

CHAPTER 145.

Plumbing.

145.01 History: 1931 c. 431 s. 2; Stats. 1931 s. 145.01; 1943 c. 100; 1965 c. 661; 1969 c. 366.

145.02 History: 1931 c. 431 s. 2; Stats. 1931 s. 145.02; 1943 c. 99; 1955 c. 221 s. 48; 1965 c. 661; 1969 c. 366 ss. 84, 117 (1) (a), (j).

On exercises of police power see notes to sec. 1, art. I; and on delegation of power see notes to sec. 1, art. IV.

The principles applicable to a determination by the state board of health as to the reasonableness of requirements for sufficient standards of plumbing installations are stated in *Josam Mfg. Co. v. State Board of Health*, 26 W (2d) 587, 133 NW (2d) 301.

A rule made by the state board of health under 145.02 (4), Stats. 1931, amending an existing rule by extending the period of journeyman-ship from 3 to 5 years before an applicant is eligible to file an application for a master plumber's license, is valid and applies to all examinations to be taken for a master plumber's license after the rule was adopted. 22 Atty. Gen. 397.

All work dealing with providing safe, pure water for human consumption and disposition of water so used must be performed by a licensed plumber. 26 Atty. Gen. 187.

Experience gained by an employe in an establishment wherein work is limited to maintenance and repair, who was neither indentured nor registered with the state board of health as an apprentice and who was not working under the supervision of a master plumber and who had no trade school attendance or participation in trade extension courses, does not meet the intent of 145.01 (3) and 145.02 (4), Stats. 1955, and a rule promulgated thereunder by the board relating to registration for journeyman plumber's license. 45 Atty. Gen. 270.

145.03 History: 1931 c. 431 s. 2; Stats. 1931 s. 145.03; 1937 c. 349; 1943 c. 98, 132; 1955 c. 10; 1965 c. 433 s. 121; 1965 c. 661; 1967 c. 291 s. 14; 1969 c. 276 s. 584 (1) (b); 1969 c. 366 ss. 85, 86, 87, 117 (1) (a).

145.04 History: 1931 c. 431 s. 2; Stats. 1931 s. 145.04; 1965 c. 661; 1969 c. 366 s. 117 (1) (a), (j).

No city, village, township, county, or metropolitan sewerage district can lawfully require a plumber duly licensed by the state to post an indemnity bond or public liability insurance policy as a prerequisite to operate in such district. 51 Atty. Gen. 24.

145.05 History: 1931 c. 431 s. 2; Stats. 1931 s. 145.05; 1943 c. 100; 1969 c. 366 s. 117 (1) (j).

145.06 History: 1931 c. 431 s. 2; Stats. 1931 s. 145.06, 145.13 (1) (intro.) and (a); 1949 c. 588; 1963 c. 179 ss. 1, 3; 1965 c. 661 ss. 10, 15; Stats. 1965 s. 145.06; 1967 c. 97; 1969 c. 366 s. 117 (1) (a).

A conviction of a person, who was not a master plumber, for installing plumbing by connecting water softeners to the water-supply system, without a licensed master plumber in charge, is set aside for failure of

proof that a master plumber was not in charge. *State v. Clack*, 257 W 167, 42 NW (2d) 491.

A city ordinance which provides that no plumbing or drain laying may be done for remuneration except by a licensed plumber does not conflict with 145.06 (1), Stats. 1947, which provides generally that no person shall engage in or work at the business of a master or journeyman plumber unless licensed to do so by the state board of health. The work must, however, be done under the supervision of a licensed master plumber by virtue of 145.06 (2) subject to the exceptions to this section provided by 145.13. 36 Atty. Gen. 381.

36 Atty. Gen. 381 reconsidered and modified to conform to subsequent amendment of 145.06 (1), by ch. 588, Laws 1949. 42 Atty. Gen. 113.

145.07 History: 1931 c. 431 s. 2; Stats. 1931 s. 145.07; 1955 c. 10; 1963 c. 179; 1965 c. 661; 1969 c. 366 s. 117 (1) (a).

Under 145.07 (1), Stats. 1963, a license should be given to all not previously licensed who were engaged in a limited area of the plumbing field and not in all phases of plumbing. 53 Atty. Gen. 195.

145.07 (1), Stats. 1967, requires only a showing that the applicant was actively engaged in the practical installation of plumbing in Wisconsin, and the experience need not necessarily be all in compliance with local and state laws. 57 Atty. Gen. 208.

145.08 History: 1931 c. 431 s. 2; Stats. 1931 s. 145.08; 1947 c. 288; 1963 c. 106; 1965 c. 661; 1969 c. 366 s. 117 (1) (a).

145.09 History: 1931 c. 431 s. 2; Stats. 1931 s. 145.09; 1965 c. 661; 1969 c. 366 s. 117 (1) (a), (i).

145.10 History: 1931 c. 431 s. 2; Stats. 1931 s. 145.10; 1969 c. 154; 1969 c. 336 s. 176; 1969 c. 366 s. 117 (1) (a).

145.11 History: 1931 c. 431 s. 2; Stats. 1931 s. 145.11; 1943 c. 100; 1969 c. 366 s. 117 (1) (a).

145.12 History: 1931 c. 431 s. 2; Stats. 1931 s. 145.12; 1969 c. 366.

145.13 History: 1931 c. 431 s. 2; Stats. 1931 s. 145.13; 1949 c. 588; 1957 c. 426; 1961 c. 504; 1963 c. 179; 1965 c. 661; 1969 c. 366 s. 117 (1) (a).

145.14 History: 1965 c. 661; Stats. 1965 s. 145.14; 1969 c. 366 s. 117 (1) (a).

CHAPTER 146.

Miscellaneous Health Provisions.

146.01 History: 1909 c. 59; 1911 c. 663 s. 168; Stats. 1911 s. 1409a—1 to 1409a—4; 1913 c. 344; 1923 c. 448 s. 36a; Stats. 1923 s. 146.01; 1969 c. 366 s. 117 (1) (a).

146.01 (1), Stats. 1953, is applicable only to licensed physicians or licensed midwives attending at the birth of a child. 44 Atty. Gen. 94.

146.02 History: 1965 c. 372; Stats. 1965 s. 146.02; 1969 c. 366 s. 117 (1) (a).

146.03 History: 1921 c. 259 s. 2; Stats. 1921 s. 1418c; 1923 c. 448 s. 39; Stats. 1923 s. 146.03; 1947 c. 579 (140.07 (1)); 1953 c. 227; 1957 c. 172; 1969 c. 366 s. 117 (1) (a).

146.04 History: 1913 c. 297; Stats. 1913 s. 1418s; 1915 c. 43; 1923 c. 448 s. 40; Stats. 1923 s. 146.04; 1969 c. 276.

Under ch. 297, Laws 1913, it is not necessary that the label to be placed on mattresses should bear the name of the manufacturer. A statement on such label that the mattress "contains part renovated material" is a substantial compliance with the requirement that the label contain a statement whether the "materials are in whole or in part new or secondhand." 2 Atty. Gen. 348.

Under 146.04 (2), Stats. 1937, a special tag, specifying filling material, is required on each movable piece of upholstering as well as on a davenport or chair. 27 Atty. Gen. 448.

146.04, Stats. 1943, applies to upholstered baby carriages and upholstered toy furniture. 34 Atty. Gen. 166.

146.05 History: 1911 c. 330; Stats. 1911 s. 1416—4a (1) part; 1923 c. 448 s. 41; Stats. 1923 s. 146.05.

146.06 History: 1915 c. 263; Stats. 1915 s. 4608z; 1923 c. 448 s. 42; Stats. 1923 s. 146.06.

146.07 History: 1913 c. 158, 750; Stats. 1913 s. 1416—13m, 1418t; 1923 c. 448 s. 43, 44; Stats. 1923 s. 146.07; 1925 c. 309; 1969 c. 366 s. 117 (1) (a).

146.08 History: 1911 c. 330, 407; 1911 c. 664 s. 48, 64; Stats. 1911 s. 1416—4a, 1418m; 1923 c. 448 s. 45, 46; Stats. 1923 s. 146.08; 1967 c. 18.

146.085 History: 1929 c. 115; Stats. 1929 s. 146.085; 1933 c. 54; 1969 c. 276 ss. 584 (1) (b), 607; 1969 c. 366 s. 117 (1) (a).

146.09 History: 1913 c. 274; Stats. 1913 s. 1418w; 1923 c. 448 s. 47; Stats. 1923 s. 146.09.

146.10 History: 1911 c. 314; Stats. 1911 s. 1416—20; 1923 c. 448 s. 48; Stats. 1923 s. 146.10; 1927 c. 502.

146.125 History: 1939 c. 423; 1939 c. 517 s. 9; Stats. 1939 s. 146.125; 1943 c. 400; 1947 c. 362 s. 2; 1961 c. 191 s. 109; 1961 c. 622; 1969 c. 392 s. 84.

146.13 History: 1913 c. 283; Stats. 1913 s. 1414b; 1923 c. 448 s. 53; Stats. 1923 s. 146.13; 1947 c. 157; 1949 c. 265; 1953 c. 443; 1963 c. 572; 1965 c. 614 s. 57 (6).

146.14 History: R. S. 1849 c. 26 s. 5 to 8; R. S. 1858 c. 32 s. 5 to 8; R. S. 1878 s. 1414, 1415; 1893 c. 312 s. 33; Stats. 1898 s. 925—111a, 1414, 1415; 1913 c. 674; Stats. 1913 s. 925—111a, 1407—6 sub. 11, 1414, 1415; 1921 c. 242 s. 277; Stats. 1921 s. 1407a—6 sub. 11, 1411r (7), 1414, 1415; 1923 c. 448 s. 54 to 57; Stats. 1923 s. 146.14; 1949 c. 262, 265; 1963 c. 364; 1967 c. 276; 1969 c. 87; 1969 c. 366 s. 117 (1) (a), (b).

Legislative Council Note, 1969: White v. Simpson (1965) 28 Wis. (2d) 590, requires that a warrant must be issued by a "neutral and detached magistrate". Clearly, if he is a

member of the board or commission he would not qualify. White also demands that there must be a finding of probable cause before issuance of a warrant. Since the result of the ex parte issuance of this "warrant" may result in the destruction of property, it is felt that issuance should at least be made by a judge of a court of record. [Bill 9-A]

Editor's Note: An action by the state to recover the cost of abating a nuisance after notice to the owner of the premises whereon it existed and after his failure to abate it was sustained in State v. Laabs, 171 W 557, 177 NW 916.

The health board of a village, after giving the notice provided, may remove a nuisance and recover the expense of so doing from the person responsible, in a civil action. Such person is entitled to show in such action that in fact there was no nuisance, or that the proper procedure was not followed, etc. 3 Atty. Gen. 636.

A nuisance deleterious to health arising from the action or negligence of man may be summarily abated under powers conferred upon boards of health. In other cases it is advisable to bring actions and secure judgment of a court for the abatement. 6 Atty. Gen. 589.

The state board of health may require either a landlord or tenant to remedy water pollution or may itself remedy such condition and have the cost thereof placed upon the tax roll against the property. 20 Atty. Gen. 827.

A public nuisance may be summarily abated by the health commissioner of a general charter city, under 146.14 (4), or it may be abated by an action in the name of the state under 280.02, Stats. 1935, either by the attorney general or by leave of circuit court. 24 Atty. Gen. 658.

146.15 History: 1876 c. 366 s. 7, 8; R. S. 1878 s. 1410; Stats. 1898 s. 1409a; 1923 c. 448 s. 58; Stats. 1923 s. 146.15; 1969 c. 366.

146.16 History: R. S. 1878 s. 1421; Stats. 1898 s. 1421; 1923 c. 448 s. 58a; Stats. 1923 s. 146.16.

146.17 History: 1905 c. 192 s. 9; 1907 c. 93 s. 9; 1911 c. 663 s. 174; Stats. 1911 s. 1416—13; 1913 c. 674; Stats. 1913 s. 1407a—6 (12), 1416—13; 1917 c. 145; 1923 c. 448 s. 59; Stats. 1923 s. 146.17; 1969 c. 366 s. 117 (1) (a).

146.17, Stats. 1939, should be used by municipalities as a guide to the exercise of discretion vested in them in the administration of poor relief laws but it does not prohibit conscientious exercise of discretion even if the right of selection must be denied. 30 Atty. Gen. 18.

146.18 History: 1923 c. 145, 399; 1923 c. 449 s. 23; Stats. 1923 s. 146.18; 1927 c. 402; 1935 c. 556; 1949 c. 262; 1961 c. 191; 1965 c. 433; 1967 c. 291 s. 14; 1969 c. 366 s. 117 (1) (a).

In providing a plan for the use of federal aid funds for maternal and infant care for wives and infants of servicemen, the state board of health has the power and duty to establish, by regulations, standards of quality of such care relating to protection of life and furtherance of maternal health, under 140.05 (1) and (3), and 146.18, Stats. 1943. Such regulations

are prima facie valid until set aside by court action or altered or revoked by the board. Limiting participation to persons licensed to practice medicine is proper, since neither midwives nor osteopaths are authorized by law to render complete obstetrical services such as are contemplated by the plan. 32 Atty. Gen. 395.

146.19 History: 1951 c. 640; Stats. 1951 s. 146.19; 1957 c. 546; 1961 c. 470; 1965 c. 188; 1969 c. 307.

The term "worker" as used in 146.19 (1), Stats. 1951, includes minors who perform services, even though their compensation is paid to their parents. 41 Atty. Gen. 28.

146.20 History: 1957 c. 86, 610; Stats. 1957 s. 146.20; 1965 c. 614 s. 57 (1); 1969 c. 276 s. 588 (6).

146.24 History: 1955 c. 391; Stats. 1955 s. 146.24; 1969 c. 276 s. 583 (1); 1969 c. 366 s. 117 (1) (a).

146.30 History: 1947 c. 397; Stats. 1947 s. 146.30; 1951 c. 715; 1955 c. 10; 1963 c. 187; 1965 c. 168; 1967 c. 299; 1969 c. 366 ss. 90, 91, 92, 117 (1) (a); 1969 c. 478.

The board may adopt separate rules for the regulation of different types of nursing homes and such distinction may appear in the license and name of a nursing home. 52 Atty. Gen. 121.

See note to 146.32, citing 57 Atty. Gen. 204.

146.31 History: 1965 c. 213; Stats. 1965 s. 146.31; 1969 c. 143.

146.32 History: 1967 c. 299; Stats. 1967 s. 146.32.

146.30 and 146.32, Stats. 1967, relating respectively to "nursing homes" and "residential care institutions" do not apply to a house or other building which uses the synonym "halfway house" and has 3 to 15 residents, where a licensed physician states that such residents are not in need of medical or nursing care or social services of any kind. 57 Atty. Gen. 204.

146.33 History: 1969 c. 102; Stats. 1969 s. 146.33.

CHAPTER 148.

Medical Societies.

148.01 History: R. S. 1849 c. 27 s. 16 to 20; 1854 c. 5 s. 1; R. S. 1858 c. 33 s. 16 to 21; R. S. 1878 s. 1431 to 1435; Stats. 1898 s. 1430 to 1434; 1923 c. 448 s. 72; Stats. 1923 s. 148.01; 1927 c. 60 s. 2; 1935 c. 350; 1945 c. 494; 1959 c. 602.

148.02 History: R. S. 1849 c. 27 s. 1, 2, 4, 8, 13, 14; R. S. 1858 c. 33 s. 1, 2, 3, 4, 8, 13, 15; R. S. 1878 s. 1422 to 1424, 1430; 1887 c. 242; Ann. Stats. 1889 s. 1422 to 1424, 1430; 1897 c. 264; Stats. 1898 s. 1422 to 1424, 1429; 1923 c. 448 s. 73; Stats. 1923 s. 148.02; 1927 c. 60 s. 2.

The words "physicians and surgeons" are not limited to any school of practitioners, and the legality of an organization is not affected by the fact that it was brought about by homeopathic physicians. *Raynor v. State*, 62 W 289, 22 NW 430.

148.03 History: 1935 c. 350; Stats. 1935 s. 148.01 (3); 1945 c. 494; 1959 c. 602; Stats. 1959 s. 148.03; 1969 c. 303.

The insurance plan can limit coverage to care provided by licensed physicians and surgeons; and the insurance commissioner cannot require the insurer to pay for services provided by podiatrists or specifically exclude such services. *State Medical Society v. Manson*, 24 W (2d) 402, 129 NW (2d) 231.

CHAPTER 155.

Corpses.

155.01 History: 1881 c. 168; Ann. Stats. 1889 s. 4608a; 1897 c. 248 s. 1 to 3, 6, 8, 9; Stats. 1898 s. 4608a, 4608b; 1901 c. 401; Supl. 1906 s. 4608a; 1907 c. 57; 1909 c. 32; 1915 c. 446; 1923 c. 448 s. 94b, 94c; Stats. 1923 s. 155.01; 1969 c. 366 s. 117 (2) (a).

155.02 History: 1868 c. 53 s. 1 to 3; R. S. 1878 s. 1437; 1895 c. 117; Stats. 1898 s. 1437; 1901 c. 323 s. 1 to 3; 1903 c. 406 s. 1, 2; Supl. 1906 s. 604x, 1437, 1437a; 1919 c. 272; 1919 c. 347 s. 38; Stats. 1919 s. 51.28, 1437, 1437a; 1921 c. 84, 146; 1923 c. 32; 1923 c. 448 s. 95; Stats. 1923 s. 51.28, 155.02; 1929 c. 49; 1947 c. 485, 602; Stats. 1947 s. 155.02; 1949 c. 520; 1951 c. 627.

Comment of Interim Committee, 1947: [Old 51.28 and 155.02 are consolidated in new 155.02.] Old 51.28 applies only to public charge patients in county asylums or senile wards. New 155.02 is broadened to include all inmates of all public institutions. Provision is made for recovering the cost if the patient is not a public charge. Old 51.28 provides for burial if the body is not claimed. Old 155.02 does not. Notice to relatives is retained. Notice to friends is omitted. It was provided for under old 51.28 and 53.14 [which is repealed] but not under 155.02. But provision is made in new 155.02 (2) for friends as well as relatives to claim the body. Many details as to procedure are omitted because considered unnecessary. Sending the corpse (if unclaimed) for dissection is made optional instead of mandatory. [Bill 19-S]

Burial expenses of a poor person committed to and dying in the industrial school for girls should be borne by the county from which such person is committed. 5 Atty. Gen. 819.

155.03 History: 1903 c. 406 s. 3, 4; Supl. 1906 s. 1437b, 1437c; 1911 c. 663 s. 195; 1923 c. 448 s. 95; Stats. 1923 s. 155.03; 1949 c. 520; 1951 c. 627.

155.04 History: 1903 c. 406 s. 5; Supl. 1906 s. 1437d; 1911 c. 663 s. 196; 1923 c. 448 s. 95; Stats. 1923 s. 155.04.

155.05 History: 1949 c. 457; Stats. 1949 s. 155.05.

155.06 History: 1961 c. 395; Stats. 1961 s. 155.06; 1969 c. 90.

Wisconsin's uniform anatomical gift act. *Bartell*, 42 WBB, No. 6.

155.10 History: R. S. 1849 c. 139 s. 17; R. S. 1858 c. 170 s. 16; R. S. 1878 s. 4592; Stats. 1898 s. 4592; 1925 c. 4; Stats. 1925 s. 351.42; 1955 c. 696 s. 295; Stats. 1955 s. 155.10.