

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

OF THE

SEVENTY-FOURTH LEGISLATURE

OF THE

STATE OF MAINE

1909

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PUBLIC LAWS

OF THE

STATE OF MAINE

As Passed by the Seventy-fourth
Legislature

1909

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city or town hall, in any court house or court room, in any factory, in any public library or museum, in any church or theatre, in any lecture or music hall, in any ferryboat or steamboat, in any railroad car, except a smoking car, in any street or inter-urban railway car, in any railroad or railway station, or waiting-room or on any sidewalk or platform connected therewith.

Penalty

Section 2. Whoever violates any provision of this act shall be punished by a fine of not more than twenty dollars.

Approved March 16, 1909.

Chapter 77.

An Act relating to Pleading a Discharge in Bankruptcy.

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

Discharge
in bank-
ruptcy, how
pleaded.

A discharge in bankruptcy may be pleaded by a simple averment that on the day of its date such discharge was granted to the bankrupt, and a certificate of such discharge under seal of the court granting the same, shall be conclusive evidence in favor of such bankrupt of the fact and regularity of such discharge.

Approved March 16, 1909.

Chapter 78.

An Act providing for the better protection of the people of the State of Maine from the disease known as Tuberculosis.

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

A register
of all per-
sons affect-
ed shall be
kept.

Section 1. The state board of health of Maine shall keep a register of all persons in this state who are known to be affected with tuberculosis. The state board of health shall have sole and exclusive control of said register, and shall not permit inspection thereof nor disclose any of its personal particulars except to its own agents or to local officials when in the interest of the public health and safety it is deemed necessary to do so.

Declared to
be an infec-
tious dis-
ease.
—duty of
physician.

Section 2. Tuberculosis is hereby declared to be an infectious and communicable disease, dangerous to the public health. It shall be the duty of every physician in the state of Maine to report in writing on forms to be furnished by the state board of health the name, age, sex, color, occupation, place where last employed if known, and address of every person known by said physician to have tuberculosis, to the secretary

of the state board of health within forty-eight hours after such fact comes to the knowledge of said physician. The name of the householder where the tuberculous person lives, or boards and such other facts as may be called for on the blank reports issued from the office of the state board of health, shall also be included in the report. It shall also be the duty of the chief officer having charge for the time being of any hospital, dispensary, asylum, sanatorium or other similar private or public institution in the state of Maine to report to the state board of health in like manner the name, age, sex, color, occupation, place where last employed if known and previous address of every patient having tuberculosis who comes into his care or under his observation within forty-eight hours thereafter. It shall also be the duty of said physician or chief officer to give notice to the secretary of the state board of health of the change of address of any tuberculous patient who is, or has lately been under his care if he is able to give such information.

—duty of officer having charge of hospital, etc.

Section 3. In case of the vacation of any apartment or premises by the death or removal therefrom of a person having tuberculosis, it shall be the duty of the attending physician, or if there be no such physician, or if the physician be absent, of the owner, lessee, occupant, or other person having charge of the said apartments or premises, to notify the health officer or secretary of the local board of health of said town of said death or removal within twenty-four hours thereafter, and such apartments or premises so vacated shall not again be occupied until duly disinfected, cleansed or renovated as hereinafter provided.

Apartment vacated by person having tuberculosis, not again to be occupied until disinfected.

Section 4: When notified of the vacation of any apartments or premises as provided in section three hereof, the health officer or secretary of the local board of health or his agent, shall within twenty-four hours thereafter visit said apartments or premises, and shall order and direct that, except for purposes of cleansing or disinfection, no infected article shall be removed therefrom until properly and suitably cleansed or disinfected, and said local board of health shall determine the manner in which such apartments or premises shall be disinfected, cleansed, or renovated in order that they may be rendered safe and suitable for occupancy. If the health authorities determine that disinfection is sufficient to render them safe and suitable for occupancy, such apartments or premises together with all infected articles therein, shall immediately be disinfected by the health authorities at public expense, or,

No infected article shall be removed from apartments until disinfected.

—how apartments shall be disinfected.

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if the owner prefers, by the owner at his expense, to the satisfaction of health authorities.

If orders are not complied with, apartments may be placarded by health officer.

Section 5. In case the orders or directions of the local board of health requiring the disinfection, cleansing, or renovation of any apartments or premises or any articles therein as hereinbefore provided, shall not be complied with within forty-eight hours after such order or directions shall be given, the health officer may cause a placard in words and form substantially as follows to be placed upon the door of the infected apartments or premises:

Form of placard.

'Tuberculosis is a communicable disease. These apartments have been occupied by a consumptive and may be infected. They must not be occupied until the order of the health officer directing their disinfection or renovation has been complied with. This notice must not be removed under the penalty of the law except by the local board of health or other duly authorized official.'

Persons having tuberculosis shall not cause offense or danger to others in same apartment. —on complaint may be deemed guilty of a nuisance.

Section 6. Any person having tuberculosis who shall dispose of his sputum, saliva, or other bodily secretion or excretion so as to cause offense or danger to any person or persons in the same room or apartment, house, or part of a house, shall, on complaint of any person or persons subjected to such offense or danger, be deemed guilty of a nuisance and any person subjected to such a nuisance may make complaint in person or writing to the local board of health of any town where the nuisance complained of is committed. And it shall be the duty of the local board of health receiving such complaint to investigate, and if it appears that the nuisance complained of is such as to cause offense or danger to any person in the same room, apartment, house, or part of a house, they shall serve a notice upon the person so complained of, reciting the alleged cause of offense or danger and requiring him to dispose of his sputum, saliva, or other bodily secretion or excretion in such manner as to remove all reasonable cause of offense or danger. Any person failing or refusing to comply with orders or regulations of the local board of health of any town, requiring him to cease to commit such nuisance, shall be deemed guilty of a misdemeanor and on conviction thereof shall be fined not more than ten dollars.

—duty of board of health.

—penalty.

Duty of physician.

Section 7. It shall be the duty of a physician attending a patient having tuberculosis to take all proper precautions and to give proper instructions to provide for the safety of all individuals occupying the same house or apartment, and if no physician be attending such patient this duty shall devolve

upon the local board of health, and all duties imposed upon physicians by any sections of this act shall be performed by the local board of health in all cases of tuberculosis not attended by a physician, or when the physician fails to perform the duties herein specified, and shall so report.

Section 8. The precautionary measures carried out by physicians, local boards of health, and others to prevent the transmission of infection to other persons shall be in accordance with the advice given by the state board of health in its printed circulars, and reports to the state board of health shall include a statement of what procedures and precautions have been taken to prevent the spread of infection. In the cases of needy patients who are not able to provide themselves with proper spit-cups and other supplies or material in the opinion of the attending physician needed to prevent the communication of infection, the physician may send a requisition to the local board of health of the town in which the tuberculous patient lives for said things to aid him in preventing the spread of the disease, and all local health officers or secretaries of local boards of health shall honor, as far as possible, requisition signed by the attending physician, and the bill for these supplies shall be paid by the town.

Precautionary measures shall be in accordance with advice of state board of health.

—in cases of needy patients.

Section 9. Any physician or person practicing as a physician who shall knowingly report as affected with tuberculosis any person who is not so affected, or who shall wilfully make any false statement concerning the name, age, sex, color, occupation, or other facts called for on the blanks prepared by the state board of health, of any person reported as affected with tuberculosis, or who shall certify falsely as to any of the precautions taken to prevent the spread of infection, shall be deemed guilty of a misdemeanor and on conviction thereof shall be subject to a fine of not more than one hundred dollars.

Penalty for false statement by physician.

Section 10. Upon the recovery of any person having tuberculosis, it shall be the duty of the attending physician to make a report of this fact to the secretary of the state board of health, who shall record the same in the records of his office, and shall relieve said person from further liability to any requirements imposed by this act.

All cases of recovery shall be reported.

Section 11. Any person violating any of the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished, except as herein otherwise provided, by a fine of not less than five dollars nor more than fifty dollars.

Penalty for violation of this act.

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Inconsistent
acts re-
pealed.

Section 12. The provisions of sections thirty-three and thirty-six of chapter eighteen of the revised statutes so far as those sections relate to the reporting of cases of pulmonary tuberculosis, or consumption, and all acts and parts of acts contrary to or inconsistent with the provisions of this act are hereby repealed.

Approved March 16, 1909.

Chapter 79.

An Act to amend Chapter forty-three of the Public Laws of nineteen hundred and seven, entitled "An Act for the protection of Children."

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

Section 45,
chapter 61,
R. S., as
amended by
section 4,
chapter 123,
public laws,
1905, as
amended by
section 4,
chapter 43,
public laws,
1907,
further
amended.

Section forty-five of chapter sixty-one of the revised statutes of nineteen hundred and three as amended by section four of chapter one hundred and twenty-three of the public laws of nineteen hundred and five, and further amended by section four of chapter forty-three of the public laws of nineteen hundred and seven, is hereby further amended by adding at the end of said section forty-five the following sentences:

'An appeal by the parents or parent, or the guardian or lawful custodian of said child or children shall be allowed as in other civil cases in the same court, and when the case is in the probate court no appeal bond shall be required of the appellant. In all cases where an appeal is taken the order or decree which is appealed from shall be in force until reversed,' so that said section when amended shall read as follows:

Judge of
any court
shall, on
complaint,
order hear-
ing on
cases of
alleged
abuse of
children.

'Section 45. When complaint in writing, signed by any such agent so appointed or any officer or agent of any society for the protection of children or the prevention of cruelty to the same, or by three or more citizens of any town or city, is made under oath to the judge of any court in the county in which said town or city is located, alleging that such child in said town or city is cruelly treated or wilfully neglected by its parents or parent, or by the wilful failure of such parents or parent is not provided with suitable food, clothing or the privileges of education, or is kept at or allowed to frequent any disorderly house, house of ill fame, gambling place or place where intoxicating liquors are sold, or other place injurious to health or morals, or that such child is an orphan without means of support or kindred of sufficient ability who will furnish such support, and praying that suitable and proper provision may be made for the care, custody, support and