

MAINE STATE LEGISLATURE

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TITLE 22
HEALTH AND WELFARE

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**SUBTITLE 1. DEPARTMENTAL
ORGANIZATION AND
OPERATION**

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CHAPTER 1
DEPARTMENT OF HEALTH AND WELFARE

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SUBCHAPTER I
ORGANIZATION; GENERAL POWERS AND DUTIES

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§ 1. Department; commissioner; bureaus; compensation; employees; definitions

The Department of Health and Welfare, as heretofore established and hereinafter in this Title called the "department" shall consist of 2 bureaus, as follows: The Bureau of Health and the Bureau of Social Welfare, the heads of which shall be called "directors".

The head of the department shall be the Commissioner of Health and Welfare, as heretofore appointed and hereinafter in this Title called the "commissioner" who shall be appointed by the Governor with the advice and consent of the Council to serve for 3 years, or during the pleasure of the said Governor and Council. Any vacancy shall be filled by appointment as above for a like term. He may employ such bureau chiefs, deputies, assistants and employees, subject to the Personnel Law, as may be necessary to carry out the work of the department; and they shall be under the immediate supervision, direction and control of the commissioner. The compensation of the commissioner shall be fixed by the Governor and Council.

In the event of a vacancy in the office of the commissioner because of death, resignation, removal or other cause, the various bureau chiefs, deputies and assistants in said department shall continue in office and perform such duties as have been prescribed for or assigned to them, until said vacancy has been filled by the appointment and qualification of a new commissioner.

The Director of Health shall be a physician who is schooled in sanitary science and experienced in the organization and administration of public health work.

The Director of Social Welfare shall be a person who has been trained in a school for social work or in equivalent college or university courses in the social sciences, or who has had satisfactory experience in the direction of organized social welfare work of a comparable nature.

R.S.1954, c. 25, §§ 1, 16; 1961, c. 136.

§ 2. Legal assistance from Attorney General

The Attorney General and the several county attorneys within their respective counties, when requested, shall furnish such legal assistance, counsel or advice as the department may require in the discharge of its duties.

R.S.1954, c. 25, § 2.

§ 3. Duties of department

The department shall have the general supervision of the interests of health and life of the citizens of the State. It 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 people. It 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. It shall investigate the causes of disease occurring among the stock and domestic animals in the State and the methods of remedying the same. It shall gather such information in respect to all these matters as it may deem proper for diffusion among the people. It shall, when required or when it 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. It shall from time to time examine and report upon works on the subject of hygiene for the use of the schools of the State. It shall have general oversight and direction of the enforcement of the statutes respecting the preservation of health. It may direct any officer or employee of the department to assist in the study, suppression or prevention of disease in any part of the State. The department shall administer all state funds and appropriations for the aid of private institutions and agencies doing health and welfare work in the State.

The department shall consult with and advise the authorities of municipalities and persons and corporations having, or about to have, systems of water supply, as to the most appropriate source of water supply and the best method of assuring its purity, and all such authorities and persons shall submit to the department for its advice, their plans and specifications for all new systems of water supply and all new purification plants, and for any replacement of a major portion of an existing system of water supply or purification plant, before installing or replacing such facilities, but they shall not be required to submit to the department for such advice any proposed repair, alteration, relocation or extension of their existing systems of water supply.

R.S.1954, c. 25, § 3; 1957, c. 269, § 1.

§ 4. Advise on incorporation of institutions

The department shall give its opinion as to the advisability of the proposed organization and incorporation of all institutions

of a charitable, eleemosynary, correctional or reformatory character which are or shall be subject to the supervision and inspection of the department.

R.S.1954, c. 25, § 4.

§ 5. Inspection and licensing of institutions, agencies and boarding homes

No person, firm, corporation or association shall operate an institution or agency for the care and treatment of defectives, dependents and delinquents or conduct and maintain a boarding-house or home for the aged, blind or other persons 16 years of age or over without having in full force, subject to the rules and regulations of the department, a written license therefor from the department. The term of such license shall be for one year and the license may be suspended or revoked for just cause. The fee for such license for boarding homes having 4 or less boarders shall be \$5 and for boarding homes having 5 or more boarders the fee shall be \$10. When the department believes a license should be suspended or revoked it shall file a statement or complaint with the Administrative Hearing Commissioner designated in Title 5, chapters 301 to 307. A person aggrieved by the refusal of the department to issue a license may file a statement or complaint with said Administrative Hearing Commissioner. No such license shall be issued until the applicant has furnished the department with a written statement signed by the Insurance Commissioner or the proper municipal official designated in Title 25, chapters 311 to 321 to make fire safety inspections that the home and premises comply with said Title 25, chapters 311 to 321 relating to fire safety. The department shall establish and pay reasonable fees to the municipal official or the Insurance Commissioner for each such inspection. Said written statement shall be furnished annually thereafter.

The term "boardinghouse or home", as used in this section, shall mean a house or other place, having more than 2 boarders not related by blood or marriage to the proprietor, maintained by any association, organization or individual partly or wholly for the purpose of boarding and caring for any of the persons enumerated in the first paragraph of this section.

The department shall inspect and investigate as frequently as it deems necessary the conditions and management of all institutions and agencies providing assistance, care or other direct services to children who are neglected, delinquent, defective or dependent, as well as to aged, blind and other dependent persons,

and which derive their support wholly or in part from state, county or municipal appropriations or funds. Said institutions and agencies shall not include those of a purely educational or industrial nature, or those under the direction or inspection of the Department of Mental Health and Corrections.

Whoever violates this section shall be punished by a fine of not more than \$500 or by imprisonment for not more than 60 days.

R.S.1954, c. 25, § 5; 1957, c. 192; 1959, c. 360, § 2; 1961, c. 394, § 2; 1963, c. 262; c. 412, § 23.

§ 6. Distribution of functions

The commissioner shall have the power to distribute the functions and duties outlined in this Title among the various bureaus so as to integrate the work properly and to promote the most economical and efficient administration of the department.

Wherever in this Title powers and duties are given to the department these may be and shall be assumed and carried out by such of the bureaus as the commissioner shall designate from time to time, and these powers and duties so delegated may in turn be delegated to subordinates by the said bureau directors with the approval of the commissioner.

R.S.1954, c. 25, § 6.

§ 7. Additional duties

In addition to the specified functions and duties of the department as outlined by this Title the department shall perform such other functions for the care, custody, treatment and relief of the sick, dependent, defective and delinquent as may be consistent with the general purposes defined and not otherwise contrary to law.

R.S.1954, c. 25, § 7.

SUBCHAPTER II

ADMINISTRATION

Sec.

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46. Charitable and benevolent institutions to submit itemized bills; recipients not deemed paupers.
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§ 41. Commissioner's report

The commissioner, as soon as practicable after the close of the fiscal year which is indicated by an even number, shall report to the Governor and Council the activities of the department during the biennial period just ended with such suggestions as to legislative action as he deems necessary or important.

R.S.1954, c. 25, § 12.

§ 42. Rules and regulations

The department shall issue such rules and regulations as it shall think necessary and proper for the protection of life, health and welfare, and the successful operation of the health and welfare laws. The said rules and regulations shall be published in such manner as the department may direct. The department shall make and enforce reasonable rules and regulations governing the custody, use and preservation of the records, papers, files and communications of the department, and especially those which pertain to the granting of public assistance. The use of such records, papers, files and communications by any other agency or department of government to which they may be furnished shall be limited to the purposes for which they are furnished and by the law under which they may be furnished. It shall be unlawful for any person, except for purposes directly connected with the administration of public assistance and in accordance with the rules and regulations of the department, to solicit, disclose, receive, make use of or authorize, knowingly permit, participate in or acquiesce in the use of, any list of or names of, or any information concerning, persons applying for or receiving such assistance, directly or indirectly derived from the records, papers, files or

communications of the State or subdivisions or agencies thereof, or acquired in the course of the performance of official duties. Any person violating any provision of this section shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not more than \$500 or by imprisonment for not more than 11 months, or by both.

R.S.1954, c. 25, § 13.

§ 43. Advisory committee

An Advisory Committee of Health and Welfare in connection with the department, as heretofore established, shall consist of 15 members, 3 of whom shall represent the general public, 6 shall be persons interested in health or allied fields and 6 shall be persons interested in welfare or allied fields. The members shall be appointed by the Governor with the advice of the commissioner. Each member shall be appointed for a term of 3 years, and until his successor is appointed and duly qualified. The members of said committee shall serve without compensation, but may be allowed actual and necessary expenses for attendance at all meetings. The committee shall meet upon the call of the commissioner. The committee shall meet at least twice in each calendar year; one such meeting shall be held annually in October, at which time a chairman and vice-chairman shall be elected from its members.

R.S.1954, c. 25, § 14.

§ 44. —Powers and duties

The Advisory Committee of Health and Welfare shall have authority:

1. **Social problems.** To make such investigation of the social problems of the State, with the aid of the departmental staff, as the commissioner may request;

2. **Policy.** To advise the commissioner with reference to the policy of the department and other matters falling within the jurisdiction of said department;

3. **Recommend laws.** To recommend to the commissioner the enactment of such laws as may be deemed necessary relative to the activities of the department;

4. **Recommend rules and regulations.** To recommend to the commissioner the issuance of such rules and regulations as

may be deemed necessary to carry out the intent of the public health and welfare laws of the State.

R.S.1954, c. 25, § 15.

§ 45. Appropriated funds transferable

The appropriations made by the Legislature to any division of the department may be combined or transferred from one division to another thereof by authority of the Governor and Council when such is deemed necessary.

R.S.1954, c. 25, § 17.

§ 46. Charitable and benevolent institutions to submit itemized bills; recipients not deemed paupers

No part of any appropriations made by the State for the care, treatment, support or education of any person in any charitable or benevolent institution not wholly owned or controlled by the State shall be paid until duly itemized bills, showing the name of the person cared for, the date on which the service was rendered, and the rate charged therefor per day or week, shall have been filed with the State Controller together with a certificate from the department that satisfactory evidence has been filed in its office by the institution furnishing the service that the persons receiving care were in need of such treatment, support or education; that they were not able to pay for the same; that the rates charged are not greater than those charged to the general public for the same service.

Payments made by the State to charitable and benevolent institutions under this section shall be governed by such rules and regulations and rates as are prescribed by the department. No person shall be deemed a pauper by reason of having received the benefit of any funds, either state or municipal, which shall have been expended in his behalf under this section for care, support, medical or surgical treatment or education.

R.S.1954, c. 25, § 20.

§ 47. Penalties and jurisdiction; certificate of commissioner as evidence

Whoever hinders, obstructs or interferes with any officer, inspector or duly authorized agent of the department while in the performance of his duties shall be punished by a fine of not less than \$5 nor more than \$50, or by imprisonment for not less than

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10 days nor more than 30 days. Whoever violates any order, rule or regulation of the department made for the protection of life or health under law shall be punished by a fine of not less than \$10 nor more than \$100, for each offense. Whoever violates any provision of this Title or willfully fails, neglects or refuses to perform any of the duties imposed upon him by this Title shall be punished by a fine of not more than \$500 or by imprisonment for not more than 6 months, unless specific penalties are elsewhere provided for. Any certificate of the commissioner in regard to the records of the department shall be admissible in evidence in all prosecutions under this Title.

R.S.1954, c. 25, § 21; 1963, c. 402, § 27.