

MAINE STATE LEGISLATURE

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CHAPTER 19.

The Public Health and the Prevention of Contagious Diseases.

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The State Board of Health.

Sec. 1. State board of health; appointment; election of secretary. R. S. c. 18, § 1. The state board of health as heretofore established shall consist of six members, appointed by the governor, with the advice and consent of the council, and a secretary elected as hereinafter provided. The governor, with the advice and consent of the council, shall annually appoint a member of said board to hold office for six years from the thirty-first day of January of each year; any vacancy occurring during a term among the members so appointed shall be filled in like manner for the remainder of the term. The members so appointed by the governor shall elect a secretary, who shall, by virtue of such election, become a member of the board, and its executive officer. The board may elect one of their own number secretary, in which case his term of office as a member by appointment of the governor shall expire, and the governor, with the advice and consent of the council, shall appoint another member to complete the full number of the board.

Sec. 2. Duties of board; biennial report. R. S. c. 18, § 2. 1915, c. 338, § 1. The state board of health shall have the general supervision of the interests of health and life of the citizens of the state. They shall study the vital statistics of the state, and endeavor to make intelligent and profitable use of the collected records of deaths and of sickness among the people; they shall make sanitary investigations and inquiries respecting the causes of disease and especially of communicable diseases and epidemics, the causes of mortality, and the effects of localities, employments, conditions, ingesta, habits and circumstances on the health of the people; they shall investigate the causes of disease occurring among the stock and domestic animals in the state, and the methods of remedying the same; they shall

gather such information in respect to all these matters as they may deem proper for diffusion among the people; they shall, when required or when they shall deem it best, advise officers of the government, or other boards within the state, in regard to the location, drainage, water supply, disposal of excreta, heating and ventilation of any public institution or building; they shall from time to time examine and report upon works on the subject of hygiene for the use of the schools of the state; they shall have general oversight and direction of the enforcement of the statutes respecting the preservation of health; and they shall as soon as practicable after the close of each year which is indicated by an odd number, report to the governor and council their doings, investigations and discoveries during the biennial period just ended, with such suggestions as to legislative action as they may deem necessary.

Sec. 3. Meetings of board; quorum; may choose president and adopt rules and by-laws; may conduct investigations. R. S. c. 18, § 3. 1915, c. 338, § 2. The board shall meet quarterly and at such other times as they may deem expedient. Their meetings may be held in Augusta or in such other places as the exigencies or circumstances of their service may require. Suitable accommodations for the meetings of the board, and office room for its secretary shall be provided at the state capitol. A majority shall be a quorum for the transaction of business. They shall choose annually one of their number to be their president, and may adopt rules and by-laws subject to the provisions of this chapter. They may send the secretary, or a representative of the board, to any part of the state, when deemed necessary to conduct an investigation within the scope of their prescribed work, and they may send the secretary or other representative of the board to places outside of the state when it may be deemed necessary for the purpose of making investigations or of conferring with other state or municipal public health authorities at meetings or conventions when said meetings convene for the consideration and discussion of measures for the improvement of the public health.

Sec. 4. Tenure of secretary; his duties. R. S. c. 18, § 4. The secretary shall hold his office as long as he shall faithfully discharge the duties thereof; he may be removed for just cause at a regular meeting of the board, by vote of a majority of the members. He shall keep his office at the state capitol, and shall perform the duties prescribed by law, or required by the board. He shall keep a record of the transactions of the board; shall have the custody of all books, papers, documents and other property belonging to the board, which may be deposited in his office; shall, as far as practicable, communicate with other state boards of health, and with the local boards of health within this state; shall keep and file all reports received from such local boards of health and all correspondence of the office appertaining to the business of the board. He shall, as far as possible, aid in obtaining contributions to the library and museum of the board. He shall prepare blank forms of returns, and such instructions as may be necessary, and forward them to the local boards of health throughout the state. He shall collect information concerning vital statistics, knowledge respecting diseases, and all useful information on the subject of hygiene, and, through

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an annual report, and otherwise, as the board may direct, shall disseminate such information among the people.

See c. 64, § 18.

Sec. 5. Salary; expenses of members allowed. R. S. c. 18, § 5. The secretary shall receive an annual salary which shall be fixed by the state board of health. The board shall quarterly certify the amount due him, and on presentation of said certificate the governor shall draw his warrant on the treasurer of state for the amount. The members of the board shall receive no compensation for their services, but their traveling and other necessary expenses while employed on the business of the board shall be allowed and paid.

Sec. 6. Annual appropriation. R. S. c. 18, § 6. 1909, c. 48, § 1. 1913, c. 43. The sum of seven thousand dollars shall be annually appropriated to pay the salary of the secretary, meet the contingent expenses of the office of the secretary, and the expenses of the board, which shall not exceed the sum appropriated. Said expenses shall be certified and paid in the same manner as the salary of the secretary.

Sec. 7. Certain officers and others required to furnish information. R. S. c. 18, § 7. In order to afford to this board, better advantages for obtaining knowledge important to be incorporated with that collected through special investigations and from other sources, all officers of the state, the physicians of all incorporated companies, and the president or agent of any company chartered, organized or transacting business under the laws of this state, as far as practicable, shall furnish to the state board of health any information bearing upon public health which may be requested by said board for the purpose of enabling it better to perform its duties of collecting and distributing useful knowledge on this subject.

Sec. 8. Register of persons affected with tuberculosis. 1909, c. 78, § 1. The state board of health shall keep a register of all persons in the state who are known to be affected with tuberculosis. The board shall have sole and exclusive control of said register, and shall not permit inspection thereof nor disclose any of its personal particulars, except to its own agents or to local officials when in the interest of the public health and safety it is deemed necessary to do so.

Sec. 9. Tuberculosis, an infectious disease; duty of physician; duty of officer having charge of hospital. 1909, c. 78, § 2. Tuberculosis is hereby declared to be an infectious and communicable disease, dangerous to the public health. Every physician in the state shall report in writing, to the secretary of the state board of health within forty-eight hours after the fact comes to the knowledge of said physician, the name, age, sex, color, occupation, place where last employed, if known, and address, of every person known by said physician to have tuberculosis. Such report shall be made on forms furnished by the state board of health. The name of the householder where the tuberculous person lives or boards, and such other facts as may be called for on the blank reports so furnished shall also be included in the report. The chief officer having charge for the time being of any hospital, dispensary, asylum, sanatorium or other similar private or public institution in the state shall report to the state board of health in like man-

ner the name, age, sex, color, occupation, place where last employed, if known, and previous address of every patient having tuberculosis who comes into his care or under his observation, within forty-eight hours thereafter. Such physician or chief officer shall also give notice to the secretary of the state board of health of the change of address of any tuberculous patient who is, or has lately been under his care if he is able to give such information.

Note. Town and city clerks to send copy of certificate of death from tuberculosis, to health officer or secretary of local board of health, c. 64, § 23.

Sec. 10. Notice of vacancy of apartment occupied by person having tuberculosis. 1909, c. 78, § 3. Whenever any apartment or premises are vacated by the death or removal therefrom of a person having tuberculosis, the attending physician, or if there be no such physician, or if the physician be absent, the owner, lessee, occupant, or other person having charge of said apartments or premises, shall notify the health officer or secretary of the local board of health of the town, of said death or removal, within twenty-four hours thereafter, and such apartments or premises so vacated shall not again be occupied until duly disinfected, cleansed or renovated as hereinafter provided.

See c. 16, § 44.

Sec. 11. No infected articles shall be removed from apartments until disinfected; methods of disinfection prescribed by state board of health. 1909, c. 78, § 4. 1913, c. 67. When notified as provided in the preceding section, that any apartments or premises have been vacated, the health officer or secretary of the local board of health or his agent, shall within twenty-four hours thereafter visit said apartments or premises, and shall order and direct that, except for the purposes of cleansing or disinfection, no infected article shall be removed therefrom until properly and suitably cleansed or disinfected; and said local board of health shall determine the manner in which such apartments or premises shall be disinfected, cleansed, or renovated in order that they may be rendered safe and suitable for occupancy. If the health authorities determine that disinfection is sufficient to render them safe and suitable for occupancy, such apartments or premises together with all infected articles therein, shall immediately be disinfected by the health authorities at public expense, or, if the owner prefers, by the owner at his expense, to the satisfaction of the health authorities; but the methods or processes of disinfection and the material or agencies with which it shall be done shall be those which are advised by the state board of health for work of that kind in connection with tuberculosis.

Sec. 12. If orders are not complied with, apartments may be placarded. 1909, c. 78, § 5. In case the orders or directions of the local board of health requiring the disinfection, cleansing, or renovation of any apartments or premises or any articles therein as hereinbefore provided, shall not be complied with within forty-eight hours after such order or directions shall be given, the health officer may cause a placard in words and form substantially as follows to be placed upon the door of the infected apartments or premises:

"Tuberculosis is a communicable disease. These apartments have been occupied by a consumptive and may be infected. They must not be occupied until the order of the health officer directing their disinfection or reno-

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vation has been complied with. This notice must not be removed under penalty of the law except by the local board of health or other duly authorized official."

Sec. 13. Persons having tuberculosis, shall exercise care; duty of board of health. 1909, c. 78, § 6. Any person having tuberculosis, who shall dispose of his sputum, saliva, or other bodily secretion or excretion so as to cause offense or danger to any person or persons in the same room or apartment, house, or part of a house, shall, on complaint of any person or persons subjected to such offense or danger, be deemed guilty of a nuisance; and any person subjected to such a nuisance may make complaint in person or writing to the local board of health of any town where the nuisance complained of is committed. The local board of health upon receiving such complaint shall investigate, and if it appears that the nuisance complained of is such as to cause offense or danger to any person in the same room, apartment, house, or part of a house, they shall serve a notice upon the person so complained of, reciting the alleged cause of offense or danger, and requiring him to dispose of his sputum, saliva, or other bodily secretion or excretion in such manner as to remove all reasonable cause of offense or danger. Any person failing or refusing to comply with orders or regulations of the local board of health of any town, requiring him to cease to commit such nuisance, shall be deemed guilty of a misdemeanor and on conviction thereof shall be punished by fine of not more than ten dollars.

Sec. 14. Duty of physician. 1909, c. 78, § 7. Any physician attending a patient having tuberculosis shall take all proper precautions, and shall give proper instructions to provide for the safety of all individuals occupying the same house or apartment, and if no physician be attending such patient this duty shall devolve upon the local board of health; all duties imposed upon physicians by sections eight to eighteen, both inclusive, shall be performed by the local board of health in all cases of tuberculosis not attended by a physician, or when the physician fails to perform the duties herein specified, and shall so report.

Sec. 15. Precautionary measures; cases of needy patients. 1909, c. 78, § 8. The precautionary measures carried out by physicians, local boards of health, and others to prevent the transmission of infection to other persons shall be in accordance with the advice given by the state board of health in its printed circulars, and reports to the state board of health shall include a statement of what procedures and precautions have been taken to prevent the spread of infection. In cases of needy patients who are not able to provide themselves with proper spit-cups and other supplies or material in the opinion of the attending physician needed to prevent the communication of infection, the physician may send a requisition to the local board of health of the town in which the tuberculous patient lives, for such supplies and material to aid him in preventing the spread of the disease, and all local health officers or secretaries of local boards of health shall honor, so far as possible, any requisition signed by the attending physician, and the bill for these supplies shall be paid by the town.

See § 71.

Sec. 16. Penalty for false statement by physician. 1909, c. 78, § 9. Any physician, or person practicing as a physician, who shall knowingly

report as affected with tuberculosis any person who is not so affected, or who shall wilfully make any false statement concerning the name, age, sex, color, occupation, or other facts called for on the blanks prepared by the state board of health, of any person reported as affected with tuberculosis, or who shall certify falsely as to any of the precautions taken to prevent the spread of infection, shall be deemed guilty of a misdemeanor and on conviction thereof shall be punished by a fine of not more than one hundred dollars.

Sec. 17. Cases of recovery reported. 1909, c. 78, § 10. Upon the recovery of any person having tuberculosis, the attending physician shall make a report of this fact to the secretary of the state board of health, who shall record the same in the records of his office, and shall relieve said person from further liability to any requirements imposed by the nine preceding sections.

Sec. 18. Penalty. 1909, c. 78, § 11. Any person violating any provision of the ten preceding sections shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished, except as herein otherwise provided, by a fine of not less than five dollars nor more than fifty dollars.

Sec. 19. Cases of suspected poisoning to be reported. 1913, c. 82, § 1. Every physician attending upon or called to visit a person whom he believes to be suffering from poisoning from lead, phosphorus, arsenic or mercury, or their compounds, or from anthrax, or from compressed air illness, or any other ailment or disease contracted as a result of such person's occupation or employment, shall, within ten days after his first attendance upon such person, send to the state board of health a written notice, stating the name, post-office address and place of employment of such person, the nature of the occupation and the disease or ailment from which, in the opinion of the physician, the person is suffering, with such other specific information as may be required by the board.

Sec. 20. Cases of supposed lead poisoning, how investigated. 1913, c. 82, § 2. In like manner, as is provided in the preceding section, every case of lead poisoning and of suspected lead poisoning, which has resulted from the use of water, which contains lead or is suspected of containing lead, shall be reported to the state board of health; and when such reports are received, the said board shall assist, by laboratory work and otherwise, the attending physician to determine whether the case is one of lead poisoning, and if so, the source of the poison.

Sec. 21. Penalty; prosecutions. 1913, c. 82, §§ 3, 4. Any physician who fails to perform the duty imposed by the two preceding sections within the time therein limited, shall be deemed guilty of a misdemeanor, and shall be punished by a fine of not less than five, nor more than ten dollars. The state board of health and the county attorney of the county wherein any such physician resides shall prosecute all violations of said sections which shall come to the knowledge of them or either of them.

Sec. 22. State board of health may establish system of inspection; authority of inspectors; rules and regulations for guarding against introduction of diseases. R. S. c. 18, § 8. 1909, c. 48, § 2. 1913, c. 149. 1915, c. 338, § 3. The more effectually to protect the public health the state

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board of health may establish such systems of inspection as in its judgment may be necessary to ascertain the actual or threatened presence of the infection of Asiatic cholera, smallpox, diphtheria, scarlet fever, plague, typhoid fever or other dangerous, infectious or contagious disease; and any duly authorized agent or inspector of said board may enter any building, vessel, railroad car or other public vehicle, to inspect the same and to remove therefrom any person affected by said diseases; and for this purpose he may require the person in charge of any vessel or public vehicle other than a railroad car to stop such vessel or vehicle at any place, and he may require the conductor of any railroad train to stop his train at any station or upon any side-track and there detain it for a reasonable time; provided, that no conductor shall be required to stop his train when telegraphic communication with the dispatcher's office cannot be obtained or at such times or under such circumstances as may endanger the safety of the train and passengers; and provided further, that any such agent or inspector may cause any car which he may think may be infected with any of said diseases to be side-tracked at any suitable place and there be cleansed, fumigated and disinfected. And the said board of health may from time to time, make, alter, modify or revoke rules and regulations for guarding against the introduction of any infectious or contagious diseases into the state, including rabies, or hydrophobia of animals and men; for the control and suppression thereof if within the state; for the quarantine and disinfection of persons, localities and things infected or suspected of being infected by such diseases; for guarding against the transmission of infectious and contagious diseases through the medium of common towels, common drinking-cups and other articles which may carry infection from person to person; for the sanitation of railroad service and that of other common carriers, for the transportation of dead bodies; for the speedy and private interment of the bodies of persons who have died from said diseases; and, in emergency, for providing those sick with said diseases with necessary medical aid and with temporary hospitals for their accommodation and for the accommodation of their nurses and attendants. And the said board may declare any and all of its rules and regulations made in accordance with the provisions of this section to be in force within the whole state, or within any specified part thereof, and to apply to any person or persons, family, camp, building, vessel, railroad car or public vehicle of any kind.

Sec. 23. Rules must be approved by governor and council; publication; supersede all local rules. R. S. c. 18, § 9. Any rules and regulations adopted by the state board of health in the premises shall be immediately submitted by it to the governor and council and unless approved in writing by the governor and council within thirty days after such submission, such rules and regulations shall thereafter become ineffective. Should the governor and council disapprove any rules and regulations so submitted to them within the thirty days and so notify the secretary of the state board of health in writing, the rules and regulations so disapproved shall upon such notification immediately become ineffective and void. Such rules and regulations, if of general application, shall be published in the state paper; but whenever in the judgment of the board it shall be necessary to do so, special rules and regulations, or orders relating to said diseases may

be made for any town, village or city without such publication, and the service of copies of such rules, regulations or orders upon such town, village or city through the officers thereof shall be a sufficient notice thereto; and the rules, regulations or orders of the state board of health made in accordance with the provisions of this section shall, for the time being and until the same are revoked, supersede all local rules, regulations, by-laws or ordinances that may be inconsistent or in conflict therewith.

Sec. 24. Enforcement of regulations; penalty for refusing to obey rules; authorities required to cooperate with board. R. S. c. 18, § 10. All health officers, local boards of health, municipal officers, sheriffs, constables, police officers and marshals shall enforce the rules and regulations of the state board of health made as provided in the two preceding sections in every particular affecting their respective localities and duties; and any person who shall neglect or refuse to obey the said rules and regulations, or who shall wilfully obstruct or hinder the execution thereof, shall be punished by a fine of not more than five hundred dollars, or by imprisonment in the county jail for a period of not more than six months, or by both fine and imprisonment. And all authorities of every county, city, town and village corporation, all local boards of health, and all officers and persons in charge of the institutions, buildings and vehicles mentioned in section twenty-two shall cooperate with the state board of health in carrying out the provisions of this section and the two preceding sections; and in case such cooperation be refused, withheld or neglected, the said board may execute its orders and directions by agents of its own appointment; and all expenses incurred by members of the state board of health or by duly appointed agents of said board under the provisions of this section shall be paid by the state, the bills first being approved by the governor and council.

Note. Authority of state board of health as to construction of mausoleums and burial vaults, c. 21, §§ 21-25; as to prevention of diseases arising from impure milk, c. 37, §§ 7-11.

Registration of Undertakers.

Sec. 25. Business of undertaker and practice of embalming regulated; age and qualification; examination. R. S. c. 18, § 11. 1911, c. 181, § 1. Any person wishing to become an undertaker or an embalmer of dead human bodies, or to engage in the business of caring for and preparing dead human bodies for burial, transportation or cremation, as a regular and permanent business or profession, shall be at least twenty-one years of age with not less than a grammar school education, and shall have practiced embalming dead human bodies for at least twelve months, or shall have had at least one month's practical instruction in embalming and disinfecting under a licensed embalmer; he shall have an intelligent comprehension of such rudiments of anatomy, and of the characteristics of, and the dangers from contagious and infectious diseases, and of the actions and uses of disinfectant agencies, as the state board of health may prescribe as necessary for the protection of the living, and shall pass an examination before a board of examiners appointed under the following section, before he is permitted to practice said business or profession within the state.

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Sec. 26. Board of examiners; tenure; vacancies. R. S. c. 18, § 15. 1911, c. 181, § 5. The board of examiners shall consist of four members; the secretary of the state board of health shall be a member ex-officio, and shall also be secretary of the board of examiners; three other members, one of whom shall be a member of the state board of health, and the others, practical undertakers and embalmers, shall be appointed by the governor with the advice and consent of the council, at the expiration of the terms of the members now serving, and shall hold office for three years. In case of a vacancy due to death, resignation, or other cause, the vacancy shall be filled by an appointment for the unexpired term, as is provided for original appointments.

See c. 117, §§ 54, 55.

Sec. 27. Examinations for license; board may revoke license. R. S. c. 18, §§ 12, 13, 14. 1911, c. 181, §§ 2, 3, 4. Examinations for licenses shall be given by the board of examiners at least twice a year, at such times and places as they may determine. The examination papers shall contain such questions relating to the subject of embalming and disinfecting as the board may deem necessary to determine the qualifications of the applicant, and if found qualified, a certificate of a licensed embalmer shall be issued to the applicant, under which he shall have legal authority to prepare bodies dead of infectious or contagious disease for transportation, and to do any work coming within the province of said vocation. The board of examiners may revoke, for cause, any license issued by it, and failure to comply with the law and the regulations of the state board of health shall be deemed sufficient cause for the revocation of a license.

Sec. 28. Blanks and forms of procedure. R. S. c. 18, § 16. 1911, c. 181, § 6. The state board of health may adopt such blanks and forms of procedure as it may deem necessary and best to carry out the provisions of sections twenty-five to thirty-four, both inclusive, and shall keep on file a list of all registered and licensed embalmers and a record of examinations, together with the examination papers, all of which shall be open to public inspection.

Sec. 29. Record kept by board of examiners; report to state board of health. R. S. c. 18, § 17. 1911, c. 181, § 7. The board of examiners shall keep a record, containing the names and residences of all persons licensed hereunder, and a record of all moneys received and disbursed by said board, and said records, or duplicates thereof, shall always be open to inspection in the office of the secretary of the state board of health during regular office hours. The board of examiners shall report to the state board of health, on or before the first day of May in each year, a full and complete account of all its official acts during the year, together with a statement of the receipts and disbursements of the board and such comment as may be deemed proper.

Sec. 30. Fees. R. S. c. 18, § 18. 1911, c. 181, § 8. The fee for examination under section twenty-seven shall be five dollars; for the issuing or renewal of any license under section thirty-one one dollar and for the revival and renewal of any license two dollars. The money thus received shall constitute a permanent fund for carrying on the work of the board;

and the expenses for printing, stationery, and postage, and all other expenses necessarily incurred under sections twenty-five to thirty-four, both inclusive, and the compensation of the members of the board of examiners, shall be paid therefrom.

Sec. 31. Expiration and renewal of license. 1911, c. 181, § 9. 1915, c. 310. All licenses which have been, or may be issued to undertakers by the board of examiners, shall expire on the thirty-first day of December annually, provided, that the licenses hereafter issued shall be valid and shall not expire until the last day of the following year. Any person holding an embalmer's license issued under the provisions of section twenty-seven may have the same renewed by making and filing with the secretary of said board of examiners an application therefor within thirty days preceding the expiration of his or her license, upon blanks prescribed by said board and upon payment of one dollar renewal fee; provided, however, that any person neglecting or failing to have his or her license renewed as above, may have the same renewed by making application therefor within thirty days after date of expiration, and upon payment of two dollars revival and renewal fees.

Sec. 32. List of licensed embalmers, supplied to transportation companies. 1911, c. 181, § 10. In the month of January of each year, the secretary of the board of examiners shall supply each licensed embalmer, and the secretary of the state board of health shall supply the various transportation companies within this state, with a list of all embalmers holding licenses, then in force, giving the names of such persons, their business addresses and the numbers of their licenses.

Sec. 33. Holder of license shall be notified of the expiration of same; holder of license, not renewed, shall be notified. 1911, c. 181, § 11. The secretary of the board of examiners shall, at least ten days prior to the expiration of any license, mail to the holder of any license about to expire a notice, advising him to that effect, and enclosing a blank application for renewal thereof. The secretary of said board shall also mail a notice to each holder of a license that has not been renewed in accordance with the foregoing provisions, advising him of the expiration of his license, and of the penalty of embalming dead human bodies without holding a license, and the condition and terms upon which his license may be revived and renewed. All notices required to be mailed by provisions of this section shall be directed to the last known post-office of the party to whom the notice is addressed.

Sec. 34. Injection of fluid in case of accidental or sudden death, regulated. R. S. c. 18, § 19. 1911, c. 181, § 12. No person shall inject into any cavity or artery of the body of any person who has died from an accidental or sudden death or under suspicious circumstances, any fluid or substance until a legal certificate of the cause of death from the attending physician or coroner has been obtained, nor until a legal investigation has determined the cause of death. If a criminal cause of death is alleged or suspected, no fluid or other substance shall be injected into a body until the cause of death is legally established.

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Sec. 35. Penalty for violation. 1911, c. 181, § 13. Whoever violates any provision of the ten preceding sections, or any rule or regulation prescribed by the state board of health for the preparation, embalming, shipping or burial of any dead human body shall be punished by a fine of not less than ten dollars, nor more than fifty dollars, or imprisonment in the county jail for not less than ten days, nor more than sixty days, and the county attorney of the county in which violation occurs shall prosecute all such persons.

State Laboratory of Hygiene.

Sec. 36. State laboratory of hygiene, authorized. R. S. c. 18, § 21. The state board of health may establish and equip with the proper and necessary apparatus, instruments and supplies a state laboratory of hygiene, for the chemical and bacteriological examination of water supplies, milk and food products, and the examination of cases and suspected cases of diphtheria, typhoid fever, tuberculosis, glanders and other infectious and contagious diseases.

Sec. 37. Appointment of director; his duties; annual report; services shall be free. R. S. c. 18, § 22. The state board of health shall appoint a director of such laboratory, who shall hold that position at the pleasure of the board. He shall keep a record of all specimens sent to him for examination, and examine these specimens without unnecessary delay, and do such other work, and make such other investigations relating to the public health as said board may from time to time direct. He shall annually in the month of January make a full report to the board of all matters pertaining to the laboratory, and shall make such other and special reports as the board may require. The kind and amount of the work he shall do and the compensation therefor shall be fixed by said board. The services of the laboratory and all investigations therein made shall be free to the people of the state.

Sec. 38. Appropriation. R. S. c. 18, § 23. 1907, c. 26. 1913, c. 40. 1915, c. 274. The sum of six thousand five hundred dollars a year is hereby appropriated to pay for the services of the director, and of such assistants as may be necessary, to procure the necessary supplies, and to meet the other necessary expenses of said laboratory, which sum shall be expended under the supervision of the state board of health.

Local Boards of Health.

Sec. 39. Local boards of health, established; appointment; tenure; vacancies. R. S. c. 18, § 24. There shall be a local board of health in each city and town in the state, to be composed of three members appointed by the municipal officers, anything in the charter of such city to the contrary notwithstanding; the board first appointed in any town shall be appointed to serve, one for three years, one for two years, and one for one year, and thereafterwards the municipal officers in each town shall annually before the fifteenth day of April, appoint a member of such board to serve three years, and to hold office until another is appointed in his stead. Any vacancy arising from any cause, shall be filled for the unexpired term at the first meeting thereafter, of the municipal officers. If for any reason, the

appointments are not made at said date, the same shall be made as soon as may be thereafter.

Sec. 40. State board of health may appoint local boards, if towns fail to appoint. R. S. c. 18, § 25. If the municipal officers of any city or town shall fail to appoint a local board of health, or to fill any vacancy in said board, in accordance with the provisions of the preceding section, the secretary of the state board of health may in writing request such municipal officers to make such appointment, and if the municipal officers shall neglect or refuse to do so for a period of thirty days after receiving such written request, the state board of health may appoint such local board of health, or fill any vacancy therein.

Sec. 41. Annual meetings. R. S. c. 18, § 26. Before the fifteenth day of May in each year, the board of health shall meet for the transaction of business, and shall choose a chairman and secretary from their number.

Sec. 42. Duties of officers. R. S. c. 18, § 27. The chairman shall preside at all meetings of the board. The secretary shall, in a book kept for that purpose, make and keep a record of all the proceedings at the meetings and of all transactions, doings, orders and regulations of the board of health. The secretary shall be also the executive officer of the board when a health officer is not appointed.

Sec. 43. Health officer, appointment, qualification, duties and salary. R. S. c. 18, § 28. The municipal officers may appoint a health officer, who shall be a well-educated physician, who shall be the sanitary adviser and executive officer of the board, and who shall hold office during the pleasure of the board. The municipal officers shall establish his salary or other compensation, and shall regulate and audit all fees and charges of persons employed by each board of health, in the execution of the health laws and of their regulations.

97 Me. 97.

Sec. 44. Report to state board. R. S. c. 18, § 29. The health officer, or where there is no health officer appointed, the secretary of each local board of health, at least once in each year, shall report to the state board of health their proceedings, and such other facts required, on blanks, and in accordance with instructions received from said board. He shall also make special reports whenever required to do so, by the state board of health. He shall, within one week following their meeting and election of officers, report to the secretary of the state board of health, the name and address of each member of the local board, of the chairman and secretary, and of the health officer when one is appointed.

Sec. 45. Powers and duties. R. S. c. 18, § 30. 1909, c. 130. 1915, c. 338, § 4. Each local board of health constituted under section thirty-nine shall:

I. Hold regular quarterly meetings, and special meetings whenever considered necessary by its executive officer, also whenever requested by the state board of health, or the president and secretary thereof.

II. Prescribe the powers and duties of the local health officer, when there is one, and direct him, from time to time in the performance of his duties.

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III. Guard against the introduction of contagious and infectious diseases, by the exercise of proper and vigilant medical inspection and control of all persons and things coming within the limits of its jurisdiction from infected places, or which for any cause, are liable to communicate contagion; give public notice of infected places, by displaying red flags or by posting placards on the entrances of the premises; require the isolation of all persons and things that are infected with, or have been exposed to, contagious or infectious diseases, and provide suitable places for the reception of the same; and furnish medical treatment and care for persons, sick with such diseases who cannot otherwise be provided for; prohibit and prevent all intercourse and communication with, or use of, infected premises, places and things, and require, and if necessary, provide the means for the thorough cleansing and disinfection of the same before general intercourse therewith, or use thereof, shall be allowed. And it shall report to the state board of health promptly, facts which relate to infectious and epidemic diseases, occurring within the limits of its jurisdiction and shall report to said board every case of such infectious or contagious diseases as the rules and regulations of said board shall require. Those diseases which the rules and regulations of the state board of health may require to be reported shall be known, under the terms of this chapter, as notifiable diseases. Diseases which the state board of health may promulgate as those which shall be quarantined or isolated shall be known as quarantinable diseases.

105 Me. 136.

IV. Receive and examine into the nature of complaints made by any of the inhabitants, concerning nuisances dangerous to life and health within the limits of its jurisdiction; enter upon or within any place or premises where nuisances or conditions dangerous to life and health are known or believed to exist, and personally, or by appointed agents, inspect and examine the same; and all owners, agents and occupants, shall permit such sanitary examinations; and every such board of health shall order the suppression and removal of nuisances and conditions detrimental to life and health found to exist within the limits of its jurisdiction.

V. Make, alter and amend such orders and by-laws as they shall think necessary and proper for the preservation of life and health and the successful operation of the health laws of the state, subject to the approval of any justice of the supreme judicial court. Notice shall be given by the board of health, of all by-laws made or amended by them, by publishing the same in some newspaper, if there is one published in such town; if there is none, then in the nearest newspaper published in the county; or by posting copies of said by-laws in six conspicuous and public places within the town; and a record of such publication, or posting, of said orders and by-laws in the office of the town clerk, shall be deemed a legal notice to all persons.

Powers and Duties of Local Boards of Health, and Prevention of Infectious Diseases.

Sec. 46. Notice to owner of any infected house, etc., requiring same to be disinfected. R. S. c. 18, § 31. When any local board of health is of opinion that the cleansing and disinfecting of any house, building, car, vessel

or vehicle, or any part thereof, and of any article therein likely to contain infection, would tend to prevent or check infectious disease, such local board of health shall give notice in writing to the owner, agent or occupier of such house, building, car, vessel or vehicle, or part thereof, requiring him to cleanse and disinfect to the satisfaction of the health officer, or board of health, such house, building, car, vessel or vehicle, and said articles within a time specified in such notice.

Sec. 47. Penalty for failure to comply with notice. R. S. c. 18, § 32. If the person to whom notice is given, fails to comply therewith, he shall be liable to a penalty of not less than five, nor more than ten dollars for every day during which he continues to make default; and the local board of health shall cause such house, building, car, vessel or vehicle, or any part thereof, and articles to be cleansed and disinfected at the expense of the town, and the town may recover the expenses so incurred from the owner, agent or occupier in default, by an action of special assumpsit.

Sec. 48. Notice of existence of any infectious disease. R. S. c. 18, § 33. 1909, c. 78, § 12. 1915, c. 338, § 5. Whenever any householder knows or has reason to believe that any person within his family or household has smallpox, diphtheria, scarlet fever, cholera, typhus or typhoid fever, cerebro-spinal meningitis, measles, membranous croup, so-called, whooping-cough, or any other disease which is made notifiable by the rules and regulations of the state board of health, he shall within twenty-four hours, give notice thereof to the health officer of the town in which he resides, and such notice shall be given either at the office of the health officer, or by letter or telephone, the communication to be mailed or delivered to him within the time above specified, and in case there is no health officer, to the secretary of the local board of health, either at his office or by communication as aforesaid.

Sec. 49. Infected person shall not be removed without permission of board. R. S. c. 18, § 34. 1915, c. 338, § 6. No householder in whose dwelling there occurs any of the notifiable diseases, shall permit any person suffering from any such disease, or any clothing or other property to be removed from his house, without the consent of the board, or of the health officer, and the said board or health officer, shall prescribe the conditions of removal.

Sec. 50. Children, affected, shall not attend school, etc. R. S. c. 18, § 35. No parent, guardian or other person, shall carelessly carry about children or others affected with infectious diseases, or knowingly or wilfully introduce infectious persons into other persons' houses, or permit such children under his care, to attend any school, theatre, church or any public place.

Sec. 51. Physician shall give notice of existence of contagious disease. R. S. c. 18, § 36. 1915, c. 338, § 7. Whenever any physician knows or has reason to believe that any person whom he is called upon to visit, has or is infected with any of the notifiable diseases, such physician shall forthwith give notice thereof to the secretary of the local board of health, or the health officer of the town in which such person lives.

Sec. 52. Proceedings in cases of violation of § 51. R. S. c. 18, § 37. The secretary or health officer of each local board of health in the state,

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who shall have knowledge of any violation of the provisions of the preceding section occurring within the jurisdiction of such local board of health, shall forthwith give notice thereof in writing and of all facts within his knowledge in relation thereto, to the county attorney of the county in which such violation has occurred and said county attorney shall thereupon examine into the case and take such action in the matter as the circumstances of the case require.

Sec. 53. Persons affected with smallpox, etc., shall not mingle with the public. R. S. c. 18, § 38. 1915, c. 338, § 8. No person affected with smallpox, scarlet fever, diphtheria, or other quarantinable disease, and no person having access to any person affected with any of the said diseases, shall mingle with the general public until such sanitary precautions as may be prescribed by the local board of health shall have been complied with.

Sec. 54. Convalescents and nurses shall not leave premises without certificate from health officer. R. S. c. 18, § 39. 1915, c. 338, § 9. Persons recovering from smallpox, scarlet fever, diphtheria or other diseases for which disinfection may be required by the state board of health, and nurses who have been in attendance on any person suffering from any such disease, shall not leave the premises until they have received from the board of health or health officer, a certificate that they have taken such precautions as to their persons, clothing and all other things which they propose bringing from the premises as are necessary to insure the immunity from infection of other persons with whom they may come in contact, and no such person shall expose himself in any public place, shop, street, inn or public conveyance without having first adopted such precautions.

Sec. 55. Disinfection, excreta, bedding, etc. R. S. c. 18, § 40. 1915, c. 338, § 10. Nurses and other attendants upon persons sick with smallpox, scarlet fever, diphtheria or other quarantinable disease, shall adopt for the disinfection and disposal of excreta, and for the disinfection of utensils, bedding, clothing and other things which have been exposed to infection, such measures as may be ordered in writing, by the local board of health.

Sec. 56. Use of bedding and clothing until disinfected, prohibited. R. S. c. 18, § 41. 1915, c. 338, § 11. No person shall give, lend, transmit, sell or expose any bedding, clothing, furniture or other article which has been used by persons affected with smallpox, scarlet fever, diphtheria, or other disease for which disinfection may be required by the state board of health, or from rooms which have been occupied by such persons, without first having said articles disinfected to the satisfaction of the local board of health.

Sec. 57. Bedding and clothing may be destroyed. R. S. c. 18, § 42. Any local board of health may direct the destruction of any bedding, clothing or other articles, which have been exposed to infection.

Sec. 58. Children who have been exposed to contagion, shall be excluded from public schools. R. S. c. 18, § 43. Whenever smallpox, diphtheria, scarlet fever or other contagious disease, shall appear in a town, the local board of health shall immediately notify the teachers of the public schools in the neighborhood, of the fact, and all teachers and school officers when thus notified, or when otherwise they shall know or have good reason to

believe that any such disease exists in any house in the neighborhood, shall exclude from the schoolhouse, all children and other persons living in such infected houses or who have called or visited at such houses, until such time as the local board of health shall certify that such children or other persons may safely be readmitted.

Sec. 59. Schoolhouses, when infected, shall be closed. R. S. c. 18, § 44. 1915, c. 338, § 12. When persons from houses or places which are infected with any of the diseases for which disinfection may be required by the state board of health, have entered any schoolroom, or when, from any other cause, the schoolroom has probably become infected, the teacher shall dismiss the school, and notify the school officers and local board of health, and no school shall be again held in such schoolroom until the room has been disinfected to the satisfaction of the local board of health, and the school officers and board of health shall cause the room to be disinfected as soon as possible.

Sec. 60. When any cellar, etc., become unfit for occupancy, notice shall be served on the owner, to cleanse the same; if owner fails, board may cleanse, at owner's expense. R. S. c. 18, § 45. The board, when satisfied upon due examination, that a cellar, room, tenement or building in its town, occupied as a dwelling-place, has become, by reason of want of cleanliness, or other cause, unfit for such purpose, and a cause of sickness to the occupants or the public, may issue a notice in writing to such occupants, or the owner or his agent, or any of them, requiring the premises to be put into a proper condition as to cleanliness, or, if they see fit, requiring the occupants to quit the premises within such time as the board may deem reasonable. If the persons so notified, or any of them, neglect or refuse to comply with the terms of the notice, the board may cause the premises to be properly cleansed at the expense of the owner, or may close the premises, and the same shall not be again occupied as a dwelling-place, until put in a proper sanitary condition. If the owner thereafter occupies or knowingly permits the same to be occupied, without putting the same in proper sanitary condition, he shall forfeit not less than ten, nor more than fifty dollars.

Sec. 61. Persons infected, shall not be allowed to enter any conveyance without notice to owner. R. S. c. 18, § 46. No person having smallpox, diphtheria, scarlet fever, cholera or other disease dangerous to public health, shall enter, nor shall any person allow any one under his charge who has any such disease, to enter any conveyance without having previously notified the owner or person in charge of such conveyance, of the fact of his having such disease.

Sec. 62. When such conveyance has been so used, it shall be disinfected. R. S. c. 18, § 47. The owner or person in charge of any such conveyance shall not, after the entry of any person so infected into his conveyance, allow any other person to enter it, without having sufficiently disinfected it under the direction of the local board of health, or the supervision of the health officer.

Sec. 63. Houses shall be disinfected, where contagion has existed. R. S. c. 18, § 48. 1915, c. 338, § 13. No person shall let or hire any house or room in a house in which any of the diseases have existed for which dis-

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infection may be required by the state board of health, without having caused the house and the premises used in connection therewith, to be disinfected to the satisfaction of the local board of health.

Sec. 64. Officers shall not be obstructed in performance of duty. R. S. c. 18, § 49. Any member of a local board of health, or any health officer or other person employed by the local board of health, may, when obstructed in the performance of his duty, call to his assistance, any constable or other person he thinks fit, and every such constable or person so called upon, shall render assistance.

Sec. 65. Penalty for violations. R. S. c. 18, § 50. 1911, c. 108. Whoever wilfully violates any provision of the twenty-six preceding sections, or of said regulations and by-laws, or neglects or refuses to obey any order or direction of any local board of health or health officer authorized by said provisions, the penalty for which is not herein specifically provided, or wilfully interferes with any person or thing, to prevent the execution of the provisions of said sections or of said regulations and by-laws, shall be punished by a fine of not more than fifty dollars; judges of municipal and police courts and trial justices, shall have jurisdiction original and concurrent with the supreme judicial and superior courts, of all offenses under said sections.

Sec. 66. Antitoxin, in certain cases, shall be furnished free. 1909, c. 55, § 1. To provide for the control of diphtheria and other contagious diseases, local boards of health shall furnish antitoxin free to all indigent persons suffering from such diseases, in such manner as the state board of health may direct.

Sec. 67. Contracts for supply of antitoxin. 1909, c. 55, § 2. The state board of health shall make contracts with reputable manufacturers for the sale of antitoxin to the local boards of health in such manner as is deemed best and most economical for the several towns, and may arrange several towns and plantations into groups for the purchase of antitoxin when it appears that such arrangement would be the best, most convenient and most economical for them.

Sec. 68. Antitoxin shall be furnished physicians. 1909, c. 55, §§ 3, 4. The antitoxin shall be kept by the secretary or chairman of the local board, and shall be furnished physicians upon application on blanks provided and furnished by the state board. The local board shall provide a repository for antitoxin which may be furnished to physicians at the same rates as furnished by the state board of health, and to their patients on prescriptions. The local board of health in any town furnishing an indigent person residing in another town antitoxin upon application, as above provided, shall be reimbursed by the town where the patient belongs. The state shall reimburse cities or towns furnishing antitoxin to any person having no legal residence in any city or town within the state.

108 Me. 495.

Sec. 69. Precautions against infected persons. R. S. c. 18, § 51. When any person is or has recently been infected with any disease or sickness dangerous to the public health, the local board of health of the town where he is, shall provide for the safety of the inhabitants, as they think best, by removing him to a separate house, if it can be done without great danger

to his health, and by providing nurses and other assistants and necessaries, at his charge or that of his parent, if able.

19 Me. 223; 28 Me. 257; 45 Me. 409; 52 Me. 119; 66 Me. 60, 72; 67 Me. 371; 99 Me. 19, 214; 102 Me. 38; 108 Me. 493.

Sec. 70. Board of health shall assist persons placed in quarantine. 1909, c. 25, § 1. Whenever any person or family is placed in quarantine by a board of health, to protect the public against smallpox, scarlet fever, diphtheria, or any other dangerous or contagious disease, said board shall assist such person or family, if indigent or in a needy condition while in quarantine, in such a manner as in the judgment of the board may be deemed wise and necessary.

Sec. 71. Expenses incurred shall be deemed legitimate, and charged to town. 1909, c. 25, § 2. 1915, c. 181. All expenses including all supplies of food and medicine, including antitoxin, incurred in carrying out the provisions of the preceding section, or incurred in furnishing families or persons affected with tuberculosis with burnable spit-cups or other supplies needed to prevent the spread of infection, or such part thereof as the board may determine, shall be deemed a legitimate expenditure for the protection of the public health and shall be charged to the account of incidental expenses of the town, but not to any pauper account, nor shall any person so quarantined and assisted, be considered a pauper, or be subject to disfranchisement for that cause unless such persons are already paupers as defined by the revised statutes. All, or such portion of, such expenses as the board of health may determine are not a legitimate expenditure for the protection of the public health, may be recovered from the person quarantined, or whose family is quarantined, or from his parent, if able: otherwise from the town to which he belongs. The provisions of this section shall not release the state from the obligations which are imposed upon it by sections twenty-five to twenty-eight, both inclusive, of chapter twenty-nine.

108 Me. 494; 113 Me. 319; see §§ 15, 66.

Sec. 72. Precautions against persons arriving from infected places. R. S. c. 18, § 52. When an infectious or malignant distemper is known to exist in any place out of the state, the local board of health of any town in the state, may, by giving such public notice therein as they find convenient, require any person coming from such place to inform one of them or the town clerk of his arrival and from what place he came; and if he does not, within two hours after arrival, or after actual notice of such requirement, give such information, he forfeits one hundred dollars to the town.

Sec. 73. Restrictions on such persons; may be removed if refractory; penalty if they return. R. S. c. 18, § 53. The local board of health may prohibit any such person, from going to any part of their town where they think that his presence would be unsafe for the inhabitants; and if he does not comply, they may order him, unless disabled by sickness, forthwith to leave the state in the manner and by the road which they direct; and if he neglects or refuses so to do, any justice of the peace in the county, on complaint of one of said local board of health, may issue his warrant to any proper officer or other person named therein, and cause him to be removed from the state; and if during the prevalence of such distemper in the place where he resides, he returns to any town in the state, without

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the license of its local board of health, he forfeits not exceeding four hundred dollars.

Sec. 74. Precautions authorized in border towns. R. S. c. 18, § 54. The local board of health of any town near or adjoining the state line, may, by writing under their hands, appoint suitable persons to attend at any places by which travelers may pass into such town from infected places in other states or provinces, who may examine such passengers as they suspect of bringing with them any infection dangerous to the public health, and if need be, may restrain them from traveling until licensed thereto by one of said board; and any such passenger who without such license travels in this state, except to return by the most direct way to the state or province whence he came, after he has been cautioned to depart by the persons so appointed, forfeits not exceeding one hundred dollars.

Removal of Infected Persons and Goods.

Sec. 75. Process for removal or separate accommodation of infected persons. R. S. c. 18, § 55. Any two justices of the peace may issue a warrant, directed to a proper officer, requiring him to remove any person infected with contagious sickness, under the direction of the local board of health of the town where he is; or to impress and take convenient houses, lodgings, nurses, attendants, and other necessaries for the accommodation, safety and relief of the sick.

66 Me. 72, 314.

Sec. 76. Process for securing infected articles. R. S. c. 18, § 56. When on application of the local board of health of a town, it appears to any justice of the peace that there is just cause to suspect that any baggage, clothing or goods therein, are infected with any malignant contagious distemper, he shall, by a warrant directed to a proper officer, require him to impress so many men as said justice thinks necessary, to secure such infected articles, and to post said men as a guard over the place where the articles are lodged, who shall prevent any persons from removing or approaching such articles, until due inquiry is made into the circumstances.

Sec. 77. Justice may by warrant require officers to remove them to suitable places. R. S. c. 18, § 57. He may by the same warrant, if it appears to him necessary, require said officer, under the direction of the local board of health, to impress and take convenient houses or stores for the safe keeping of such infected articles, and cause them to be removed thereto, or otherwise detained, until the local board of health think that they are free from infection.

Sec. 78. Powers of officers in executing such process. R. S. c. 18, § 58. Said officer, if need be, may break open any house, shop or other place mentioned in the warrant, where infected articles are, and require such aid as is necessary to execute it; and any person who at the command of any such officer, fails to assist in such execution, shall be subject to a fine not exceeding ten dollars.

Sec. 79. Expenses, how paid. R. S. c. 18, § 59. The charges for securing such infected articles and of transporting and purifying them, shall be paid by the owners thereof, at the price determined by the local board of health.

Sec. 80. Compensation for men or property impressed. R. S. c. 18, § 60. When the officer impresses or takes any house, store, lodging or other necessaries, or impresses any man, as herein provided, the parties interested shall have a just compensation therefor, to be paid by the town in which such persons or property were impressed.

65 Me. 404.

Sec. 81. Adjournment of courts because of danger from infection. R. S. c. 18, § 61. When a malignant infectious distemper prevails in any town wherein the supreme judicial court, the superior court, or court of county commissioners is to be held, said courts may be adjourned and held in any town in said county, by proclamation made in such public manner as such courts judge best, as near their usual place of meeting as they think that safety permits.

83 Me. 116.

Sec. 82. Removal of infected prisoners from places of confinement. R. S. c. 18, § 62. When any person in a jail, house of correction or work-house, is attacked with a disease, which the local board of health of his town; by medical advice, consider dangerous to the safety and health of other prisoners, or of the inhabitants of the town, they shall, by their order in writing, direct his removal to some place of safety, there to be securely kept and provided for until their further order; and if he recovers from such disease, he shall be returned to his place of confinement.

Sec. 83. Order for removal, how returned; such removal, not an escape. R. S. c. 18, § 63. If he was committed by an order of court or judicial process, the order for his removal, or a copy thereof attested by the local board of health, shall be returned by them with the doings thereon into the office of the clerk of the court from which such order or process was issued. No such removal shall be deemed an escape.

Sec. 84. May order removal of private nuisances; proceedings. R. S. c. 18, § 64. When any source of filth, or other cause of sickness is found on private property, the owner or occupant thereof shall, within twenty-four hours after notice from the local board of health or health officer, at his own expense, remove or discontinue it; and if he neglects or unreasonably delays to do so, he forfeits not exceeding one hundred dollars; and said local board of health or health officer shall cause said nuisance to be removed or discontinued; and all expenses thereof shall be repaid to the town by such owner or occupant, or by the person who caused or permitted it.

See c. 23, § 24; 57 Me. 438, 440; 65 Me. 436; 87 Me. 475.

Sec. 85. Depositing carcass of dead animal where it may cause nuisance forbidden. R. S. c. 18, § 65. Whoever personally or through the agency of another leaves or deposits the carcass of a dead horse, cow, sheep, hog or of any other of the larger domestic animals in any place where it may cause a nuisance shall, upon receiving a notice to that effect from the local board of health, promptly remove, bury or otherwise dispose of such carcass, and if he fails to do so within such time as may be prescribed by the local board of health, and in such manner as may be satisfactory to such board of health, he shall be punished by a fine of not less than five, nor more than twenty-five dollars, or by imprisonment not exceeding one month.

Infected Vessels. Quarantine.

Sec. 86. Masters, seamen or passengers of vessels may be examined on oath in reference to infectious distempers. R. S. c. 18, § 66. If a master, seaman or passenger of a vessel, in which there is, has lately been, or is suspected to have been, any infection, or which has come from a port where any infectious distemper prevails, dangerous to the public health, refuses to answer, on oath, such questions as are asked him relating to such infection or distemper, by the local board of health of the town to which such vessel comes, which oath any member of said board may administer, he shall forfeit not exceeding two hundred dollars, or be imprisoned not more than six months.

Sec. 87. Vessels with infected persons shall anchor at a distance from towns. R. S. c. 18, § 67. When a vessel arrives at a port having on board any person infected with a malignant disease, the master, commander or pilot shall anchor it at some convenient place below the town of such port, at a distance safe for the inhabitants thereof and the persons on board other vessels in said port; and no person or thing on board shall be brought on shore, until the local board of health gives its written permit.

45 Me. 503.

Sec. 88. Penalty for violation of § 87. R. S. c. 18, § 68. For the wilful violation of the preceding section, such master or commander forfeits not exceeding two hundred, and the pilot not exceeding fifty dollars for each offense.

Sec. 89. Board of health may establish quarantine regulations. R. S. c. 18, § 69. The local board of health of a seaport town may cause vessels arriving there to perform quarantine at such place and under such regulations as they judge expedient, when they think that the safety of the inhabitants requires it; and whoever neglects or refuses to obey such orders and regulations, shall forfeit not exceeding five hundred dollars, or be imprisoned not exceeding six months.

Sec. 90. Duty of pilots to give notice thereof. R. S. c. 18, § 70. When such local board of health thinks it necessary to order all vessels, arriving there from any particular port or ports, to perform quarantine, they shall give notice thereof to the pilots of their port; who shall make it known to the masters of all vessels which they board. A pilot who neglects to do so, or who contrary thereto pilots any vessels up to said seaport town, forfeits not exceeding one hundred dollars.

Sec. 91. Punishment for violation or evasion of quarantine, after notice. R. S. c. 18, § 71. If the master or commander of a vessel takes it up to any seaport town after notice that a quarantine has been so directed for all vessels coming from the port or place whence his vessel sailed; or by false declarations, or otherwise, fraudulently attempts to elude such directions; or lands or suffers to be landed from his vessel any person or thing, without permission of the local board of health, he shall be punished as provided in section eighty-nine.

Sec. 92. Board of health to furnish signals; restrictions on persons visiting vessels at quarantine. R. S. c. 18, § 72. The local board of health of

every seaport town requiring vessels to perform quarantine shall provide, at the expense of such town, a suitable number of red flags at least three yards in length; and the master of every vessel ordered to perform quarantine shall, during the term thereof, cause one of them to be continually kept at the head of the mainmast of his vessel; and no person shall board such vessel during said term unless by permission of said local board of health; if he does, he shall be thereafter held liable to the same regulations and restrictions as those belonging to said vessel; and shall there be detained by force, if necessary, until discharged by said local board of health.

Sec. 93. Authority of health officer, as to quarantine. R. S. c. 18, § 73. In every seaport town the health officer may perform all the duties and exercise all the authority of the local board of health in requiring vessels to perform quarantine.

Sec. 94. Expenses, how paid. R. S. c. 18, § 74. Expenses incurred on account of any person, vessel or goods, under quarantine regulations, shall be paid by such person, or the owner of the vessel or goods, as the case may be.

Note. Proceedings as to burial of body of person dying of contagious disease, c. 64, § 25.

Penalty for polluting water supply, c. 130, § 1; for selling milk from cows diseased or fed upon injurious substances, c. 130, §§ 2, 3; for selling unwholesome provisions or drinks, c. 130, §§ 2-9.

Town Hospitals.

Sec. 95. Hospitals may be established. R. S. c. 18, § 75. 1915, c. 338, § 14. A town may establish therein one or more hospitals for the reception of persons having the smallpox or other diseases dangerous to the public health; or its local board of health may license any building therein as a hospital, which shall be under the control of said board.

Sec. 96. Physicians and others subject to hospital regulations. R. S. c. 18, § 77. 1915, c. 338, § 16. When a hospital is so established or licensed, the physicians, the persons who are infected, infectious, or sick therein, the nurses, attendants, and all who come within its limits, and all furniture or other articles used or brought there, shall be subject to the regulations made by the local board of health.

Sec. 97. Hospital to be provided, on breaking out of infectious diseases; regulations. R. S. c. 18, § 78. When smallpox or other disease dangerous to the public health breaks out in a town, the local board of health shall immediately provide such hospital or place of reception for the sick and infected, as they judge best for the accommodation and safety of the inhabitants; such hospitals and places are subject to their regulations the same as established hospitals; and they shall cause such sick and infected to be removed thereto, unless their condition will not permit it without imminent danger; in which case, the house or place where the sick are, shall be deemed a hospital for every purpose aforesaid; and all persons residing in, or in any way concerned with it, are subject to hospital regulations.

66 Me. 72, 314, 315.

Sec. 98. Precautions to prevent the spread of such diseases. R. S. c. 18, § 79. When any disease dangerous to the public health exists in a town, the municipal officers shall use all possible care to prevent its spread and shall give public notice of infected places to travelers, by displaying red

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flags at proper distances, and by all other means most effectual, in their judgment, for the common safety.

28 Me. 257; 64 Me. 121.

Sec. 99. Penalty for violation of hospital regulations by persons subject thereto. R. S. c. 18, § 80. If any physician or other person in such hospitals or places of reception, attending, approaching, or concerned therewith, violates any lawful regulation in relation thereto, with respect to himself or his or another's property, he forfeits not less than ten, nor more than one hundred dollars, for each offense.

Sec. 100. Forfeitures, how appropriated. R. S. c. 18, § 81. All forfeitures mentioned in the last twenty-eight preceding sections, except otherwise provided, inure to the town where the offense is committed.

87 Me. 475.

General Provisions.

Sec. 101. Free vaccination provided, annually. R. S. c. 18, § 82. 1915, c. 338, § 17. The board of health of each city, village, town and plantation shall annually on the first day of March, or oftener if they deem it prudent, provide for the free vaccination with the cowpox, of all the inhabitants within their respective localities, to be done under the care of skilled practicing physicians, and under such circumstances and restrictions as said authorities adopt therefor.

Sec. 102. Paper mills shall not employ persons not vaccinated. R. S. c. 18, § 83. No owner, agent or superintendent of any paper mill where domestic or foreign rags are used in the manufacturing of paper shall hire or admit any person to work in or about said mill who has not been successfully vaccinated or re-vaccinated within two years, or to the satisfaction of the local board of health.

Sec. 103. Persons not vaccinated shall not work in paper mill. R. S. c. 18, § 84. No person shall work in or about any paper mill where rags are used, who has not been successfully vaccinated or re-vaccinated within two years, or to the satisfaction of the local board of health.

Sec. 104. List of employees shall be furnished semi-annually. R. S. c. 18, § 85. The owner, agent and superintendent in every paper mill where rags are used shall every year, in the months of February and September, make out and deliver to the local board of health, a list containing the names, ages, kind of work, and places of residence of all persons employed in or about said mill.

Sec. 105. Employees shall be examined semi-annually. R. S. c. 18, § 86. In the months of March and October, annually, each and every person who is employed in a paper mill, shall be examined by the local board of health as to whether he or she is successfully and sufficiently protected by vaccination, and the local board of health shall in all cases be the judges of the sufficiency of the protection by vaccination.

Sec. 106. Penalty. R. S. c. 18, § 87. Whoever violates any provision of the four preceding sections shall be punished by a fine of not more than fifty dollars.

Sec. 107. Enforcement of §§ 102-106. R. S. c. 18, § 88. The local boards of health within their respective jurisdictions and the state board

of health, shall enforce sections one hundred and two to one hundred and six each inclusive as far as comes within their power, and when said state board of health knows or has reason to believe that any penalty or forfeiture has been incurred by reason of neglect to comply with said sections, it shall give notice thereof, in writing, to the county attorney of the county in which said penalty or forfeiture has occurred, and upon receipt of such notice the county attorney shall prosecute the defaulting person or persons.

Sec. 108. Suspected cases of tuberculosis or glanders shall be investigated. R. S. c. 18, § 89. Whenever a local board of health or its executive officer has notice of, or suspects the existence of, a case of tuberculosis or glanders in domestic animals, such board or officer shall forthwith investigate or cause to be investigated the truth of such notification or the grounds for such suspicion; and if there appear to be good grounds for believing that such disease is present, the local board of health or its executive officer shall notify the live stock sanitary commissioner, reciting in said notification the grounds for their belief or suspicion.

Inspection of Plumbing.

Sec. 109. Inspectors of plumbing; appointment and tenure. 1911, c. 169, § 2. In every city or town where there is a system of water supply or sewerage the board of health may, whenever necessary, appoint one or more inspectors of plumbing, who may or may not be residents of the town or city for which they are appointed, and who shall hold office for one year; in every city or town where there is a system of water supply or sewerage, at least one member of the board of health shall be a practical plumber within the meaning of section one hundred and fourteen.

Sec. 110. Compensation of inspectors; their duties. 1911, c. 169, § 3. The compensation of said inspectors shall be determined by the board appointing them, subject to the approval of the municipal officers, and shall be paid from the treasury of their respective cities or towns. Such inspectors shall inspect all plumbing, for which permits are granted, within their respective cities or towns, which is in process of construction, alteration or repair, and shall report to said board all violations of any law, ordinance, by-law, rule or regulation relative to plumbing; and also perform such other appropriate duties as may be required. The approval of plumbing by any inspector other than those appointed as provided in the preceding section, shall not be a compliance with the provisions hereof.

Sec. 111. No inspector shall approve his own work; inspection of work done by regular inspector. 1911, c. 169, § 4. No inspector of plumbing shall inspect or approve any plumbing work done by himself, or by any person by whom he is employed, or who is employed by or with him; but in a city or town which is subject to the provisions of the two preceding sections, the board of health shall appoint an additional inspector of plumbing, in the same manner and subject to the same qualifications as the regular inspector of plumbing, who shall inspect, in the manner herein prescribed, plumbing done by the regular inspector or by any person by whom he is employed, or who is employed by or with him. Said additional inspector may act in case of the absence or inability of the regular inspector,

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and shall receive for his services the same compensation as the regular inspector for a like duty.

Sec. 112. Every city or town having water supply or sewerage system shall prescribe regulations. 1911, c. 169, § 5. Each city or town which has therein a system of water supply or sewerage, shall by ordinance or by-law, prescribe regulations for the materials, construction, alteration, and inspection of all pipes, tanks, faucets, valves and other fixtures by and through which waste or sewerage is used and carried; and shall provide that such pipes, tanks, faucets, valves or other fixtures shall not be placed in any building in such city or town, except in accordance with plans approved by the inspector of plumbing or by the board of health; and shall further provide that no plumbing shall be done, except to repair leaks, without a permit being first issued therefor, upon such terms and conditions as such cities or towns shall prescribe. The provisions of this section shall not prevent boards of health from making such regulations relative to plumbing and house drainage authorized by law prior to the thirtieth day of June nineteen hundred and eleven, as are not inconsistent with any ordinance or by-law made under the authority of this section.

Sec. 113. Annual reports. 1911, c. 169, § 9. Inspectors of plumbing and boards of health shall annually, before the first day of June, make a full report in detail to their respective cities or towns of all their proceedings during the year under the provisions of the three preceding sections.

Sec. 114. Definitions. 1911, c. 169, §§ 1, 7. The words "practical plumber," as used in the five preceding sections shall mean a person who has learned the business of plumbing by working for at least two years as an apprentice or under a verbal agreement for instruction, and who has then worked for at least one year as a first class journeyman plumber. The word "journeyman" as used in said sections shall mean a person who himself does any work in plumbing which is by law, ordinance, by-law, rule or regulation subject to inspection. The provisions of said sections shall apply to all persons learning the business of plumbing when they are sent out to do the work of a journeyman plumber.

Sec. 115. Penalty. 1911, c. 169, §§ 6, 10. Whoever violates any provision of the six preceding sections, or any ordinance, by-law or regulation made thereunder, shall be punished by a fine of not less than ten, nor more than fifty dollars for each offense. Municipal and police courts and trial justices shall have jurisdiction of all offenses under said sections.

Licensing of Plumbers.

Sec. 116. Plumbers in municipalities which own water-works, shall be licensed. 1905, c. 71, § 1. In water districts and in cities and towns which own and control municipal water-works, either by direct ownership of the plant or by ownership of the majority of the stock thereof, no plumbing shall hereafter be done on any pipes or fixtures for the use of water from such water-works, unless done by a plumber or other person licensed by the trustees of such district, or the board of water commissioners of such cities, or the municipal officers of such towns. Said trustees, commis-

sioners, and municipal officers are hereby authorized to grant and revoke licenses.

Sec. 117. Reports of fixtures set up, etc., to superintendent of water district or works. 1905, c. 71, § 2. Every plumber or the person who shall set up any pipes or fixtures for the use of water from such municipal water-works, or from any other water-works in the state, or shall make repairs upon, additions to, or alterations of, any pipes or fixtures set up previous thereto, shall, between the first and tenth days of the succeeding month, after the same shall be completed, fill up and return to the superintendent of the water-works on which such work, repairs or alterations are made, a report, stating particularly what new pipes and fixtures he has set up and what repairs, additions and alterations he has made upon or to those previously set up, describing all fixtures both new and old for the use of water on the premises.

Sec. 118. Suspension of license for misrepresentation. 1905, c. 71, § 3. For any misrepresentation or omission in the report of the work done, such plumber or other person shall be liable, if licensed, to suspension or to have his license revoked and whether licensed or not to pay a fine of not less than five, nor more than twenty dollars, to be recovered in an action of debt in the name of the treasurer of the city or town in which such work is done, before the municipal or police court of such city or a trial justice in such town.

Sec. 119. Penalty. 1905, c. 71, § 4. If any plumber or person not duly licensed shall set up any pipes or fixtures for the use of water from any water-works designated in section one hundred and seventeen, or make any repairs upon, additions to, or alterations of, any pipes or fixtures previously thereto set up, he shall forfeit and pay a sum of not less than five, nor more than twenty dollars, to be recovered by complaint, or in an action of debt in the name of the treasurer of the water district or the city or town in which such work is done, before the municipal or police court of such city or a trial justice in such town.

Sec. 120. Provisions in city charters not affected. 1905, c. 71, § 5. The four preceding sections shall not affect any provisions in city charters and ordinances, inconsistent therewith.

Prevention of Blindness.

Sec. 121. Duty of midwife, etc., to report inflammation of infants' eyes. R. S. c. 18, § 90. If one or both eyes of an infant become reddened or inflamed at any time within four weeks after birth, the midwife, nurse or person having charge of said infant shall report the condition of the eyes at once to some legally qualified practitioner of medicine of the town in which the parents of the infant reside. Any failure to comply with the provisions of this section shall be punishable by a fine not to exceed one hundred dollars, or imprisonment not to exceed six months.

Treatment of Persons Suffering from Opiates.

Sec. 122. Persons suffering from use of opiates may be committed to general hospital. 1905, c. 3, § 1. A person, alleged to be suffering from

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the effects of the use of an opiate, cocaine, chloral hydrate, or other narcotic, may be committed to the care of any general hospital receiving aid from the state, or any legally qualified physician of not less than five years' actual practice, for treatment; and the medical authorities of said hospital or said physician to whom said patient is committed, may restrain said patient, so committed, in such manner as may be necessary for his protection, for a period not exceeding ninety days.

Sec. 123. Agreement for personal restraint. 1905, c. 3, § 2. Before any restraint shall be imposed under the authority of the preceding section, a voluntary agreement shall be made in writing by the person suffering from the effects of any drug mentioned in said section, to the imposition of restraint upon his actions, if necessary, and such agreement must be witnessed by the husband, wife, or parent of the person aforesaid, or one of the municipal officers of the city or town in which the person, so suffering, is a resident, and approved, after reasonable notice, by a justice of the supreme judicial court or a judge of the superior court or probate court in the county where the patient resides.

Sec. 124. Investigation as to progress of cases may be required. 1905, c. 3, § 3. Any justice of the supreme judicial court, or a judge of the superior court or probate court in the county where the patient resides, may, at his discretion, require the president or secretary of the state board of health, or one of the county examiners of insane criminals, to investigate as to the progress of any such case; and, upon his certificate that further restraint is unnecessary, may annul the agreement, and the person restrained shall be immediately released upon the order of said justice.