

MAINE STATE LEGISLATURE

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Sixty - Third Legislature.

SENATE.

No. 6.

STATE OF MAINE.

IN THE YEAR OF OUR LORD ONE THOUSAND EIGHT HUNDRED AND
EIGHTY-SEVEN.

AN ACT to establish Local Boards of Health and to
protect the People of this State from Contagious
Diseases.

*Be it enacted by the Senate and House of Representatives
in Legislature assembled, as follows:*

SECTION 1. There shall be a local board of health
2 in each city, town, village corporation, and organ-
3 ized plantation in this State to be composed of
4 three members, anything in the charter of such
5 city or village corporation to the contrary notwith-
6 standing.

SECT. 2. Their appointment shall be as follows:
2 On the second Monday in April, one thousand

3 eight hundred and eighty-seven, the municipal
4 officers in each town shall appoint three persons,
5 one for three years, one for two years, and one for
6 one year, and thereafter annually before the 15th
7 day of April one person to serve three years, and
8 each to hold office until another is appointed in his
9 stead. Any vacancy arising from any cause shall
10 be filled at the first meeting thereafter of the muni-
11 cipal officers. If for any reason the appointments
12 are not made at said dates, the same shall be made
13 as soon as may be thereafter.

SECT. 3. Before the fifteenth day of May in each
2 year the board of health shall meet for the trans-
3 action of business and shall choose a chairman and
4 a secretary from their number.

SECT. 4. The chairman shall preside at all meet-
2 ings of the board. The secretary shall in a book
3 kept for that purpose make and keep a record of
4 all the proceedings at the meetings and of all
5 transactions, doings, orders and regulations of the
6 board of health. The secretary shall be also the
7 executive officer of the board when a health officer
• 8 is not appointed.

SECT. 5. Any local board of health may appoint
2 a health officer who shall be a well-educated physi-
3 cian, who shall be the sanitary advisor and executive

4 officer of the board, and who shall hold office during
5 the pleasure of the board. The board of health
6 shall establish his salary or other compensation
7 and shall regulate and audit all fees and charges of
8 persons employed by them in the execution of the
9 health laws and of their own regulations.

SECT. 6. It shall be the duty of the health officer,
2 or where there is no health officer appointed, of the
3 secretary of each local board of health, at least
4 once in each year, to report to the State Board of
5 Health their proceedings, and such other facts re-
6 quired, on blanks, and in accordance with instruc-
7 tions received from said board. He shall also
8 make special reports whenever required to do so
9 by the State Board of Health. He shall within
10 one week following their meeting and election of
11 officers, report to the Secretary of the State Board
12 of Health the name and address of each member
13 of the local board, of the chairman and secretary,
14 and of the health officer when one is appointed.

SECT. 7. Each local board of health constituted
2 under this act shall have power and it shall be its
3 duty:

I. To hold regular quarterly meetings, and special
5 meetings whenever considered necessary by its
6 executive officer, also whenever requested by the

7 State Board of Health, or the president and secre-
8 tary thereof.

II. To prescribe the powers and duties of the
10 local health officer, when there is one, and to direct
11 him from time to time in the performance of his
12 duties.

III. To guard against the introduction of conta-
14 gious and infectious diseases, by the exercise of
15 proper and vigilant medical inspection and control
16 of all persons and things coming within the limits
17 of its jurisdiction from infected places, or which
18 for any cause, are liable to communicate contagion;
19 to give public notice of infected places, by dis-
20 playing red flags or by posting placards on the
21 entrances of the premises; to require the isolation
22 of all persons and things that are infected with,
23 or have been exposed to, contagious or infectious
24 diseases, and to provide suitable places for the
25 reception of the same; and to furnish medical
26 treatment and care for persons sick with such dis-
27 eases who cannot otherwise be provided for; to
28 prohibit and prevent all intercourse and communi-
29 cation with, or use of, infected premises, places and
30 things and to require, and, if necessary, to provide
31 the means for the thorough cleansing and disin-
32 fection of the same before general intercourse

33 therewith, or use thereof, shall be allowed. And
34 it shall be its duty to report to the State Board of
35 Health promptly facts which relate to infectious
36 and epidemic diseases, and every case of small-
37 pox, varioloid, diphtheria, and scarlet fever, occur-
38 ring within the limits of its jurisdiction.

IV. To receive and examine into the nature of
40 complaints made by any of the inhabitants con-
41 cerning nuisances, or causes of danger or injury
42 to life and health within the limits of its jurisdic-
43 tion; to enter upon or within any place or premises
44 where nuisances or conditions dangerous to life
45 and health are known or believed to exist, and
46 personally or by appointed agents to inspect and
47 examine the same; and all owners, agents and
48 occupants shall permit such sanitary examinations;
49 and every such board of health shall have power,
50 and it shall be its duty, to order the suppression
51 and removal of nuisances and conditions detrimental
52 to life and health found to exist within the limits of
53 its jurisdiction.

V. To make, alter or amend such orders and by-
55 laws as they shall think necessary and proper for
56 the preservation of life and health and the success-
57 ful operation of the health laws of the State.
58 Notice shall be given by the board of health of all

59 by-laws made or amended by them by publishing
60 the same in some newspaper, if there is one pub-
61 lished in such town, if there is none, then by post-
62 ing up such notice in five public places therein;
63 and such publication of said orders and by-laws
64 shall be deemed a legal notice to all persons.

SECT. 8. Where any local board of health is of
2 opinion, that the cleansing and disinfecting of any
3 house, building, car, vessel or vehicle, or any part
4 thereof, and of any article therein likely to contain
5 infection, would tend to prevent or check infectious
6 disease, it shall be the duty of such local board of
7 health to give notice in writing to the owner, agent,
8 or occupier of such house, building, car, vessel or
9 vehicle, or part thereof, requiring him to cleanse
10 and disinfect to the satisfaction of the health officer,
11 or board of health, such house, building, car, vessel
12 or vehicle, and said articles within a time specified
13 in such notice.

SECT. 9. If the person to whom notice is given
2 fails to comply therewith, he shall be liable to a
3 penalty of not less than five dollars and not ex-
4 ceeding ten dollars for every day during which he
5 continues to make default; and the local board of
6 health shall cause such house, building, car, vessel
7 or vehicle, or any part thereof, and articles to be

8 cleansed and disinfected, and may recover the
9 expenses incurred from the owner, agent, or occu-
10 pier in default.

SECT. 10. Where the owner or occupier of any
2 premises is, from poverty or otherwise, unable, in
3 the opinion of the local board of health, efficiently
4 to carry out the requirements of the two preced-
5 ing sections, the board may, without enforcing such
6 requirements on the owner or occupier, cleanse or
7 disinfect such premises and articles at the expense
8 of the municipality.

SECT. 11. Whenever any householder knows or
2 suspects that any person within his family or
3 household has small-pox, diphtheria, scarlet fever,
4 cholera, typhus or typhoid fever, he shall within
5 twenty-four hours give notice thereof to the health
6 officer of the town in which he resides, and such
7 notice shall be given either at the office of the
8 health officer or by a communication addressed to
9 him and duly mailed within the time above speci-
10 fied, and in case there is no health officer, to the
11 secretary of the local board of health either at his
12 office or by communication as aforesaid.

SECT. 12. No householder in whose dwelling
2 there occurs any of the above-mentioned diseases,
3 shall permit any person suffering from any such

4 disease, or any clothing or other property to be
5 removed from his house, without the consent of
6 the board, or of the health officer, or attending
7 physician, and the said board, or health officer, or
8 attending physician, shall prescribe the conditions
9 of removal.

SECT. 13. No parent, guardian, or other person,
2 shall carelessly carry about children or others af-
3 fected with infectious diseases, or knowingly or
4 willfully introduce infectious persons into other
5 persons' houses, or permit such children under his
6 care, to attend any school, theatre, church or any
7 public place.

SECT. 14. Whenever any physician knows or
2 suspects that any person whom he is called upon
3 to visit is infected with small-pox, scarlet fever,
4 diphtheria, typhus or typhoid fever, or cholera,
5 such physician shall within twenty-four hours give
6 notice thereof to the secretary of the local board
7 of health, or the health officer of the town in which
8 such person lives.

SECT. 15. No person affected with small-pox,
2 scarlet fever, diphtheria, or cholera, and no person
3 having access to any person affected with any of
4 the said diseases shall mingle with the general
5 public until such sanitary precautions as may be

6 prescribed by the local board or attending physi-
7 cian shall have been complied with.

SECT. 16. Persons recovering from small-pox,
2 scarlet fever, diphtheria, or cholera, and nurses
3 who have been in attendance on any person suffer-
4 ing from any such disease, shall not leave the
5 premises till they have received from the attending
6 physician, board of health, or health officer, a cer-
7 tificate that they have taken such precautions, as
8 to their persons, clothing, and all other things
9 which they propose bringing from the premises as
10 are necessary to insure the immunity from infection
11 of other persons with whom they may come in con-
12 tact, and no such person shall expose himself in
13 any public place, shop, street, inn or public con-
14 veyance without having first adopted such precau-
15 tions.

SECT. 17. Nurses and other attendants upon per-
2 sons sick with small-pox, scarlet fever, diphtheria,
3 or cholera, shall adopt for the disinfection and dis-
4 posal of excreta, and for the disinfection of uten-
5 sils, bedding, clothing and other things which have
6 been exposed to infection, such measures as have
7 been or may hereafter be advised by the State
8 Board of Health or by the local board of health.

SECT. 18. No person shall give, lend, transmit,
2 sell or expose any bedding, clothing or other arti-
3 cle likely to convey any of the above diseases, with-
4 out having first taken such precautions as the
5 board of health may direct as necessary for remov-
6 ing all danger of communicating any such disease
7 to others.

SECT. 19. Any local board of health may direct
2 the destruction of any bedding, clothing, or other
3 articles, which have been exposed to infection, and
4 may give compensation for the same at the expense
5 of the municipality.

SECT. 20. Whenever small-pox, diphtheria, scar-
2 let fever, or other contagious disease shall appear
3 in a town or a school district it shall be the duty of
4 the board of health immediately to notify the
5 teachers of the public schools in the neighborhood,
6 of the fact, and it shall be the duty of all teachers
7 and school officers when thus notified, or when
8 otherwise they shall know or have good reason to
9 suspect that any such disease exists in any house
10 in the neighborhood, to exclude from the school-
11 house all children and other persons living in such
12 infected houses or who have called or visited at
13 such houses, until such time as the board of health

14 (or attending physician) shall certify that such
15 children or other persons may safely be readmitted.

SECT. 21. When persons from houses or places
2 which are infected with any of the diseases speci-
3 fied in section twenty, have entered any school-
4 room, or when, from any other cause, the school-
5 room has probably become infected, it shall be the
6 teacher's duty to dismiss the school, and notify the
7 school officers and board of health, and no school
8 shall be again held in such school-room until the
9 room has been disinfected to the satisfaction of the
10 board of health, and it shall be the duty of the
11 school officers and board of health to have the
12 room disinfected as soon as possible. In such
13 case of dismissal of school the wages of the
14 teacher shall not cease during such interruption of
15 the school unless the board of health find that the
16 dismissal was without good cause.

SECT. 22. The board, when satisfied upon due
2 examination that a cellar, room, tenement, or build-
3 ing, in its town, occupied as a dwelling-place, has
4 become, by reason of the number of occupants,
5 want of cleanliness, or other cause, unfit for such
6 purpose, and a cause of nuisance or sickness to
7 the occupants or the public, may issue a notice in
8 writing to such occupants, or the owner or his

9 agent, or any of them, requiring the premises to be
10 put into a proper condition as to cleanliness, or, if
11 they see fit, requiring the occupants to quit the
12 premises within such time as the board may deem
13 reasonable. If the persons so notified or any of
14 them, neglect or refuse to comply with the terms
15 of the notice, the board may cause the premises to
16 be properly cleansed at the expense of the owner,
17 or may remove the occupants forcibly and close up
18 the premises, and the same shall not be again occu-
19 pied as a dwelling-place without the consent in
20 writing of the board. If the owner thereafter oc-
21 cupies or knowingly permits the same to be occu-
22 pied without such permission in writing, he shall
23 forfeit not less than ten nor more than fifty dol-
24 lars.

SECT. 23. No person suffering from, or having
2 very recently recovered from, small-pox, diphthe-
3 ria, scarlet fever, cholera, measles, or other disease
4 dangerous to public health, shall enter, nor shall
5 any person allow anyone under his charge who is
6 so suffering, or who has recently recovered from
7 any such disease to enter any conveyance without
8 having previously notified the owner or person in
9 charge of such conveyance of the fact of his hav-
10 ing or having recently had such disease.

SECT. 24. The owner or person in charge of any
2 such conveyance shall not, after the entry of any
3 person so infected into his conveyance, allow any
4 other person to enter it without having sufficiently
5 disinfected it under the direction of the board of
6 health or the supervision of the health officer.

SECT. 25. No person shall let or hire any house
2 or room in a house in which small-pox, diphtheria,
3 scarlet fever, cholera or typhoid fever has existed,
4 without having caused the house and the premises
5 used in connection therewith to be disinfected to
6 the satisfaction of the health authorities, and for
7 the purposes of this section the keeper of an inn
8 or house for the reception of lodgers shall be
9 deemed to let for hire part of a house, to any per-
10 son admitted as a guest into such inn or house.

SECT. 26. No person letting for hire or showing
2 for the purpose of letting for hire any house or
3 part of a house, on being questioned by any person
4 negotiating for the hire of such house or part of a
5 house as to the fact of there previously having been
6 therein any person or thing infected thereby, shall
7 knowingly make a false answer to such questions.

SECT. 27. Any member of a board of health, or
2 any health officer or other person employed by the
3 board of health may, when obstructed in the per-

4 formance of his duty, call to his assistance any
5 constable or other person he thinks fit, and it shall
6 be the duty of every such constable or person so
7 called upon to render such assistance.

SECT. 28. Any person who shall willfully violate
2 any of the provisions of this act—the penalty for
3 which is not herein specifically provided for—and any
4 person who shall interfere with any person or thing
5 to prevent the execution of the provisions of this
6 act or of said regulations and by-laws, shall be
7 guilty of a misdemeanor; and upon conviction
8 thereof shall be subject to a fine not less than
9 ten dollars and not to exceed one hundred dollars,
10 or imprisonment not to exceed thirty days, or both
11 such fine and imprisonment.

SECT. 29. Sections fourteen, fifteen, twenty-four,
2 thirty, thirty-two, thirty-three, thirty-four and
3 thirty-six of chapter fourteen, and all acts and
4 parts of acts inconsistent with this act are hereby
5 repealed. All acts and parts of acts which read
6 "health committee" are hereby amended so as to
7 read 'board of health', and chapter fourteen, sections
8 one to twenty-nine inclusive is hereby amended so
9 as to make "municipal officers" read 'board of
10 health.' Section thirty-five is amended in lines
11 one and two by substituting the words 'The board

12 of health of any town, city, village corporation, or
13 plantation,' for the words "The mayor and alder-
14 men of any city, and the selectmen of any town or
15 plantation."

SECT. 30. This act shall take effect on the
2 second Monday in April, 1887.

STATE OF MAINE.

IN SENATE, January 20, 1887.

Presented by Mr. HEATH and on his motion laid on the table and ordered printed.

C. W. TILDEN, Secretary.