

MAINE STATE LEGISLATURE

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NEW DRAFT.

SEVENTY-EIGHTH LEGISLATURE

SENATE

NO. 388

In Senate, March 23, 1917.

*Reported by Mr. Fulton from Committee on Public Health
and 1,000 copies ordered printed under joint rules.*

W. E. LAWRY, Secretary.

STATE OF MAINE

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

An Act to create a State Department of Health and to amend
the Public Health Laws.

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

Section 1. There is hereby created a State Department
2 of Health which shall exercise all the powers and perform
3 the duties now conferred and imposed by law upon the State
4 Board of Health. The State Department of Health shall
5 consist of a Commissioner of Health and a Public Health
6 Council. There shall also be Directors of Divisions, District
7 Health Officers, and other employees as hereinafter pro-
8 vided.

Sect. 2. The headquarters of the Department shall be
2 at Augusta and suitable rooms for offices and laboratories
3 shall be provided by the State for the use of the Department.
4 The Department shall furnish its own supplies and equip-
5 ment out of the fund hereinafter provided for its use.

Sect. 3. The Commissioner of Health shall be ap-
2 pointed by the Governor with the advice and consent of the
3 Council and he shall be a physician skilled in sanitary science
4 and experienced in public health administration. The term
5 of office of the Commissioner of Health shall be six years
6 and he shall devote his entire time to his official duties. The
7 Commissioner of Health shall be the administrative head of
8 the State Department of Health and his powers and duties
9 shall be to administer the laws relative to health and sanita-
10 tion and the regulations of the Department; to prepare
11 rules and regulations for the consideration of the Public
12 Health Council; and with the advice of the Public Health
13 Council to appoint and remove Directors of Divisions, Dis-
14 trict Health Officers, Inspectors and other necessary em-
15 ployees and to fix their compensation within the limitations
16 of the appropriation therefor. The Commissioner of Health
17 shall submit annually to the Public Health Council a report
18 containing recommendations in regard to health legislation;
19 and he shall perform all executive duties now required by
20 law of the State Board of Health and such other duties as
21 are incident to his position as chief executive officer. He
22 may direct any executive officer or employee of the State

23 Department of Health to assist in the study, suppression or
24 prevention of disease in any part of the State. The Com-
25 missioner of Health may be removed by the Governor with
26 the advice and consent of the Council for cause shown at a
27 hearing.

Sect. 4. The Public Health Council shall consist of the
2 Commissioner of Health and four other members herein-
3 after called the appointive members, at least two of whom
4 shall be physicians and who shall be appointed by the Gov-
5 ernor with the advice and consent of the Council. Of the
6 members first appointed one shall hold office until the first
7 day of May in the year nineteen hundred eighteen, one until
8 the first day of May in the year nineteen hundred nineteen,
9 one until the first day of May in the year nineteen hundred
10 twenty, and one until the first day of May in the year nine-
11 teen hundred twenty-one, and the terms of office of the said
12 members thereafter appointed except to fill vacancies shall
13 be four years. Vacancies shall be filled by appointment of
14 the Governor with the advice and consent of the Council
15 for the unexpired term. The Public Health Council shall
16 meet at least once in each month and at such other times as
17 they shall determine by their rules, or upon the request of
18 any three members, or upon request of the Commissioner of
19 Health. It shall be the duty of the Public Health Council
20 to make and promulgate rules and regulations in furtherance
21 of the Public Health law; to consider plans and appoint-
22 ments required by law; to submit annually to the Legislature

23 through the Governor a report, including recommendations
24 as to needed health legislation; and to discharge other duties
25 required by law, but it shall have no administrative or execu-
26 tive functions.

Sect. 5. There shall be in the State Department of Health
2 such divisions as the Commissioner of Health may, with the
3 approval of the Public Health Council, from time to time de-
4 termine. The Commissioner of Health shall appoint and
5 may remove, with the advice of the Public Health Council
6 a Director to take charge of each division and shall prescribe
7 the duties of such Directors of Divisions.

Sect. 6. The Commissioner of Health, with the advice of
2 the Public Health Council, shall from time to time, divide
3 the state into three or more health districts and shall ap-
4 point and may remove District Health Officers for each Dis-
5 trict. The District Health Officers shall not be engaged in
6 any other occupation and shall give their entire time to the
7 performance of their duties. The Commissioner of Health
8 may order two or more of said District Health Officers to
9 work in one District in order to study, suppress or prevent
10 disease. Each District Health Officer shall, under the di-
11 rection of the Commissioner of Health, perform such duties
12 as may be prescribed by the Commissioner of Health and
13 shall act as the representative of the Commissioner of Health
14 and under his direction shall secure the enforcement within
15 his District of the public health laws and regulations. Said
16 District Health Officers shall be graduates of an incorpo-

17 rated medical school and admitted to practice medicine in
18 this state, or shall have been certified in Public Health by a
19 reputable institution of collegiate grade.

Sect. 7. The Commissioner of Health shall receive an
2 annual salary of four thousand dollars. The appointive
3 members of the Public Health Council shall receive five
4 dollars per day while in conference and their necessary
5 traveling expenses while in the performance of their official
6 duties. The compensation of Directors of Divisions and of
7 the District Health Officers shall be fixed by the Commis-
8 sioner of Health, and shall not exceed twenty-five hundred
9 dollars per year.

Sect. 8. The sum of thirty thousand dollars shall be an-
2 nually appropriated for the purposes of the State Depart-
3 ment of Health.

Sect. 9. Nothing in this act shall be construed to empower
2 or authorize the State Department of Health or its repre-
3 sentative to interfere in any manner with the individuals
4 right to select the physician or mode of treatment of his
5 choice, providing that sanitary laws, rules and regulations
6 are complied with.

Sect. 10. All acts and parts of acts inconsistent herewith
2 are hereby repealed, but it is expressly provided that all
3 penalties now provided by law for the violation of the pub-
4 lic health laws and regulations shall continue in force.