

MAINE STATE LEGISLATURE

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April 25, 1940

Hon. Joel Earnest
Commissioner of Health and Welfare
Augusta, Maine

Dear Mr. Earnest:

In your memorandum dated March 25th, you inquire about the appointment by local health officers of plumbing inspectors, with especial reference to the approval of these appointments by the department of health and welfare.

In cities and towns which have not prescribed plumbing regulations of not less than the minimum requirements of the State department of health, the local inspector is appointed or approved by the State department of health as provided in Section 176 of Chapter 1, Public Laws 1933. Section 87 of said Chapter 1, providing for the approval of the employment of a local health officer, states that such approval shall be by the commissioner.

I had advised Mr. Leadbetter orally that he could not delegate the definite duty placed upon him as commissioner in connection with the appointment of health officers, but since the statute provided that the approval of the appointment of plumbing inspectors called for their approval by the department, he could place this duty in the hands of any responsible official in his department.

Provision for the licensing of maternity hospitals is that they shall have a license from the State department of health. The same provision is found in the statute relating to the licensing of children's homes to which you refer, and which would seem to indicate that the duty of licensing these institutions could also be delegated to a responsible official of the department.

Very truly yours,

Franz U. Burkett
Attorney General

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