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Containing the text of the acts of the 1941 Session of the Legislature, both new and amendatory, and notes showing repeals, together with annotations from the various courts, state and federal, and the opinions of the Attorney General, construing the constitution, statutes, charters and court rules of Minnesota together with Law Review Articles and digest of all common law decisions.

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5302. Municipalities given right to operate telephone exchanges.

Act is limited to a telephone exchange within borders of municipality. Op. Atty. Gen. (98a), June 10, 1940.

5307. Expense of furnishing transcribed copy of records.

Lenihan v. T., 293NW601. Cert. den. 61SCR392. Reh. den. 61SCR448.

5311-2a. Same—Investigation fund—Appropriation. Minnesota Telephone Rate Investigation Fund, abolished. Act Apr. 28, 1941, c. 548, §43.

5312. Town boards may construct; etc.

Statutes relating to town telephone lines do not apply to villages. Op. Atty. Gen. (98a), June 10, 1940.

CHAPTER 28B

Department of Banking—Division of Banking in
Department of Commerce**5323. Powers and duties of superintendent.**

This section supersedes §7640. Op. Atty. Gen., (29a-6), April 12, 1940.

Control of payment of dividends by state bank is within power of commissioner of banks, and he is not required to sit idly by until some provision of law is violated before he can act. Op. Atty. Gen. (29a-15), Nov. 13, 1940.

5332. Fees for examination of financial institutions.

—Each bank, trust company, savings bank, local or general building and loan association and credit union organized under the laws of this state, shall pay into the state treasury for each authorized regular or special examination made at any time by the commissioner of banks of such institution, a fee to be determined as follows:

In the case of state banks, trust companies or savings banks, for the first examination in each calendar year a minimum fee of \$60.00 plus an amount equal to three cents for each \$1,000 of assets in excess of \$25,000, and not exceeding \$200,000; where the assets exceed \$200,000 and do not exceed \$400,000, a minimum fee of \$80.00 plus three cents for each \$1,000 of assets in excess of \$25,000; where the assets exceed \$400,000 and do not exceed \$600,000, a minimum fee of \$100.00 plus three cents per \$1,000 of assets in excess of \$25,000; where the assets exceed \$600,000 and do not exceed \$1,000,000, a minimum fee of \$125.00 plus three cents for each \$1,000 of assets in excess of \$25,000; where the assets exceed \$1,000,000 and do not exceed \$2,000,000, a minimum fee of \$150.00 plus three cents for each \$1,000 of assets in excess of \$25,000; where the assets exceed \$2,000,000 and do not exceed \$3,000,000, a minimum fee of \$200.00 plus three cents for each \$1,000 of assets in excess of \$25,000; where the assets exceed \$3,000,000, a minimum fee of \$300.00 plus three cents for each \$1,000 of assets in excess of \$25,000, and in the case of trust companies an additional amount equal to two

cents for each \$1,000 value of properties held in trust for the benefit of others.

For a second examination within the same calendar year the examination fee shall be computed on the above basis except that the amount of the minimum fee shall be reduced by 75 per cent.

In the case of local building and loan associations, for each examination, a minimum fee of \$25.00, plus an amount equal to ten cents per \$1,000 of assets in excess of \$15,000 and less than \$5,000,000 plus an amount equal to five cents per \$1,000 of assets in excess of \$5,000,000.

In the case of credit unions a fee of \$10.00 of assets up to and including \$2,000; where the assets exceed \$2,000 and do not exceed \$10,000, a fee of \$12.50 plus an amount equal to \$1.00 per \$1,000 of assets over \$2,000; where the assets exceed \$10,000 and do not exceed \$100,000 a fee of \$15.00 plus a sum of \$1.00 per \$1,000 of assets over \$2,000 and less than \$100,000; where the assets are \$100,000 or more a fee of \$15.00 plus an additional amount equal to \$1.00 per \$1,000 of assets over \$2,000 and less than \$100,000, plus an amount equal to 50 cents per \$1,000 of assets of \$100,000 or over; except that in the case of credit unions with assets over \$50,000 the fee shall be based on the above schedule, or on the basis of \$15.00 per diem for the actual time of each person spent in connection with the examination; whichever is lower. Each new credit union shall pay an application fee of \$25.00.

Said fees shall be paid by the institution examined within 20 days after a statement of the amount thereof shall have been rendered the institution examined by the commissioner of banks, and if not so paid shall bear interest at the rate of six per cent per annum. (As amended Act Apr. 28, 1941, c. 488, §1.)

This section supersedes §7650. Op. Atty. Gen., (29a-16), April 12, 1940.

CHAPTER 29

Public Health

5339. General duties of board—Reports.

Powers of State Board of Health in enforcement of laws relating to water pollution and sewage disposal stated. Op. Atty. Gen. (225m), Nov. 23, 1940.

5345. State board of health, general and special rules.

City may not expend money for development of a swimming beach in a river if project has been condemned by state department of health pursuant to regulations. Op. Atty. Gen., (63E-1), April 29, 1940.

Powers of State Board of Health in enforcement of laws relating to water pollution and sewage disposal stated. Op. Atty. Gen. (225m), Nov. 23, 1940.

State Board of Health may properly and legally accept for examination and approval or disapproval plans for water, sewer and refuse disposal system prepared by architects and engineers of other states who do not hold Minnesota licenses. Op. Atty. Gen. (225M), Feb. 21, 1941.

5348. Local boards—Health officers.

County is not liable for any part of local health officer's salary, even though a part of it might be

earned while establishing, enforcing, or releasing quarantine of communicable diseases. Op. Atty. Gen., (225i-2), Dec. 6, 1939.

Section 5348 and §5351 do not contemplate county paying any part of money expended by town for services of regular medical health officer, whether he be physician member of town board or one appointed by chairman to fulfill duties of former. Op. Atty. Gen., (225i-2), Dec. 22, 1939.

A village health officer must be a licensed physician, but need not be a resident of the village. Op. Atty. Gen., (225i-6), March 8, 1940.

There is no rule requiring a permit from health officers for every pupil who may return to school after being absent more than 2 days, but certain permits must be obtained where illness appears. Op. Atty. Gen. (169L), Mar. 14, 1941.

5351. Powers of health officer in assuming jurisdiction over communicable diseases.

County is not liable for any part of local health officer's salary, even though a part of it might be earned while establishing, enforcing, or releasing quarantine of

communicable diseases. Op. Atty. Gen., (2251-2), Dec. 6, 1939.

Section only contemplates that county shall pay one-half of expenses for establishing, enforcing, and releasing quarantine for purpose of combating an epidemic of a communicable disease in a particular locality when additional medical help is necessary, whether or not town has appointed a regular medical officer under either of methods provided in §5348. Op. Atty. Gen., (2251-2), Dec. 22, 1939.

Section 5348 and §5351 do not contemplate county paying any part of money expended by town for services of regular medical health officer, whether he be physician member of town board or one appointed by chairman to fulfill duties of former. Id.

Where services of doctor and nurse are rendered for a pauper family ill with scarlet fever, any part thereof that could reasonably be necessary to protection of public from contagion should be paid for in accordance with §5352, but any portion inuring solely to benefit and care of patients would be chargeable to poor relief. Op. Atty. Gen., (611a-6), Feb. 29, 1940.

Township clerk has no authority to bind township supervisor for expenses of control of communicable disease. Op. Atty. Gen. (611a-5), Feb. 25, 1941.

5353-1. Public health nurses in counties, cities, villages, towns, etc.

Village council may pay pro rata share of salary of county nurse. Op. Atty. Gen., (905a), Nov. 28, 1939.

Public health nurse may not be paid from county welfare fund. Op. Atty. Gen., (905B), May 14, 1940.

5356. Birth certificates—Form and contents.

Where father files a supplemental report containing name of child, a second or further supplemental report by other parent should not be received unless joined in or acquiesced in by parent making first report, notwithstanding that first report was made without knowledge or consent of the mother. Op. Atty. Gen., (225d), Oct. 24, 1939.

Residence of foster parents is not to be considered as place of birth on new certificate of birth. Op. Atty. Gen., (225f), Feb. 7, 1940.

Where there is a new birth certificate for legitimized child, only requirement upon local registrar is that he shall make known on his records fact that child is legitimized and record name in file, but supplemental certificate showing legitimacy could be made to correspond in size to space it occupies in bound volume and could be superimposed thereon and attached thereto with some adhesive substance, which would completely obliterate old record. Id.

To subscribe means that signature be written by hand at bottom of certificate, and not by rubber stamp. Op. Atty. Gen. (225L), Jan. 27, 1941.

5357. Death certificates—Form and contents.

To subscribe means that signature be written by hand at bottom of certificate, and not by rubber stamp. Op. Atty. Gen. (225L), Jan. 27, 1941.

5358. Duties of local registrars.

To subscribe means that signature be written by hand at bottom of certificate, and not by rubber stamp. Op. Atty. Gen. (225L), Jan. 27, 1941.

5362-1. Hospital records—Preservation as evidence—Photographic film records.—That the superintendent or other chief administrative officer of any public or private hospital, by and with the consent and approval of its board of directors or other governing body, be and he hereby is authorized to transfer and record, or cause to be transferred and recorded, upon photographic film of convenient size for the preservation thereof as evidence, any or all of the original files and records of any such hospital dealing with the case history, physical examination and daily hospital records of the individual patients thereof, including any miscellaneous documents, papers and correspondence in connection therewith. (Act Apr. 15, 1941, c. 229, §1.)

5362-2. Same—Effect as evidence.—Upon the transferring and recording of any such original hospital files and records in the manner hereinbefore provided, such photographic film records thereof shall have the same force and effect, when offered in evidence in any proceeding in this state, as the original records from which the same were so transferred and recorded, and any photographic or photostatic copy made therefrom, when duly certified, by the officer or employe of such hospital in charge of the said records, to be such photographic or photostatic copy thereof, shall be admitted and received in evidence in any proceeding in this state with the same force and effect as the original record of such hospital from which such

film recording was originally made. (Act Apr. 15, 1941, c. 229, §2.)

5362-3. Destruction of old case records.—That such superintendent or other chief administrative officer of any such public or private hospital, by and with the consent and approval of such board of directors or other governing body thereof, be and he hereby is authorized to divest the files and records of such hospital of any such individual case records bearing dates more than ten years prior to the date of such divestiture, and with such consent and approval to destroy the same, provided, however, that such records shall first have been transferred and recorded as authorized in Section 1 hereof. (Act Apr. 15, 1941, c. 229, §3.)

5362-4. Miscellaneous documents, papers or correspondence.—This act shall not be construed as requiring any such public or private hospital to retain among its files and records, during the period hereinbefore specified or otherwise, any such individual hospital case records, miscellaneous documents, papers or correspondence, except as the preservation and retention thereof is otherwise required by law. (Act Apr. 15, 1941, c. 229, §4.)

5363. State board to furnish blanks, forms and books.

Loose leaf binders of a substantial character with a locking device may be used by local registrars of births and deaths in which to keep their records, and books and forms should be purchased by state and furnished to local governing body at actual cost. Op. Atty. Gen., (225i), May 15, 1940.

5365. Fees of local registrars—Tabulations, etc.

Certified tabulation by state registrar should not include birth records of illegitimate children received from sources other than local registrar. Op. Atty. Gen. (225j), Feb. 7, 1940.

Where no certificate is made to local registrar and reports of illegitimate births are made direct to state registrar and are not tabulated to local registrar, latter is not entitled to 25 cent fee. Id.

Where there is a new birth certificate for legitimized child, only requirement upon local registrar is that he shall make known on his records fact that child is legitimized and record name in file, but supplemental certificate showing legitimacy could be made to correspond in size to space it occupies in bound volume and could be superimposed thereon and attached thereto with some adhesive substance, which would completely obliterate old record. Id.

D.

State registrar should not send clerks of court copies of affidavits of legitimation, being inconsistent with duties prescribed by §5356. Op. Atty. Gen., (225i), Feb. 7, 1940.

5366. Certified copies of record as evidence.

Fifty cent fee should be collected for either type of certificate authorized. Op. Atty. Gen., (225i), Feb. 7, 1940.

5375. Pollution of water.

Powers of State Board of Health in enforcement of laws relating to water pollution and sewage disposal stated. Op. Atty. Gen. (225m), Nov. 23, 1940.

5377-1. Pollution of waters—State Board of Health to administer; etc.

Powers of State Board of Health in enforcement of laws relating to water pollution and sewage disposal stated. Op. Atty. Gen. (225m), Nov. 23, 1940.

5379. Nuisance, source of filth; etc.

Powers of State Board of Health in enforcement of laws relating to water pollution and sewage disposal stated. Op. Atty. Gen. (225m), Nov. 23, 1940.

5380. Same—Abatement; etc.

Powers of State Board of Health in enforcement of laws relating to water pollution and sewage disposal stated. Op. Atty. Gen. (225m), Nov. 23, 1940.

5383. Removal to public sanatorium or hospital.

Though there is no statutory requirement that a manager-operator be free from contagious or infectious diseases, a person should not be permitted to continue as a manager-operator in a beauty parlor if suffering from active tuberculosis, following arrested tuberculosis which is not contagious or infectious. Op. Atty. Gen., (33B-9), May 13, 1940.

5388-3. Medical and other supplemental care of discharged tuberculosis patients.—The medical and other supplemental care of tuberculosis persons discharged from county or state sanatoria who are in

need and whose physical or other conditions or disabilities associated with their disease make inadvisable their return immediately to their former activities of regular employment, is hereby declared to be a special matter of the state's concern and a necessity in promoting the public welfare. To provide medical and other supplemental care to such persons in order to prevent their further breakdown after sanatorium care, a state-wide program of after-care for tuberculous patients discharged from county and state sanatoria is hereby established. (Act Apr. 28, 1941, c. 499, §1.)

5388-4. "Medical and supplemental care," described.—When used in this act the term:

(a) "Medical and supplemental care" shall mean the services rendered to such discharged tuberculous patients, as defined in Section 1 of this act. The sum herein appropriated shall be used only for the expenses incurred in travel to and from the sanatoria. This type of medical care shall be determined in accordance with rules and regulations established by the state agency, which shall require an examination at the sanatoria at such times as the superintendent of such sanatoria shall determine, provided, however, that in event a doctor of medicine selected by the patient certifies that preliminary examination indicates need for emergency examination, not otherwise ordered by the medical officer in charge of the sanatoria, such examination shall be ordered as prescribed by the rules and regulations established. (Act Apr. 28, 1941, c. 499, §2.)

5388-5. State agency—Powers and duties.—The state agency shall:

(a) Supervise the administration of medical and supplemental care under the provisions of this act.

(b) Formulate and adopt all necessary rules and regulations for carrying out and enforcing the provisions of this act to the end that medical and supplemental care for patients coming within the provisions of this act may be administered uniformly throughout the state.

(c) Prescribe the form of, print, and supply to the various county agencies throughout the state, blanks, reports, and such other forms and documents as it may deem necessary or advisable.

(d) Prescribe and maintain a uniform system of fiscal reporting for, and accounting of, all expenditures under this act.

(e) Prepare and print within a reasonable time after the close of each fiscal year a full and complete report for said year giving an account of the operation of this act, the expenditure of all funds thereunder, and adequate statistical data relative to the patients benefiting by the provisions of this act and the nature and type of the treatment given thereunder.

(f) Reimburse to each county agency making expenditures under and pursuant to the provisions of this act such sums, quarterly, as said county agencies may have expended pursuant to the rules and procedures established hereunder by the state agency. Reimbursement shall be made upon the basis of such certification of expenditures as shall be required from the county agency by the state agency. (Act Apr. 28, 1941, c. 499, §3.)

5388-6. Consultation with sanatoria superintendents.—In promulgating rules and regulations covering

the granting of medical and supplemental care to patients and in setting minimum standards therefore, the state agency shall have due regard for, and shall consult with, the superintendents of the county tuberculosis sanatoria and the state tuberculosis sanatorium. (Act Apr. 28, 1941, c. 499, §4.)

5388-7. County agency—Duties and powers.—The county agency shall:

(a) Pursuant to the rules, regulations and standards established by the state agency, inquire into and determine the amount of medical and supplemental care needed by each patient coming within the purview of this act and who is a resident of the county concerned for the purposes of this act.

(b) Prepare and submit promptly to the state agency all applications, forms, and fiscal reports established and required by the state agency pursuant to the provisions of this act.

(c) Pay in the first instance such sums for medical and supplemental care as are found necessary under the provisions of this act. It is specifically provided hereby that such payments of medical and supplemental care are no part of such grants of relief or assistance as are found necessary for the usual care of the patient, all payments provided for herein being over and above and in addition to such regular grants of relief and assistance.

(d) Report to the state agency such expenditures for medical and supplemental care as are made by the county agency pursuant to the provisions of this act and receive reimbursement therefore quarterly from the state agency.

(e) Prepare and submit such statistical and fiscal reports as the state agency may require hereunder. (Act Apr. 28, 1941, c. 499, §5.)

5388-8. Persons to whom act applies.—Medical and supplemental care under the provisions of this act may be granted to a discharged tuberculous patient who:

(a) Has a tuberculous condition within the definitions established by the state agency pursuant to the provisions of this act.

(b) Has resided in the state of Minnesota and in the county one year prior to the time of entrance into the tuberculosis sanatorium. (Act Apr. 28, 1941, c. 499, §6.)

5388-9. Funds not transferable.—No funds granted under this act for medical and supplemental care shall be transferable or assignable at law or in equity and must be used for the sole purpose of payment for medical and supplemental care as defined in this act. (Act Apr. 28, 1941, c. 499, §7.)

5391-1. Federal aid for maternal and child welfare service—Custodian of fund—Etc.

No state department may enter into arrangement with children's bureau and wage and hour division of United States Department of Labor under which state agencies will make investigations and inspections for purpose of enforcement of federal laws relating to child labor and to wages and hours, notwithstanding that federal government agrees to reimburse state for expenses from time to time. Op. Atty. Gen., (270a-2), Nov. 10, 1939.

SUBJECTS FOR DISSECTION

5392. Delivery of bodies to medical schools.

Dead body cannot be given to medical school for dissection as an unknown if identity can be ascertained by reasonable inquiry. Sworski v. S., 293NW309. See Dun. Dig. 2599.

CHAPTER 29A

Regulation of Hospitals and Related Institutions

5394-25. Licenses—Meaning of terms—Practice of healing or medicine not authorized.—No person, partnership, association, or corporation shall establish, conduct, or maintain in the state of Minnesota any hospital, sanatorium, rest home, nursing home,

boarding home or other institution for the hospitalization and-or care of human beings without first obtaining a license therefor in the manner hereinafter provided.