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1941 Supplement

To

**Mason's Minnesota Statutes**

**1927**

**1939 to 1941**

**(Supplementing Mason's 1940 Supplement)**

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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## CHAPTER 33A

## Historical Societies

**5670-11. County Board or City Councils may furnish room for Historical Societies.**

City council may appropriate funds to library board for purpose of constructing an addition to library building to house county historical society, though it has attempted to convey land to trustees of library. Op. Atty. Gen., (285a), Oct. 6, 1939.

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## CHAPTER 34

## State Printing

**5671 to 5675. [Repealed.]**

Repealed. Laws 1941, c. 381.

**Editorial note.**—Act Apr. 22, 1941, c. 381, §4, repealing Mason's Statutes of 1927, Chapter 34, does not mention Mason's Statutes, 1940 Supplement and it is very possible that laws appearing therein are not repealed.

**5676. Advertisement for bids. [Repealed.]**

Repealed. Laws 1941, c. 381.

**Editorial note.**—Act Apr. 22, 1941, c. 381, §4, repealing Mason's Statutes of 1927, Chapter 34, does not mention Mason's Statutes, 1940 Supplement and it is very possible that laws appearing therein are not repealed.

Mason's Minn. Stat. 1927, c. 34, is still controlling law regarding letting of printing contracts except where inconsistent with Laws 1939, c. 431, and this is true as to such items as letterheads and envelopes. Op. Atty. Gen., (340a), Feb. 2, 1940.

**5677 to 5684. [Repealed.]**

Repealed. Laws 1941, c. 381.

**Editorial note.**—Act Apr. 22, 1941, c. 381, §4, repealing Mason's Statutes of 1927, Chapter 34, does not mention Mason's Statutes, 1940 Supplement, and it is very possible that laws appearing therein are not repealed.

## CHAPTER 35

## Employments Licensed by State Boards or Officials

## ATTORNEYS AT LAW

**5685. Board of law examiners—Examinations.**

Office of attorney is not an office in the constitutional or statutory meaning, but is in nature of a franchise or privilege. *La Belle v. H.*, 288NW788. See Dun. Dig. 664.

Control of court over conduct of an attorney does not extend to conduct outside his professional capacity, including political activities and supporting or opposing candidates for judicial office. *Id.* See Dun. Dig. 664.

**5687-1. Unauthorized practice of law—Penalty.**

"Unauthorized practice of law," discussed and defined. *American Automobile Ass'n. v. M.*, (AppDC), 117F(2d)23, modifying 31FSupp876.

Injunction will lie to restrain illegal practice of law without a license. *Cowern v. N.*, 290NW795. See Dun. Dig. 664.

Judicial branch of state government, as a matter of comity, accepts legislative declaration of public policy relative to unauthorized practice of law insofar as it relates to drafting by brokers, in transactions involving sale, trade or leasing of property or a loan thereon where they represent parties or a party thereto, of instruments incident to such transactions where no charge is made for drafting such instruments; but making of a charge therefor is disapproved. *Id.* See Dun. Dig. 664.

Representation by laymen and hearings before referee or industrial commission in workmen's compensation proceedings. 24MinnLawRev565.

Unauthorized practice of law by lay insurance adjusters. 25MinnLawRev613.

(c).

Unauthorized practice of law—drawing of legal instruments. 24MinnLawRev563.

**5688. General duties.**

It would outrage ethical proprieties of practice of law for attorney to present a verification of a complaint for signature and oath before he drew the complaint or talked to client about collision involved. *Brusletten v. R.*, 291NW608. See Dun. Dig. 675c.

It is improper and unwelcome to accept a retainer as an attorney in a case by an attorney who knows that his testimony is essential to his client's success. *Stephens' Estate*, 293NW90. See Dun. Dig. 10306a.

An attorney is to be criticized for bringing an action and appealing when law is settled that no cause of action exists, especially where any recovery would be small. *Mani v. E.*, 295NW506. See Dun. Dig. 664.

Attorney who sold stolen bonds for client was not liable for conversion where bonds were negotiable and attorney acted in belief that client was legitimate owner. *First Nat. Bank of Blairstown v. G.*, 17Atl(2d)(Pa)377.

**5690. Authority.**

In suit to recover taxes paid to state of Minnesota on lands lying beyond northern boundary of United States, stipulation of fact that neither plaintiff nor defendant had

knowledge or means of knowledge of location of boundary line between United States and Canada until filing in Land Office of official plat in 1934 was not binding where evidence showed that plaintiff had constructive notice of making of the survey, and could have acquired knowledge of true boundary line as located thereunder through inquiry at state department. *Pettibone v. C.*, (DC-Minn), 31FSupp881.

An infant cannot sustain relationship of client and attorney, but attorney represents the guardian. *Fiske's Estate*, 291NW289. See Dun. Dig. 667.

Stipulation for judgment in district court on a formal award approving workmen's compensation settlement held not obtained by fraud or misrepresentation. *Connors v. U.*, 296NW21. See Dun. Dig. 9003c.

Valuable consideration is not essential to validity of a stipulation in judicial proceedings. *Id.*

**5695. Lien for attorneys' fees extended.**

Judgments will not be set off upon motion if it will defeat attorney's right to a lien, and this applies as to a judgment for defendant for costs, especially where defendant is without funds and attorney has advanced cost of printing brief. *Exsted v. O.*, 287NW602. See Dun. Dig. 708.

In fixing attorney's fees for plaintiff in a stockholders' action, court should take into consideration fact that corporation appeared by competent counsel and took an active part in the action, recovering in trial court all that it was entitled to recover. *Risvold v. G.*, 292NW103. See Dun. Dig. 699.

**5697. Removal or suspension of attorney.**

Disbarment will follow where accused has been found guilty of a felony, grand larceny in the first degree. *Turnquist*, 287NW795. See Dun. Dig. 678.

When personal service has been made upon accused and he defaults, an order of discipline will be entered upon assumption that he is guilty as charged. *Id.* See Dun. Dig. 679a.

Findings showing that over long period attorney has displayed persistence in dilatoriness, with such inattention to client's affairs as to result in damage to them and disrepute for the profession, require his disbarment. *Gennow*, 289NW887. See Dun. Dig. 678.

Disbarment will follow where accused attorney has been found guilty of felony of indecent assault. *Van Wyck*, 290NW227. See Dun. Dig. 678.

Evidence held to sustain finding that attorney willfully and knowingly testified falsely when he testified that he and not his wife signed her name to a note and mortgage. *Priebe*, 290NW552. See Dun. Dig. 678.

For repeated conversions of clients' funds (restitution made under compulsion) with wilful deception practiced on the board of law examiners and court, judgment of disbarment ordered. *Smith*, 292NW620. See Dun. Dig. 678.

Disbarment must follow where attorney converts property of his client to his own use. *Clover*, 293NW300. See *Dun. Dig.* 678.

Disbarred attorney who paid \$7500 costs as required by original judgment was reinstated. *McDonald*, 294NW461. See *Dun. Dig.* 682a.

An attorney convicted of impersonating an officer of the Federal Bureau of Investigation and thereby obtaining money from various people was disbarred. *McCabe*, 295NW906. See *Dun. Dig.* 678.

Where charges are made against attorney and he interposes an answer but withdraws it, case stands for determination as upon default as if allegations were admitted. *Id.* See *Dun. Dig.* 679a.

In proceeding for disbarment, when personal service has been made upon accused attorney and he defaults, an order of discipline will be entered upon assumption that he is guilty as charged. *Petri*, 296NW10. See *Dun. Dig.* 679a.

One convicted of compounding a crime on plea of guilty cannot question the conviction in a disbarment proceeding. *Wallace*, 296NW534. See *Dun. Dig.* 678.

## ARCHITECTS, ENGINEERS AND SURVEYORS

### 5697-1. Registration required.

A contractor may not use for construction of a building plans which are not prepared by a registered architect when cost of building or structure exceeds \$7500. *Op. Atty. Gen.*, (10a-3), Dec. 22, 1939.

Clause permitting erection or enlargement of building by a firm or employee exclusively for his or its own occupancy does not permit erection of building or structures except in compliance with this act where they are to be accessible to the public generally. *Id.*

### 5697-2. Persons required to register—Titles which may be used.

Engineer who draws plans and specifications for enlargement of power house must be registered, but elective officers discharging duties of their office are exempt. *Op. Atty. Gen.*, (10a-3), Jan. 2, 1940.

City charter sets out no special qualifications for city engineer of Eveleth, but if he is to be placed in responsible charge of preparation of plans or specifications for any public work or public improvement, he must be registered. *Op. Atty. Gen.*, (10a-3), Jan. 8, 1940.

Requirement that there be a certificate by a registered land surveyor applies to all classes, except where work or service is that usually done or performed by a person holding an elective office, such as a county surveyor. *Op. Atty. Gen.* (373B-15), Feb. 13, 1941.

### 5697-9. Certificates of registration.

Board may require a reasonable and nonreturnable examination fee to cover cost and expense of giving examination for purpose of determining qualifications, or require applicants to take such examination at the University of Minnesota where a reasonable charge will be made. *Op. Atty. Gen.*, (10a-3), Dec. 22, 1939.

### 5697-13. Persons exempt from registration.

(2).

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.

## CERTIFIED ACCOUNTANTS

### 5701. Certificate without examination, to whom.

It is within the discretion of the board to issue a certificate to one holding a certificate from a state having complete reciprocal relations with Minnesota, though such certificate was obtained, through reciprocity, from a state not having reciprocal relations with Minnesota. *Op. Atty. Gen.* (8821), Sept. 7, 1940.

### 5703. Fee for examination and certificate.

Board might adopt a rule allowing applicants who have passed two subjects out of three re-examined in third without payment of an additional fee, but where he fails a second time in same subject and desires to be re-examined, he would be required to pay another fee of \$25, for which he would be entitled to examination in all subjects. *Op. Atty. Gen.* (8821-1), Oct. 23, 1940.

Board may refund fee if application is rejected and person not permitted to take examination or given a certificate, and board may therefore, adopt practice of holding checks of applicants attached to application and returning them in event they are rejected. *Id.*

### 5704. Revocation and reinstatement of certificates of certified public accountants.

There is no authority for attendance of attorney general at a preliminary hearing. *Op. Atty. Gen.*, (882B), Jan. 6, 1940.

While there is no provision for a preliminary review of the facts, accountant should not complain of a preliminary informal hearing which might avoid necessity of filing a formal complaint, though there can be no formal hearing without twenty days' written notice. *Id.*

## BASIC SCIENCES AND PRACTICE OF HEALING

### 5705-6. Applications for examinations of persons desiring to practice healing—Etc.

Board may entertain new application for examination from doctor whose license was revoked and may prescribe such examination as deemed suitable, and may take into consideration fact that applicant has previously been licensed. *Op. Atty. Gen.*, (303B), Jan. 3, 1940.

### 5705-9. Certificates without examination to practitioners from other states, etc.

Where examinee failed his examination and applied for admittance to and passed examination of another state, with whom reciprocity has been established, board may refuse to accept reciprocity, in its discretion. *Op. Atty. Gen.*, (303a-11), April 18, 1940.

## UNFAIR PRACTICES AFFECTING PUBLIC HEALTH

### 5705-32. Application—Rules.

Minnesota, Wisconsin and New Mexico Acts are similar, and there is not sufficient distinction between them to influence holding contrary to court construction by Minnesota and Wisconsin courts of Minnesota and Wisconsin Acts in New Mexico courts as to New Mexico Acts. *Arnold v. B.*, 109Pac(2d)(NM)779.

### 5705-34. Assessments for expense.

Members of hairdressing board permitting its funds to be used for trade commission purposes are personally liable for unlawful disbursement. *Op. Atty. Gen.*, (33B-2), May 14, 1940.

## PHYSICIANS AND SURGEONS

### 5707. Examination and license—Revocation.

Recovery from a malpracticing physician must rest on negligence and proof thereof. *McGough v. M.*, 287NW 857. See *Dun. Dig.* 7488.

One injured by malpracticing physician is entitled to recover all compensatory damages naturally and proximately flowing from the negligence. *Id.* See *Dun. Dig.* 7493.

Uncontradicted evidence tending to show that a doctor's habitual method of diagnosis has no scientific basis and is a species of quackery, held sufficient to justify board of medical examiners in suspending his license. *Minnesota State Board of Medical Examiners v. Schmidt*, 292NW255. App. dism'd and cert. den. 61SCR135.

Where hearing before board of medical examiners was adjourned without taking testimony of three witnesses for doctor and there was no showing that testimony would have been relevant to his methods of diagnosis, there was no prejudicial error in denying a continuance in order to take it. *Id.* See *Dun. Dig.* 7483.

Proper foundation held not laid for opinion given at trial by physician to effect that defendant in malpractice case did not exercise proper skill in treating varicose veins by an injection. *Simon v. L.*, 292NW270. See *Dun. Dig.* 7494.

Since act makes provision for notice and opportunity to be heard, with right of review by appeal to district court on questions of both law and fact so that any error may be corrected, injunctive relief will not be granted at suit of one who has as his basis for such relief merely fear that proceedings to discipline him may be brought. *Fisch v. S.*, 292NW758. See *Dun. Dig.* 7483.

A fraternal organization employing and paying physician to care for members cannot interfere by injunction with any proceedings that may be brought by board of medical examiners to revoke license of physician for unprofessional conduct in being employed by a corporation. *Id.*

Disciplinary proceedings for offenses committed before adoption of Business and Professions Code and simultaneous repeal of Medical Practice Act, held not barred since the provisions of the old act were reenacted and restated in the new act. *Sobey v. M.*, 104Pac(2d) (Cal)868.

## CHIROPRACTORS

### 5731. Recording of licenses—Rules and regulations—Chiropractics not practice of medicine, surgery, or osteopathy.

Osteopaths and chiropractors may be excluded by regulation of governing board of public hospital. *Op. Atty. Gen.*, (1001a), Jan. 30, 1940.

## NURSES

### 5751. Applicants registered in other states.

Where nurse, after failing in her Minnesota state board examination, passed state board examination of another state having equivalent qualifications, board has no authority to refuse a license. *Op. Atty. Gen.*, (905E), Oct. 23, 1939.

## CHIROPODY

**5774. False registration—Practice without license—Advertising as practitioner—Penalties.**

There should be no prosecution for mere technical violations as to advertising. Op. Atty. Gen., (546f), Jan. 9, 1940.

## OPTOMETRISTS

**5789. Who are optometrists.**

Ownership and possession by an unlicensed dealer in eyeglasses of eye testing apparatus for exclusive use of a duly licensed optometrist employed by him to conduct his business of selling eyeglasses is fairly and properly incident to such business and not unlawful. State v. Goodman, 288NW157.

One not licensed as an optometrist may engage in business of selling eyeglasses at retail, provided a duly licensed optometrist is placed in charge and personally attends to sales. Id.

A person who is not registered as an optometrist and who does not employ an optometrist is permitted to sell or replace focus or ophthalmic lenses. Op. Atty. Gen., (329c), Oct. 6, 1939.

**5792. Annual fees.**

It is optional with board to revoke certificate of non resident licensee because of failure to pay annual fee, and in such case there is no provision for reinstatement, except under §5790. Op. Atty. Gen., (329B), March 6, 1940.

## PHARMACISTS

**5808-6. Powers and duties.**—The State Board of Pharmacy shall have the power and it shall be its duty:

- (a) To regulate the practice of Pharmacy.
- (b) To regulate the sale of drugs, medicines, chemicals and poisons.

(c) To regulate the quality of all drugs and medicines dispensed in this state, using the United States Pharmacopeia and the National Formulary, or any revisions thereof, as the standard.

(d) It may, by its duly authorized representative, enter and inspect any and all places where drugs, medicines, chemicals and/or poisons are sold, vended, given away, compounded, dispensed or manufactured. It shall be unlawful for any persons to refuse to permit or otherwise prevent such representative from entering such places and making such inspection.

(e) To examine and register as pharmacists all applicants whom it shall deem qualified to be such.

(f) To suspend or revoke pharmacist or assistant pharmacist licenses issued by it, upon any of the following grounds:

- (1) Fraud or deception in connection with the securing of such license;
- (2) Conviction of the holder in any court of a felony;
- (3) Conviction of the holder in any court of an offense involving moral turpitude;
- (4) Habitual indulgence in the use of narcotics or intoxicating liquors;
- (5) Unprofessional conduct or conduct endangering public health;
- (6) Gross immorality;
- (7) Employing, assisting or enabling in any manner an unlicensed person to practice pharmacy;
- (8) For violation of any of the provisions of this act; provided that before the board shall order any such suspension or revocation it shall, on its own motion, cause an investigation to be made and shall issue a citation under the seal of the board and signed by the secretary directing and requiring the holder of the license to show cause on a certain day, why his license should not be suspended or revoked on the grounds specified therein; and the holder of the license shall be given 20 days' notice of the hearing and the licensee shall be entitled to be represented by legal counsel. A certified copy of the conviction of any pharmacist or assistant pharmacist shall be conclusive evidence of the conviction in any proceeding before the board. A stenographic record shall be kept of all proceedings. The action of the board in suspending or revoking a license hereunder shall be subject to review at the election of the licensee by a writ of certiorari brought in the

district court of Hennepin county, or by appeal to said court or the district court of the county in which the licensee resides, in which event the matter shall be tried de novo. The action of the board shall stand until otherwise directed by the district court or the supreme court of the state of Minnesota upon appeal. Any pharmacist or assistant pharmacist whose license has been suspended or revoked may be reinstated or a new license issued to him as the case may be, when in the discretion of the board the action is warranted, provided such pharmacist or assistant pharmacist shall pay all costs of the proceedings resulting in the suspension or revocation of the license and reinstatement of the new license, and in addition thereto pay a fee of \$25.00.

(g) To report its proceedings annually to the governor with such information and recommendations as it deem proper, giving the names of all pharmacists registered during the year, and the items of its receipts and disbursements.

(h) To employ necessary assistants, and make rules for the conduct of its business.

(i) To perform such other duties and exercise such other powers as the provisions of the act may require.

(j) For the purposes aforesaid, it shall also be the duty of the board to make and publish uniform rules and regulations not inconsistent herewith, for carrying out and enforcing the provisions of the act. (As amended Act Mar. 28, 1941, c. 78, §1.)

**5808-10. Qualification of applicants.**—To be entitled to examination by the board as a pharmacist, the applicant shall be a citizen of the United States, of good moral character, at least 21 years of age, and shall be a graduate of the College of Pharmacy of the University of Minnesota or of a college or school of pharmacy in good standing of which the board shall be the judge, and shall have at least one year of practical experience in a pharmacy. Provided, however, that any person who was qualified and lawfully entitled to be examined by the board as a pharmacist under the laws in force immediately prior to the enactment of Laws of 1937, Chapter 354, and who had filed sworn statement of proof with the board prior to March 29, 1930, but was disqualified from taking such examination because of the enactment of Laws of 1937, Chapter 354, may take such pharmacists' examination up to and including two years after the approval of this act. (As amended Act Mar. 28, 1941, c. 78, §2.)

## EMBALMERS

**5817. License required—what constitutes practice; etc.**

Coroner after examination of body had no authority to direct embalming without authority of parents of deceased, and both coroner and undertaker were liable for damages. Sworski v. S., 293NW309. See Dun. Dig. 2599.

## BARBERS

**5846-2. What constitutes barbering.**

Hospital orderlies compensated by salary only shaving and cutting hair of patients are engaged in barbering if purpose is to beautify patients, but not if for health or sanitary reasons. Op. Atty. Gen., (33a-1), March 29, 1940.

**5846-6. Who may receive certificate of registered apprentice.**

In event an applicant seeks another certificate of registration as an apprentice after expiration of first certificate, board is compelled to issue it if applicant continues to possess original qualifications. Op. Atty. Gen. (33a-1), Jan. 6, 1941.

**5846-7. Qualifications of barber school students.**

If vocational high school maintaining a course in barbering desires to help its graduates qualify for license, it should ask legislature to amend this section, in view of prerequisite of 1000 hours of instruction to be completed within 6 months. Op. Atty. Gen. (33a-8), Nov. 27, 1940.

# HAIR DRESSERS AND BEAUTY CULTURISTS

**5846-28. Definitions—Places where taught or practiced.**—For the purposes of this act the following definitions shall be adopted and understood to be included with the meaning of the act.

(a) Any person who engages in the practice for compensation or other reward in any one or any combination of the following practices, to-wit: arranging, dressing, curling, waving, cleansing, singeing, bleaching, coloring, or similar work upon the hair of any living person by any means, or hair trimming of women, as a part of women's hairdressing; the use of cosmetic preparations, antiseptics, tonics, lotions, or creams, aided with the hands or mechanical or electrical apparatus, or appliances used in massaging, cleansing, stimulating, manipulating, exercising, beautifying the scalp, face, neck, arms, bust or upper part of the body for the purposes of beautification, shall be defined as and construed to be practicing hairdressing and beauty culture, provided, however, that no provision of this act shall in any manner be construed to apply to manufacturers of cosmetics, or their representatives or employees.

(b) An operator is any person who has secured a license to engage in and engages in the practices as defined in subsection (a) hereof named within this act.

(c) A manager-operator is any person of legal age who owns, operates, conducts or manages a hairdressing and beauty culture shop or school; or who instructs in practical hairdressing and beauty culture work; provided, however, that it shall be lawful for any person to own, operate, conduct or manage a hairdressing and beauty culture shop or school without being licensed as a manager-operator if such person does not instruct in or practice any of the practices as defined in this act but does employ one or more manager-operators in said shop or school to manage same or instruct therein.

(d) Hairdressing and beauty culture shall be practiced only in a room or rooms not used for sleeping or residential purposes, completely partitioned off from living quarters and shall be equipped with hot and cold running water and with sewer connections. Where water and sewer connections are not available, there must be maintained a proper receptacle for hot water of a capacity of not less than five gallons, and such cesspool or other method for the disposal of sewage and waste matter as may be approved by the local health authorities or local municipal ordinances.

(e) All beauty shops shall be registered with the board by the owners thereof, before commencing operations and annually on or before June 30, upon blanks provided for such purposes by the board showing the names of the owners and the location of such shops, and no such shops shall be permitted to operate without such registration.

(f) Hairdressing and beauty culture shall be taught in a room or rooms not used for sleeping or residential purposes and such rooms must be equipped with sufficient hot and cold running water and with sewer connections to insure sanitation for all students in attendance. Text books and charts and proper equipment necessary to conduct a school efficiently must be maintained by the school.

(g) A school of hairdressing and beauty culture is a place where any person, firm or corporation operates and maintains a class to teach beauty culture as defined under this act. (As amended Act Apr. 28, 1941, c. 490, §1.)

Provision requiring manager-operator of a hairdressing and beauty culture shop to be of legal age is constitutional. Op. Atty. Gen. (33B-1), Aug. 22, 1940.

(c). A woman does not become of legal age when she marries. Op. Atty. Gen. (33B-9), Sept. 28, 1940.

(g). Person or firm teaching advance beauty culture to licensed hairdressers is conducting a hairdressing school and must be licensed, whether students hold Minnesota licenses or licenses from other states. Op. Atty. Gen., (33B-10), Dec. 6, 1939.

In event of dissolution of co-partnership holding approval and permit, approval will inure to benefit of remaining partner or purchaser. Op. Atty. Gen., (33B-10), March 6, 1940.

Demonstration or exhibition at convention or beauty culture and hairdressing show would not require school license. Op. Atty. Gen. (33B-10), Oct. 28, 1940.

**5846-29. Board of hairdressing and beauty culture examiners—Members—Seal.**—For the purposes of this act there is hereby created and established a board to be known by the name and style of state board of hairdressing and beauty culture examiners, which shall consist of three members, no more than two of whom shall reside in cities of the first class, and all of whom shall reside in the state of Minnesota, and shall have an official seal. (As amended Act Apr. 28, 1941, c. 490, §2.)

**5846-30. Same—Appointment—Qualification—Terms—Removal—Oath of office.**—Within 60 days after the passage of this act, the governor shall appoint the members of the state board of hairdressing and beauty culture examiners, each of whom shall have had five years of experience and practice in this state in the occupation and practices as named within this act; one to serve one year, one to serve two years, and one to serve three years, or until their successors are duly appointed and qualified, and thereafter the term of each member shall be three years. The governor may remove any member of the board with or without cause. The board members shall be citizens of this state and shall not be members of, nor affiliated with any school duly approved and teaching the practices as defined herein, while a member of the board, nor shall any two members of said board be graduates of the same school, or system of schools teaching the practices as defined herein. Each member of the board shall take the oath provided by law for public officers. (As amended Act Apr. 28, 1941, c. 490, §3.)

**5846-31. Same—Meetings—Officers—Executive secretary—Quorum—Rules—Records.**—Said board shall within 30 days after being so appointed, and annually on the second Tuesday of each year thereafter, assemble at the capitol building, at St. Paul, Minnesota, and then and there organize by electing a president and vice-president, to serve until their successors are elected and qualified. Said board shall then appoint an executive secretary and such assistants, inspectors and clerical help as it may deem necessary to perform the work of said board. The appointment of said executive secretary shall be made in accordance with the rules and regulations to be adopted by said board and shall be chosen upon the basis of his experience, training and general qualifications for the work. His salary and necessary expenses incurred in the transaction of the business of said board, and the salaries and necessary expenses of assistants, inspectors and clerical help shall be fixed by the board; provided, however, that the total sum of money to be expended for the salary of the said executive secretary, assistants, inspectors and clerical help and other necessary expenses connected with said work shall not exceed the sum of \$15,000 per annum.

The board shall maintain an office for the conduct of its business, which shall be in charge of the executive secretary.

Said executive secretary and such other persons as are charged with, and actually handle the funds of the board shall provide to the state of Minnesota a corporate surety bond in the amount of \$10,000.

(a) Said board shall meet for the purposes of examining applicants for license and of examining and granting applications for license at the state capitol building in St. Paul not less than four times of each year, said times to be designated by the board, and at such other meetings during each year, the time and place of which the board shall designate.

(b) A quorum for the transaction of business of the board shall consist of at least two-thirds of the members of said board.

(c) It shall have power to formulate rules for the proper administration of its business.

(d) The secretary shall keep a record of all the board's official proceedings and said record shall be prima facie evidence of all matters therein recorded. No meeting of the board shall continue for a period of more than ten days, without the consent of the state department of administration and finance.

(e) The executive secretary of the board shall be charged with the supervision of the records of receipts and disbursements of the board.

(f) No board member shall make routine inspection of shops engaging in the practices herein, but such inspections shall be made by the employees of the board. (As amended Act Apr. 28, 1941, c. 490, §4.)

Inspector of board can perform only such functions as title indicates and may examine permits and make reports, but criticism and reprimand of licensees is a function of the board which cannot be delegated to inspector. Op. Atty. Gen. (33B-11), July 16, 1940.

A special examination may be given in one subject to a pupil who has failed only in that subject, and it is not necessary for entire board to be present. Op. Atty. Gen. (33B6), Feb. 28, 1941.

#### **5846-32. Same—Secretary-treasurer; etc. [Repealed.]**

Repealed. Laws 1941, c. 490.

Supervision of employees is vested in secretary-treasurer subject to board. Op. Atty. Gen. (33B-11), July 16, 1940.

**5846-33. Same—Compensation and expenses of members.**—Each member of the board shall receive the sum of \$10.00 for each day employed in the actual discharge of his official duties, and any necessary expenses incurred incidental thereto. Compensation and expenses of and for the board shall be paid out of the funds of the board deposited in the state treasury and not otherwise. (As amended Act Apr. 28, 1941, c. 490, §6.)

Op. Atty. Gen., (33B-2), May 14, 1940; note under §5846-44.

Members may act as inspectors and receive \$10 per diem for this service. Op. Atty. Gen., (33B-2), March 11, 1940.

**5846-34. Qualifications of applicants for examinations and licenses—License fees.**—(a) The board shall determine the qualifications of each applicant for examination on the following basis:

(1) Such proof as the board by rule may require of good moral character.

(2) Such proof as the board by rule may require that the applicant is free from contagious or infectious disease.

(3) That the applicant is at least 16 years of age.

(4) That the applicant shall provide the board with a certificate from a school of beauty culture, approved by the board, as herein referred to and described showing that the applicant has satisfactorily completed all the courses of instruction provided by said approved school which said certificate shall be signed and verified by the individual owner or owners of said approved school if owned by an individual or partnership, or the proper and lawful officer if a corporation.

Provided further that in any case, that before such applicant shall be eligible to receive such certificate, such applicant shall have received in accordance with the curriculum established by the said board no less than 1,250 hours of instruction in theory and practice in classes actually attended by him.

(5) Payment of an examination fee of \$5.00.

(b) Upon the determination by the board of the sufficiency of the qualifications of the applicants for examination as an operator, the board shall conduct theoretical examinations and practical examinations in accordance with rules promulgated and prescribed by said board.

Such examination shall include both practical demonstrations and written or oral tests, and shall not be confined to any specific system or method of hairdressing and beauty culture, and such examination shall be consistent with the practical and theoretical requirements as provided by this act. If a student shall fail to pass such examination, he or she shall be

required to take further training before being admitted to another examination, such further training time shall be specified by the board but shall not exceed 200 hours, upon compliance with all provisions herein contained referring to schools together with compliance with the rules and regulations lawfully prescribed hereunder.

(c) A manager-operator may be licensed as such under this act upon the payment of a fee of \$10.00 provided that he or she has practiced as an operator under the supervision of a manager-operator in this state for at least one year, and upon complying with all other requirements applicable to a manager-operator as provided for in this act.

(d) Renewal license fees shall be as follows:

For operator ..... \$2.00

For manager-operator ..... 3.00

(As amended Act Apr. 28, 1941, c. 490, §7.)

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.

There is no provision in the law requiring any training whatsoever in any beauty school or that applicant has completed any course of study in any beauty school or had attended any beauty school for any number of hours whatsoever. Op. Atty. Gen. (33B-10), Jan. 8, 1941.

A special examination may be given in one subject to a pupil who has failed only in that subject, and it is not necessary for entire board to be present. Op. Atty. Gen. (33B-6), Feb. 28, 1941.

Where student has practical work in one school and theory in another, school giving practical work should give the examination. Op. Atty. Gen. (33B-10), Mar. 21, 1941.

(a).

One without an 8th grade school education or an equivalent is not entitled to take examination under any circumstances. Op. Atty. Gen. (33B-6), Mar. 20, 1941.

**5846-35. Temporary licenses to operators.**—The board, through its secretary, shall grant to graduates of approved schools, upon the payment of \$1.00 as a fee, temporary licenses authorizing such graduates to practice as an operator, under the supervision of a licensed manager-operator, in the practice of hairdressing and beauty culture for a period of not to exceed 90 days, or until the next examination for license is held by the board. No such temporary license shall be issued except upon the presentation by the applicant of a certificate of graduation from a duly approved school under the provisions of this act. (As amended Act Apr. 28, 1941, c. 490, §8.)

A temporary license or permit may be granted to out-of-state school graduates, licensed or not, pending results of Minnesota examination, but second temporary permit may not be granted. Op. Atty. Gen., (33B-9), Feb. 7, 1940.

A temporary license may be issued to a delinquent operator or manager operator who has paid penalty and taken examination and is waiting for results of examination. Op. Atty. Gen. (33B-9), Oct. 11, 1940.

If office of Secretary-Treasurer is vacant and unoccupied there is no proper person who may sign a temporary permit. Op. Atty. Gen. (33B-2), Jan. 22, 1941.

**5846-36. Schools—Approval by board—Information—Financial qualifications—Instruction—Separation of school and professional business.**—Any person, firm or corporation, desiring to establish a hairdressing and beauty culture school shall apply to the board for a certificate of approval for such school, and to have such school rated by the board as an approved school in hairdressing and beauty culture and placed upon its list of such approved schools, upon complying with the following provisions: each applicant whether individual, firm or corporation, shall prior to the opening of such school, present to such board a verified application containing the following information:

(1) Full name of individual, firm or corporation; including all the members, owners, partners and directors of such firm or corporation, and if the corporation is a foreign corporation, or if the individual persons or partners applying for such certificate of approval are not residents of the state of Minnesota,

then said application shall designate a resident agent for service.

(2) The past occupation of such individual or individuals, firm or corporation, and complete information concerning the occupations of the directors in the case of a corporation.

(3) A complete financial statement showing all the assets and liabilities of the applicant, and if the applicant is an individual or partnership a complete financial statement showing all assets and liabilities of the individual or of the individual partners.

(4) A complete plan of operation setting forth such information relating thereto as the board in its application form may lawfully require. Upon such receipt of such application, the board shall, within 45 days set said application for public hearing. At the time set for hearing of said application, the applicant shall show by competent evidence its qualifications. After the duly held hearing and upon proper showing at said hearing of qualifications of the applicant, the board may then issue a certificate of approval to said school.

The board shall take into consideration the financial qualifications of the applicant and in no case shall the board grant a certificate of approval to any applicant if said applicant fails to show sufficient financial worth and responsibility to properly conduct a school and fails to assure the board that the applicant's financial resources will be ample to maintain and operate said school and assure the graduation of students who are registered with and have paid their tuition to said school.

If the applicant, prior to the issuance to it of a certificate of approval, makes any false or fraudulent statements or in any way misrepresents or makes false statements in its application, said applicant shall be disqualified and no certificate of approval shall be granted to it by the board.

Should any applicant after receiving a certificate of approval from the board be found guilty of committing fraud, the board shall have the authority to revoke and cancel said certificate of approval.

Said certificate of approval shall be transferable only to such persons, individuals or corporations who shall make a showing to the board of financial responsibility, in the same manner as required of an original applicant.

An approved school shall maintain upon its staff one competent and qualified instructor for each 30 students or fraction thereof, and such school shall give and require a course of training and instruction of not less than 1,250 hours of classroom work, divided into classified hours conforming with the curriculum issued by the board, said hours not to exceed eight hours per day, to include both practical instruction and study and recitation in sanitation, sterilization, and the use of antiseptic consistent with the practical and theoretical requirements as applicable to and as provided in this act; and shall comply with all rules and regulations relating to schools as in this act contained. Where the registrant in a school is enrolled for the entire beauty course, then the requirements set forth by this act relating to the hours of study in manicuring may be modified at the discretion of the board.

(b) Any approved school shall display in the entrance reception room of its student section, a sign indicating that all work therein is done exclusively by students. Professional departments of any beauty school shall be run as an entirely separate and distinct business and apart from the school and said professional department shall have separate entrances thereto. The foregoing provision as to 1,250 hours shall not apply to students having duly enrolled in schools prior to the passage of this act.

(c) No school, duly approved under this act, shall refuse to teach any student, otherwise qualified, on account of race, creed or color.

(d) All such schools shall be inspected by the board at least once each year. (As amended Act Apr. 28, 1941, c. 490, §9.)

In granting licenses there must be no unfair discrimination against any particular person or locality or any arbitrary action, and it would be arbitrary to refuse a license solely because business of other citizens who are opposed to grant thereof might be reduced. Op. Atty. Gen., (33B-9), Sept. 18, 1939.

In event of dissolution of co-partnership holding approval and permit, approval will inure to benefit of remaining partner or purchaser. Op. Atty. Gen., (33B-10), March 6, 1940.

Board may not require schools to maintain regular classes, enrolling students on or before certain states so that entire class may receive instruction as a class and complete course within a time certain. Op. Atty. Gen. (33B-10), Jan. 8, 1941.

It is contemplated that school shall be annually subject to determination of approval and mere approval in first instance is no guarantee of continuing approval and board may refuse to grant an annual certificate of approval, unless there is full compliance with the law. Id.

If school certifies that a student has completed a thousand hours of instruction when student has wholly failed and neglected to attend classes as required, school owner is guilty of false certification and is subject to refusal of a license. Id.

**5846-39. Practitioners from other states.**—(a) The board may dispense with and waive the examination for license upon the application of any person who is able to furnish sufficient documentary evidence and proof of having lawfully practiced in another state, which other state extends the same privileges to persons of this state, for a period of at least two years prior to the time of such application for license in Minnesota, and where the requirements both moral and educational, if such applicant is licensed in such other state, are substantially equal to the provisions of this act, upon the payment of the fee for license as provided herein. (As amended Act Apr. 28, 1941, c. 490, §10.)

**5846-41. Display of licenses—Renewal license.**—Every holder of a license granted by the said board, as provided in this act, shall display it in a conspicuous place in his place of business. All licenses shall expire December 31 of the year in which issued, unless renewed as herein provided. The holder of a license issued by the said board shall annually, on or before December 31, renew his license and pay the renewal fee. If such license is not renewed on or before December 31, of the year in which it is issued, but renewed within six months from the date of expiration thereof, such licensee shall pay a penalty of \$5.00, in addition to the renewal fee of an operator's license and \$10.00, in addition to the renewal fee of a manager-operator's license. In the event that such renewal shall be applied for more than six months subsequent to the expiration date of the last license, then such applicant shall be required to take an examination in the same manner as if no license had ever been issued. (As amended Act Apr. 28, 1941, c. 490, §11.)

Licenses expiring on Sunday followed by a holiday may be renewed on Tuesday without penalty. Op. Atty. Gen., (33B-9), Feb. 7, 1940.

Renewal fees mailed Dec. 31, should be accepted though not received until next month, and there should be considered no delinquency where failure to pay on or before Dec. 31, was due to negligent failure of board to furnish blank requested in time. Op. Atty. Gen. (33B-9), Feb. 1, 1941.

**5846-42—Refusal of licenses and renewal licenses—Revocation or suspension of licenses—Reissue.**—The board shall have the following additional powers:

(a) It may refuse to grant or renew a license to a person guilty of fraud in passing examination, or at any time found guilty of a felony, immorality or grossly unprofessional or dishonest conduct, or to a person found by the board after a public hearing as herein provided for to have engaged in advertising by means of false or deceptive statements, or for the failure to display his license in a conspicuous place in his place of business.

(b) It may revoke or suspend licenses, upon proof of violation of the rules and regulations herein set forth, for practicing while having any contagious or

infectious disease, or for gross incompetency; or it may revoke or suspend the license of any manager-operator or operator who permits an unlicensed operator to work upon a customer or patron in any shop or shops.

(c) Provided, however, that before any license shall be revoked, suspended or refused, the holder thereof shall have notice in writing of the charge or charges made and filed against him, and shall at a day specified in the said notice, at least 20 days after the service of said notice, be given a public hearing and full opportunity to produce testimony and evidence in his behalf and to confront the witnesses against him. Said board shall have authority to administer oaths and take testimony. Any person whose license has been so revoked, suspended or refused may on written application to the said board, have the same reissued to him or the suspension lifted upon satisfactory showing that the disqualification has ceased. (As amended Act Apr. 28, 1941, c. 490, §12.)

**5846-44. Fees—Disposition of.**—All fees as provided in this act, shall be paid in advance to the executive secretary of the board and shall be by him deposited in the state treasury and credited to the board. Said funds shall be disbursed by the board only on the order of the president of said board and in payment of expenses lawfully incurred and approved by the board, and with the approval of the State Board of Administration and Finance in these cases set forth heretofore where such approval is required. On the failure to pass an examination for license the fee paid shall not be returned to the applicant, but at any time within one year after such failure such applicant may present himself and take a second examination without the payment of any additional license fee. (As amended Act Apr. 28, 1941, c. 490, §13.)

There is no authority for use of funds for purposes of trade commission, notwithstanding that they may be repaid by monies collected by commission, if and when a code is adopted. Op. Atty. Gen., (33B-2), May 14, 1940.

**5846-48. Agent of foreign corporation, etc.**—Any person, firm, partnership or corporation, not a resident of Minnesota, who engages in the practices hereinbefore set forth in Minnesota, shall file with the board the name and address of a duly authorized agent for service of legal process, which said agent for service shall be a resident of the state of Minnesota. (Act Apr. 28, 1941, c. 490, §14.)

**5846-49. Money available to the Board.**—All money available to the board shall be subject to Laws 1939, Chapter 431, Article II, Section 20. (Act Apr. 28, 1941, c. 490, §15.)

### STALLIONS

#### 5857. Licenses—Recognized registry associations.

What constitutes a recognized registry association is a question of fact to be determined by stallion board, and list set forth in this section is not exclusive, and board can delete names of associations which no longer exist and change names of associations. Op. Atty. Gen. (630B), June 27, 1940.

### ELECTRICIANS

#### 5872. State board of electricity—Definitions.

Monies referred to in §53-47 and §5872, means license and examination fees collected by board, and not fines which are imposed by courts of competent jurisdiction for violations of act, which should be disposed of in accordance with §9707. Op. Atty. Gen., (188), April 9, 1940.

#### 5873. Electrical contractor—Journeyman or special electrician—Licenses—Temporary practice.

Owner of property may wire it himself without a license, subject to furnishing proof of compliance with regulations. Op. Atty. Gen., (188c), Dec. 18, 1939.

A tenant may do wiring for his own benefit without a license, subject to furnishing proof of compliance with regulations by certificate or affidavit, but must have a license if he is to receive compensation or credit from landlord. Id.

A person holding a bonded master electrician's license and signing affidavits for work done in shops not belonging to him and with which he has no connection, and such other shops are operated by unlicensed persons, is probably guilty of perjury, and persons operating other

shops are also violating law. Op. Atty. Gen., (188c), Feb. 21, 1940.

#### 5874. Bond of master electrician; etc.

Statute gives right of action on bond to a person injured by defective work of a master electrician licensed under bond. Graybar Electric Co. v. S., 294NW654. See Dun. Dig. 6794.

#### 5875. Additional fees after passing examinations.

A new bond is required each year. Op. Atty. Gen. (188c), Nov. 15, 1940.

#### 5879. Compliance with rules—Electrical and safety codes as evidence—Etc.

A tenant may do wiring for his own benefit without a license, subject to furnishing proof of compliance with regulations by certificate or affidavit, but must have a license if he is to receive compensation or credit from landlord. Op. Atty. Gen., (188c), Dec. 18, 1939.

Owner of property may wire it himself without a license, subject to furnishing proof of compliance with regulations. Id.

Owner may do electrical work on his own property without a license. Op. Atty. Gen. (788C), May 6, 1940.

### PRIVATE DETECTIVES

#### 5880. License.

Partnership license may not be transferred to new partnership formed by substitution of third person for retiring partner, nor may remaining partner continue business without securing a new license. Op. Atty. Gen., (876B), Oct. 3, 1939.

### CHAIN STORES.

#### 5887-1. Definitions. [Suspended.]

Suspended by Act July 24, 1937, Sp. Sess., c. 93.  
Minnesota v. National Tea Co., 309US551, 60SCR676, rev'g on other grounds 205Minn443, 286NW360.  
National Tea Co. v. State, 294NW230; note under §5887-2(b).

#### 5887-2. Rate of tax. [Suspended.]

Suspended by Act July 24, 1937, Sp. Sess., c. 93.  
(b).  
This section is violative of uniformity clause of constitution. National Tea Co. v. State, 294NW230. See Dun. Dig. 1674, 9140.

#### 5887-3 to 5887-18. [Suspended.]

Suspended by Act July 24, 1937, Sp. Sess., c. 93.

### PLUMBERS

**5887-20. Cities or villages may adopt local regulations—State license to control.**—Any city or village having a system of water works or sewerage, may, by ordinance, adopt local regulations providing for plumbing permits, bonds, approval of plans, and inspections of plumbing, which regulations are not in conflict with the plumbing standards on the same subject prescribed by the State Board of Health. But no city or village shall prohibit plumbers licensed by the State Board of Health from engaging in or working at the business, except cities and villages which prior to April 21, 1933, by ordinance required the licensing of plumbers. (As amended Act Apr. 22, 1941, c. 367, §1.)

City having license law prior to 1933 may not arbitrarily refuse a license to a nonresident plumber who is successful bidder on a contract. Op. Atty. Gen., (338), Feb. 28, 1940.

**5887-22. Plumbers must be licensed in certain cities or villages—Master and journeymen plumbers—Plumbing on one's own premises—Rules for examination.**—

(a) In any city or village now or hereafter having 5,000 or more population, according to the last federal or state census, and having a system of water works or sewerage, no person, firm or corporation shall engage in or work at the business of a master plumber or journeyman plumber unless licensed to do so by the state board of health. A master plumber may also work as a journeyman plumber. Provided, that anyone not so licensed may do plumbing work which complies with the provisions of the minimum standard prescribed by the state board of health on premises or that part of premises owned and actually occupied by him as his residence, unless otherwise forbidden to do so by a local ordinance.

(b) In any such city or village no person, firm or corporation shall engage in the business of installing plumbing nor install plumbing in connection with the dealing in and selling of plumbing material and supplies unless at all times a licensed master plumber, who shall be responsible for proper installation, is in charge of the plumbing work of such persons, firm or corporation.

(c) The state board of health shall prescribe rules and regulations not inconsistent herewith for the examination and licensing of plumbers. (As amended Act Apr. 22, 1941, c. 367, §2.)

Cutting off and cleaning out roots clogging tile connecting the house sewage system with city sewer by use of an electrically powered cutting device, involving no change or disturbance of tile or change or addition to structure thereof, are not "repairs" within the meaning of plumbing ordinance requiring license for such work. *State v. Gottstein*, 288NW221. See *Dun. Dig.* 6794.

In determining whether janitors and others who engage in plumbing work incidental to their positions require a license, facts to be determined are whether plumbing is of a minor nature incidental to ordinary duties or of sufficient magnitude as to justify conclusion that person doing work is engaged in business of a master plumber or journeyman plumber. *Op. Atty. Gen.*, (338), Dec. 4, 1939.

State license required even though plumbing is not major occupation. *Op. Atty. Gen.*, (338), Dec. 22, 1939.

**5887-25. Applications.**—(a) Applications for plumber's license shall be made to the state board of health, with fees. Unless the applicant is entitled to a renewal, he shall be licensed by the state board of health only after passing a satisfactory examination by the examiners showing fitness. Fees for journeyman shall be two dollars for examination and one dollar for renewal, and for the master plumber \$25.00 for examination and \$15.00 for renewal. Licenses shall expire December 31st, but may be renewed upon application made the following January or February, but if in February only upon payment of an additional fee of one dollar for a journeyman and five dollars for a master plumber.

(b) The Board may issue revocable permits pending examination, and to assist in this may appoint, without compensation, and may authorize one of its examiners or plumbing inspectors to hold a special permit examination, the results to be reported in writing.

(c) All persons residing in cities, villages or boroughs which have not heretofore been subject to the provisions of this Act, who shall furnish to the Board within 90 days after the passage of this Act satisfactory evidence that they were actually engaged in the business of a master plumber or journeyman plumber on or before January 1st, 1941, in any city, village or borough of this state, having 5,000 population or more, according to the last Federal or State census, shall be entitled to receive a license as such master or journeyman plumber, respectively, without examination, upon payment of the fees hereinbefore provided. (As amended Act Apr. 22, 1941, c. 367, §3.)

Sec. 4, Act Apr. 22, 1941, c. 367, provides that the act shall take effect from its passage.

#### **5887-29. State license—Examination—Application.**

This section merely refers to language in §5887-22 and is not for purpose of minimizing or enlarging upon language in that section. *Op. Atty. Gen.*, (338), Dec. 22, 1939.

### **STEAMFITTERS**

#### **5887-30d. Steamfitters must be licensed.**

A person employed by a municipal lighting and heating plant who has a chief engineer's license is not required to secure a steamfitter's license in order to make minor repairs, but is required to secure a license to engage in or work at business of a contracting steamfitter, or journeyman steamfitter, and it is not necessary for employees working under supervision of chief engineer to take out a state license. *Op. Atty. Gen.*, (34f), Oct. 18, 1939.

### **PAINTERS AND DECORATORS**

#### **5887-30k. Industrial Commission of Minnesota to supervise painting. [Repealed.]**

Repealed. Apr. 16, 1941, c. 282, §1.  
Act Apr. 16, 1941, c. 282, §2, provides for the refundment of license fees paid for the year 1941, and section

3 provides that the act shall go into effect immediately, but authorizes the continuation of the division of painting standards, for the period necessary for making refunds, not to exceed 90 days.

Legislature was not concerned in protecting person furnishing labor or material, and board could not withhold license to contracting painter who had outstanding bills for labor and materials. *Op. Atty. Gen.* (636a-2), Nov. 13, 1940.

#### **5887-30l. Cities or villages may adopt rules and regulations—Etc. [Repealed.]**

Repealed Apr. 16, 1941, c. 282, §1.

Act Apr. 16, 1941, c. 282, §2, provides for the refundment of license fees paid for the year 1941, and section 3 provides that the act shall go into effect immediately, but authorizes the continuation of the division of painting standards, for the period necessary for making refunds, not to exceed 90 days.

Adoption of act by a city includes adoption of provision allowing only 60 days after passage of law to secure a license without examination, and an additional period may not be allowed by amendment of adopting ordinance. *Op. Atty. Gen.*, (636a-2), Feb. 15, 1940.

#### **5887-30m. Local authorities to report to Industrial Commission. [Repealed.]**

Repealed Apr. 16, 1941, c. 282, §1.

Act Apr. 16, 1941, c. 282, §2, provides for the refundment of license fees paid for the year 1941, and section 3 provides that the act shall go into effect immediately, but authorizes the continuation of the division of painting standards, for the period necessary for making refunds, not to exceed 90 days.

#### **5887-30n. Painters must be registered. [Repealed.]**

Repealed Apr. 16, 1941, c. 282, §1.

Act Apr. 16, 1941, c. 282, §2, provides for the refundment of license fees paid for the year 1941, and section 3 provides that the act shall go into effect immediately, but authorizes the continuation of the division of painting standards, for the period necessary for making refunds, not to exceed 90 days.

(c). Legislature was not concerned in protecting person furnishing labor or material, and board could not withhold license to contracting painter who had outstanding bills for labor and materials. *Op. Atty. Gen.* (636a-2), Nov. 13, 1940.

Journeyman painter taking occasional contract is not required to file a bond. *Op. Atty. Gen.* (636a-1), Nov. 27, 1940.

#### **5887-30o and 5887-30p. [Repealed.]**

Repealed Apr. 16, 1941, c. 282, §1.

Act Apr. 16, 1941, c. 282, §2, provides for the refundment of license fees paid for the year 1941, and section 3 provides that the act shall go into effect immediately, but authorizes the continuation of the division of painting standards, for the period necessary for making refunds, not to exceed 90 days.

#### **5887-30q. Applications—Fees. [Repealed.]**

Repealed Apr. 16, 1941, c. 282, §1.

Act Apr. 16, 1941, c. 282, §2, provides for the refundment of license fees paid for the year 1941, and section 3 provides that the act shall go into effect immediately, but authorizes the continuation of the division of painting standards, for the period necessary for making refunds, not to exceed 90 days.

(d). Adoption of act by a city includes adoption of provision allowing only 60 days after passage of law to secure a license without examination, and an additional period may not be allowed by amendment of adopting ordinance. *Op. Atty. Gen.*, (636a-2), Feb. 15, 1940.

#### **5887-30r to 5887-30t. [Repealed.]**

Repealed Apr. 16, 1941, c. 282, §1.

Act Apr. 16, 1941, c. 282, §2, provides for the refundment of license fees paid for the year 1941, and section 3 provides that the act shall go into effect immediately, but authorizes the continuation of the division of painting standards, for the period necessary for making refunds, not to exceed 90 days.

### **LIQUIDATION OF DEBTS**

#### **5887-53. Bond.**

Secretary of state is obliged to notify those who have secured a permit of fact of expiration of their bond. *Op. Atty. Gen.*, (385a-2), Dec. 20, 1939.

Statute contemplates a continuous bond, rather than one for a fixed term. *Op. Atty. Gen.* (828B), Sept. 23, 1940.

Personal sureties are legally acceptable but sureties may be required to furnish financial statements periodically. *Id.*

### **POULTRY FLOCK INSPECTORS**

#### **5887-70. Violations a misdemeanor.**

Where funds of board are inadequate for purpose of inspection and investigation, violations and complaints coming to attention of board should be referred to county attorney. *Op. Atty. Gen.*, (294), Jan. 31, 1940.