

MAINE STATE LEGISLATURE

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NEW DRAFT

EIGHTY - SEVENTH LEGISLATURE

Legislative Document

No. 766

S. P. 631

In Senate, March 15, 1935.

Reported by Senator Hathaway of Piscataquis from Committee on Public Health and laid on table to be printed under joint rules.

ROYDEN V. BROWN, Secretary.

NEW DRAFT OF S. P. 158—L. D. 88

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~~ **officers,** 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 or by duly appointed agents of said 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, §§ 87, 88, amended. Sections 87 and 88 of chapter 1 of the public laws of 1933 are hereby repealed and the following enacted in place thereof:

'Sec. 87. Appointment of local health officers. There shall be a local health officer in every city, town and organized plantation in the state, who shall be appointed by the municipal officers subject to the approval of the commissioner, anything in the charter of such municipality 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. Upon the failure to fill said office as hereinbefore stated within 30 days after a vacancy occurs therein, the commissioner may appoint said official. In case any local health officer neglects or refuses to carry out the public health laws and regulations of the department, the said commissioner may remove him from office.

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. 88. Compensation of local health officers. The municipal officers shall fix and the town pay the salary or other compensation of the local health officer who shall be appointed under the provisions of the above section, and shall fix and audit all salaries, fees, and charges of persons

employed by the local health officer in the execution of the health laws, of the local ordinances, and of the rules and regulations of the department. He may be employed to devote a part or all of his time to the performance of the duties of his office. If employed to give his entire time and if he possesses the qualifications of a district health officer as stated in section 15 hereof, or is approved by the commissioner on the basis of experience in public health administration, the department is authorized and directed to pay from money appropriated to said department for said purpose $\frac{1}{3}$ of the total salary of said official, but not exceeding \$800 a year, payment to be made directly by the state to the town by which said local health officer is employed.'

Sec. 7. P. L., 1933, c. 1, § 92, amended. Section 92 of chapter 1 of the public laws of 1933 is hereby amended to read as follows:

'Sec. 92. Duties of local health officer. ~~The chairman shall preside at all meetings of the board. The secretary~~ **The local health officer shall,** in a book kept for that purpose, make and keep a record of all the proceedings ~~at the meetings~~ and of all the transactions, doing, orders, and regulations of ~~the board of health~~ **himself as health officer.** Said local health officers shall assist in the reporting, prevention and suppression of diseases and all conditions dangerous to health, and shall be subject to the supervision and direction of the department.'

Sec. 8. P. L., 1933, c. 1, §§ 95, 100, 101, 102, 103, amended. Sections 95, 100, 101, 102 and 103 of the public laws of 1933 are hereby amended to read as follows:

'Sec. 95. Notice to owner of any infected house, etc., requiring same to be disinfected. When any local ~~board of health officer~~ **board of health officer** is of the opinion that the cleansing and disinfecting of any house, building, car, vessel, or vehicle, or any part thereof, and of any article therein likely to contain infection, would tend to prevent or check infectious disease, such local ~~board of health officer~~ **board of health officer** shall give notice in writing to the owner, agent, or occupier of such house, building, car, vessel, or vehicle, or part thereof, requiring him to cleanse and disinfect to the satisfaction of the health officer, ~~or board of health,~~ such house, building, car, vessel, or vehicle, and said articles within a time specified in such notice.'

'Sec. 100. Physician shall give notice of existence of contagious disease. Whenever any physician knows or has reason to believe that any person

whom he is called upon to visit has or is infected with any of the notifiable diseases, such physician shall forthwith give notice thereof to ~~the secretary of the local board of health,~~ or the health officer of the town in which such person lives.'

'**Sec. 101. Proceedings in cases of violation of § 100.** ~~The secretary of Any local~~ health officer ~~of each local board of health~~ in the state, who shall have knowledge of any violation of the provisions of the preceding section occurring within the jurisdiction of ~~such local board of health~~ **his town,** shall forthwith give notice thereof in writing and of all facts within his knowledge in relation thereto, to the county attorney of the county in which such violation has occurred, and said county attorney shall thereupon examine into the case and take such action in the matter as the circumstances of the case require.'

'**Sec. 102. Persons affected with smallpox, etc., shall not mingle with the public.** No person affected with smallpox, scarlet fever, diphtheria, or other quarantinable disease, and no person having access to any person affected with any of the said diseases shall mingle with the general public until such sanitary precautions as may be prescribed by the local ~~board of~~ health **officer** shall have been complied with.

'**Sec. 103. Convalescents and nurses not to leave premises without certificate from health officer.** Persons recovering from smallpox, scarlet fever, diphtheria, or other diseases for which disinfection may be required by the department, and nurses who have been in attendance on any person suffering from any such disease shall not leave the premises until they have received from the ~~board of health or local~~ health officer a certificate that they have taken such precautions as to their persons, clothing, and all other things which they propose bringing from the premises as are necessary to insure the immunity from infection of other persons with whom they may come in contact, and no such person shall expose himself in any public place, shop, street, inn, or public conveyance without having first adopted such precautions.'

Sec. 9. 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. 10. P. L., 1933, c. 1, § 116, repealed. Section 116 of chapter 1 of the public laws of 1933 is hereby repealed.

Sec. 11. 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. 12. Amendatory clause. Wherever in the revised statutes or public laws, the words "board of health," "local board of health," "local boards of health" or "secretary of the local board of health" appear they shall mean 'local health officer.'

Sec. 13. 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.