

MAINE STATE LEGISLATURE

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NEW DRAFT.

Sixty - Third Legislature.

SENATE.

No. 87.

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 and town in this State to be composed
3 of three members, anything in the charter of such
4 city to the contrary notwithstanding.

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. The municipal officers may appoint a
2 health officer who shall be a well-educated physi-
3 cian, who shall be the sanitary adviser and executive
4 officer of the board, and who shall hold office dur-
5 ing the pleasure of the board. The municipal offi-
6 cers shall establish his salary or other compensation

7 and shall regulate and audit all fees and charges
8 of persons employed by each board of health in
9 the execution of the health laws and of their regu-
10 lations.

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 ex-
6 ecutive 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 infections
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 dangerous to life and health
42 within the limits of its jurisdiction; to enter upon
43 or within any place or premises where nuisances
44 or conditions dangerous to life and health are
45 known or believed to exist, and personally or by
46 appointed agents to inspect and examine the same;
47 and all owners, agents and occupants shall permit
48 such sanitary examinations; and every such board
49 of health shall have power, and it shall be its duty,
50 to order the suppression and removal of nuisances
51 and conditions detrimental to life and health found
52 to exist within the limits of its jurisdiction.

V. To make, alter or amend such orders and by-
54 laws as they shall think necessary and proper for
55 the preservation of life and health and the success-
56 ful operation of the health laws of the State, sub-
57 ject to the approval of any justice of the supreme
58 judicial court. Notice shall be given by the board
59 of health of all by-laws made or amended by them
60 by publishing the same in some newspaper, if there

61 is one published in such town, if there is none, then
62 in the nearest newspaper published in the county,
63 and a record of such publication of said orders
64 and by-laws in the office of the town clerk shall
65 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 at the expense of the

9 town, and the town may recover the expenses so
10 incurred from the owner, agent, or occupier in de-
11 fault, by an action of special assumpsit.

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

SECT. 11. 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. 12. No parent, guardian, or other person,
2 shall carelessly carry about children or others
3 affected with infectious diseases, or knowingly or
4 wilfully 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. 13. Whenever any physician knows or
2 has reason to believe that any person whom he is called
3 upon to visit is infected with small-pox, scarlet
4 fever, 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. 14. 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. 15. 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
12 contact, and no such person shall expose himself
13 in any public place, shop, street, inn or public con-
14 veyance without having first adopted such pre-
15 cautions.

SECT. 16. 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 may
7 be ordered in writing by the local board of health.

SECT. 17. 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,
4 without having first taken such precautions as the
5 local board of health may direct as necessary for
6 removing all danger of communicating any such
7 disease to others.

SECT. 18. Any local board of health may direct
2 the destruction of any bedding, clothing, or other
3 articles, which have been exposed to infection.

SECT. 19. 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 local 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 believe 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 local board of
14 health (or attending physician) shall certify that
15 such children or other persons may safely be re-
16 admitted.

SECT. 20. 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 local board of health, and no

8 school shall be again held in such school-room until
9 the room has been disinfected to the satisfaction of
10 the local board of health, and it shall be the duty
11 of the school officers and board of health to have
12 the room disinfected as soon as possible.

SECT. 21. 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 want of cleanliness, or other
5 cause, unfit for such purpose, and a cause of sick-
6 ness to the occupants or the public, may issue a
7 notice in writing to such occupants, or the owner
8 or his agent, or any of them, requiring the premises
9 to be put into a proper condition as to cleanliness,
10 or, if they see fit, requiring the occupants to quit
11 the premises within such time as the board may
12 deem reasonable. If the persons so notified, or any
13 of them, neglect or refuse to comply with the terms
14 of the notice, the board may cause the premises to
15 be properly cleansed at the expense of the owner,
16 or may close up the premises, and the same shall
17 not be again occupied as a dwelling-place until put
18 in a proper sanitary condition. If the owner there-
19 after occupies or knowingly permits the same to be
20 occupied without putting the same in a proper san-

21 itary condition, he shall forfeit not less than ten
22 nor more than fifty dollars.

SECT. 22. No person having small-pox, diphthe-
2 ria, scarlet fever, cholera, or other disease dangerous
3 to public health, shall enter, nor shall any person
4 allow anyone under his charge who has any such
5 disease to enter any conveyance without having
6 previously notified the owner or person in charge
7 of such conveyance of the fact of his having such
8 disease.

SECT. 23. 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 local board
6 of health or the supervision of the health officer.

SECT. 24. 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 local board of health.

SECT. 25. Any member of a local board of health,
2 or any health officer or other person employed by the
3 local board of health may, when obstructed in the
4 performance 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. 26. Any person who shall willfully violate
2 any of the provisions of this act or of said regula-
3 tions and by-laws—the penalty for which is not
4 herein specifically provided for—and any person
5 who shall willfully interfere with any person or
6 thing to prevent the execution of the provisions of
7 this act or of said regulations and by-laws, shall
8 be guilty of a misdemeanor; and upon conviction
9 thereof shall be subject to a fine not more than
10 fifty dollars, and judges of municipal and police
11 courts, trial justices, shall have jurisdiction original
12 and concurrent with the supreme judicial and su-
13 perior courts of all offences under this act.

SECT. 27. Sections fourteen, fifteen, thirty-two
2 and thirty-four of chapter fourteen of the Revised
3 Statutes, and all acts and parts of acts inconsistent
4 with this act are hereby repealed. All acts and
5 parts of acts which read "health committee" are
6 hereby amended so as to read 'local board of health',
7 and said chapter fourteen, sections one to thirteen
8 inclusive, and sections sixteen to twenty-nine, in-
9 clusive, are hereby amended so as to make "muni-
10 cipal officers" read 'local board of health.'

SECT. 28. This act shall take effect on the
2 second Monday in April, 1887.

STATE OF MAINE.

IN SENATE, March 10, 1887.

Reported by Mr. HEATH from Committee on the Judiciary, and laid on table to be printed under joint rules.

CHARLES W. TILDEN, *Secretary.*