar report to the department in relation to inmates of such institution, the cost of whose care and treatment is being paid in whole or in part by the state or by any county or municipality in the state. Said report shall be made in the form which may be required by the rules and regulations of the said department, provided that such rules and regulations shall not require said reports to be made in a form which will disclose to the department or to any other person, except the said superintendent, manager, or physician, the identity of the inmate. Said superintendents, managers, and physicians shall comply with such rules and regulations as are made by the department to prevent the spread of venereal disease.

**Sec. 311. Reports to be treated as confidential.** The reports to the department prescribed by the preceding section shall be confidential, and shall not be accessible to the public, nor shall such records and reports be deemed public records.

**Sec. 312. Persons discovered affected in institutions to be treated; may be isolated; department to be notified of release.** Any inmate of any state, county, or municipal charitable or correctional institution, or any dependent child supported or partially supported by public funds, afflicted or suspected of being afflicted with venereal disease, shall forthwith be placed under medical treatment, and, if in the opinion of the attending physician, it is necessary, shall be isolated until danger of contagion is passed. Such case shall be immediately reported to the department in accordance with the latter's rules and regulations, provided that such rules and regulations shall not require information disclosing the identity of any dependent or

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delinquent child, and the rules and regulations of the department for the examination, testing, and treatment of cases of venereal disease shall be faithfully observed.

Not more than 30 days and not less than 14 days before the estimated date of release from custody of any inmate of a state, county, or municipal charitable or correctional institution who is afflicted with venereal disease in an infectious form, the superintendent or other person in charge of such institution shall notify the department in writing of the proposed release of such individual and the department shall thereupon take necessary measures to protect others from such infection.

**Sec. 313. Penalty for neglect of duty.** Any official or person who shall wilfully fail, neglect, or refuse to perform any of the duties imposed upon him by the provisions of the 3 preceding sections shall be punished by a fine of not more than \$500 or by imprisonment for not more than 6 months.

**Sec. 314. Inmates may be removed in case of contagious disease.** If a pestilence or contagious disease breaks out among the inmates of any state institution or county jail, the department may cause any of the said inmates to be removed to some suitable place of security where they shall receive all necessary care and medical attention and be returned as soon as may be to the place from whence they were removed, to be there confined according to their sentences if unexpired.

**Sec. 315. Physical and psychopathic examination of inmates.** The department may require a physical and psychopathic examination of persons committed to any state penal or correctional institution and shall keep a record thereof. It shall designate competent physicians employed at the Augusta and Bangor state hospitals to conduct such examinations; and the actual expenses of physicians in making such examinations shall be paid from funds available for the use of the institution to which such person was committed. The department may transfer any such person to either of said hospitals for further study or observation of his mental condition if it is deemed advisable.

**Sec. 316. Transfer of inmate to other institution; original sentence to continue.** Any person who is committed to a state, charitable or correctional institution, and is under the control of the department, who becomes insane, or who is found to be insane by the examination authorized by the preceding section, shall be transferred to either of the state hospitals, and any person who is committed to a state correctional or charitable institution and is under the control of the department, who in the opinion of the superintendent thereof is in such condition that she or he is a fit subject for the Pownal state school, shall be transferred to the Pownal

state school whenever, in the judgment of the commissioner, the welfare of the patients and inmates, or of either institution, or of the person will be promoted thereby. Such patient shall be there detained in custody in the same manner as if he or she had been committed thereto originally. The transfers authorized in this and the preceding section shall have no effect on the original sentences which shall continue to run, and if the original sentence has not expired when the patient has been declared ready for discharge or release, the patient shall be returned to the institution to which he or she was originally committed. If the original sentence expires while the patient is in the charge of the institution, the patient shall be discharged therefrom under the same conditions as if the patient had originally been committed thereto.

A copy of the certificate of original commitment certified by the head of the institution in which said person is confined and a certificate from a regular practicing physician in the state certifying that the person committed is feeble minded or insane, as the case might be, with an order of transfer signed by the commissioner shall authorize the superintendent of the institution to receive and detain the said person, as above provided for.

The expense attending such transfers shall be paid from funds available for the use of the institution from which such person is transferred.

**Sec. 317. Inmates of state prison or other institutions afflicted with tuberculosis may be transferred to state sanatoriums.** Inmates of the state prison or any other state institution afflicted with tuberculosis may be transferred to state sanatoriums. Whenever any inmate of the state prison or of any other state institution shall become afflicted with tuberculosis so that the welfare of such inmate or the safety of the other inmates of such institution shall require removal therefrom, the department, with the approval of the governor, may cause him or her to be removed to one of the state sanatoriums, to be there kept and treated until he or she may safely be returned to said prison or other institution. In the admission of new patients the officers of such sanatoriums shall give preference to persons transferred under this section.

**Sec. 318. Transfer of prisoners.** Said department may remove prisoners from jails where no arrangements have been made for the labor of convicts, to some work-jail, and when any jail has a larger number of convicts, either in custody or at labor than can be well accommodated, it may remove a portion of them to any other jail where better accommodations can be afforded. Any jail where arrangements have been made or shall be hereafter made for the labor of convicts committed for any special crime, or class of crimes, at any special kind of labor, shall be deemed a work-jail. For the removal of convicts, as aforesaid, the de-

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partment may issue precepts to any officer qualified to serve precepts in criminal cases in his county, to cause such removal, whether such service is performed in whole or in part in 1 or more counties, and the expense of removal shall be paid by the county in which such convicts were sentenced. The department shall make a report of the condition of all the jails to the governor and council by the 30th day of November annually.

**Sec. 319. Cost of transportation.** The cost of committing and transporting a girl to or from the state school for girls, or a boy to or from the state school for boys, or of a person to or from the Pownal state school, or of a woman to or from the reformatory for women, or of a man to or from the reformatory for men, shall, when not otherwise provided for, be paid from the treasury of the county from which such person is committed as the costs of conveying prisoners to the jails are paid; and the county commissioners of such county shall examine and allow all such reasonable costs.

**Sec. 320. Fees when woman attendant is required.** In cases where a woman attendant is required or used the fees to be paid shall be the same as those provided for aids in criminal cases and when not otherwise provided for shall be audited by the county commissioners and paid from the county treasury.

**Sec. 321. Board of visitors to be appointed by governor.** The governor may appoint a board of 5 visitors, at least 2 of whom shall be members of the minority party, in connection with each state institution under the department of health and welfare. These visitors shall be appointed for a term of 1 year and shall be eligible for reappointment. No member of the legislature, the council, or advisory council of health and welfare shall serve on any board of visitors. The members of the boards of visitors shall receive no compensation. Each board of visitors shall have the right to inspect the institution to which it is assigned and to make recommendations relative to the management of said institution to the commissioner of health and welfare.

### The State Prison.

**Sec. 322. Location.** The state prison at Thomaston, in the county of Knox, shall continue to be maintained as the prison and penitentiary of the state, in which convicts, lawfully committed thereto, shall be confined, employed, and governed as provided by law.

**Sec. 323. Forms of imprisonment.** Punishment in the state prison by imprisonment shall be by confinement to hard labor, and not by solitary imprisonment, except as a prison discipline for the government of the convicts.

**Sec. 324. Convicts of United States courts shall be received.** Convicts, sentenced to hard labor in the state prison, for life or for any term not less than 1 year, by any court of the United States held within the state, shall be received into the prison by the warden thereof, when delivered by the authority of the United States, and there kept in pursuance of their sentences.

**Sec. 325. Department may authorize employment of prisoners on public works.** The department may authorize the employment of able-bodied prisoners, sentenced for any term less than life, in the construction or improvement of highways or on other public works within the state under such arrangements as may be made with the state highway commission or other department of the state having such public works in charge, and said department shall prescribe such rules and conditions as it deems expedient to insure the proper care and treatment of the prisoners while so employed and their safe-keeping and return. Prisoners while so employed shall not be required to wear clothing which will materially distinguish them from other workmen.

**Sec. 326. Department to examine into disorderly conduct of prisoners and enforce obedience.** The department shall examine into all disorderly conduct among the prisoners, and when it appears to it that a convict is disorderly, refractory, or disobedient, it may order any punishment other than corporal which it deems necessary to enforce obedience, not inconsistent with humanity, and authorized by the established rules and regulations of the prison.

**Sec. 327. Warden shall not be concerned in trade or commerce; his duties; deputy warden.** The head of the state prison shall be called the warden. He shall have a deputy appointed by the commissioner who, when the office of warden is vacant or the warden is absent from the prison or unable to perform the duties of his office, shall have the powers, perform the duties and be subject to all the obligations and liabilities of the warden. The warden shall not carry on or be concerned in trade or commerce during his continuance in office; he shall reside constantly within the precincts of the prison, and have the care, custody, and charge thereof, and of the convicts therein, in conformity to their sentences, and of the lands, buildings, machines, tools, stock, provisions, and every other kind of property belonging to or within its precincts, under the direction and control of the department.

**Sec. 328. His government in the prison.** He shall inspect and oversee the conduct of the convicts, and cause all the rules of the prison to be strictly and promptly enforced; he shall give the department immediate information of any officer who refuses or neglects to enforce the discipline

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established, and it shall forthwith remove any officer guilty of such neglect. He may punish any convict for disobedience, disorderly behavior, or indolence, as directed by the department or prescribed in the rules, and shall keep a register of all such punishments, and the causes for which they are inflicted.

**Sec. 329.** Warden shall keep a record of each convict's conduct, and recommend a deduction of sentence. He shall keep a record of the conduct of each convict, and for every month, during which it thereby appears that such convict has faithfully observed all the rules and requirements of the prison, the warden may, with the approval of the commissioner, make a deduction of 7 days from the term of said convict's sentence, except those sentenced to imprisonment for life.

*Revisor's note: Amended by P. L., 1933, c. 182*

**Sec. 330.** Service of precepts within the prison walls; command of the guard, officers and employees; service of a writ of replevin. The warden or his deputy shall serve, execute, and return, all processes within the exterior walls of the prison yard, and they shall be directed to him or his deputy accordingly; and for the doings of his deputy, both the warden and the deputy shall be answerable. The warden shall have command of all the force for guarding the prison, and of all officers and persons employed under him in overseeing, guarding, and governing it. For serving executions and returning processes, like fees shall be taxed as for sheriffs. The warden, on demand of an officer having a writ commanding him to replevy from the warden's possession, any goods or chattels of a private individual, not a prisoner, shall expose them outside of the prison yard, so that they may be replevied. The officer shall pay the warden a reasonable charge for removal, and tax the same in his fees on the writ.

**Sec. 331.** Warden shall contract for sale of articles from the prison; security. All sales of articles from the prison, and the letting to hire of such of the convicts as the department deems expedient, and all other contracts on account of the prison, except those made by the state purchasing agent, shall be made with the warden, in the manner prescribed by the department. No such contract shall be accepted by the warden, unless the contractor gives satisfactory security for its performance; and no officer of the prison shall be directly or indirectly interested therein.

**Sec. 332.** Service of the warrant for the removal of convicts. When the warden receives from any sheriff a warrant requiring him to remove a convict to the prison, he shall, by himself or such other person as he appoints or contracts with for that purpose, forthwith cause such warrant to be executed in the least expensive manner consistent with security of the convict; and he shall file said warrant, with his return thereon, in his

office, and cause a copy of it to be filed in the office of the clerk of the court from which it issued.

**Sec. 333. Convicts en route may be temporarily lodged in jails, at the state's expense.** When, during the conveyance of any such convict to the state prison in pursuance of his sentence, it is necessary or convenient to lodge him for safe-keeping in any jail until the residue of such conveyance can be conveniently performed, the keeper of such jail shall receive and safely keep and provide for him, until called for by the person employed to convey him as aforesaid, into whose custody he shall be delivered; and said jail keeper shall be allowed his reasonable charge and expenses incurred thereby, to be paid from the state treasury. When the warden believes that there are more convicts in the state prison than can be confined there securely, he shall certify the fact to the governor and council, who may authorize him to transfer them, so far as is necessary, to some jail; and the jailer thereof shall receive such compensation from the state treasury as he and the warden agree upon; but when the accommodations of the prison shall be so increased that they can be safely confined therein, the warden shall remove them from such jail to the state prison. The time during which they were so confined in jail shall be deducted from their sentences.

**Sec. 334. Warden may convey real estate.** The warden, under the direction of the commissioner, may sell and convey any real estate to which he acquires title in the adjustment of debts in the behalf of the state.

**Sec. 335. Warden exempt from arrest; procedure of creditor with an execution against him.** The warden shall not be arrested on any civil process or execution while in office; but execution upon any judgment against him personally, and not in his official capacity, may be issued against his goods and estate only; and if it is returned unsatisfied, the creditor may file with the governor and council a copy of such execution and return, and serve on the warden a copy of such copy attested by the secretary of state, with a notice under his hand of the day on which such copy was filed; and if the warden does not, within 40 days after such service, pay the creditor his full debt, with reasonable costs for copies and service thereof, he shall be removed; and when he ceases to be warden, alias executions may be issued against his body and property as in other cases.

**Sec. 336. Overseers.** Persons having suitable knowledge and skill in the branches of labor and manufactures carried on in the prison, shall, when practicable, be employed to superintend such branches as are assigned to them by the warden; and all of them and the other subordinate officers

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shall perform the services in the management, superintending, and guarding of the prison, as prescribed by the rules, or directed by the warden.

**Sec. 337. Neglect of subordinate officers, how punished.** If any subordinate officer is guilty of negligence or unfaithfulness in the discharge of his duties, or of a violation of any of the laws or rules for the government of the prison, the warden, with the approbation of the department, may deduct from his wages a sum not exceeding a month's pay.

**Sec. 338. Articles shall be labeled.** All articles and goods manufactured at the prison for sale shall be distinctly labeled or branded with these words, "Manufactured at the Maine State Prison".

**Sec. 339. Appointment and duties of prison physician.** The department and warden shall appoint some suitable person physician and surgeon of the prison, who shall visit the same daily, and whenever requested by the warden, to attend and prescribe for sick convicts, and to examine all convicts claiming to be ill, and determine their ability to work. He shall see that proper attention is paid to the clothing, regimen, and cleanliness of those in the hospital, and advise when illness of any convict requires his removal thereto; and upon such advice and in other cases when he deems it necessary, the warden shall cause any sick convict to be forthwith removed to the hospital, there to receive such care and attention and to be furnished with such medicines and diet, as his situation requires, until the prison physician determines that he may leave it without injury to his health.

**Sec. 340. Officers suffering an escape, or allowing convict to go at large; penalty.** If any officer, or other person employed in the state prison or its precincts, voluntarily suffers, aids, or connives at the escape of a convict therefrom, he shall be punished by imprisonment in the state prison for any term not greater than the whole term for which the convict was sentenced; and if he negligently suffers any convict confined therein to be at large out of the precincts of the prison, or the cell or apartment assigned to him, or to be conversed with, relieved or comforted, contrary to law or the rules of the prison, he shall be punished by a fine of not more than \$500.

**Sec. 341. Rescue, or aiding prisoners to escape; penalty.** Whoever forcibly rescues or attempts to rescue any convict sentenced to the state prison, from the legal custody of any officer or other person, or from the state prison, jail or other place where he is legally confined, or causes to be conveyed to such convict, into such jail, state prison, or other place, any tool, instrument, weapon or other aid, with intent to enable him to escape, shall, whether an escape is effected or not, be punished by a fine of not more than \$500, or by imprisonment for not more than 20 years.

**Sec. 342. Aiding escaped convicts; penalty.** Whoever, not standing in the relation of husband or wife, parent or child, to the principal offender, conceals, harbors, or in any way aids any convict escaping from the state prison, knowing him to be such; or furnishes such convict with food, clothing, weapon, matches, or other article, or information that would aid him to escape recapture, shall be punished by a fine of not more than \$500, or by imprisonment for a term of not more than the whole time for which the convict was sentenced.

**Sec. 343. Conveying, or attempting secretly to convey, any article to a convict; penalty.** If any officer, contractor, teamster, or other person delivers or has in his possession, with intent to deliver to any convict confined in the state prison, or deposits, or conceals, in any place in or about the prison or its precincts, or in any wagon or other vehicle going thereto, any article, with intent that any convict therein shall obtain it, without consent or knowledge of the warden or deputy warden, he shall be punished by a fine of not more than \$500, and by imprisonment for not more than 6 months, or by imprisonment for not more than 2 years.

**Sec. 344. Penalty for convict assaulting an officer, and for escape; prosecution.** If a convict, sentenced to the state prison for a limited term of years, assaults any officer or other person employed in the government thereof, or breaks or escapes therefrom, or forcibly attempts so to do, he may, at the discretion of the court, be punished by confinement to hard labor for any term of years, to commence after the completion of his former sentence. The warden shall certify the fact of a violation of the foregoing provisions to the county attorney for the county of Knox, who shall prosecute such convict therefor.

**Sec. 345. Punishment.** Solitary confinement, as a punishment for the violation of the rules of the prison, shall be inflicted upon the convict in a cell and he shall be fed on bread and water only, unless the physician certifies to the warden that the health of such convict requires other diet.

**Sec. 346. If resisted, officers shall use force.** If a convict sentenced to the state prison resists the authority of any officer, or refuses to obey his lawful commands, the officer shall immediately enforce obedience by the use of weapons or other effectual means; and if, in so doing, a convict thus resisting is wounded or killed by the officer and his assistants, they shall be justified.

**Sec. 347. Warden to keep arms and ammunition, etc.** The warden shall constantly keep on hand a suitable and sufficient supply of arms and ammunition, and may require all officers and other citizens to aid him in suppressing an insurrection among the convicts in prison, and in preventing their escape or rescue therefrom, or from any other legal custody or con-

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finement; and if, in so doing, or in arresting any convict who has escaped, they wound or kill such convict or those aiding him, they shall be justified.

**Sec. 348. Application of §§ 344-347.** The 4 preceding sections apply to convicts and officers in the county jails having workshops attached thereto, and in any county farm that may be established for the reformation of inebriates.

**Sec. 349. When term commences.** No convict shall be discharged from the state prison, until he has served the full term for which he was sentenced, including the day on which he was received into it, unless he is pardoned, or otherwise released by legal authority.

**Sec. 350. Convict's property shall be taken care of by warden.** The warden shall receive and take care of any property that a convict has with him at the time of his entering the prison; when it is convenient, place the same at interest for his benefit; keep an account thereof, and pay the same to him on his discharge, or, in case of his death, to his representatives, unless otherwise legally disposed of.

**Sec. 351. Provision for convicts, on discharge.** On the discharge of any convict who has conducted himself well during his imprisonment, the warden may furnish him a sum not exceeding \$10, and, if he requests it, a certificate of such good conduct; and shall take care that every convict on his discharge is provided with decent clothing. The warden shall also furnish transportation to the place where he was convicted, or to his home, if within the state; or if he has secured employment within the state, to that place. If he lived out of the state or if he has secured employment out of the state, he shall receive transportation to the state border nearest his home or nearest the place where he has secured employment.

**Sec. 352. Alterations may be made by warden, under certain conditions.** The warden, on the approval of the department and with the approbation of the governor and council, may erect such additional buildings or make such alterations within the prison or its precincts, as they deem necessary and proper.

**Sec. 353. Chaplain of state prison; duties.** The chaplain shall, in accordance with the rules of the prison, conduct religious services in the chapel every Sunday, visit the sick, labor diligently and faithfully for the mental, moral, and religious improvement of the convicts, and aid them when practicable in obtaining employment after their discharge. With the assent of the department, a Sunday-school may be established, and persons from without, of proper character, may be admitted to assist in it.

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