

1944 Supplement
To
Mason's Minnesota Statutes, 1927
and
Mason's 1940 Supplement

Containing the text of the acts of the 1941 and 1943 Sessions 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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\$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.

It is duty of state board of health to refuse to consider any plan for public water supply or waste disposal system prepared by person not holding license as engineer or architect. Op. Atty. Gen., (225m), Mar. 29, 1941.

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.

Section gives board power to require licenses or permits from both public and private institutions in manner of construction and equipment, in respect to sanitary conditions, and authority to issue such licenses carries with it right to charge licensee for cost of issuing license, and reasonable compensation for additional expense or supervision, but Laws 1941, c. 548, §48, requires that all fees be deposited with state treasurer for benefit of general revenue fund. Op. Atty. Gen. (1001A), Mar. 3, 1942.

In order to transport body of one dying from tuberculosis from place of death to funeral home, it must be in charge of a licensed embalmer because tuberculosis is a communicable disease, truck must be either driven by or accompanied by a licensed embalmer, and body must be embalmed, and it may then be turned over to any one for transportation by truck after signing transportation permit, and after body reaches place of burial, funeral must be conducted by a licensed funeral director. Op. Atty. Gen. (225c-2) May 6, 1942.

Private individuals and corporations are subject to regulation 200 of the state board of health, as amended, and must submit plans for approval before constructing a system of water supply, sewerage, or refuse disposal, which affects or tends to affect the public health, though it is not for the use of any considerable number of persons. Op. Atty. Gen. (225m), June 24, 1943.

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.

There is no authority permitting a county board to appropriate the sum of \$200.00 to a county health officer or county medical association for a health program consisting of immunization against diphtheria and smallpox. Op. Atty. Gen., (611-a), July 7, 1941.

There is no statute providing qualifications of an assistant health officer. Op. Atty. Gen. (225i-1), Nov. 18, 1941.

A town supervisor who is a physician and who has been designated as local health officer can draw compensation as health officer in addition to maximum

provided for a member of town board, but a town supervisor who is not local health officer is not entitled to additional compensation for health services performed by him, and compensation to supervisors for acting as members of local health board may be paid out of general township funds, while compensation to local health officers should be paid out of health fund if town has one. Op. Atty. Gen. (225i-4), Apr. 21, 1942.

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., (225i-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., (225i-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.

Procedure for payment of bill of doctor treating and controlling a communicable disease in a family receiving direct relief from another county where it has settlement. Op. Atty. Gen. (611A-6), Feb. 13, 1942.

5352. Allowance and payment of expenses, etc.

A bill for control of contagious disease should be paid from county revenue fund and not welfare fund. Op. Atty. Gen. (107b-8), Dec. 30, 1942.

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.

Whether or not several school districts may join in hiring a school nurse, each school board is authorized to hire a public health nurse for such period of a week or month as it deems necessary and other school boards in area may hire same nurse for remaining periods of time. Op. Atty. Gen. (905F), Sept. 18, 1941.

5353-4. Same—Lists of nurses furnished by state board of health.

A program of social hygiene concerned primarily with instruction in social hygiene and with class room work on social hygiene is a responsibility of the department of education and not the department of health, and duties of school nurses should not involve instruction of pupils except perhaps to a very limited extent. Op. Atty. Gen. (170b), July 7, 1943.

5353-6. Same—County nurses detailed to act with county board, etc.

County nursing committee must serve without compensation or reimbursement for expenses. Op. Atty. Gen. (905b), Nov. 17, 1943.

5354. Vital statistics—State board to have charge.

War time, daylight saving or standard time, whichever may be in effect, shall be followed in making out

birth and death certificates. Op. Atty. Gen. (83f), Apr. 20, 1942.

Procedure as between local and state offices as to corrections in birth and death record and certificates and previously unreported births. Op. Atty. Gen. (225l), May 21, 1943.

5355. Primary registration districts; etc.

City health officer is not required to use a seal upon issuance of certified copies of birth and death certificate since they have no official seals, but their certificates may be authenticated by a certificate from city clerk authenticating the certificate and signature of the health officer. Op. Atty. Gen. (225l), Oct. 13, 1942.

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., (225j), 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.

Delayed certificate to contain same data as certificate at time of birth, and additional documentary evidence when possible. Op. Atty. Gen. (225i), March 11, 1943.

Procedure as between local and state offices as to corrections in birth and death record and certificates and previously unreported births. Op. Atty. Gen. (225l), May 21, 1943.

Surname that of mother where mother divorced before birth of child and her maiden name restored. Op. Atty. Gen. (225i), Sept. 9, 1943.

5357. Death certificate—form and contents.—The undertaker or person acting as such at the burial, cremation or other disposal of the body of any person dying in this state, shall obtain and file with the local registrar of the district in which the death occurs, a certificate of death containing:

(a) A statement authenticated by the signature of some person cognizant of the facts, specifying:

1. Place of death, including state, county, city, village or town, with the name of the street and house number, or in lieu thereof, the name of the hospital or other private, public or state institution; if in such institution. If in an industrial or mining camp, or mine, the name of the camp or mine.

2. Full name of deceased. If an unnamed child the surname preceded by "unnamed."

3. Male or female.

4. Color or race—as white, colored, Indian, Chinese or other.

5. Single, married, widowed or divorced.

6. Date of birth, including year, month and day.

7. Age in years, months and days. If less than one day, the hours or minutes.

8. Occupation. If the person had any remunerative employment, statement of the trade, profession, or particular kind of work, or the general nature of the industry or business engaged or employed in.

9. Birthplace; state or foreign country.

10. Name of father, provided that if the deceased was of illegitimate birth the name or residence of, or other identifying details relating to the putative father shall not be entered without his consent, except as provided in Section 5365-A.

11. Birthplace of father; state or foreign country.

12. Maiden name of mother.

13. Birthplace of mother; state or foreign country.

14. Whether the deceased ever served in the armed forces of the United States, and, if so, the name of the cemetery in which buried, with the lot and block number of the grave.

(b) A medical certificate which shall be subscribed by the attending physician together with his address

and date of making, stating fact and time of death, giving year, month, day and hour; time of attendance; when last seen alive; the disease or injury causing death, with contributory cause or complication and the duration of the illness; if from violence, the means and circumstances of the injury and whether indicating accident, suicide or homicide. When the physician cannot certify the cause of death because of a pending autopsy or incomplete findings he may substitute for the cause, the words "Cause not yet determined". Provided, that the medical certificate shall be made and subscribed by the coroner whenever the cause of death is investigated by him. Provided, further, that in cities of the first, second and third class the health officer, and in towns, villages and cities of the fourth class the local registrar, or a sub-registrar, shall make and subscribe the medical certificate for any death occurring therein without medical attendance or investigation by the coroner. If the local registrar, or sub-registrar, is unable to determine the cause of death, he shall refer the case to a physician, or to the coroner, for certification.

(c) When the death occurs in a hospital or other institution or place, other than the home of the deceased, a statement of the length of time at the place of death, length of time in the state, usual place of residence, and where the disease was contracted.

(d) A statement showing place and date of burial signed by the undertaker with his address.

(e) In the case of a child dead at birth, a certificate of birth having the word "still-birth" inserted in place of the name, and also a certificate of death shall be made and filed with the local registrar, and a burial permit issued as hereinafter provided. The medical certificate shall be signed by the attending physician and shall state the cause of death as "still-born" with the cause of the still-birth, whether a premature birth, and if so, the period of uterogestation in months. Provided, that a certificate of birth or death shall not be required for a child that has not advance the fifth month of uterogestation.

(f) In cases of still-births occurring without an attending physician the medical certificate shall be made and subscribed as is herein provided in case of death without medical attendance.

(g) Whenever the state registrar shall receive a death certificate which is incomplete or inaccurate, he shall endeavor to secure information relative to any errors or omissions, and shall make corrections on the original in red ink when additional information is secured; provided, that whenever a certified copy of any such corrected death certificate is issued, the corrections shall be shown on the certified copy in red and the provisions of this act shall be printed or typed on the form used for such certification.

(h) Whenever it satisfactorily appears to the state registrar that a death record contains errors or omissions or is false in some respect he may attach a statement of the true facts to the same. (As amended Apr. 6, 1943, c. 310, §1.)

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.

Procedure as between local and state offices as to corrections in birth and death record and certificates and previously unreported births. Op. Atty. Gen. (225l), May 21, 1943.

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.)

[145.30]

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.)

[145.31]

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, he 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.)

[145.32]

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.)

[145.33]

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., (225l), May 15, 1940.

5364. State registrar to preserve certificates; etc.

Birth and death records deposited by local registrars with Minnesota Historical Society for years previous to 1908 need not be turned over to state registrars or local registrars. Op. Atty. Gen. (225L), Sept. 3, 1941.

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.

Where local registrar was a village recorder, who was not entitled to office, fees for registering birth and death certificates by him should be paid to the person entitled to the office, if they have not been paid to the de facto officer. Op. Atty. Gen. (470F), Mar. 17, 1942.

Procedure as between local and state offices as to corrections in birth and death record and certificates and

previously unreported births. Op. Atty. Gen. (225j), May 21, 1943.

D.

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

5366. Certified copies of record as evidence.

A certificate of death, being only prima facie evidence of the cause of death, may be contradicted and explained. *Harris v. Wood*, 214M492, 8NW(2d)818. See Dun. Dig. 3348.

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

Public has right of access to records of births and deaths at any reasonable time, except part thereof disclosing facts that any child is illegitimate. Op. Atty. Gen. (225L), Oct. 20, 1941.

City health officer is not required to use a seal upon issuance of certified copies of birth and death certificate since they have no official seals, but their certificates may be authenticated by a certificate from city clerk authenticating the certificate and signature of the health officer. Op. Atty. Gen. (225j), Oct. 13, 1942.

Social security number and thumb prints on back of certified copy of birth register are not covered by certificate and not a part thereof. Op. Atty. Gen. (225j), Aug. 27, 1943.

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.

No procedure is provided for removal of afflicted person to hospital where he refuses to go, and sheriff has no authority to take patient to sanatorium against his will. Op. Atty. Gen. (611a-8), Nov. 12, 1942.

5388-3. Medical and other supplemental care of discharged tuberculosis patients.—The medical and other supplemental care of tuberculous 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.)

[251.08]

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.) [251.09]

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.) [251.10]

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.) [251.11]

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.) [251.12]

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.) [251.13]

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.) [251.14]

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., 208M201, 293NW309. See Dun. Dig. 2599.

5393. What bodies exempted.

Those in charge of public institutions have not performed their full duty by passively waiting for thirty-six hours after death of an inmate for some person to assert a claim to the body, and if it is known that person has relatives, those in charge should inquire of such relatives, if they can be found, concerning their wishes relative to disposition of the body, and if relatives are indifferent and assert no claims, then body may be disposed of in manner provided by statute. Op. Atty. Gen. (88a-27), May 13, 1942.

CHAPTER 29A

Regulation of Hospitals and Related Institutions

5394-25. Hospitals must obtain licenses.—No person, partnership, association or corporation, nor any state, county or local governmental units, nor any division, department, board or agency thereof, 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.

Hospital, sanatorium, rest home, nursing home, boarding home, and other related institutions, within the meaning of this act, shall mean any institution, place, building or agency in which any accommodation is maintained, furnished or offered for the hospitalization of the sick or injured or care of any aged or infirm persons requiring or receiving chronic or convalescent care. Provided, however, nothing in this act shall apply to hotels or other similar places that