

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

Maine
REVISED STATUTES
1964

*Prepared Under the Supervision
of the
Committee on Revision of Statutes*

Being the Tenth Revision of the
Revised Statutes of the State
of Maine, 1964

Volume 3
Titles 14 to 20



Boston, Mass.
Boston Law Book Co.

Orford, N. H.
Equity Publishing Corporation

St. Paul, Minn.
West Publishing Co.

Text of Revised Statutes
Copyright © 1964
by
State of Maine

This is a historical version of the Maine Revised Statutes that may not reflect the current state of the law. For the most current version, go to:

<http://legislature.maine.gov/legis/statutes/>

CHAPTER 109

HEALTH, SAFETY AND PHYSICAL EDUCATION

Subch.	Sec.
I. General Provisions	1011
II. School Lunch and Milk Program	1051
III. Chest X-rays	1091
IV. School Physicians	1131
V. Sanitary Facilities	1171

SUBCHAPTER I

GENERAL PROVISIONS

Sec.

1011. Programs established.
 1012. Directors; qualifications; duties.
 1013. Exclusion of pupils on account of filth or disease.
 1014. Duty of parents; neglect.

§ 1011. Programs established

In order more thoroughly to prepare the youth of the State for the duties and obligations of citizenship and to provide for their future well-being and comfort, it shall be the duty of the superintending school committees or school directors of the several administrative units of the State to make provision for the organization and development of adequate programs of health, safety and physical education and to require the teaching of these courses to all pupils in the public elementary and secondary schools of the State in accordance with a course of study and plans of lessons and instruction prepared by the commissioner, who shall prescribe such rules and regulations as may be necessary to carry out in successful manner said program of health, safety and physical education, and he may require such reports from superintendents as he may deem necessary.

R.S.1954, c. 41, § 217; 1957, c. 364, § 87.

§ 1012. Directors; qualifications; duties

Administrative units may employ supervisors and directors of physical education who shall meet such standards of prepara-

tion and certification as the commissioner may determine. It shall be the duty of the superintendent of schools in which directors or supervisors of physical education are employed to report to the commissioner, on blank forms prepared by him, the number of pupils receiving instruction, the number of directors and supervisors employed, the amount paid such directors or supervisors and such other information as may be required.

R.S.1954, c. 41, § 218; 1957, c. 364, § 88.

§ 1013. Exclusion of pupils on account of filth or disease

When a teacher becomes aware or suspects that any of the pupils attending his school are in a condition which renders them a source of offense or danger to the other pupils in school on account of filthiness, or because they are the bearers of vermin or parasites, or have an infectious or contagious disease of the skin, mouth or eyes, he shall notify the superintendent of schools. When a superintendent of schools knows or learns that any of the pupils attending any school within his jurisdiction are affected with any of the conditions, infections or diseases mentioned, he shall notify the parents to cleanse the clothing and the bodies of the children and to furnish them with the required home or medical treatment for the relief of their trouble, and he shall exclude such children from the schools until they are cured, cleansed and disinfected.

R.S.1954, c. 41, § 74.

§ 1014. Duty of parents; neglect

Parents notified according to section 1013 of the condition of their children shall forthwith have them and their clothing cleansed and shall promptly do what is necessary, or furnish them such medical treatment as may be required to rid the children of vermin, parasites or contagion. Any parent who fails to do what is required so that the children may return to school with as little loss of time as is possible shall be punished by a fine of not more than \$5 for the first offense and of not more than \$10 for a 2nd or subsequent offense.

R.S.1954, c. 41, § 75.

SUBCHAPTER II

SCHOOL LUNCH AND MILK PROGRAM

Sec.

- 1051. Acceptance and compliance with federal law.
- 1052. Acceptance of Special Milk Program.
- 1053. Administration.
- 1054. Treasurer of State as custodian.
- 1055. Accounts, records, reports and operation.

§ 1051. Acceptance and compliance with federal law

The State having accepted the provisions and benefits of the Act of Congress entitled "An Act to Provide Assistance to the States in the Establishment, Maintenance, Operation and Expansion of School-Lunch Programs and for Other Purposes" approved June 4, 1946, will observe and comply with said Act.

R.S.1954, c. 41, § 219.

§ 1052. Acceptance of Special Milk Program

The State having accepted the provisions and benefits of the Special Milk Program for Children will observe and comply with this legislation.

1957, c. 24, § 1.

§ 1053. Administration

The superintending school committee or school directors of any administrative unit may establish, maintain, operate and expand a school-lunch and special milk program for the pupils in any school building under its jurisdiction, may make all contracts necessary to provide material, personnel and equipment necessary to carry out the National School Lunch Act and the Special Milk Program for Children legislation, and may use therefor funds disbursed to them under this subchapter, gifts and other moneys received from sale of school lunches and milk under these programs. The commissioner may give technical advice and assistance to any school committee or board of school directors in connection with the establishment and operation of any school-lunch and milk program and may assist in training personnel engaged in the operation of any school-lunch program.

R.S.1954, c. 41, § 221; 1957, c. 24, § 3; c. 364, § 91; c. 443, § 29.

§ 1054. Treasurer of State as custodian

The Treasurer of State is designated custodian of all moneys received by the State from the Federal Government for establishment, maintenance, operation and expansion of school-lunch and milk programs and he shall receive and provide for the proper custody of such moneys and disburse such money on requisition of the commissioner.

R.S.1954, c. 41, § 220; 1957, c. 24, § 2.

§ 1055. Accounts, records, reports and operation

The commissioner shall prescribe regulations for the keeping of accounts and records and the making of reports by the superintending school committees or school directors. Such accounts and records shall at all times be available for inspection and audit by authorized officials and shall be preserved for such period of time, not in excess of 5 years, as the commissioner may prescribe.

R.S.1954, c. 41, § 222; 1957, c. 364, § 92.

SUBCHAPTER III

CHEST X-RAYS

Sec.

1091. Chest X-ray certificate.

§ 1091. Chest X-ray certificate

On or before December 1st, biennially, except that for those persons in whom the disease is arrested the examination shall be annually, all superintendents of schools, supervisors, teachers, school nurses, janitors, school bus drivers and persons employed in the preparation of school lunches shall file with the superintending school committee or school directors a certificate that such employee has had a chest X-ray performed and interpreted as showing no significant evidence of tuberculosis by persons recognized as skilled and experienced in such performance and interpretation. No person whose X-ray examination shows active tuberculosis shall be employed in any school or continued in employment while having such active disease. So far as practicable the existing state facilities, including the state sanatoriums, shall be made available to such employees for such X-rays. The cost of such examination shall be borne by the employee. If done by the

State, there shall be no charge for the service except for the actual cost of materials used. Said certificates shall be kept on file in the office of the superintendent of schools or in the office of the head of the private school. This section shall apply to both public and private schools and to all grades common to the public school system. A certificate stating that a standard intradermal tuberculin test has been performed and found to be "negative" by a licensed physician may be substituted for X-ray examination.

R.S.1954, c. 41, § 55; 1957, c. 364, § 26-A.

SUBCHAPTER IV

SCHOOL PHYSICIANS

Sec.

- 1131. Appointment; facilities.
- 1132. Duties.
- 1133. Treatment of pupils.
- 1134. Examination of pupils after absence on account of sickness.
- 1135. Examination of sight and hearing; notice of defect or disability to parent or guardian.
- 1136. Directions for tests prescribed.
- 1137. Expense that may be incurred by city or town.
- 1138. Notice of disease or defects.
- 1139. Applicability of provisions.

§ 1131. Appointment; facilities

The superintending school committee or school directors of every administrative unit shall appoint one or more school physicians, and shall assign one to the medical inspection of not over 1,000 pupils of the public schools within its administrative unit, and shall provide them with all proper facilities for the performance of their duties as prescribed in this subchapter provided funds have been duly appropriated.

R.S.1954, c. 41, § 57; 1957, c. 364, § 28; 1959, c. 175.

§ 1132. Duties

Every school physician shall make a prompt examination and diagnosis of all children referred to him as provided in this subchapter, and such further examination of teachers, janitors and school buildings as in his opinion the protection of the health of the pupils may require.

R.S.1954, c. 41, § 58.

§ 1133. Treatment of pupils

The pupils examined by school physicians under this subchapter, when treatment is necessary, shall not be referred to any school physician for such treatment unless such school physician is the regular family physician of such pupil, but shall be referred to the regular family physician of such pupil through the parents or guardian.

R.S.1954, c. 41, § 59.

§ 1134. Examination of pupils after absence on account of sickness

The superintending school committee or school directors shall cause to be referred to a school physician for examination and diagnosis every child returning to a school without a certificate from the local health officer or family physician after absence on account of illness or whenever in the judgment of the teacher the circumstances of the absence were such as to require such a certificate, and every child in the schools under its jurisdiction who shows signs of being in ill health or of suffering from infectious or contagious disease, unless he is at once excluded from school by the teacher; except that in case of schools in remote and isolated situations, the school committee or school directors may make such other arrangements as may best carry out the purposes of this subchapter.

R.S.1954, c. 41, § 60; 1957, c. 364, § 29.

§ 1135. Examination of sight and hearing; notice of defect or disability to parent or guardian

The superintending school committee or school directors of administrative units shall cause every child in the public schools to be separately and carefully tested and examined at least once in every school year to ascertain whether he is suffering from defective sight or hearing, or from any other disability or defect tending to prevent his receiving the full benefit of his school work, or requiring a modification of the school work in order to prevent injury to the child or to secure the best educational results. Tests of sight and hearing shall be made by the teachers or by the school physicians. The committee or school directors shall cause notice of any defect or disability requiring treatment to be sent to the parent or guardian of the child, and shall require a physical

record of each child to be kept in such form as the commissioner shall prescribe after consultation with the Department of Health and Welfare.

R.S.1954, c. 41, § 62; 1957, c. 364, § 31.

§ 1136. Directions for tests prescribed

The commissioner shall prescribe, after consultation with the Department of Health and Welfare, the directions for tests of sight and hearing, and shall prescribe and furnish to the school committees and school directors suitable rules of instruction, test cards, blanks, record books and other useful appliances for carrying out the purposes of this subchapter.

R.S.1954, c. 41, § 63; 1957, c. 364, § 32.

§ 1137. Expense that may be incurred by city or town

Expenses which a city or town may incur by virtue of the authority vested in the superintending school committee shall not exceed the amount appropriated for that purpose in cities by the city government and in towns by a town meeting under section 3721, subsection 2. The appropriation shall precede any expenditure under this subchapter and the sum appropriated shall be deemed sufficient appropriation in the municipality where it is made. Such appropriation need not specify to what section it shall apply and may be voted as a total appropriation to be applied in carrying out the purposes of this subchapter.

R.S.1954, c. 41, § 64; 1959, c. 363, § 27.

§ 1138. Notice of disease or defects

The superintending school committee or school directors shall cause notice of disease or defects, if any, from which any child is found to be suffering, to be sent to his parents or guardians. Whenever a child shows symptoms of smallpox, scarlet fever, measles, chicken-pox, tuberculosis, diphtheria or influenza, tonsillitis, whoopingcough, mumps, scabies or trachoma, he shall be sent home immediately or as soon as safe and proper conveyance can be found, and the local health officer and superintendent of schools shall at once be notified.

R.S.1954, c. 41, § 61; 1957, c. 364, § 30.

§ 1139. Applicability of provisions

This subchapter shall apply only to cities and towns having a population of less than 40,000 inhabitants.

R.S.1954, c. 41, § 65.

SUBCHAPTER V

SANITARY FACILITIES

Sec.

1171. Clean and sanitary toilets.

1172. Construction requirements.

1173. Plans for privies and chemical closets.

1174. Cleaning vaults and tanks; inspection and reports; money withheld when requirements not met.

§ 1171. Clean and sanitary toilets

In order to safeguard the health and morals of the children of the State, administrative units shall from their regular appropriations for schoolhouse repairs or from special appropriations for the purpose of this subchapter, provide and maintain sanitary, protected and clean toilets free from all obscene markings in all school buildings or in other buildings rented or used for school purposes.

R.S.1954, c. 41, § 50; 1957, c. 364, § 25.

§ 1172. Construction requirements

All school buildings or buildings used for school purposes shall be provided with toilet facilities that shall be installed in such manner and location as to insure privacy, cleanliness and supervision by teachers and that shall meet at least one of the following minimum requirements:

1. Flush closets. Flush water closets connected with sewer, filter bed or septic tanks, with separate compartments for the sexes, accessible only by separate passageways from schoolrooms or corridors;

1955, c. 67, § 1.

2. Chemical closets. Chemical closets, of such types and manufacture as shall be approved by the commissioner, with separate compartments for the sexes, accessible only by separate passageways from schoolrooms or corridors;

3. Privies. Privies located in attached buildings provided with separate compartments for the sexes, accessible only by separate ventilated passageways from schoolrooms or corridors and constructed in such a manner that the vault of said privy shall be at least 10 feet from the nearest schoolroom wall and adjacent to the outside wall of the building in which said privy is located. When conditions make it necessary, the above specifications may be modified by written agreement of the commissioner and the superintending school committee.

R.S.1954, c. 41, § 51; 1955, c. 67, § 1.

§ 1173. Plans for privies and chemical closets

The commissioner shall furnish to superintending school committees or building committees plans for privies of approved type, lists of chemical toilets of approved type and manufacture and such other information and material as may assist said committees in complying with this subchapter.

R.S.1954, c. 41, § 52.

§ 1174. Cleaning vaults and tanks; inspection and reports; money withheld when requirements not met

Superintending school committees shall make provision for the cleaning of vaults and tanks and the repair and upkeep of accessories. Said committees shall annually cause an inspection to be made of sanitary conditions in school buildings and shall cause to be reported to the town such construction, reconstruction or repairs necessary to meet the conditions of this subchapter, and any town failing to meet the said conditions through neglect of its superintending school committee, or neglect to appropriate funds for the purpose, shall be liable to the penalties of section 854.

R.S.1954, c. 41, § 53.