

MAINE STATE LEGISLATURE

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THE
REVISED STATUTES

OF THE
STATE OF MAINE,

PASSED OCTOBER 22, 1840;

TO WHICH ARE PREFIXED

THE CONSTITUTIONS

OF THE

United States and of the State of Maine,

AND TO WHICH ARE SUBJOINED THE OTHER

PUBLIC LAWS OF 1840 AND 1841,

WITH AN

APPENDIX.

PRINTED AND PUBLISHED IN COMPLIANCE WITH A RESOLVE OF OCTOBER 22, 1840.

Augusta:

PUBLISHED BY WILLIAM R. SMITH & Co., PRINTERS TO THE STATE.

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1841.

strued to exempt any town from raising, for the use of schools, the same amount, that such town, by law, is required to raise, over and above the income of the before mentioned fund.

SECT. 12. The trustees of any ministerial fund in this state, who were incorporated by the legislature of Massachusetts, may, by consent of the town, for whose use the fund was established, transfer the same to the selectmen, clerk and treasurer of such town, and those officers are hereby made ex officio trustees of the same; and the income thereof shall be annually applied by them to the support of primary schools in such town; to be expended in the same manner, and subject to the same provisions, as are contained in the preceding section.

Incorporated trustees may transfer funds to selectmen, clerk and treasurer, by consent of the town. 1832, 39, § 1.

SECT. 13. At each annual meeting of the several towns, the respective trustees shall exhibit an account of their proceedings, and a statement of the funds, receipts and expenditures, and of the application thereof to the uses required.

Trustees to account annually to the town. 1824, 254, § 5.

SECT. 14. In all cases, where such lands have become vested in any parish, the assessors, clerk and treasurer, for the time being, where no other trustees for the same purpose are already appointed, are hereby constituted a body corporate, and trustees of the ministerial funds in such parish forever, with like powers and under like liabilities as selectmen, town clerk and treasurer; and shall pay the annual income and profits of such lands, and interest on the proceeds of any sale of the same; and shall, at each annual meeting for choice of parish officers, exhibit an account of their proceedings, and a statement of funds, receipts and expenditures.

If lands are vested in a parish, the assessors, clerk and treasurer to be trustees. 1824, 254, § 6.

SECT. 15. The first meeting of the trustees, in any year, may be called by a personal notice, given by any one of said trustees, to all the other trustees, of the time and place of meeting, seven days at least prior to said meeting.

First meetings of trustees, how called. 1824, 254, § 7.

CHAPTER 21.

OF THE PREVENTION OF CONTAGIOUS SICKNESS.

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| <p>SECT. 1. Precautions against infected persons.</p> <p>2. Precautions against persons, arriving from infected places.</p> <p>3. Restrictions on such persons; may be removed, if refractory.</p> <p>4. Penalty, if they return.</p> <p>5. Precautions authorized in border towns.</p> <p>6. Process for removal, or separate accommodation, of infected persons.</p> <p>7, 8. Process for securing infected articles.</p> <p>9. Powers of officers in executing such process.</p> <p>10. Expenses, how paid.</p> | <p>SECT. 11. Compensation for men, or property, impressed.</p> <p>12. Adjournment of courts, on account of danger from infection.</p> <p>13. Removal of infected prisoners from place of confinement.</p> <p>14. Order for removal, how returned. Such removal, not an escape.</p> <p>15. Health committee, how chosen; their duties.</p> <p>16. May order removal of private nuisances; proceedings thereon.</p> <p>17. Masters, &c. of vessels may be examined on oath, in certain cases.</p> <p>18. Vessels with infected persons, to anchor at a distance from towns.</p> |
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- SECT. 19. Penalty for violation of this provision.
20. Selectmen may establish quarantine regulations.
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32. Hospital to be provided, on the breaking out of infectious diseases. Regulations.
33. Precautions to prevent the spread of such diseases.
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35. Householders and physicians to give notice of infectious diseases under their care.
36. Forfeitures, how recovered and appropriated.
37. Towns may choose a board of health; their powers and duties.
38. Plantations to have the same powers, as towns.
39. Vaccination may be at the expense of towns and plantations.

Precautions against infected persons.
1821, 127, § 1.

SECTION 1. When any person coming from abroad, or residing in any town, shall be infected, or shall have been recently infected, with any disease or sickness, dangerous to the public health, the selectmen of the town, where such person may be, shall make provision, in the manner they shall judge best, for the safety of the inhabitants, by removing such person to a separate house, if it can be done without great danger to his health, and by providing nurses and other assistance and necessaries; which shall be at the charge of the person himself; his parent or master, if able, otherwise at the charge of the town, to which he belongs.

Precautions against persons, arriving from infected places.
1821, 127, § 2.

SECT. 2. When any infectious or malignant distemper is known to exist in any place, out of the state, the selectmen of any town, in the state, may, if they see cause, and by giving public notice in such town, in such mode as they may find convenient, require all persons coming from such place out of the state, to inform one of the selectmen, or the clerk of such town, of their arrival, and from what place; and any such person, having actual notice of such requirement, who shall not, within two hours after his arrival and actual notice, as aforesaid, give such information, shall forfeit one hundred dollars, to the use of the town.

Restrictions on such persons; they may be removed, if refractory.
1821, 127, § 2.

SECT. 3. Any person, who is required to give notice to one of the selectmen, or the clerk of any town, as provided in the preceding section, may be prohibited by said selectmen, from going to any part of such town, where they may judge it unsafe for the inhabitants, for him to go. If he shall not choose to comply with such prohibition, it shall be his duty, unless disabled by sickness, forthwith to depart from the state, in such manner and by such road, as the said selectmen shall direct; and in case of neglect or refusal, any justice of the peace in the county, on complaint of either of such selectmen, may, by his warrant to a proper officer, or other person named in said warrant, cause such person to be removed out of the state.

Penalty, if they return.
1821, 127, § 2.

SECT. 4. Any person removed by warrant, as aforesaid, who, during the prevalence of such distemper in the place, where he

resides, shall presume to return into any town in this state, without the license of the selectmen thereof, shall forfeit not exceeding four hundred dollars.

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SECT. 5. The selectmen of any town near to, or bordering upon either of the adjoining states or provinces, may appoint, by writing under their hands, suitable persons to attend at any places, by which travelers may pass into such town, from infected places in such states or provinces; and, the persons, so appointed, may examine such passengers, as they may suspect of bringing with them any infection, which may be dangerous to the public health, and, if need be, may restrain them from traveling, until licensed thereto, by a justice of the peace within such county, or one of the aforesaid selectmen; and any passenger, coming from such infected place, who shall, without license as aforesaid, travel within this state, unless it be to return by the most direct way to the state or province, whence he came, after he shall have been cautioned to depart, by the persons appointed as aforesaid, shall forfeit a sum, not exceeding one hundred dollars.

Precautions authorized in border towns. 1821, 127, § 3.

SECT. 6. Any two justices of the peace may, if need be, make out a warrant, directed to the sheriff of the county, or his deputy, or to any constable, requiring them, under the direction of the selectmen of the town, where any person infected with contagious sickness may be, to remove such person; or to impress and take up convenient houses, lodging, nurses, attendants and other necessaries, for the accommodation, safety and relief of the sick.

Process for removal or separate accommodation, of infected persons. 1821, 127, § 4.

SECT. 7. Whenever, on the application of the selectmen of any town, it shall be made to appear to any justice of the peace, that there is just cause to suspect, that any baggage, clothing or goods of any kind, found within such town, are infected with any malignant contagious distemper, such justice of the peace shall, by warrant directed to the sheriff or his deputy, or to any constable, require him to impress so many men, as said justice shall judge necessary, to secure such infected articles, and to post said men as a guard, over the house or place, where such articles shall be lodged; which guard shall take effectual care to prevent any persons removing or coming near to such articles, until due inquiry be made into the circumstances thereof.

Process for securing infected articles. 1821, 127, § 5.

SECT. 8. The said justice may also, by the same warrant, if it shall appear to him necessary, require the said officers, under the direction of the said selectmen, to impress and take up convenient houses or stores, for the safe keeping of such infected articles, and the same to cause to be removed to such houses or stores, or otherwise detained, until, in the opinion of said selectmen, they shall be freed from infection.

Same subject. 1821, 127, § 5.

SECT. 9. Said officers, in the execution of such warrant, shall, if need be, break open any house, shop or other place, mentioned in said warrant, where infected articles shall be; and they may require such aid, as shall be necessary, to effect the execution of the warrant; and all persons shall, at the command of either of said officers, under a penalty of not exceeding ten dollars, assist in the execution of the warrant.

Powers of officers, in executing such process. 1821, 127, § 5.

SECT. 10. The charges of securing such infected articles, and

Expenses, how paid.

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1821, 127, § 5.

Compensation for men, or property, impressed.

Adjournment of courts, on account of danger from infection. 1821, 127, § 7.

Removal of infected prisoners from place of confinement.

Order for removal, how returned. Such removal, not an escape.

Health committee, how chosen; their duties. 1821, 127, § 8.

May order removal of private nuisances; proceedings thereon. 1821, 127, § 8.

of transporting and purifying the same, shall be paid by the owners thereof, at such rates and prices, as shall be determined by the selectmen.

SECT. 11. Whenever the sheriff, or other officer, shall impress or take up any houses, stores, lodging, or other necessaries, or shall impress any man, as is provided in this chapter, the several parties interested shall be entitled to a just compensation therefor, to be paid by the town in which such persons, or property, shall have been so impressed.

SECT. 12. Whenever any malignant infectious distemper shall prevail in any of the towns, wherein the supreme judicial court, district court, or court of county commissioners are to be holden, at the time prescribed by law, or by their own adjournment, the justices of the said courts, respectively, are hereby empowered to adjourn and hold said courts in any town in said county, by proclamation to be made in such public manner as they shall judge best, as near to their usual place of meeting as, in their opinion, safety will permit.

SECT. 13. Whenever any person, confined in any common jail, house of correction, or work-house, shall be attacked with any disease, which the selectmen of the town, where such person may be, by medical advice, shall consider dangerous to the safety and health of the other prisoners, or of the inhabitants of the town, the said selectmen shall, by their order in writing, direct the removal of such person to some place of safety, there to be securely kept and provided for, until their further order; and if such person shall recover from such disease, he shall be returned to the said prison, or other place of confinement.

SECT. 14. If the person, so removed, shall have been committed by order of any court, or under any judicial process, the order for his removal, or a copy thereof, attested by the selectmen, shall be returned by them, with the doings thereon, into the office of the clerk of the court, from which the process was issued for committing such prisoner; and no prisoner removed, as aforesaid, shall be considered, as thereby having committed an escape.

SECT. 15. Any town in this state may, at its annual meeting, legally warned for that purpose, choose a health committee, to consist of not less than three, nor more than nine persons, or they may choose one person to be a health officer. And it shall be the duty of such health committee or health officer, at the expense of their town, to remove all filth of any kind whatever, which shall be found in any street, lane, wharf, dock, or other place within the limits of their town, which, in their judgment, may endanger the lives or health of any of the inhabitants thereof; and also to require the owner or occupant to remove or discontinue any drain or other source of filth, the removal of which they may deem necessary.

SECT. 16. Whenever any source of filth, or other cause of sickness, shall be found on private property, the owner or occupant thereof shall, within twenty four hours after notice from the said committee, or health officer, at his own expense, proceed to remove or discontinue the same; and if such owner or occupant shall neglect, after such notice so to do, or shall unreasonably delay to

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complete such removal or discontinuance, he shall forfeit a sum not exceeding one hundred dollars: and the said health committee, or health officer, shall cause said nuisance to be removed or discontinued; and all expenses, incurred thereby, shall be repaid to the town by such owner or occupant, or by such other person, as may have caused or permitted the same.

SECT. 17. If any master, seaman or passenger, belonging to any vessel, on board of which any infection may then be, or may have lately been, or suspected to have been, or which may have come from any port, where any infectious distemper prevails, that may endanger the public health, shall refuse to make answer, on oath, to such questions as may be asked him, relating to such infection or distemper, by the selectmen of the town, to which such vessel may come, which oath either of the selectmen may administer, such master, seaman or passenger, so refusing, shall forfeit a sum not exceeding two hundred dollars, or be imprisoned for a term not exceeding six months; the prosecution for which offence shall be by indictment.

Masters, &c. of vessels may be examined on oath, in certain cases. 1821, 127, § 6.

SECT. 18. Whenever any vessel shall arrive at any port, within this state, having on board any person infected with any malignant disease, the master, commander or pilot thereof, shall bring such vessel to an anchor at some convenient place, below the town of such port, at such distance as shall be safe for the inhabitants thereof, and the persons on board other vessels, in the same port; and no passenger, or other person belonging to, nor any thing on board, such vessel, shall be suffered to be brought on shore, until the selectmen of the town shall give their written permit for the same.

Vessels with infected persons, to anchor at a distance from towns. 1821, 127, § 9.

SECT. 19. For the wilful violation of the provisions of the preceding section, the master or commander of such vessel shall forfeit a sum, not exceeding two hundred dollars, and the pilot thereof shall forfeit a sum, not exceeding fifty dollars, for each offence.

Penalty for violation of this provision. 1821, 127, § 9.

SECT. 20. Whenever the selectmen of any seaport town, within this state, shall be of the opinion, that the safety of the inhabitants thereof requires, that any vessel, which shall arrive there from any port or place, should perform quarantine, they may cause such vessel so to do, at such place, and under such regulations, as they may judge expedient.

Selectmen may establish quarantine regulations. 1821, 127, § 10.

SECT. 21. Any owner, master, supercargo, officer, seaman, passenger, consignee, or other person, who shall neglect, or refuse, to obey the orders and regulations of the said selectmen, respecting the said quarantine, shall forfeit a sum, not exceeding five hundred dollars, or be imprisoned for a term, not exceeding six months, or both, at the discretion of the court having cognizance of the offence, on prosecution by indictment.

Penalty for breach thereof. 1821, 127, § 10.

SECT. 22. Whenever the selectmen of any seaport town shall think it necessary to order all vessels, which shall arrive at such town from any particular port or ports, to perform quarantine, they shall give notice thereof to the pilots of their own port; and it shall be the duty of such pilots, to make known the said order to the masters of all vessels, which they shall board. Every such pilot, who shall neglect to make known the said order, as aforesaid, or

Duty of pilots to give notice thereof. 1821, 127, § 12.

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Punishment for violation or evasion of quarantine, after notice.
1821, 127, § 11.

who shall, contrary thereto, pilot any vessel up to said seaport town, shall forfeit a sum, not exceeding one hundred dollars.

Selectmen to furnish signals.
1821, 127, § 13.

SECT. 23. When any master or commander of any vessel shall come up to any seaport town aforesaid, with his said vessel, after notice given to him by any person whatever, that a quarantine has been directed by the said selectmen, for all vessels coming from the port or place, from which said vessel sailed; or shall, by false declarations or otherwise, fraudulently attempt to elude the directions of the said selectmen; or shall land, or suffer to be landed from his vessel, any person, or apparel, bedding, goods or merchandise, without permission of the said selectmen, he shall incur the like penalty, or suffer the like imprisonment, or both, as is provided in the twenty first section of this chapter, on like prosecution.

Restrictions of persons visiting vessels at quarantine.
1821, 127, § 13.

SECT. 24. The selectmen of every seaport town, requiring vessels to perform quarantine, shall provide, at the expense of such town, a suitable number of red flags, of at least three yards in length; and the master of every vessel, ordered to perform quarantine, as aforesaid, shall cause one of said flags to be continually kept, during the term of his quarantine, at the head of the main-mast of his vessel; and no person shall go on board such vessel, during said term, unless by permission of said selectmen.

Health committee may exercise authority of selectmen, in relation to quarantine.
1821, 127, § 14.

SECT. 25. Any person, who shall go on board such vessel, contrary to the provisions of the preceding section, shall be thereafter considered and held liable to the same regulations and restrictions, as those belonging to the said vessel; and shall there be detained by force, if necessary, until duly discharged by the said selectmen.

Quarantine expenses, how paid.
1821, 127, § 15.

SECT. 26. In every seaport town aforesaid, where a health committee, or health officer, may have been legally chosen, as provided in section fifteen of this chapter, such health officer may perform all the duties, and exercise all the authority, which the selectmen of such town may perform and exercise, in requiring vessels to perform quarantine, under the provisions of this chapter.

Hospitals may be established.
1821, 127, § 16.

SECT. 27. All expenses, incurred on account of any person, vessel, or goods, under any quarantine regulations, shall be paid by such person, or the owner of such vessel or goods, respectively.

Restrictions, as to location thereof.
1821, 127, § 16.

SECT. 28. The inhabitants of any town may establish, within the same town, one or more hospitals, for the reception of persons, having the small pox or other disease, which may be dangerous to the public health; or the selectmen of any town may license any building in said town, as a hospital, at their discretion; and such hospital, or licensed building, shall be under the control of the selectmen.

Restrictions on inoculation with small pox.
1821, 127, § 16.

SECT. 29. No such hospital shall be established, or licensed, within one hundred rods of any inhabited dwelling house, situated in any adjoining town, without the consent of the selectmen of such adjoining town.

Physicians and others liable to

SECT. 30. If any person shall inoculate himself, or any other person, or suffer himself to be inoculated, with the small pox, unless at some hospital licensed or authorized by law, he shall, for each offence, forfeit a sum not exceeding one hundred dollars.

SECT. 31. Whenever any hospital shall be so established or licensed, the physician, the persons inoculated or sick therein, the

nurses, attendants, and all persons who shall approach or come within the limits of the same, and all such furniture, or other articles, as shall be used or brought there, shall be subject to such regulations, as may be made by the selectmen.

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hospital regula-
tions.
1821, 127, § 17.

SECT. 32. Whenever the small pox, or any other disease, dangerous to the public health, shall break out in any town, the selectmen thereof shall immediately provide such hospital or place of reception, for the sick and infected, as they shall judge best for the accommodation and safety of the inhabitants; and such hospitals and places of reception shall be subject to the regulations of the selectmen, in the same manner, as is hereinbefore provided for established hospitals; and the selectmen shall cause such sick and infected persons, to be removed to such hospitals or places of reception, unless the condition of the sick person be such, as not to admit of removal without imminent danger; in which case the house or place, where the sick shall remain, shall be considered as a hospital for every purpose before mentioned; and all persons residing in, or in any way concerned with the same, shall be subject to the regulations of the selectmen, as before provided.

Hospital to be
provided, on
the breaking
out of infecti-
ous diseases.
Regulations.
1821, 127, § 18.

SECT. 33. Whenever any disease, dangerous to the public health, is found to exist in any town, the selectmen shall use all possible care to prevent the spreading of the infection, and to give public notice of infected places to travelers, by displaying red flags at proper distances, and by all other means, which, in their judgment, shall be most effectual for the common safety.

Precautions to
prevent the
spread of such
diseases.¹
1821, 127, § 19.

SECT. 34. If any physician or other person, in any of the hospitals or places of reception, before mentioned, or who shall attend, approach or be concerned with the same, shall violate any of the regulations, lawfully made, in relation thereto, either with respect to himself, or his, or any other person's property, the person so offending, shall, for each offence, forfeit a sum, not less than ten dollars, nor more than one hundred dollars.

Penalty for vio-
lation of hospi-
tal regulations,
by persons sub-
ject thereto.
1821, 127, § 19.

SECT. 35. Whenever any householder, or any physician, shall know, that any person under his care is taken sick of any disease, dangerous to the public health, he shall immediately give notice thereof to the selectmen of the town, in which the diseased person may be; and if he shall neglect to give such notice, he shall forfeit a sum not less than ten, nor more than thirty dollars.

Householders
and physicians
to give notice
of infectious
diseases under
their care.
1821, 127, § 20.

SECT. 36. All forfeitures, mentioned in the preceding sections of this chapter, except when otherwise expressly provided, shall enure to the use of the town, where the offence shall have been committed.

Forfeitures,
how recovered
and appropriat-
ed.
1821, 127, § 16,
19, 20.

SECT. 37. Every town, respecting which no provision is made, by any special law, for choosing a board of health, may at its annual meeting, or at any other meeting, legally warned for the purpose, at its election, choose a board of health to consist of not less than three, nor more than nine persons, and such board of health shall have all the powers, discharge all the duties, and be subject to the same penalties or restrictions, as in this chapter are provided, in relation to the selectmen, health committee, or health officer of any town, not electing to choose a board of health as aforesaid; and the same penalties shall attach to such persons, as disobey their authority.

Towns may
choose a board
of health; their
powers and du-
ties.

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Plantations to have the same powers, as towns.

Vaccination may be at the expense of towns and plantations. 1821, 126, § 2.

SECT. 38. The provisions of this chapter in relation to towns, are also extended to organized plantations, and the assessors of such plantation[s], within the same, shall do the duties, and have the same powers, as the selectmen of the towns, and be subject to the same restrictions and penalties; and the same penalties shall attach to persons, who may disobey their authority.

SECT. 39. Every town and organized plantation may, at their annual meeting, or at any meeting, duly warned for the purpose, provide for the inoculation of the inhabitants of such town or plantation, with the cow pox, under the direction and control of the health committee, health officer, or board of health; and [to] raise all necessary sums to defray the expense of such inoculation, or such part thereof, as they may think proper.

CHAPTER 22.

OF THE PRACTICE OF PHYSIC AND SURGERY.

SECT. 1. Certificate of good moral character from selectmen necessary, for recovery of compensation.

SECT. 2. Exceptions to the foregoing restriction.

Certificate of good moral character from selectmen necessary, to recovery of compensation. 1838, 353, § 2. 6 Mass. 134. 1 Pick. 33. 16 Pick. 353. 1 Metc. 154.

Exceptions to the foregoing restriction. 1831, 489, § 1. 1838, 353, § 2.

SECTION 1. No person, excepting as provided in the following section, shall be entitled to recover at law any compensation for medical or surgical services, by him alleged to have been performed, unless previously to such services, he have obtained from the selectmen of the town where he resided, or shall reside at the time of the performance of such services, a certificate, that it has been satisfactorily proved to them, that such person is of good moral character.

SECT. 2. The restriction in the foregoing section shall not apply to any physician or surgeon, who had commenced practice previously to the sixteenth day of February, in the year eighteen hundred and thirty one; nor to any physician or surgeon, who has received, or may hereafter receive a medical degree at some public institution, within the United States, where such degrees are usually conferred, or may have been licensed by the censors of the Maine Medical Society.

CHAPTER 23.

OF BURYING GROUNDS.

- SECT. 1. Towns may purchase land for burying grounds.
- 2. Proceedings to incorporate proprietors of burying grounds.
- 3. Mode of organization, as a corporation.
- 4. Grounds to be fenced, within one year.

- SECT. 5. Towns and parishes to fence ancient burying grounds.
- 6. Penalty, if selectmen or other officers neglect their duty.
- 7. Grounds to be fenced, and unalienable and indivisible, except by unanimous consent. Description to be recorded.