

# MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

OF THE

SIXTY-THIRD LEGISLATURE

OF THE

STATE OF MAINE.

1887.

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Published by the Secretary of State, agreeably to Resolves of June 28, 1820,  
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PUBLIC LAWS  
OF THE  
STATE OF MAINE.

1887.

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further fine of five dollars for each day that any such weir or net remains in violation of law, but weirs with catch pounds covered with net, the meshes of which are one inch square in the clear, or greater, are not subject to this section. But no smelts caught in such weirs after the first day of April, shall be sold or offered for sale in this state, nor shall smelts caught in any manner between the first day of April and the first day of October following, be offered for sale, sold, or shipped from the state under a penalty of twenty-five dollars for each offence; provided, however, that dip nets may be used between the first and twenty-fifth days of April; provided, further, that this section does not apply to smelts taken in the Androscoggin river above the Merry Meeting bay bridge, between the first days of October and November, nor to smelts taken in the Penobscot river and its tributaries, between the first and fifteenth days of April.

SECT. 2. This act shall take effect when approved.

Approved March 16, 1887.

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### Chapter 123.

An Act to establish Local Boards of Health and to protect the people of this State from Contagious Diseases.

*Be it enacted by the Senate and House of Representatives in Legislature assembled, as follows:*

SECT. 1. There shall be a local board of health in each city and town in this state, to be composed of three members, anything in the charter of such city to the contrary notwithstanding.

Local boards of health, established.

SECT. 2. Their appointment shall be as follows; on the second Monday in April, one thousand eight hundred and eighty-seven, the municipal officers in each town shall appoint three persons, one for three years, one for two years, and one for one year, and thereafter annually before the fifteenth day of April, one person to serve three years, and each to hold office until another is appointed in his stead. Any vacancy arising from any cause, shall be filled at the first meeting thereafter, of the municipal officers. If for any reason, the appointments are not made at said dates, the same shall be made as soon as may be thereafter.

—appointment of.

—tenure of.

—vacancies, how filled.

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—annual meetings of.

SECT. 3. Before the fifteenth day of May in each year, the board of health shall meet for the transaction of business, and shall choose a chairman and a secretary from their number.

Duties of officers.

SECT. 4. The chairman shall preside at all meetings of the board. The secretary shall, in a book kept for that purpose, make and keep a record of all the proceedings at the meetings and of all transactions, doings, orders and regulations of the board of health. The secretary shall be also the executive officer of the board when a health officer is not appointed.

Health officer, appointment, qualification and duties of.

SECT. 5. The municipal officers may appoint a health officer, who shall be a well educated physician, who shall be the sanitary adviser and executive officer of the board, and who shall hold office during the pleasure of the board. The municipal officers shall establish his salary or other compensation, and shall regulate and audit all fees and charges of persons employed by each board of health, in the execution of the health laws and of their regulations.

—salary.

Shall report to state board.

SECT. 6. It shall be the duty of the health officer, or where there is no health officer appointed, of the secretary of each local board of health, at least once in each year, to report to the state board of health their proceedings, and such other facts required, on blanks, and in accordance with instructions received from said board. He shall also make special reports whenever required to do so, by the state board of health. He shall, within one week following their meeting and election of officers, report to the secretary of the state board of health, the name and address of each member of the local board, of the chairman and secretary, and of the health officer when one is appointed.

Powers.

SECT. 7. Each local board of health constituted under this act, shall have power and it shall be its duty :

I. To hold regular quarterly meetings, and special meetings whenever considered necessary by its executive officer, also whenever requested by the state board of health, or the president and secretary thereof.

II. To prescribe the powers and duties of the local health officer, when there is one, and to direct him, from time to time in the performance of his duties.

III. To guard against the introduction of contagious and infectious diseases, by the exercise of proper and vigilant medical inspection and control of all persons and things

coming within the limits of its jurisdiction from infected places, or which for any cause, are liable to communicate contagion; to give public notice of infected places, by displaying red flags or by posting placards on the entrances of the premises; to require the isolation of all persons and things that are infected with, or have been exposed to, contagious or infectious diseases, and to provide suitable places for the reception of the same; and to furnish medical treatment and care for persons, sick with such diseases who cannot otherwise be provided for; to prohibit and prevent all intercourse and communication with, or use of, infected premises, places and things, and to require, and, if necessary, to provide the means for the thorough cleansing and disinfection of the same before general intercourse therewith, or use thereof, shall be allowed. And it shall be its duty to report to the state board of health promptly, facts which relate to infectious and epidemic diseases, and every case of small-pox, varioloid, diphtheria and scarlet fever, occurring within the limits of its jurisdiction.

IV. To receive and examine into the nature of complaints made by any of the inhabitants, concerning nuisances dangerous to life and health within the limits of its jurisdiction; to enter upon or within any place or premises where nuisances or conditions dangerous to life and health are known or believed to exist, and personally, or by appointed agents, to inspect and examine the same; and all owners, agents and occupants, shall permit such sanitary examinations; and every such board of health shall have power, and it shall be its duty, to order the suppression and removal of nuisances and conditions detrimental to life and health found to exist within the limits of its jurisdiction.

V. To make, alter or amend such orders and by-laws as they shall think necessary and proper for the preservation of life and health and the successful operation of the health laws of the state, subject to the approval of any justice of the supreme judicial court. Notice shall be given by the board of health, of all by-laws made or amended by them, by publishing the same in some newspaper, if there is one published in such town, if there is none, then in the nearest newspaper published in the county, and a record of such publication of said orders and by-laws in the office of the town clerk, shall be deemed a legal notice to all persons.

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Shall give notice to owner of any infected house, etc., requiring same to be disinfected.

SECT. 8. Where any local board of health is of 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, it shall be the duty of such local board of health to 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.

Penalty for failure to comply with notice.

SECT. 9. If the person to whom notice is given, fails to comply therewith, he shall be liable to a penalty of not less than five dollars and not exceeding ten dollars for every day during which he continues to make default; and the local board of health shall cause such house, building, car, vessel or vehicle, or any part thereof, and articles to be cleansed and disinfected at the expense of the town, and the town may recover the expenses so incurred from the owner, agent, or occupier in default, by an action of special assumpsit.

Notice shall be given board, of existence of any infectious disease.

SECT. 10. Whenever any householder knows or has reason to believe that any person within his family or household has small-pox, diphtheria, scarlet fever, cholera, typhus or typhoid fever, he shall within twenty-four hours, give notice thereof to the health officer of the town in which he resides, and such notice shall be given either at the office of the health officer, or by a communication addressed to him and duly mailed within the time above specified, and in case there is no health officer, to the secretary of the local board of health, either at his office or by communication as aforesaid.

Infected person shall not be removed from any house, without permission of board.

SECT. 11. No householder in whose dwelling there occurs any of the above-mentioned diseases, shall permit any person suffering from any such disease, or any clothing or other property to be removed from his house, without the consent of the board, or of the health officer, or attending physician, and the said board, or health officer, or attending physician, shall prescribe the conditions of removal.

—conditions of removal.

Children, affected, shall not attend school, etc.

SECT. 12. No parent, guardian, or other person, shall carelessly carry about children or others affected with infectious diseases, or knowingly or wilfully introduce infectious persons into other persons' houses, or permit such children under his care, to attend any school, theatre, church or any public place.

SECT. 13. Whenever any physician knows or has reason to believe that any person whom he is called upon to visit, is infected with small-pox, scarlet fever, diphtheria, typhus or typhoid fever, or cholera, such physician shall within twenty-four hours, give notice thereof to the secretary of the local board of health, or the health officer of the town in which such person lives.

Physician shall give notice of existence of contagious disease.

SECT. 14. No person affected with small-pox, scarlet fever, diphtheria or cholera, 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 or attending physician, shall have been complied with.

Person affected with small pox, etc., shall not mingle with the public.

SECT. 15. Persons recovering from small-pox, scarlet fever, diphtheria or cholera, and nurses who have been in attendance on any person suffering from any such disease, shall not leave the premises till they have received from the attending physician, board of health or 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.

Convalescents and nurses shall not leave premises without certificate from health officer.

SECT. 16. Nurses and other attendants upon persons sick with small-pox, scarlet fever, diphtheria or cholera, shall adopt for the disinfection and disposal of excreta, and for the disinfection of utensils, bedding, clothing and other things which have been exposed to infection, such measures as may be ordered in writing, by the local board of health.

Disinfection of excreta, bedding, etc.

SECT. 17. No person shall give, lend, transmit, sell or expose any bedding, clothing or other article likely to convey any of the above diseases, without having first taken such precautions as the local board of health may direct as necessary for removing all danger of communicating any such disease to others.

Use of bedding and clothing until disinfected, prohibited.

SECT. 18. Any local board of health may direct the destruction of any bedding, clothing, or other articles, which have been exposed to infection.

Bedding and clothing may be destroyed by board.



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Children who have been exposed to contagion, shall be excluded from public schools.

SECT. 19. Whenever small-pox, diphtheria, scarlet fever or other contagious disease, shall appear in a town or a school district, it shall be the duty of the local board of health immediately to notify the teachers of the public schools in the neighborhood, of the fact, and it shall be the duty of all teachers and school officers when thus notified, or when otherwise they shall know or have good reason to believe that any such disease exists in any house in the neighborhood, to exclude from the school house, all children and other persons living in such infected houses or who have called or visited at such houses, until such time as the local board of health or attending physician shall certify that such children or other persons may safely be readmitted.

School houses, when infected, shall be closed.

SECT. 20. When persons from houses or places which are infected with any of the diseases specified in section nineteen, have entered any school-room, or when, from any other cause, the school-room has probably become infected, it shall be the teacher's duty to dismiss the school, and notify the school officers and local board of health, and no school shall be again held in such school-room until the room has been disinfected to the satisfaction of the local board of health, and it shall be the duty of the school officers and board of health to have the room disinfected as soon as possible.

When any cellar, etc., becomes unfit for occupancy, notice shall be served on the owner, to cleanse the same.

SECT. 21. The board, when satisfied upon due examination, that a cellar, room, tenement or building in its town, occupied as a dwelling place, has become, by reason of want of cleanliness, or other cause, unfit for such purpose, and a cause of sickness to the occupants or the public, may issue a notice in writing to such occupants, or the owner or his agent, or any of them, requiring the premises to be put into a proper condition as to cleanliness, or, if they see fit, requiring the occupants to quit the premises within such time as the board may deem reasonable. If the persons so notified, or any of them, neglect or refuse to comply with the terms of the notice, the board may cause the premises to be properly cleansed at the expense of the owner, or may close up the premises, and the same shall not be again occupied as a dwelling place, until put in a proper sanitary condition. If the owner thereafter occupies or knowingly permits the same to be occupied, without putting the same in a proper sanitary condition, he shall forfeit not less than ten nor more than fifty dollars.

--if owner fails, board may cleanse, at owner's expense.

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SECT. 22. No person having small-pox, diphtheria, scarlet fever, cholera, or other disease dangerous to public health, shall enter, nor shall any person allow any one under his charge who has any such disease, to enter any conveyance without having previously notified the owner or person in charge of such conveyance, of the fact of his having such disease.

Persons infected, shall not be allowed to enter any conveyance without notice to owner.

SECT. 23. The owner or person in charge of any such conveyance shall not, after the entry of any person so infected into his conveyance, allow any other person to enter it, without having sufficiently disinfected it under the direction of the local board of health, or the supervision of the health officer.

—when such conveyance has been so used, it shall be disinfected.

SECT. 24. No person shall let or hire any house or room in a house in which small-pox, diphtheria, scarlet fever, cholera, or typhoid fever has existed, without having caused the house and the premises used in connection therewith, to be disinfected to the satisfaction of the local board of health.

Houses shall be disinfected, where contagion has existed.

SECT. 25. Any member of a local board of health, or any health officer or other person employed by the local board of health may, when obstructed in the performance of his duty, call to his assistance, any constable or other person he thinks fit, and it shall be the duty of every such constable or person so called upon, to render such assistance.

Officers shall not be obstructed in performance of duty.

SECT. 26. Any person who shall wilfully violate any of the provisions of this act, or of said regulations and by-laws, the penalty for which is not herein specifically provided for, and any person who shall wilfully interfere with any person or thing, to prevent the execution of the provisions of this act or of said regulations and by-laws, shall be guilty of a misdemeanor; and upon conviction thereof, shall be subject to a fine not more than fifty dollars, and judges of municipal and police courts and trial justices, shall have jurisdiction original and concurrent with the supreme judicial and superior courts, of all offenses under this act.

Penalty for violation of this act.

SECT. 27. Sections fourteen, fifteen, thirty-two and thirty-four of chapter fourteen of the revised statutes, and all acts and parts of acts inconsistent with this act, are hereby repealed. All acts and parts of acts which read, health committee, are hereby amended so as to read, local board of health, and said chapter fourteen, sections one to thirteen inclusive, and sections sixteen to twenty-nine inclusive, are hereby

Inconsistent acts, repealed.

Certain acts, amended.

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amended so as to make municipal officers read, local board of health.

When act shall take effect.

SECT. 28. This act shall take effect on the second Monday in April, eighteen hundred and eighty-seven.

Approved March 16, 1887.

**Chapter 124.**

An Act to regulate the sale of Opium, Morphine and Laudanum.

*Be it enacted by the Senate and House of Representatives in Legislature assembled, as follows :*

Sale of opium restricted.

SECT. 1. No person except a registered apothecary, or a physician of regular standing in his profession, shall furnish, sell or keep for sale any opium, morphine or laudanum.

Penalty.

SECT. 2. Any person violating this act, shall be punished by a fine of not less than five nor more than fifty dollars for each offense, to be recovered by complaint or indictment.

Approved March 16, 1887.

**Chapter 125.**

An Act to amend section five, chapter fifty-eight of Revised Statutes, relating to Reports of Secretary of Board of Agriculture.

*Be it enacted by the Senate and House of Representatives in Legislature assembled, as follows :*

Sec. 5, ch. 58, R. S., amended.

Section five of chapter fifty-eight of the revised statutes is hereby amended, by striking out the word "ten" in the twelfth line thereof, and inserting instead the word 'twelve,' also by striking out the words "five thousand bound in paper covers and five thousand in cloth," in lines thirteen and fourteen, and inserting instead the words 'all bound in cloth,' so that the concluding part of said section as amended, shall read as follows :

Annual report, number of copies and distribution.

'Twelve thousand copies of said report shall be printed, all bound in cloth, one-half of each for the legislature, and the remainder after reserving a suitable number for foreign exchanges, for distribution under the direction of the board, among the agricultural institutions and the people of the state.'

Approved March 16, 1887.