

MAINE STATE LEGISLATURE

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SECOND REGULAR SESSION

ONE HUNDRED AND THIRTEENTH LEGISLATURE

Legislative Document

NO. 2095

H.P. 1540 House of Representatives, January 20, 1988
Submitted by the Department of Human Services pursuant to
Joint Rule 24.

Reference to the Committee on Human Resources suggested
and ordered printed.

EDWIN H. PERT, Clerk
Presented by Representative WEBSTER of Cape Elizabeth.

Cosponsored by Senators GILL of Cumberland, THERIAULT of
Aroostook, and Representative CHONKO of Topsham.

STATE OF MAINE

IN THE YEAR OF OUR LORD
NINETEEN HUNDRED AND EIGHTY-EIGHT

1 AN ACT to Clarify the Authority of Local
2 Health Officers.
3

4 Be it enacted by the People of the State of Maine as
5 follows:

6 22 MRSA §454, last 2 paragraphs are repealed
7 and the following enacted in their place:

1 The local health officer shall guard against the
2 introduction of contagious and infectious diseases by
3 the exercise of proper and vigilant medical inspection
4 and control of all persons and things, which either
5 come within the limits of the health officer's
6 jurisdiction from infected places or which, for any
7 cause, are likely to communicate contagion. The local
8 health officer shall report promptly to the
9 Commissioner of Human Services, or his designee, facts
10 which relate to infectious and epidemic diseases
11 occurring within the limits of the health officer's
12 jurisdiction, and shall report to the commissioner, or
13 his designee, every case of such infectious or
14 contagious disease as the rules of the department
15 require. Those diseases which the rules of the
16 department may require to be reported shall be known,
17 under the terms of this Title, as notifiable
18 diseases. Those diseases which, under the rules of
19 the department, may necessitate quarantine or
20 isolation may be known as quarantinable diseases.

21 The local health officer shall receive and
22 evaluate complaints made by any of the inhabitants
23 concerning nuisances dangerous to life and health
24 within the limits of the health officer's
25 jurisdiction. With the consent of the owner, agent or
26 occupant, the local health officer may enter upon or
27 within any place or premises where nuisances or
28 conditions dangerous to life and health are known or
29 believed to exist, and personally, or by appointed
30 agents, inspect and examine the same. If entry is
31 refused, the municipal health officer shall apply for
32 an inspection warrant from the District Court,
33 pursuant to Title 4, section 179, prior to conducting
34 the inspection. When the local health officer has
35 reasonable cause to suspect the presence of a
36 notifiable disease, he shall consult with the
37 commissioner, or his designee. The health officer
38 shall then order the suppression and removal of
39 nuisances and conditions detrimental to life and
40 health found to exist within the limits of the health
41 officer's jurisdiction.

1 STATEMENT OF FACT

2 This bill clarifies the authority of local health
3 officers by making their inspection authority
4 consistent with the powers granted to the Department
5 of Human Services. This bill also requires
6 consultation with the Commissioner of Human Services,
7 or his designee, when there is reasonable cause to
8 suspect the presence of a notifiable disease.

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