

MAINE STATE LEGISLATURE

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THE
REVISED STATUTES

OF THE
STATE OF MAINE,

PASSED APRIL 17, 1857;

TO WHICH ARE PREFIXED

THE CONSTITUTIONS

OF THE
UNITED STATES AND OF THE STATE OF MAINE:

WITH AN

APPENDIX.

PUBLISHED BY AUTHORITY OF THE LEGISLATURE.

BANGOR:
WHEELER & LYNDE.

1857.

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annual income of such lands and of the proceeds of their sale according to the terms of the grants and reservations by which they were so vested; and at each annual meeting for choice of parish officers, exhibit an account of their proceedings, and a statement of funds, receipts, and expenditures.

First meeting
of trustees,
how called.
R. S., c. 20,
§ 15.

SEC. 45. The first meeting of the trustees constituted by sections thirty-six and forty-four in any year, may be called by seven days personal notice of the time and place thereof, given by one of them to all the others.

CHAPTER 13.

THE PRACTICE OF MEDICINE AND SURGERY.

Physic and
surgery.

SEC. 1. No person, except a physician or surgeon who commenced practice prior to February sixteenth, eighteen hundred and thirty one, or has received a medical degree at a public medical institution in the United States, or a license from the censors of the Maine Medical Society, shall recover any compensation for medical or surgical services, unless previous to such services, he had obtained a certificate of good moral character from the municipal officers of the town where he then resided.

Restrictions
on certain
practitioners.
R. S., c. 22.

CHAPTER 14.

PREVENTION OF CONTAGIOUS SICKNESS.

- SEC. 1. Precautions against infected persons; duty of municipal officers.
2. Precautions against persons arriving from infected places; same.
 3. Restrictions on such persons; may be removed if refractory; penalty if they return.
 4. Precautions authorized in border towns.
 5. Process for removal or separate accommodation of infected persons.
 - 6, 7. Process for securing infected articles.
 8. Powers of officers in executing such process.
 9. Expenses, how paid.
 10. Compensation for men or property impressed.
 11. Adjournment of courts because of danger from infection.
 12. Removal of infected prisoners from places of confinement.
 13. Order for removal, how returned. Such removal not an escape.
 14. Health committee, how chosen; their duties.
 15. If no committee chosen, selectmen to perform the duties.
 16. May order removal of private nuisances; proceedings thereon.
 17. Masters, &c., of vessels may be examined on oath in certain cases.
 18. Vessels with infected persons to anchor at a distance from towns.
 19. Penalty for violation of this provision.
 20. Selectmen may establish quarantine regulations. Penalty for breach thereof.
 21. Duty of pilots to give notice thereof.
 22. Punishment for violation or evasion of quarantine, after notice.
 23. Selectmen to furnish signals, to be kept hoisted by master. Restriction of persons visiting vessels at quarantine.

24. Health committee may exercise authority of selectmen relating to quarantine.
25. Quarantine expenses, how paid.
26. Hospitals may be established. Restrictions as to location thereof.
27. Restrictions on inoculation with the small pox.
28. Physicians and others liable to hospital regulations.
29. Hospitals to be provided on breaking out of infectious diseases; regulations.
30. Precautions to prevent the spread of such diseases.
31. Penalty for violation of hospital regulations by persons subject thereto.
32. Householders and physicians to give notice of infectious diseases under their care.
33. Forfeitures, how recovered and appropriated.
34. Towns may choose a board of health; their powers and duties.
35. Vaccination may be at the expense of towns and plantations.
36. By-laws may be established.

SEC. 1. When any person is, or has recently been infected with any disease or sickness dangerous to the public health, the municipal officers of the town where he is, shall provide for the safety of the inhabitants, as they think best, by removing him to a separate house, if it can be done without great danger to his health, and by providing nurses and other assistants and necessaries; at his charge or that of his parent or master, if able, otherwise, that of the town to which he belongs.

Precautions
against infect-
ed persons.
R. S., c. 21, § 1.

SEC. 2. When any infectious or malignant distemper is known to exist in any place out of the state, the municipal officers of any town in the state, by giving public notice therein, as they find convenient, may require any person coming from such place to inform one of them or the town clerk of their arrival and from what place; and if he does not, within two hours after his arrival, or after actual notice of such requirement, give such information, he shall forfeit one hundred dollars to the use of the town.

Precautions
against per-
sons arriving
from infected
places.
R. S., c. 21, § 2.

SEC. 3. Said officers may prohibit a person, required to give such information, from going to any part of their town where they think his presence would be unsafe for the inhabitants; and if he does not comply, they may order him, unless disabled by sickness, forthwith to leave the state in the manner and by the road they direct; and if he neglects or refuses so to do, any justice of the peace in the county, on complaint of either of said officers, may issue his warrant to any proper officer or other person named therein, and cause him to be removed out of the state; and if during the prevalence of such distemper in the place where he resides, he returns to any town in this state, without the license of the municipal officers thereof, he shall forfeit not exceeding four hundred dollars.

Restrictions
on such per-
sons; may be
removed if re-
fractory.

Penalty if they
return.
R. S., c. 21,
§ 3, 4.

SEC. 4. The municipal officers of any town near to or adjoining the line of the state, may appoint, by writing under their hands, suitable persons to attend at any places by which travelers may pass into such town from infected places in other states or provinces; who may examine such passengers, as they suspect of bringing with them any infection dangerous to the public health, and if need be, may restrain them from traveling until licensed thereto by a justice of the peace in the county, or one of said officers; and any such passenger who without such

Precautions
authorized in
border towns.
R. S., c. 21, § 5.

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Process for removal or separate accommodation of infected persons.

R. S., c. 21, § 6.

SEC. 5. Any two justices of the peace may issue a warrant, directed to a proper officer, requiring him to remove any person infected with contagious sickness, under the direction of the municipal officers of the town where he is; or to impress and take up convenient houses, lodgings, nurses, attendants, and other necessaries for the accommodation, safety and relief of the sick.

Process for securing infected articles.

R. S., c. 21, § 7.

SEC. 6. When on the application of the municipal officers of a town, it appears to any justice of the peace that there is just cause to suspect that any baggage, clothing, or goods of any kind within such town, are infected with any malignant contagious distemper, by a warrant directed to a proper officer, he shall require him to impress so many men, as the justice thinks necessary, to secure such infected articles, and to post said men as a guard over the house or place where the articles are lodged, who shall prevent any person's removing or coming near such articles, until due inquiry is made into the circumstances thereof.

Justice may by warrant require officers to cause them to be removed to suitable places.

R. S., c. 21, § 8.

SEC. 7. He may by the same warrant, if it appears to him necessary, require said officers under the direction of the municipal officers to impress and take up convenient houses or stores for the safe keeping of such infected articles, and cause them to be removed thereto, or otherwise detained, until the municipal officers think they are free from infection.

Powers of officers in executing such process.

R. S., c. 21, § 9.

SEC. 8. Said officers, if need be, may break open any house, shop, or other place mentioned in the warrant where infected articles are, and require such aid as is necessary to execute it; and all persons at the command of either of said officers, under a penalty of not exceeding ten dollars, shall assist in such execution.

Expenses, how paid.

R. S., c. 21, § 10.

SEC. 9. The charges of securing such infected articles and of transporting and purifying them shall be paid by the owners thereof, at the price determined by the municipal officers.

Compensation for men or property impressed.

R. S., c. 21, § 11.

SEC. 10. When the officer impresses or takes up any houses, stores, lodging, or other necessaries, or impresses any man, as herein provided, the parties interested shall have a just compensation therefor, to be paid by the town in which such persons or property were impressed.

Adjournment of courts because of danger from infection.

R. S., c. 21, § 12.

SEC. 11. When a malignant infectious distemper prevails in any town wherein the supreme judicial court or court of county commissioners is to be held, said courts may be adjourned and held in any town in said county, by proclamation made in such public manner as the courts judge best, as near their usual place of meeting as they think safety permits.

Removal of infected prisoners from places of confinement.

R. S., c. 21, § 13.

SEC. 12. When any person in a jail, house of correction, or workhouse, is attacked with any disease, which the municipal officers of his town, by medical advice, consider dangerous to the safety and health of other prisoners, or of the inhabitants of the town, they shall, by their order in writing, direct his removal

to some place of safety, there to be securely kept and provided for until their further order; and if he recovers from such disease, he shall be returned to his place of confinement. CHAP. 14.

SEC. 13. If he was committed by order of a court or under a judicial process, the order for his removal, or a copy thereof attested by the municipal officers, shall be returned by them with the doings thereon into the office of the clerk of the court from which such order or process was issued. No such removal shall be deemed an escape. Order for removal, how returned. Such removal not an escape.
R. S., c. 21, § 14.

SEC. 14. A town at its annual meeting, may choose a health committee of not less than three nor more than nine, or one person to be a health officer; who shall remove, at the expense of their town, all filth found in any place therein, which, in their judgment, endangers the lives or health of any inhabitant; and require the owner or occupant, when they think necessary, to remove or discontinue any drain or other source of filth. Health committee, how chosen; their duties.
R. S., c. 21, § 15.

SEC. 15. If any town, at its annual meeting, omits to choose such committee or officer, the municipal officers shall be a health committee, and have all their powers and perform all their duties. If no committee chosen, selectmen to perform the duties.
1853, c. 4.

SEC. 16. When any source of filth, or other cause of sickness, is found on private property, the owner or occupant thereof shall, within twenty-four hours after notice from the said committee or officer, at his own expense, remove or discontinue it; and if he neglects or unreasonably delays to do so, he shall forfeit not exceeding one hundred dollars; and said committee or officer shall cause said nuisance to be removed or discontinued; and all expenses thereof shall be repaid to the town by such owner or occupant, or by the person who caused or permitted it. May order removal of private nuisances; proceedings thereon.
R. S., c. 21, § 16.

SEC. 17. If a master, seaman, or passenger of a vessel, in which there is any infection, or has lately been, or is suspected to have been, or which has come from a port where any infectious distemper prevails, dangerous to the public health, refuses to answer, on oath, such questions, as are asked him relating to such infection or distemper, by the municipal officers of the town to which such vessel comes, which oath either of said officers may administer, he shall forfeit not exceeding two hundred dollars, or be imprisoned not more than six months. Masters, &c. of vessels may be examined on oath in certain cases.
R. S., c. 21, § 17.

SEC. 18. When a vessel arrives at a port in this state, having on board any person infected with a malignant disease, the master, commander, or pilot thereof shall anchor it at some convenient place below the town of such port, at a distance safe for the inhabitants thereof and the persons on board other vessels in the port; and no person or thing on board shall be brought on shore, until the municipal officers give their written permit therefor. Vessels with infected persons to anchor at a distance from towns.
R. S., c. 21, § 18.

SEC. 19. For the willful violation of the provisions of the preceding section, such master or commander shall forfeit not exceeding two hundred, and the pilot not exceeding fifty dollars for each offence. Penalty for violation of this provision.
R. S., c. 21, § 19.

SEC. 20. The municipal officers of a seaport town may cause any vessel arriving there to perform quarantine at such place Selectmen may establish quar-

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antine regulations.

Penalty for breach thereof.
R. S., c. 21,
§ 20, 21.

Duty of pilots to give notice thereof.

R. S., c. 21,
§ 22.

Punishment for violation or evasion of quarantine, after notice.
R. S., c. 21,
§ 23.

Selectmen to furnish signals.

Restriction of persons visiting vessels at quarantine.
R. S., c. 21,
§ 24, 25.

Health committee may exercise authority of selectmen, relating to quarantine.
R. S., c. 21,
§ 26.

Quarantine expenses, how paid.
R. S., c. 21,
§ 27.

Hospitals may be established.

Restrictions as to location.
R. S., c. 21,
§ 28, 29.

Restrictions on inoculation with the small pox.
R. S., c. 21,
§ 30.

Physicians and others liable to hospital regulations.

and under such regulations as they may judge expedient, when they think the safety of the inhabitants requires it; and whoever neglects or refuses to obey such orders and regulations, shall forfeit not exceeding five hundred dollars, or be imprisoned not exceeding six months.

SEC. 21. When such officers of a seaport town think it necessary to order all vessels, arriving there from any particular port or ports, to perform quarantine, they shall give notice thereof to the pilots of their port; who shall make it known to the master of all vessels which they board. If any pilot neglects to do so, or contrary thereto pilots any vessel up to said seaport town, he shall forfeit not exceeding one hundred dollars.

SEC. 22. When the master or commander of a vessel takes it up to any seaport town after notice that a quarantine has been so directed for all vessels coming from the port or place whence his vessel sailed, or by false declarations, or otherwise, fraudulently attempts to elude such directions; or lands or suffers to be landed from his vessel any person or thing, without permission of the municipal officers, he shall be punished as provided in section twenty.

SEC. 23. The municipal officers of every seaport town requiring vessels to perform quarantine shall provide, at the expense of such town, a suitable number of red flags at least three yards in length; and the master of every vessel ordered to perform quarantine shall cause one of them to be continually kept, during the term thereof, at the head of the mainmast of his vessel; and no person shall go on board such vessel during said term unless by permission of said officers; if he does, he shall be thereafter held liable to the same regulations and restrictions as those belonging to said vessel; and shall there be detained by force, if necessary, until duly discharged by said officers.

SEC. 24. In every seaport town where there is a health committee or officer, he may perform all the duties and exercise all the authority of the municipal officers in requiring vessels to perform quarantine.

SEC. 25. All expenses incurred on account of any person, vessel, or goods, under quarantine regulations, shall be paid by him, or the owner of the vessel, or goods, as the case may be.

SEC. 26. A town may establish therein one or more hospitals for the reception of persons having the small pox or other disease dangerous to the public health; or its municipal officers may license any building therein as a hospital, to be under the control of said officers; but no such hospital shall be within one hundred rods of an inhabited dwellinghouse in an adjoining town without the consent of its municipal officers.

SEC. 27. If any person inoculates himself or any other person, or suffers himself to be inoculated with the small pox, unless at some lawful hospital, he shall forfeit not exceeding one hundred dollars for each offence.

SEC. 28. When a hospital is so established or licensed, the physician, the persons inoculated or sick therein, the nurses, attendants, and all persons who come within its limits, and all

furniture or other articles used or brought there, shall be subject to the regulations made by the municipal officers.

SEC. 29. When the small pox or any other disease dangerous to the public health breaks out in a town, the municipal officers shall immediately provide such hospital or place of reception for the sick and infected, as they judge best for the accommodation and safety of the inhabitants; and such hospitals and places shall be subject to their regulations the same as established hospitals; and they shall cause such sick and infected to be removed thereto, unless their condition will not admit of it without imminent danger; in that case, the house or place where the sick is, shall be deemed a hospital for every purpose aforesaid; and all persons residing in or in any way concerned with it shall be subject to hospital regulations.

SEC. 30. When any disease dangerous to the public health exists in a town, the municipal officers shall use all possible care to prevent its spread and to give public notice of infected places to travelers, by displaying red flags at proper distances, and by all other means most effectual, in their judgment, for the common safety.

SEC. 31. If any physician or other person in such hospitals or places of reception, attending, approaching, or concerned therewith, violates any lawful regulation in relation thereto, with respect to himself or his or another's property, he shall forfeit not less than ten, nor more than one hundred dollars, for each offence.

SEC. 32. When a householder or physician knows that a person under his care is taken sick of any such disease, he shall immediately give notice thereof to the municipal officers of the town where such person is; and if he neglects it he shall forfeit not less than ten, nor more than thirty dollars.

SEC. 33. All forfeitures mentioned in the preceding sections, except otherwise provided, shall inure to the use of the town where the offence is committed.

SEC. 34. A town may choose a board of health of not less than three nor more than nine persons, who shall have all the powers, and be subject to all the duties, restrictions, liabilities, and penalties of the municipal officers, and health committee or officer.

SEC. 35. A town may provide for the inoculation of its inhabitants with the cow pox, under the direction and control of the health committee, health officer, or board of health; and raise all necessary sums to defray the expense thereof, or such part as they may think proper.

SEC. 36. Towns may establish by-laws for the preservation of health, and for protection against infectious diseases.

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Hospitals to be provided on breaking out of infectious diseases; regulations. R. S., c. 21, § 32.

Precautions to prevent the spread of such diseases. 28 Maine, 255. R. S., c. 21, § 33.

Penalty for violation of hospital regulations by persons subject thereto. R. S., c. 21, § 34.

Householders and physicians to give notice of infectious diseases under their care. R. S., c. 21, § 35.

Forfeiture, how recovered and appropriated. R. S., c. 21, § 36.

Towns may choose a board of health; their powers and duties. R. S., c. 21, § 37.

Vaccination may be at the expense of towns and plantations. R. S., c. 21, § 39.

By-laws may be established. 1855, c. 149, § 2.