

MAINE STATE LEGISLATURE

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May 2, 1924

To A. G. Young, M. D., Department of Health
Re: Smallpox in Lumber Camps

Replying to your question about the criminal liability of a lumber operator for allowing men infected with smallpox to disperse without reporting the existence of the disease, I wish to say:

That Section 48 of Chapter 19 of the Revised Statutes does require every householder to report the existence of infectious disease to the health officer; and the rules adopted by the Health Commission are broad enough to include the keeper of a lumber camp within the term householder.

I notice also that the failure of a householder to report is not made an offense by the statute and that there is no penalty provided for a breach of the aforesaid duty.

It is my opinion that if a person living in a thickly settled community should be so grossly careless as to allow persons infected with smallpox to mix with the population without first notifying the health authorities, he would be guilty of an offense under the general common law that all persons must use reasonable care and diligence in performing their well known duties toward the public.

However, in the case of the proprietor of a lumber camp, located in an isolated part of the State where there are no health officers near, and among a class of people who are not held to the highest degree of care and foresight in their relation to the rest of the community, I am very doubtful about getting a conviction if such a person were charged with violating the aforesaid health laws.

Under all the circumstances, I am, therefore, advising you that it would be very hard to convince the court that the proprietor of the lumber camp to which you refer should be held for the violation of the statute.

Ransford W. Shaw
Attorney General