

MAINE STATE LEGISLATURE

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SEVENTY-SEVENTH LEGISLATURE

SENATE

NO. 195

In Senate, Feb. 25, 1915.

Ordered, That five hundred copies be printed and that the same be referred to the Committee on Judiciary.

Committee on Reference.

Presented by Mr. Ccle of York.

STATE OF MAINE

IN THE YEAR OF OUR LORD ONE THOUSAND NINE
HUNDRED AND FIFTEEN

AN ACT to Amend Chapter Eighteen of the Revised Statutes
Relating to State Board of Health.

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

Section 1. Section two of chapter eighteen of the revised
2 statutes is hereby amended by striking out all of said sec-
3 tion which follows the word "shall" in line nineteen, and
4 inserting in place thereof the words, 'as soon as practicable
5 after the close of each year which is indicated by an odd
6 number, report to the governor and council of their do-
7 ings, investigations and discoveries during the biennial pe-
8 riod just ended, with such suggestions as to legislative ac-

9 tion as they may deem necessary,' so that said section as
10 amended shall read as follows:

'Sect. 2. The state board of health shall have the general
12 supervision of the interests of health and life of the citizens
13 of the state. They shall study the vital statistics of the
14 state, and endeavor to make intelligent and profitable use
15 of the collected records of deaths and of sickness among
16 the people; they shall make sanitary investigations and in-
17 quiries respecting the causes of disease and especially of
18 communicable diseases and epidemics, the causes of mortal-
19 ity, and the effects of localities, employments, conditions,
20 ingesta, habits and circumstances on the health of the peo-
21 ple; they shall investigate the causes of disease occurring
22 among the stock and domestic animals in the state, and the
23 methods of remedying the same; they shall gather such in-
24 formation in respect to all these matters as they may deem
25 proper for diffusion among the people; they shall, when
26 required or when they shall deem it best, advise officers of
27 the government, or other boards within the state, in regard
28 to the location, drainage, water supply, disposal of excreta,
29 heating and ventilation of any public institution or building;
30 they shall from time to time examine and report upon
31 works on the subject of hygiene for the use of schools of
32 the state; they shall have general oversight and direction of
33 the enforcement of the statutes respecting the preservation
34 of health; and they shall, as soon as practicable after the
35 close of each year which is indicated by an odd number,

36 report to the governor and council of their doings, investi-
37 gations and discoveries during the biennial period just
38 ended, with such suggestions as to legislative action as they
39 may deem necessary.'

Sect. 2. Section three of chapter eighteen of the revised
2 statutes is hereby amended by striking out the whole of said
3 section and substituting therefor the following:

'Sect. 3. The board shall meet quarterly and at such other
5 times as they may deem expedient. Their meetings may be
6 held in Augusta or in such other places as the exigencies or
7 circumstances of their service may require. Suitable ac-
8 commodations for the meetings of the board, and office
9 room for its secretary shall be provided at the state capi-
10 tol. A majority shall be a quorum for the transaction of
11 business. They shall choose annually one of their number
12 to be their president, and may adopt rules and by-laws sub-
13 ject to the provisions of this chapter. They may send the
14 secretary, or a representative of the board, to any part of
15 the state, when deemed necessary to conduct an investi-
16 gation within the scope of their prescribed work, and they
17 may send the secretary or other representative of the board
18 to places outside of the state when it may be deemed nec-
19 essary for the purpose of making investigations or of con-
20 ferring with other state or municipal public health authori-
21 ties at meetings or conventions when said meetings convene
22 for the consideration and discussion of measures for the
23 improvement of the public health.'

Sect. 3. Section eight of said chapter as amended by section two of chapter forty-eight of the public laws of nineteen hundred and nine and as further amended by chapter one hundred forty-nine of the public laws of nineteen hundred and thirteen is hereby still further amended by striking out the words "or typhus fever" in line five of said section, and inserting in place thereof the words 'typhoid fever or other dangerous, infectious, or contagious disease,' and also by striking out the words "when death results from any infectious or contagious disease" in line thirty-four, so that said section as amended shall read as follows:

'Sect. 8. The more effectually to protect the public health the state board of health may establish such systems of inspection as in its judgment may be necessary to ascertain the actual or threatened presence of the infection of Asiatic cholera, smallpox, diphtheria, scarlet fever, plague, typhoid fever or other dangerous, infectious, or contagious disease; and any duly authorized agent or inspector of said board may enter any building, vessel, railway car or other public vehicle, to inspect the same and to remove therefrom any person affected by said diseases; and for this purpose he may require the person in charge of any vessel or public vehicle other than a railway car to stop such vessel or vehicle at any place, and he may require the conductor of any railway train to stop his train at any station or upon any side track and there detain it for a reasonable time; provided, that no conductor shall be required to stop his

28 train when telegraphic communication with the dispatcher's
29 office cannot be obtained or at such times or under such cir-
30 cumstances as may endanger the safety of the train and
31 passengers; and provided further, that any such agent or
32 inspector may cause any car which he may think may be
33 infected with any of said diseases to be sidetracked at any
34 suitable place and there be cleansed, fumigated and disin-
35 fected. And the said board of health may from time to
36 time, make, alter, modify or revoke rules and regulations
37 for guarding against the introduction of any infectious or
38 contagious diseases into the state, including rabies, or hy-
39 drophobia of animals and men; for the control and sup-
40 pression thereof if within the state; for the quarantine and
41 disinfection of persons, localities and things infected or sus-
42 pected of being infected by such diseases; for guarding
43 against the transmission of infectious and contagious dis-
44 eases through the medium of common towels, common
45 drinking cups and other articles which may carry infection
46 from person to person; for the sanitation of railway serv-
47 ice and that of other common carriers, for the transporta-
48 tion of dead bodies; for the speedy and private interment
49 of the bodies of persons who have died from said diseases;
50 and, in emergency, for providing those sick with said dis-
51 eases with necessary medical aid and with temporary hos-
52 pitals for their accommodation and for the accommodation
53 of their nurses and attendants. And the said board may
54 declare any and all of its rules and regulations made in ac-

55 cordance with the provisions of this section to be in force
56 within the whole state, or within any specified part thereof,
57 and to apply to any person or persons, family, camp, build-
58 ing, vessel, railway car or public vehicle of any kind.

Sect. 4. Paragraph III of section thirty of chapter eight-
2 een of the revised statutes is hereby amended by striking
3 out all of said paragraph following the word "diseases" in
4 line sixteen of said paragraph and inserting in place thereof
5 the words, 'occurring within the limit of its jurisdiction and
6 shall report to said board every case of such infectious or
7 contagious diseases as the rules and regulations of said
8 board shall require. Those diseases which the rules and
9 regulations of the state board of health may require to be
10 reported shall be known, under the terms of this act, as
11 *notifiable diseases*. Diseases which the state board of health
12 may promulgate as those which shall be quarantined or iso-
13 lated shall be known as *quarantinable diseases*,' so that said
14 section as amended shall read as follows:

'III. Guard against the introduction of contagious and
16 infectious diseases, by the exercise of proper and vigilant
17 medical inspection and control of all persons and things
18 coming within the limits of its jurisdiction from infected
19 places, or which for any cause, are liable to communicate
20 contagion; give public notice of infected places, by display-
21 ing red flags or by posting placards on the entrances of the
22 premises; require the isolation of all persons and things that
23 are infected with, or have been exposed to, contagious or
24 infectious diseases, and provide suitable places for the re-

25 ception of the same; and furnish medical treatment and
26 care for persons sick with such diseases who cannot other-
27 wise be provided for; prohibit and prevent all intercourse
28 and communication with, or use of, infected premises, places
29 and things, and require, and if necessary, provide the means
30 for the thorough cleansing and disinfection of the same be-
31 fore general intercourse therewith, or use thereof, shall be
32 allowed. And it shall report to the state board of health
33 promptly, facts which relate to infectious and epidemic dis-
34 eases occurring within the limit of its jurisdiction and shall
35 report to said board every case of such infectious or con-
36 tagious diseases as the rules and regulations of said board
37 shall require. These diseases which the rules and regula-
38 tions of the state board of health may require to be reported
39 shall be known, under the terms of this act, as *notifiable*
40 *diseases*. Diseases which the state board of health may pro-
41 mulgate as those which shall be quarantined or isolated shall
42 be known as *quarantinable diseases*.'

Sect. 5. Section thirty-three of chapter eighteen of the
2 revised statutes as amended by section twelve of chapter
3 seventy-eight of the public laws of nineteen hundred and
4 nine is hereby further amended by striking out the whole
5 of said section and substituting therefor the following:

'Sect. 33. Whenever any householder knows or has reason
7 to believe that any person within his family or household
8 has smallpox, diphtheria, scarlet fever, cholera, typhus or
9 typhoid fever, cerebro-spinal meningitis, measles, mem-

10 braneous croup so called, whooping cough, or any other dis-
11 ease which is made notifiable by the rules and regulations of
12 the state board of health, he shall within twenty-four hours,
13 give notice thereof to the health officer of the town in which
14 he resides, and such notice shall be given either at the office
15 of the health officer, or by letter or telephone, the commu-
16 nication to be mailed or delivered to him within the time
17 above specified, and in case there is no health officer, to the
18 secretary of the local board of health, either at his office
19 or by communication as aforesaid.'

Sect. 6. Section thirty-four of chapter eighteen of the re-
2 vised statutes is hereby amended by striking out the words,
3 "above mentioned diseases" in line two of said section and
4 inserting in place thereof the words, 'any of the notifiable
5 diseases' so that this section as amended shall read as fol-
6 lows:

'Sect. 34. No householder in whose dwelling there occurs
8 any of the notifiable diseases, shall permit any person suf-
9 fering from any such disease, or any clothing or other prop-
10 erty to be removed from his house, without the consent of
11 the board, or of the health officer, and the said board or
12 health officer shall prescribe the conditions of removal.'

Sect. 7. Section thirty-six of chapter eighteen of the re-
2 vised statutes is hereby amended by striking out the whole
3 of said section and substituting therefor the following:

'Sect. 36. Whenever any physician knows or has reason
5 to believe that any person whom he is called upon to visit,

6 has or is infected with any of the notifiable diseases such
7 physician shall forthwith give notice thereof to the secre-
8 tary of the local board of health, or the health officer of
9 the town in which such person lives.'

Sect. 8. Section thirty-eight of chapter eighteen of the
2 revised statutes is hereby amended by striking out the word
3 "cholera" in line two of said section and inserting in place
4 thereof the words, 'other quarantinable disease,' so that said
5 section as amended shall read as follows:

'Sect. 38. No person affected with smallpox, scarlet fever,
7 diphtheria or other quarantinable disease, and no person
8 having access to any person affected with any of the said
9 diseases, shall mingle with the general public until such san-
10 itary precautions as may be prescribed by the local board
11 of health shall have been complied with.'

Sect. 9. Section thirty-nine of chapter eighteen of the re-
2 vised statutes is hereby amended by striking out the word
3 "cholera" in line two of said section and inserting in place
4 thereof the words, 'other diseases for which disinfection
5 may be required by the state board of health,' so that said
6 section as amended shall read as follows:

'Sect. 39. Persons recovering from smallpox, scarlet
8 fever, diphtheria or other diseases for which disinfection
9 may be required by the state board of health, and nurses
10 who have been in attendance on any person suffering from
11 any such disease, shall not leave the premises until they have
12 received from the board of health or health officer, a cer-
13 tificate that they have taken such precautions as to their

14 persons, clothing and all other things which they propose
15 bringing from the premises as are necessary to insure the
16 immunity from infection of other persons with whom they
17 may come in contact, and no such person shall expose him-
18 self in any public place, shop, street, inn or public convey-
19 ance without having first adopted such precautions.'

Sect. 10. Section forty of chapter eighteen of the revised
2 statutes is hereby amended by striking out the word "chol-
3 era" in line two of said section and inserting in place there-
4 of the words, 'or other quarantinable disease,' so that said
5 section when amended shall read as follows:

'Sect. 40. Nurses and other attendants upon persons sick
7 with smallpox, scarlet fever, diphtheria or other quaran-
8 tinable disease, shall adopt for the disinfection and dispo-
9 sal of excreta, and for the disinfection of utensils, bedding,
10 clothing and other things which have been exposed to in-
11 fection, such measures as may be ordered in writing, by the
12 local board of health.'

Sect. 11. Section forty-one of chapter eighteen of the re-
2 vised statutes is hereby amended by striking out the words
3 "measles, cholera, plague or pulmonary tuberculosis or con-
4 sumption," in lines three and four of said section and insert-
5 ing in place thereof the words, 'or other disease for which
6 disinfection may be required by the state board of health,'
7 so that said section as amended shall read as follows:

'Sect. 41. No person shall give, lend, transmit, sell or ex-
9 pose any bedding, clothing, furniture or other article which
10 has been used by persons affected with smallpox, scarlet

10 has been used by persons affected with smallpox, scarlet
11 fever, diphtheria, or other disease for which disinfection
12 may be required by the state board of health, or from rooms
13 which have been occupied by such persons, without first
14 having said articles disinfected to the satisfaction of the
15 local board of health.'

Sect. 12. Section forty-four of chapter eighteen of the
2 revised statutes is hereby amended by striking out the
3 words, "Specified in the preceding section," in line two of
4 said section and inserting in place thereof the words, 'for
5 which disinfection may be required by the state board of
6 health,' so that said section as amended shall read as fol-
7 lows:

'Sect. 44. When persons from houses or places which are
9 infected with any of the diseases for which disinfection
10 may be required by the state board of health, have entered
11 any schoolroom, or when, from any other cause, the school-
12 room has probably become infected, the teacher shall dis-
13 miss the school, and notify the school officers and local
14 board of health, and no school shall be again held in such
15 schoolroom until the room has been disinfected to the satis-
16 faction of the local board of health, and the school officers
17 and board of health shall cause the room to be disinfected
18 as soon as possible'

Sect. 13. Section forty-eight of chapter eighteen of the re-
2 vised statutes is hereby amended by striking out the whole
3 of said section and substituting therefor the following:

'Sect. 48. No person shall let or hire any house or room in
5 a house in which any of the diseases have existed for which

6 disinfection may be required by the state board of health,
7 without having caused the house and the premises used in
8 connection therewith to be disinfected to the satisfaction of
9 the local board of health.'

Sect. 14. Section seventy-five of chapter eighteen of the
2 revised statutes is hereby amended by striking out from the
3 end of said section the following words, "but no such hos-
4 pital shall be within one hundred rods of an inhabited
5 dwelling house in an adjoining town without the consent of
6 its local board of health,' so that said section as amended
7 shall read as follows:

'Sect. 75. A town may establish therein one or more hos-
9 pitals for the reception of persons having the smallpox or
10 other diseases dangerous to the public health; or its local
11 board of health may license any building therein as a hos-
12 pital, which shall be under the control of said board.'

Sect. 15. Section seventy-six of chapter eighteen of the
2 revised statutes is hereby repealed.

Sect. 16. Section seventy-seven of chapter eighteen of the
2 revised statutes is hereby amended by striking out the word
3 "inoculated" in line two of said section and inserting in
4 place thereof the words, 'who are infected, infectious,' so
5 that said section as amended shall read as follows:

'Sect. 77. When a hospital is so established or licensed
7 the physicians, the persons who are infected, infectious, or
8 sick therein, the nurses, attendants, and all who come with-
9 in its limits, and all furniture or other articles used or

10 brought there, shall be subject to the regulations made by
11 the local board of health.'

Sect. 17. Section eighty-two of chapter eighteen of the
2 revised statutes is hereby amended by striking out the
3 words, "over two years of age," in line four of said section,
4 so that said section as amended shall read as follows:

'Sect. 82. The board of health of each city, village, town
5 and plantation shall annually on the first day of March, or
6 oftener if they deem it prudent, provide for the free vacci-
7 nation with the cow pox, of all the inhabitants within their
8 respective localities, to be done under the care of skilled
9 practicing physicians, and under such circumstances and re-
10 strictions as said authorities adopt therefor.'

STATEMENT OF THE REASONS WHY THE STATE BOARD OF HEALTH BELIEVES AND ADVISES THAT THE AMENDMENTS SHOULD BE MADE WHICH ARE PROVIDED IN "AN ACT TO AMEND CHAPTER EIGHTEEN OF THE REVISED STATUTES."

Chapter 18, Section 2. It has always been impracticable to issue the report of the state board of health in January. The biennial period for the report has always been one which ends with an odd number. There is an advantage in that, because it permits the printing of the report in a year when there are not so many of the other large reports to be printed.

Section 3. Sometimes it is urgently required that a meeting of the board be held at some other place than in Augusta, particularly when it is desirable to consider some local condition or problem. If it happens that a meeting need be held elsewhere at or near the time for the regular quarterly meeting, it would be more convenient for the members of the board and would save something for the state if both meetings could be held at the same place.

As there is no clear provision that the state board of health may be represented at important public health meetings, outside of this state, the American Public Health Association or the Conference of State Boards of Health, for instance, it appears that it would be well to have a distinct provision authorizing the board to be represented.

Section 8. The first part of this section eight provides that the state board of health may take action in regard to certain specified diseases. As regards typhoid fever and some other diseases which are often the most serious and costly of epidemic diseases, the state board of health has not been clearly authorized to act. The same is true of various other dangerous epidemic diseases which may come to us any day.

Referring to the latter part of this section eight, when the legislative committee which revised our statutes in 1903 were doing the work upon this section they limited the authority of the state board of health to make rules and regulations for the

transportation of dead bodies, to bodies of persons who had died from infectious or contagious diseases. Ever since that the board has been working under rules and regulations which were made before that revision of 1903 went into effect. It is very important for us to have authority to adopt the rules and regulations which were approved by the conference of state and provincial boards of health in 1913 and which have been adopted by most of the state boards of health. Rules of this kind affecting the interstate business of common carriers should be uniform with those in other states.

Section 30, Paragraph III. The enumeration in this section of the diseases which shall be reported to the state board of health is not the same as the list which is included in the rules and regulations which the state board of health made last year under the provisions of section eight of this chapter. There should be more flexibility here so that the list might be changed when further research and experience or the importation of new diseases indicate the need of modifying the list.

To avoid circumlocution in some of the following sections of this chapter, an amendment of this paragraph III provides that certain diseases shall be known as "notifiable diseases," and that it is further provided that another class shall be known as "quarantinable diseases." That will leave the board at liberty to modify, from time to time, its rules or regulations or instructions to local boards of health as additional knowledge is acquired relating to the ways in which diseases are transmitted. A uniformity of procedures for the control of communicable diseases will, it is thought, work for efficiency and, at the same time minimize needless stringency in some cases and lessen the trouble to families in which outbreaks may occur.

Section 33. The statements under paragraph III of section 30 will indicate the reasons for amending section 33.

Section 34. Explanation is found under the statement of reasons for the amendment of section 30, paragraph III.

Section 36. The reason given under section 30, paragraph III.

Section 38. See the remarks under section 30, paragraph III.

Sections 39 and 40. See remarks under section 30, paragraph III.

Sections 41 and 44. With many public health departments the opinion prevails that it is unnecessary to provide for the terminal disinfection following certain diseases in which it is found that the infectious agent is short-lived, measles for instance. That is the reason why it appears to be desirable that the state board of health may provide that disinfection shall follow certain diseases, but that it is not required for certain other diseases.

Section 48. The statement under sections 41 and 44.

Section 75. Knowing, as we do now, that infectious diseases are not transmitted through the air, there is no longer a reason for the provision that infectious disease hospitals shall be placed at so great a distance from dwelling houses.

Section 76. As vaccination has taken the place of inoculation in the prophylaxis of smallpox, there is no reason whatever in retaining this antiquated section.

Section 77. A much more modern wording of this section will be to have it read, "persons who are infected, infectious, or sick therein."

Section 82. There are no good reasons for excluding inhabitants of a town who are two years old or under from the benefits of free vaccination when it is offered by a town. Young children are very susceptible to smallpox.