

MAINE STATE LEGISLATURE

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CHAPTER 153

LOCAL HEALTH OFFICERS

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§ 451. Appointment

Every municipality in the State shall employ an official who shall be known as the local health officer who shall be appointed by the municipal officers of such municipality. The local health officer shall be appointed for a term of 3 years and until his successor is appointed, provided that on expiration of the term of office the municipal officers shall appoint a successor within 30 days of such resignation or expiration. The municipal officers or clerk of all municipalities shall within 10 days notify the department in writing of the appointment of a health officer, stating the health officer's name, age, address and the dates of appointment and beginning of 3-year term. The health officer in towns or plantations contiguous to unorganized territory shall perform the duties of health officer in such territory. The Director of the Bureau of Health may appoint, subject to the approval of the commissioner, health officers in remote unorganized territory whenever he shall deem it advisable, and the compensation of such health officers shall be determined and paid by the department.

In the event of incapacity or absence of the local health officer, the municipal officers shall appoint a person to act as health officer during such incapacity or absence. Failing such appointment, the chairman of the municipal officers shall perform the duties of local health officer until the regular health officer is returned to duty or appointment of another person has been made.

In municipalities with a manager form of government, when the charter so provides, the appointments provided for in this section may be made by the said manager and the duty prescribed for the chairman of the municipal officers during incapacity or absence of the health officer shall be performed by the manager.

In no case shall a person be appointed to hold office as a local health officer or as a member of the local board of health who shall have any pecuniary interest, directly or indirectly, in any private sewer corporation over which said officer or board has general supervision.

R.S.1954, c. 25, § 45.

§ 452. Compensation

Health officers may be employed to devote a part or all of their time to the duties of the office. When employed to devote their entire time to their duties, and if they possess the qualifications required of a district health officer as stated in section 401, the department is authorized and directed to pay from money appropriated to said department for district health services not to exceed $\frac{1}{3}$ of the total salary of said official, but not more than \$800 per year, payment to be made direct by the State to the town by which said local health officer is employed.

No municipality employing a health officer to devote his entire time to the duties of his office shall receive any payment from the State as provided in this section unless the appointment of said health officer has been approved by the commissioner or his duly authorized agent.

The offices of local health officer and town or school physician shall be combined when in the opinion of the municipal officers the health needs of the people would be better served. Such combination must be approved by the commissioner when the State contributes to the salary of such office.

R.S.1954, c. 25, § 46.

§ 453. Local board of health

Any municipality may appoint, in addition to the local health officer, a board of health consisting of 3 members besides the local health officer, one of whom shall be a physician if available in the community, and one a woman. When first appointed members of the board shall be appointed one for one year, one for 2 years and one for 3 years. Subsequent appointments shall be for 3-year terms.

The local health officer shall be secretary *ex officio* of said board and keep a record of all proceedings. The local board of health shall constitute an advisory body to the local health officer.

R.S.1954, c. 25, § 47.

§ 454. Duties

The local health officer shall, in a book kept for that purpose, make and keep a record of all the proceedings and of all the transactions, doings, orders and regulations of himself as health officer. Said local health officers shall assist in the reporting, prevention and suppression of diseases and all conditions dangerous to health, and shall be subject to the supervision and direction of the department.

The local health officer shall 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 his 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; 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. He shall report to the department promptly facts which relate to infectious and epidemic diseases occurring within the limits of his jurisdiction, and shall report to said department every case of such infectious or contagious diseases as the rules and regulations of said department shall require. Those diseases which the rules and regulations of the department may require to be reported shall be known, under the terms of this Title, as notifiable diseases. Diseases which the department may promulgate as those which shall be quarantined or isolated shall be known as quarantinable diseases.

The local health officer shall 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 his

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. All owners, agents and occupants shall permit such sanitary examinations. Every such health officer shall order the suppression and removal of nuisances and conditions detrimental to life and health found to exist within the limits of his jurisdiction.

R.S.1954, c. 25, § 48.

§ 455. Reports

The health officer, at least once in each year, shall report to the department his proceedings and such other facts required, on blanks and in accordance with instructions received from said department. He shall make special reports whenever required to do so by the department.

R.S.1954, c. 25, § 49.

§ 456. Employment by several localities

Subject to the approval of the commissioner, several municipalities may unite in employing the same local health officer, who shall possess the qualifications enumerated in section 401 or be approved by the commissioner on the basis of experience in public health administration. He shall devote his entire time to the performance of his duties and shall receive $\frac{1}{3}$ of his salary, but not more than \$800 a year, from the State.

R.S.1954, c. 25, § 50.

§ 457. Notice to town of charge for infected persons

Whenever the local health officer, or, if there is none, any selectman is informed that a person who is a charge on another town is suspected of having a communicable or infectious disease, he shall notify the town or towns that may be charged with the expenses necessary for his care within 10 days.

R.S.1954, c. 25, § 52.

§ 458. Medical supplies for indigent nonresidents

The local health officer in any town furnishing an indigent person, having pauper settlement in another town, antitoxin or other medical supplies shall be reimbursed by the town in which

the patient has pauper settlement. The State shall reimburse cities or towns furnishing such supplies to any person having no legal settlement in any city or town within the State.

R.S.1954, c. 25, § 65.

§ 459. Providing for free vaccinations

The local health officer of each municipality shall annually on a day or days specified by him during the month of March, or oftener if he deems it prudent, provide for the free vaccination with cowpox of all inhabitants within his jurisdiction; and shall provide for free inoculation with suitable material, as defined by the Department of Health and Welfare, against diphtheria, whooping cough, tetanus and poliomyelitis of all children under 16 years of age at a time specified by him. Vaccinations and inoculations shall be done under the care of skilled, practicing physicians and under such circumstances and restrictions as the health officer may adopt therefor, not contrary to law or in violation of any regulations of the Department of Health and Welfare.

The health officer is authorized and empowered to arrange with any available, skilled, practicing physician for the purpose of carrying out this section, and when he deems it necessary for the proper discharge of his duties as outlined in section 454, anything in any city charter to the contrary notwithstanding.

The municipal officers of municipalities shall approve, and the municipalities shall pay any reasonable bills or charges incident to the foregoing when approved by the local health officer.

Nothing in this section is to be interpreted so as to relieve the local health officer or any selectman of the duty imposed by section 457.

R.S.1954, c. 25, § 66; 1959, c. 76.

§ 460. Notice to owner of infected house requiring disinfecting

When any local health officer 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 health officer 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, such house, building, car, vessel or vehicle, and said articles within a time specified in such notice.

If the person to whom notice is given fails to comply, he shall be punished by a fine of not less than \$5 nor more than \$10, for every day during which he continues to make default. The local health officer 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 a civil action.

R.S.1954, c. 25, § 69; 1961, c. 317, § 35.

§ 461. Notice to owner to clean premises; expenses on refusal

The local health officer, when satisfied upon due examination, that a cellar, room, tenement or building in his 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 one 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 local health officer may deem reasonable. If the persons so notified, or any of them, neglect or refuse to comply with the terms of the notice, the local health officer 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 \$10 nor more than \$50.

R.S.1954, c. 25, § 71.

§ 462. Assistance if obstructed in duty

Any health officer or other person employed by the local health officer 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.

R.S.1954, c. 25, § 76.