

MAINE STATE LEGISLATURE

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EIGHTY-FOURTH LEGISLATURE

House Document

No. 433

H. P. 1276 House of Representatives, Feb. 21, 1929.

Referred to Committee on Public Health and 500 copies ordered printed. Sent up for concurrence.

CLYDE R. CHAPMAN, Clerk.

Presented by Mr. Sturgis of Auburn.

STATE OF MAINE

IN THE YEAR OF OUR LORD ONE THOUSAND NINE
HUNDRED AND TWENTY-NINE

AN ACT to Define the Powers of Public Health Boards.

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

Section 1. Sub-section V of section forty-five of chapter 2 nineteen of the revised statutes is hereby amended by striking out the whole of said section and inserting in place 3 thereof the following:

'V. No official or board of officials in executing the public 2 health laws shall have the authority to make rules, regulations, or orders having the effect of public law except in 3 emergencies as herein stated but all rules, regulations and 4 orders shall be in direct furtherance of acts of the legislature of the state of Maine.'

Sect. 2. Section fourteen of chapter one hundred seventy-
2 two of the public laws of nineteen hundred nineteen is
3 hereby amended by striking out the whole of said section
4 and inserting in place thereof the following:

'Sect. 14. In case of emergency or threatened epidemic
2 of disease which may effect more than one city, town, or
3 plantation, the state department of health, if it shall appear
4 to it necessary and proper for the protection of life and
5 health, may make such temporary orders and regulations
6 as in the opinion of its members the public emergency may
7 require.'

Sect. 3. Section four of chapter one hundred ninety-
2 seven of the public laws of nineteen hundred seventeen, as
3 amended, is hereby further amended by striking out the
4 whole of said section and inserting in place thereof the
5 following:

'Sect. 4. The public health council shall consist of a
2 commissioner of health and five other members, herein-
3 after called the appointive members, two of whom shall be
4 physicians, and one a dentist, all of whom shall be appointed
5 by the governor with the advice and consent of the council.
6 All appointments to said board, except to fill vacancies, shall
7 be for the term of five years from the first day of May of
8 the year of such appointment. Vacancies shall be filled by
9 appointment of the governor, with the advice and consent
10 of the council, for the unexpired term. The public health
11 council shall meet at least once in each month and at such

12 other times as they shall determine by their rules, or upon
13 the request of any three members, or upon request of the
14 commissioner of health. It shall be the duty of the public
15 health council to make and promulgate rules and regulations
16 in administering the laws enacted by the people of the state
17 of Maine, but not in enlarging the same; to consider plans
18 and appointments required by law; to submit annually to
19 the legislature, through the governor, a report, including
20 recommendations as to needed health legislation; and to
21 discharge other duties required by law, but it shall have no
22 administrative or **executive functions.**'