

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

SEVENTY-EIGHTH LEGISLATURE

SENATE

NO. 212

In Senate, Feb. 21, 1917.

Referred to Committee on Public Health and five hundred copies ordered printed. Sent down for concurrence.

W. E. LAWRY, Secretary.

Presented by Mr. Bartlett of Kennebec.

STATE OF MAINE

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

AN ACT to create a State Department of Health.

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

Section 1. The governor, with the advice and consent of
2 the council, shall appoint a state commissioner of health,
3 who shall give his entire time to such duties as shall be
4 hereinafter designated and who shall have complete juris-
5 diction in all matters appertaining to the public health within
6 the state of Maine. The department of which said com-
7 missioner shall be the head shall be known as the state de-
8 partment of health. Said commissioner shall be learned

9 in sanitary science and shall hold office during good be-
10 havior subject to removal by the governor and council for
11 cause shown and after public hearing. He shall receive an
12 annual salary of four thousand dollars.

Sect. 2. The headquarters of said department shall be at
2 Augusta and suitable rooms for offices and laboratories shall
3 be provided for the use of said department. Said depart-
4 ment shall furnish its own supplies and equipment out of
5 the fund hereinafter to be provided for its use.

Sect. 3. The commissioner shall appoint five sanitary dis-
2 trict inspectors, each of whom shall be physicians specially
3 trained in sanitary science, shall receive salaries of twenty-
4 five hundred dollars per year, and shall respectively have
5 charge over the general health of such district as may be
6 assigned to each. For the purposes of this act the state
7 of Maine shall be divided into five sanitary districts, each
8 of which shall be under a sanitary district inspector, which
9 said districts shall be made up as follows. District No. 1
10 shall consist of the counties of York, Cumberland and Ox-
11 ford; District No. 2 shall consist of the counties of Andros-
12 coggin, Franklin and Somerset; District No. 3 shall con-
13 sist of the counties of Kennebec, Sagadahoc, Lincoln, Knox
14 and Waldo; District No. 4 shall consist of the counties of
15 Penobscot, Hancock and Washington; District No. 5 shall
16 consist of the counties of Aroostook and Piscataquis. The
17 sanitary district inspectors shall be under the immediate
18 supervision and direction of the commissioner for the pur-

19 pose of enforcing and carrying out the rules and regula-
20 tions of the department and shall give their entire time to
21 the duties of their office.

Sect. 4. Each inspector shall supervise the work of the
2 local health officers in the municipalities in his district and
3 may, when necessary, employ physicians as quarantine offi-
4 cers, which said physicians shall be compensated by the
5 municipality in which they are employed, and the local health
6 officers shall, under the direction of the inspectors, assist
7 in enforcing this law, together with such rules and regu-
8 lations as the commissioner shall promulgate. Such local
9 health officers shall have jurisdiction in such matters as the
10 commissioner shall determine, in addition to the powers now
11 conferred upon such officers by law.

Sect. 5. There shall be such specialists, experts, scientists,
2 and other assistants appointed by the commissioner as are
3 found to be necessary to carry out the purpose of this act.

Sect. 6. In any case where expense or damage is caused
2 by reason of quarantine established under the authority of
3 this act, such expense or compensation for damage done
4 shall be paid by the town in which the quarantined person
5 or persons are located, provided that the inspector deems
6 it proper and wise to so order.

Sect. 7. It shall be the duty of the commissioner, and
2 he shall have power:

1. To secure the proper and efficient regulation of the

2 public health by the enforcement of this law and the rules
3 and regulations promulgated hereunder.

4 . 2. To adopt and promulgate all needful and reasonable
5 rules and regulations for the prevention and control of
6 disease and for the preservation and maintenance of the
7 public health and for the enforcement of this law and sev-
8 eral provisions thereof; provided that these rules and reg-
9 ulations may be of continuous application throughout the
10 whole or any portion of the state or for specified periods
11 in parts thereof; provided further that the said rules and
12 regulations upon their due publication for thirty days prior
13 to their taking effect shall have the force of law; and pro-
14 vided also if such rules and regulations be of general appli-
15 cation throughout the state that the publication thereof shall
16 be given at the seat of government of the state of Maine
17 at Augusta; if of local application, then as near such local-
18 ity as possible; and if applicable to particular cases only
19 their posting in a conspicuous place on or near the premises
20 affected shall be sufficient and such a rule or regulation
shall take effect immediately on posting and this shall con-
stitute an exception from the requirements of publication
for thirty days.

3. To specify the powers and duties of the said inspectors
2 and any and all employees of any nature which the com-
3 missioner may have power to appoint, to specify their terms
4 of office and their salaries unless otherwise provided and
5 to remove them for incompetence, malfeasance or corrup-

6 tion; and for the purposes of this act to regulate the said
7 employees in any way whatsoever as he shall determine;
8 to prescribe the limitations of all local health officers as
9 hereinbefore provided, allowing them the power to use dis-
10 cretion in strictly local matters, limiting them therein as to
11 expenditure which shall be entirely controlled by the said
12 commissioner, and prescribing rules generally under which
13 such local boards may work in conformity with the said
14 department.

4. To create and establish such divisions of the said de-
2 partment as may be necessary for the proper and efficient
3 administration of this law and the rules and regulations
4 established hereunder and for the maintenance of the pub-
5 lic health and general welfare.

5. To make recognizance of the interests of health and life
2 among the people, inquire into the cause and source of dis-
3 ease and epidemics, observe the effect upon human health
4 of localities, schools and employments, gather and collate
5 statistics concerning the public health, make investigations
6 relative to the sale of drugs and food and the adulteration
7 thereof, advise the government as to the location and other
8 sanitary conditions of water and sewer systems and have
9 oversight as to all state officials and boards in hygienic and
10 sanitary matters relating to the location, construction, venti-
11 lation, sewage and administrations of schools, hospitals, asy-
12 lums, prisons, jails, and any public institutions and build-
13 ings, and to report annually to the legislature his finding

14 as to the general public health; provided that this enumera-
15 tion shall not be construed as a limitation on the powers of
16 the commissioner as herein or elsewhere set forth.

6. To determine the amount to be expended out of the
2 public health fund hereinafter created on any particular lo-
3 cality, or for any purpose in the furtherance and mainte-
4 nance of the public health and to order such sum to be paid
5 out of the state treasury in pursuance with the law for the
6 use of said locality or purpose, to maintain and keep an ac-
7 curate account of all expenditures out of the fund thus pro-
8 vided, furnishing a correct statement thereof to the state
9 auditor for his supervision, and the commissioner shall in-
10 clude the said account in his annual report to the legislature
11 as hereinbefore provided.

Sect. 8. Any and all violations of this act and of the rules
2 and regulations established hereunder shall constitute a mis-
3 demeanor. The accused upon conviction may be fined in
4 any amount not to exceed one thousand dollars, or impris-
5 oned for a term not to exceed one year, or both fined and
6 imprisoned as the court in its discretion may determine.
7 The attorney general for the state of Maine, together with
8 the several state's attorneys, shall each in his proper juris-
9 diction assist the said department in the enforcement of this
10 act and otherwise by giving advice when requested.

Sect. 9. The legislature shall appropriate the sum of one
2 hundred and fifty thousand dollars to be paid out of any
3 fund in the state treasury not otherwise appropriated, an-

4 nually for the purpose of carrying out the provisions of
5 this act.

Sect. 10. All acts or parts of acts inconsistent herewith
2 are hereby repealed.