

MAINE STATE LEGISLATURE

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EIGHTY - SEVENTH LEGISLATURE

Legislative Document

No. 88

S. P. 158

In the Senate, January 22, 1935.

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

ROYDEN V. BROWN, Secretary.

Presented by Senator Hathaway of Piscataquis.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
THIRTY-FIVE

AN ACT Relating to Health.

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

Sec. 1. P. L. 1933, c. 1, § 34, amended. Section 34 of chapter 1 of the public laws of 1933 is hereby amended to read as follows:

Sec. 34. Penalty for refusing to obey rules. All health officers, ~~local boards of health,~~ municipal officers, sheriffs, constables, police officers, and marshals shall enforce the rules and regulations of the department made as provided in the 2 preceding sections in every particular affecting their respective localities and duties; and any person who shall neglect or refuse to obey the said rules and regulations, or who shall wilfully obstruct or hinder the execution thereof, shall be punished by a fine of not more than \$500, or by imprisonment for a period of not more than 6 months, or by both such fine and imprisonment. And all authorities of every county, city, town, and village corporation, all local boards of health, and all officers and persons in charge of the institutions, buildings, and vehicles mentioned in section 32 shall cooperate with the department in carrying out the provisions of this section and the 2 preceding sections; and in case such cooperation be refused, withheld, or neglected, the said department may execute its orders and directions by agents of its own appointment; and all expenses

incurred by members of the department under the provisions of this section shall be paid by the ~~state~~ town.'

Sec. 2. P. L. 1933, c. 1, § 55, amended. Section 55 of chapter 1 of the public laws of 1933 is hereby amended to read as follows:

'Sec. 55. Second-hand material in mattresses and pillows to be sterilized and mattress and pillows tagged as containing such material. No person shall manufacture for sale, sell, lease, offer to sell or lease, or deliver or consign in sale or lease, or have in his possession with intent to sell, lease, deliver, or consign in sale or lease any mattress **or pillow**, which in making, or remaking has been filled with any material of which prior use has been made, unless since last used such material has been thoroughly sterilized and disinfected by a reasonable process approved by the department, and unless such mattress **or pillow** shall bear securely attached thereto a substantial cloth tag upon which shall be plainly and indelibly stamped or printed in English, a statement showing that the material so used is second-hand in part or in whole, as the case may be, and that it has been disinfected or sterilized according to law.'

Sec. 3. P. L. 1933, c. 1, § 56, amended. Section 56 of chapter 1 of the public laws of 1933 is hereby amended to read as follows:

'Sec. 56. Bureau of health to enforce regulations in regard to the manufacture of bedding. The commissioner by himself, his agents, any local health officer, or any officer qualified to serve civil or criminal processes, shall have the power to seize and hold for evidence at a trial for the violations of sections 55 to 59, both inclusive, any mattress **or pillow** made, remade, or offered for sale in violation of said section; and all places where mattresses **or pillows** are made, remade, or offered for sale or where sterilizing or disinfecting is performed under said sections, shall be subject to inspection by the commissioner or any of his agents, including local health officers.'

Sec. 4. P. L. 1933, c. 1, § 57, amended. Section 57 of chapter 1 of the public laws of 1933 is hereby amended to read as follows:

'Sec. 57. False statement on or removal of tags to be unlawful. It shall be unlawful to make any false statement on any tag required under section 55, or to remove, alter or deface any such tag placed on any mattress **or pillow** in accordance with the provisions of said section.'

Sec. 5. P. L. 1933, c. 1, § 59, amended. Section 59 of chapter 1 of the public laws of 1933 is hereby amended to read as follows:

'Sec. 59. Not to include persons remaking mattresses or pillows not intended for sale. The word "person" as used in the 4 preceding sections shall include individuals, corporations, co-partnerships and associations, but shall not include persons making, remaking or renovating mattresses **or pillows** not intended for sale, lease or consignment in sale or lease, and shall not include executors and administrators of estates of decedents.'

Sec. 6. P. L. 1933, c. 1, § 88, amended. Section 88 of chapter 1 of the public laws of 1933 is hereby repealed and the following enacted in place thereof.

'Sec. 88. Local health officers, appointment, etc. There shall be a local health officer in each city and town in the state to be appointed by the municipal officers, anything in the charter of such city to the contrary notwithstanding. The first appointment of a health officer in any town shall be made at the first meeting of the municipal officers after their election, and shall be for a term of 3 years and until his successor is appointed. Any vacancy arising from any cause, shall be filled for the unexpired term at the first meeting thereafter of the municipal officers. If for any reason, the appointment is not made at said date, the same shall be made as soon as may be thereafter.

In case of illness of the local health officer, or his temporary absence from the town, or from his duties, the municipal officers may appoint a substitute approved by the department, who shall serve in his stead during his absence from duty.'

Sec. 7. P. L. 1933, c. 1, § 115, amended. Section 115 of chapter 1 of the public laws of 1933 is hereby amended to read as follows:

'Sec. 115. Antitoxin, vaccines and drugs, in certain cases to be furnished free. To provide for the control of diphtheria and other contagious diseases, ~~the local boards of health~~ **officer** shall furnish antitoxin, **vaccines, drugs and necessary medical attention** free to all indigent persons suffering from such diseases **at the expense of the town**, in such manner as the department may direct.

If the health officer fails to furnish the supplies as provided in this section, the state may do so and charge the account to the town.'

Sec. 8. P. L. 1933, c. 1, § 116, repealed. Section 116 of chapter 1 of the public laws of 1933 is hereby repealed.

Sec. 9. P. L. 1933, c. 1, § 117, amended. Section 117 of chapter 1 of the public laws of 1933 is hereby amended to read as follows :

'Sec. 117. Medical supplies to indigent non-residents. ~~The antitoxin shall be kept by the secretary or chairman of the local board, and shall be furnished physicians upon application of blanks provided and furnished by the department. The local board shall provide a repository for antitoxin which may be furnished to physicians at the same rates as furnished by the state, and to their patients on prescriptions. The local board of health officer in any town furnishing an indigent person, residing having pauper settlement in another town, antitoxin or other medical supplies upon application, as above provided, shall be reimbursed by the town where in which the patient belongs has pauper settlement. The state shall reimburse cities or towns furnishing antitoxin such supplies to any person having no legal residence settlement in any city or town within the state.'~~

Sec. 10. Amendatory clause. Wherever in the revised statutes or public laws, the word "local boards of health," or "local board of health" appear they shall mean 'local health officer.'

Sec. 11. Appointments of local health officers and plumbing inspectors. Notwithstanding the provisions of any city charter the appointments of local health officers and plumbing inspectors shall be subject to the approval of the commissioner of health and welfare, and any vacancies in their offices not filled subject to the said commissioner's approval may be filled by the said commissioner for the unexpired term.