

MAINE STATE LEGISLATURE

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FIFTH REVISION.

THE
REVISED STATUTES

OF THE

STATE OF MAINE,

PASSED SEPTEMBER 1, 1903, AND TAKING EFFECT JANUARY 1, 1904.

BY THE AUTHORITY OF THE LEGISLATURE.



AUGUSTA :
KENNEBEC JOURNAL PRINT,
1904.

authorized under this chapter to practice dentistry, and shall certify a copy of the same to the secretary of state, who shall enter the same in a book to be kept for the purpose.

SEC. 21. Any person desiring to practice dentistry or dental surgery in the state, upon first passing a satisfactory examination before said board, in anatomy, physiology, pathology, therapeutics, chemistry and the theory and practice of dentistry, and on payment of the fee provided in the following section, shall be entitled to registration and shall receive a certificate in due form, signed by the president and attested by the secretary authorizing such person to practice dentistry in the state.

Persons passing satisfactory examination shall be entitled to register.
1891, c. 43, § 5.

—shall receive certificate.

SEC. 22. The board shall receive from the applicant for examination under the provisions of the preceding section, twenty dollars, which shall in no case be returned, but shall entitle the applicant to another examination without payment of additional fees, and shall be in full for all services and expenses.

Fee for examination.
1891, c. 43, § 7.

SEC. 23. Nothing in the five preceding sections shall be so construed as to restrict or interfere with the physicians and surgeons in the discharge of their professional duties, or with any citizen in the extraction of teeth in cases of emergency.

Physicians and surgeons shall not be restricted.
1891, c. 43, § 8.

CHAPTER 18.

THE PUBLIC HEALTH AND THE PREVENTION OF CONTAGIOUS DISEASES.

THE STATE BOARD OF HEALTH.

SEC. 1. The state board of health as heretofore established shall consist of six members, appointed by the governor, with the advice and consent of the council, and a secretary elected as hereinafter provided. The governor, with the advice and consent of the council, shall annually appoint a member of said board to hold office for six years from the thirty-first day of January of each year; any vacancy occurring during a term among the members so appointed shall be filled in like manner for the remainder of the term. The members so appointed by the governor shall elect a secretary, who shall, by virtue of such election, become a member of the board, and its executive officer. The board may elect one of their own number secretary, in which case his term of office as a member by appointment of the governor shall expire, and the governor, with the advice and consent of the council, shall appoint another member to complete the full number of the board.

State board of health.
1885, c. 286, § 1.

—members of, how appointed.

—secretary, how chosen.

SEC. 2. The state board of health shall have the general supervision of the interests of health and life of the citizens of the state. They shall study the vital statistics of the state, and endeavor to make intelligent and profitable use of the collected records of deaths and of sickness among the people; they shall make sanitary investigations and inquiries respecting the causes of disease and especially of communicable diseases and epidemics, the causes of mortality, and the effects of localities, employments, conditions, ingesta, habits and circumstances on the health of the people; they shall investigate the causes of disease occurring among the stock and domestic animals in the state, and the methods of remedying the same; they shall gather such information in respect to all these matters as they may deem proper for diffusion among the people; they shall, when required

Duties of board.
1885, c. 286, § 2.

—study vital statistics.

—make sanitary investigations.

—investigate disease among animals.

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—advise as to drainage, water supply, etc.

—report.
1887, c. 114, § 2.

Meetings.
1885, c. 286,
§§ 3, 10.

—quorum.

—president,
how chosen.

Tenure of
secretary.
1885, c. 286, § 4.

—duties of.

See c. 61, § 18.

Salary.
1885, c. 286, § 5.

—expenses of
members al-
lowed.

Annual appro-
priation.
1885, c. 286, § 6.
1887, c. 114, § 1.

Certain offi-
cers and
others re-
quired to fur-
nish informa-
tion.
1885, c. 286, § 8.

or when they shall deem it best, advise officers of the government, or other boards within the state, in regard to the location, drainage, water supply, disposal of excreta, heating and ventilation of any public institution or building; they shall from time to time examine and report upon works on the subject of hygiene for the use of the schools of the state; they shall have general oversight and direction of the enforcement of the statutes respecting the preservation of health; and they shall, in the month of January, make report to the governor and council of their doings, investigations and discoveries, during the year ending on the thirty-first day of December, with such suggestions as to legislative action as they may deem necessary.

SEC. 3. The board shall meet quarterly at Augusta, and at such other places and times as they may deem expedient. Suitable accommodations for the meetings of the board, and office room for its secretary shall be provided at the state capitol. A majority shall be a quorum for the transaction of business. They shall choose annually one of their number to be their president, and may adopt rules and by-laws subject to the provisions of this chapter. They may send the secretary, or a committee of the board, to any part of the state, when deemed necessary to conduct an investigation within the scope of their prescribed work.

SEC. 4. The secretary shall hold his office as long as he shall faithfully discharge the duties thereof; he may be removed for just cause at a regular meeting of the board, by vote of a majority of the members. He shall keep his office at the state capitol, and shall perform the duties prescribed by law, or required by the board. He shall keep a record of the transactions of the board; shall have the custody of all books, papers, documents and other property belonging to the board, which may be deposited in his office; shall, as far as practicable, communicate with other state boards of health, and with the local boards of health within this state; shall keep and file all reports received from such local boards of health and all correspondence of the office appertaining to the business of the board. He shall, as far as possible, aid in obtaining contributions to the library and museum of the board. He shall prepare blank forms of returns, and such instructions as may be necessary, and forward them to the local boards of health throughout the state. He shall collect information concerning vital statistics, knowledge respecting diseases, and all useful information on the subject of hygiene, and, through an annual report, and otherwise, as the board may direct, shall disseminate such information among the people.

SEC. 5. The secretary shall receive an annual salary which shall be fixed by the state board of health. The board shall quarterly certify the amount due him, and on presentation of said certificate the governor shall draw his warrant on the treasurer of state for the amount. The members of the board shall receive no compensation for their services, but their traveling and other necessary expenses while employed on the business of the board shall be allowed and paid.

SEC. 6. The sum of five thousand dollars shall be annually appropriated to pay the salary of the secretary, meet the contingent expenses of the office of the secretary, and the expenses of the board, which shall not exceed the sum appropriated. Said expenses shall be certified and paid in the same manner as the salary of the secretary.

SEC. 7. In order to afford to this board, better advantages for obtaining knowledge important to be incorporated with that collected through special investigations and from other sources, all officers of the state, the physicians of all incorporated companies, and the president or agent of any

company chartered, organized or transacting business under the laws of this state, as far as is practicable, shall furnish to the state board of health any information bearing upon public health which may be requested by said board for the purpose of enabling it better to perform its duties of collecting and distributing useful knowledge on this subject.

SEC. 8. The more effectually to protect the public health the state board of health may establish such systems of inspection as in its judgment may be necessary to ascertain the actual or threatened presence of the infection of Asiatic cholera, smallpox, diphtheria, scarlet fever, plague or typhus fever; and any duly authorized agent or inspector of said board may enter any building, vessel, railway car or other public vehicle, to inspect the same and to remove therefrom any person affected by said diseases; and for this purpose he may require the person in charge of any vessel or public vehicle other than a railway car to stop such vessel or vehicle at any place, and he may require the conductor of any railway train to stop his train at any station or upon any side track and there detain it for a reasonable time; *provided*, that no conductor shall be required to stop his train when telegraphic communication with the despatcher's office cannot be obtained or at such times or under such circumstances as may endanger the safety of the train and passengers; and *provided further*, that any such agent or inspector may cause any car which he may think may be infected with any of said diseases to be side tracked at any suitable place and there be cleansed, fumigated and disinfected. And the said board of health may from time to time make, alter, modify or revoke rules and regulations for guarding against the introduction of said diseases into the state; for the control and suppression thereof if within the state; for the quarantine and disinfection of persons, localities and things infected or suspected of being infected by such diseases; for the transportation of dead bodies when death results from any infectious or contagious disease, which regulations shall, so far as may be deemed practicable and safe, be uniform with those which are now in effect in other North American states and provinces; for the speedy and private interment of the bodies of persons who have died from said diseases; and, in emergency, for providing those sick with said diseases with necessary medical aid and with temporary hospitals for their accommodation and for the accommodation of their nurses and attendants. And the said board may declare any and all of its rules and regulations made in accordance with the provisions of this section to be in force within the whole state, or within any specified part thereof, and to apply to any person or persons, family, camp, building, vessel, railway car or public vehicle of any kind.

SEC. 9. Any rules and regulations adopted by the state board of health in the premises shall be immediately submitted by it to the governor and council and unless approved in writing by the governor and council within thirty days after such submission, such rules and regulations shall thereafter become ineffective. Should the governor and council disapprove any rules and regulations so submitted to them within the thirty days and so notify the secretary of the state board of health in writing, the rules and regulations so disapproved shall upon such notification immediately become ineffective and void. Such rules and regulations, if of general application, shall be published in the state paper; but whenever in the judgment of the board it shall be necessary to do so, special rules and regulations, or orders relating to said diseases may be made for any town, village or city without such publication, and the service of copies of such rules, regulations or orders upon such town, village or city through the

State board of health may establish system of inspection, to ascertain presence of infectious diseases.
1893, c. 305, § 1.

—inspector, may enter any building, etc.

—to stop vessels, etc.

—may detain train and side track car if infected.

—may make rules and regulations for guarding against introduction of diseases.

1903, c. 95, §§ 1, 2.

Rules must be approved by governor and council.
1893, c. 305, §§ 1, 3.

—publication of rules and regulations.

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—shall supersede all local rules.

All officers shall enforce regulations. 1893, c. 305, § 2.

—penalty, for refusing to obey rules.

—authorities required to co-operate with board.

—in case of refusal to co-operate board may appoint agents.

—expenses.

officers thereof shall be a sufficient notice thereto; and the rules, regulations or orders of the state board of health made in accordance with the provisions of this section shall, for the time being and until the same are revoked, supersede all local rules, regulations, by-laws or ordinances that may be inconsistent or in conflict therewith.

SEC. 10. All health officers, local boards of health, municipal officers, sheriffs, constables, police officers and marshals shall enforce the rules and regulations of the state board of health made as provided in the two 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 five hundred dollars, or by imprisonment in the county jail for a period of not more than six months, or by both 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 eight shall co-operate with the state board of health in carrying out the provisions of this section and the two preceding sections; and in case such co-operation be refused, withheld or neglected, the said board may execute its orders and directions by agents of its own appointment; and all expenses incurred by members of the state board of health or by duly appointed agents of said board under the provisions of this section shall be paid by the state, the bills first being approved by the governor and council.

REGISTRATION OF UNDERTAKERS.

Qualifications of undertakers. 1903, c. 98, § 4.

—shall pass an examination.

Licenses may be issued by examiners. 1903, c. 98, § 5.

Revocation of licenses. 1903, c. 98, § 6.

Time and place of examinations. 1903, c. 98, § 7.

SEC. 11. Any person wishing to become an undertaker, an embalmer of dead human bodies, or to engage in the business of caring for and preparing dead human bodies for burial, transportation or cremation, as a regular and permanent business or profession, shall have an intelligent comprehension of the art of embalming, and of such rudiments of anatomy, and of the characteristics of, and the dangers from contagious and infectious diseases, and of the actions and uses of disinfectant agencies, as the state board of health may prescribe as necessary for the protection of the living, before he is permitted to practice said business or profession within the state, and shall be required to pass an examination before a board of examiners created and empowered by the eight following sections.

SEC. 12. After the examination has been completed the state board of examiners shall judge of the qualification of the applicant, and, if satisfactory, the certificate of a licensed embalmer shall be issued to him, under which he shall have legal authority to prepare bodies dead of infectious or contagious disease for transportation, and to do any work coming within the province of his vocation.

SEC. 13. The state board of examiners may revoke, for cause, any license issued by it, and failure to comply with the law and the regulations of the state board of health shall be deemed sufficient provocation for the revocation of a license.

SEC. 14. Examinations for licenses shall be given by the state board of examiners at least twice annually, at such time and place as they may determine. The examination papers shall contain such questions relating to the subject of embalming as the board may deem necessary to determine the qualifications of the applicant for the business, and if found qualified, a certificate, as provided for in section twelve, shall be granted him.

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SEC. 15. The board of examiners shall consist of four members made up as follows: Two members of the state board of health, one of whom shall be the secretary of the state board of health, and who shall be the clerk of the board, and two practical undertakers and embalmers. The board of examiners shall be appointed by the governor by and with the advice and consent of the executive council, and the three members so appointed shall hold office for three years. In case of a vacancy due to death, resignation or other cause, the vacancy shall be filled by an appointment for the unexpired term, as is provided for original appointments.

Examiners, membership of board. 1903, c. 98, § 8.
—appointment.
—tenure.
—vacancies, how filled.

SEC. 16. The state board of health may adopt such blanks and forms of procedure as it may deem necessary and best to carry out the provisions of sections eleven to nineteen inclusive, and it shall keep on file a list of all registered and licensed embalmers and a record of examinations, together with the examination papers, all of which shall be open to public inspection.

Records of examinations shall be kept. 1903, c. 98, § 9.

SEC. 17. The board of examiners shall keep a record, containing the names and residences of all persons registered hereunder, and a record of all moneys received and disbursed by said board, and said records, or duplicates thereof, shall always be open to inspection in the office of the secretary of the state board of health during regular office hours. Said board shall annually report to the state board of health, on or before the first day of January in each year; the report to contain a full and complete account of all its official acts during the year, together with a statement of the receipts and disbursements of the board and such comments as may be deemed proper.

Board shall keep records of licenses issued and of moneys. 1903, c. 98, § 11.

—shall report to board of health.

SEC. 18. The fee for registration under sections eleven to nineteen inclusive, shall be one dollar, and for examination five dollars. The money thus received by the board of examiners shall constitute a permanent fund for carrying out the work provided in said sections. From the money thus received the expenses for printing, for stationery, for postage, for other expenses necessarily incurred under the provisions of said sections, and for full compensation of the members of the board of examiners, shall be paid. The board of examiners shall be entitled to five dollars each a day and expenses during session. The clerk of the examining board shall be paid one hundred dollars for the first year of his services, and thereafter he shall receive the same compensation as the other members of the board; any balance shall be turned into the treasury of the board of examiners. The clerk of the examining board shall act as treasurer of the board, and shall deposit or otherwise care for any money which may be in the treasury as he may be instructed by vote of the board of examiners.

Fees and their disposal. 1903, c. 98, § 12.

—compensation of board.

—of clerk.

—clerk shall act as treasurer.

SEC. 19. No person shall inject into any cavity or artery of the body of any person who has died from an accidental or sudden death or under suspicious circumstances, any fluid or substance until a legal certificate of the cause of death from the attending physician has been obtained, nor until a legal investigation has determined the cause of death. If a criminal cause of death is alleged or suspected, no fluid or other substance shall be injected into a body until the cause of death is legally established.

Embalming when prohibited. 1903, c. 98, § 10.

SEC. 20. Whoever violates any provision of the nine preceding sections shall be punished by a fine of not less than five, nor more than one hundred dollars.

Penalties. 1903, c. 98, § 13.

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STATE LABORATORY OF HYGIENE.

State labora-
tory of
hygiene,
authorized.
1903, c. 223, § 1.

SEC. 21. The state board of health may establish and equip with the proper and necessary apparatus, instruments and supplies a state laboratory of hygiene, for the chemical and bacteriological examination of water supplies, milk and food products, and the examination of cases and suspected cases of diphtheria, typhoid fever, tuberculosis, glanders and other infectious and contagious diseases.

Appointment
of director.
1903, c. 223, § 2.
—duties of
director.

SEC. 22. The state board of health shall appoint a director of such laboratory, who shall hold that position at the pleasure of the board. He shall keep a record of all specimens sent to him for examination, and examine these specimens without unnecessary delay, and do such other work, and make such other investigations relating to the public health as said board may from time to time direct. He shall annually in the month of January make a full report to the board of all matters pertaining to the laboratory, and shall make such other and special reports as the board may require. The kind and amount of the work he shall do and the compensation therefor shall be fixed by said board. The services of the laboratory and all investigations therein made shall be free to the people of the state.

—shall report
annually.

—services shall
be free.
1903, c. 223, § 3.

Appropriation.
1903, c. 223, § 4.

SEC. 23. The sum of three thousand dollars a year is hereby appropriated to pay for the services of the director, and of such assistants as may be necessary, to procure the necessary supplies, and to meet the other necessary expenses of said laboratory, which sum shall be expended under the supervision of the state board of health.

LOCAL BOARDS OF HEALTH.

Local boards
of health, es-
tablished.
1887, c. 123, §§ 1, 2.

SEC. 24. There shall be a local board of health in each city and town in the state, to be composed of three members appointed by the municipal officers, anything in the charter of such city to the contrary notwithstanding; the board first appointed in any town shall be appointed to serve, one for three years, one for two years, and one for one year, and thereafter the municipal officers in each town shall annually before the fifteenth day of April, appoint a member of such board to serve three years, and to hold office until another is appointed in his stead. 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 appointments are not made at said date, the same shall be made as soon as may be thereafter.

—appoint-
ment.
—tenure.

—vacancies,
how filled.

State board of
health may
appoint local
boards, if
towns fail to
appoint.
1889, c. 227, § 1.

SEC. 25. If the municipal officers of any city or town shall fail to appoint a local board of health, or to fill any vacancy in said board, in accordance with the provisions of the preceding section, the secretary of the state board of health may in writing request such municipal officers to make such appointment, and if the municipal officers shall neglect or refuse to do so for a period of thirty days after receiving such written request, the state board of health may appoint such local board of health, or fill any vacancy therein.

Annual meet-
ings.
1887, c. 123, § 3.

SEC. 26. 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 secretary from their number.

Duties of offi-
cers.
1887, c. 123, § 4.

SEC. 27. 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.

SEC. 28. 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.

Health officer, appointment, qualification and duties. 1887, c. 123, § 5. 97 Me., 97.

—salary.

SEC. 29. The health officer, or where there is no health officer appointed, the secretary of each local board of health, at least once in each year, shall 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.

Shall report to state board. 1887, c. 123, § 6.

SEC. 30. Each local board of health constituted under section twenty-four shall:

Powers. 1887, c. 123, § 7.

I. 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.

Hold regular meetings.

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

Prescribe duties of health officer.

III. 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; give public notice of infected places, by displaying red flags or by posting placards on the entrances of the premises; require the isolation of all persons and things that are infected with, or have been exposed to, contagious or infectious diseases, and provide suitable places for the reception of the same; and furnish medical treatment and care for persons, sick with such diseases who cannot otherwise be provided for; prohibit and prevent all intercourse and communication with, or use of, infected premises, places and things, and require, and if necessary, 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 report to the state board of health promptly, facts which relate to infectious and epidemic diseases, and every case of smallpox, varioloid, diphtheria, scarlet fever, typhoid fever, cerebro-spinal meningitis, measles, membranous croup, so called, whooping cough and pulmonary tuberculosis or consumption as it is commonly termed, occurring within the limits of its jurisdiction, and such notification shall be in accordance with the requirements of the blanks furnished by the said state board.

Guard against contagious and infectious diseases.

—report to state board of health. 1895, c. 139, § 3.

IV. 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; 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, inspect

Receive and investigate complaints concerning nuisances.

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and examine the same; and all owners, agents and occupants, shall permit such sanitary examinations; and every such board of health shall order the suppression and removal of nuisances and conditions detrimental to life and health found to exist within the limits of its jurisdiction.

Make by-laws for preservation of life and health.

—notice of by-laws.

V. 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.

POWERS AND DUTIES OF LOCAL BOARDS OF HEALTH, AND PREVENTION OF INFECTIOUS DISEASES.

Shall give notice to owner of any infected house, etc., requiring same to be disinfected. 1887, c. 123, § 8.

SEC. 31. When 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, such local board of health 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.

Penalty for failure to comply with notice. 1887, c. 123, § 9.

SEC. 32. If the person to whom notice is given, fails to comply therewith, he shall be liable to a penalty of not less than five, nor more than 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. 1887, c. 123, § 10. 1895, c. 139, § 2.

SEC. 33. Whenever any householder knows or has reason to believe that any person within his family or household has smallpox, diphtheria, scarlet fever, cholera, typhus or typhoid fever, cerebro-spinal meningitis, measles, membranous croup so called, whooping cough or pulmonary tuberculosis, or consumption as it is commonly termed, 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. 1887, c. 123, § 11. 1895, c. 139, § 1.

SEC. 34. 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, and the said board or health officer, shall prescribe the conditions of removal.

Children, affected, shall not attend school, etc. 1887, c. 123, § 12.

SEC. 35. 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.

SEC. 36. Whenever any physician knows or has reason to believe that any person whom he is called upon to visit, is infected with any of the diseases mentioned in section thirty-three, 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.
1887, c. 123, § 13.
1895, c. 139, § 2.

SEC. 37. The secretary or 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, 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.

Proceedings in cases of violation of sec. 35.
1889, c. 227, § 2.

SEC. 38. No person affected with smallpox, 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 of health shall have been complied with.

Persons affected with smallpox, etc., shall not mingle with the public.
1887, c. 123, § 14.
1895, c. 139, § 1.

SEC. 39. Persons recovering from smallpox, 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 until they have received from the 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.
1887, c. 123, § 15.
1895, c. 139, § 1.

SEC. 40. Nurses and other attendants upon persons sick with smallpox, 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, excreta, bedding, etc.
1887, c. 123, § 16.

SEC. 41. No person shall give, lend, transmit, sell or expose any bedding, clothing, furniture or other article which has been used by persons affected with smallpox, scarlet fever, diphtheria, measles, cholera, plague or pulmonary tuberculosis or consumption, or from rooms which have been occupied by such persons, without first having said articles disinfected to the satisfaction of the local board of health.

Use of bedding and clothing until disinfected, prohibited.
1887, c. 123, § 17.

SEC. 42. 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.
1887, c. 123, § 18.

SEC. 43. Whenever smallpox, diphtheria, scarlet fever or other contagious disease, shall appear in a town, the local board of health shall immediately notify the teachers of the public schools in the neighborhood, of the fact, and 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, shall exclude from the schoolhouse, 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 shall certify that such children or other persons may safely be readmitted.

Children who have been exposed to contagion, shall be excluded from public schools.
1887, c. 123, § 19.
1895, c. 139, § 1.

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Schoolhouses, when infected, shall be closed.
1887, c. 123, § 20.

When any cellar, etc., become unfit for occupancy, notice shall be served on the owner, to cleanse the same.
1887, c. 123, § 21.

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

Persons infected, shall not be allowed to enter any conveyance without notice to owner.
1887, c. 123, § 22.

When such conveyance has been so used, it shall be disinfected.
1887, c. 123, § 23.

Houses shall be disinfected, where contagion has existed.
1887, c. 123, § 24.

Officers shall not be obstructed in performance of duty.
1887, c. 123, § 25.

Penalty for violations.
1887, c. 123, § 26.

SEC. 44. When persons from houses or places which are infected with any of the diseases specified in the preceding section, have entered any schoolroom, or when, from any other cause, the schoolroom has probably become infected, the teacher shall dismiss the school, and notify the school officers and local board of health, and no school shall be again held in such schoolroom until the room has been disinfected to the satisfaction of the local board of health, and the school officers and board of health shall cause the room to be disinfected as soon as possible.

SEC. 45. 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 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.

SEC. 46. No person having smallpox, 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.

SEC. 47. 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.

SEC. 48. No person shall let or hire any house or room in a house in which smallpox, diphtheria, scarlet fever, cholera, pulmonary tuberculosis or consumption, 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.

SEC. 49. 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 every such constable or person so called upon, shall render assistance.

SEC. 50. Whoever wilfully violates any provision of the seventeen preceding sections, or of said regulations and by-laws, or neglects or refuses to obey any order or direction of any local board of health or health officer authorized by said provisions, the penalty for which is not herein specifically provided, or wilfully interferes with any person or thing, to prevent the execution of the provisions of said sections or of said regulations and by-laws, shall be punished by a fine of not more than fifty dollars; 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 said sections.

SEC. 51. When any person is or has recently been infected with any disease or sickness dangerous to the public health, the local board of health 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, at that of the town to which he belongs.

Precautions against infected persons.
R. S., c. 14, § 1.
1887, c. 123, § 27.
19 Me., 222.
23 Me., 257.
45 Me., 409.
52 Me., 119.
66 Me., 60, 72.
67 Me., 371.

SEC. 52. When an infectious or malignant distemper is known to exist in any place out of the state, the local board of health of any town in the state, may, by giving such public notice therein as they find convenient, require any person coming from such place to inform one of them or the town clerk of his arrival and from what place he came; and if he does not, within two hours after arrival, or after actual notice of such requirement, give such information, he forfeits one hundred dollars to the town.

Precautions against persons arriving from infected places.
R. S., c. 14, § 2.
1887, c. 123, § 27.

SEC. 53. The local board of health may prohibit any such person, from going to any part of their town where they think that 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 which they direct; and if he neglects or refuses so to do, any justice of the peace in the county, on complaint of one of said local board of health, may issue his warrant to any proper officer or other person named therein, and cause him to be removed from the state; and if during the prevalence of such distemper in the place where he resides, he returns to any town in the state, without the license of its local board of health, he forfeits not exceeding four hundred dollars.

Restrictions on such persons; may be removed if refractory.
R. S., c. 14, § 3.
1887, c. 123, § 27.

—penalty if they return.

SEC. 54. The local board of health of any town near or adjoining the state line, may, by writing under their hands, appoint 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 one of said board; and any such passenger who without such license travels in this state, except to return by the most direct way to the state or province whence he came, after he has been cautioned to depart by the persons so appointed, forfeits not exceeding one hundred dollars.

Precautions authorized in border towns.
R. S., c. 14, § 4.
1887, c. 123, § 27.

REMOVAL OF INFECTED PERSONS AND GOODS.

SEC. 55. 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 local board of health of the town where he is; or to impress and take convenient houses, lodgings, nurses, attendants, and other necessaries for the accommodation, safety and relief of the sick.

Process for removal or separate accommodation of infected persons.
R. S., c. 14, § 5.
1887, c. 123, § 27.
66 Me., 72, 314.

SEC. 56. When on application of the local board of health of a town, it appears to any justice of the peace that there is just cause to suspect that any baggage, clothing or goods therein, are infected with any malignant contagious distemper, he shall, by a warrant directed to a proper officer, require him to impress so many men as said justice thinks necessary, to secure such infected articles, and to post said men as a guard over the place where the articles are lodged, who shall prevent any persons from removing or approaching such articles, until due inquiry is made into the circumstances.

Process for securing infected articles.
R. S., c. 14, § 6.
1887, c. 123, § 27.

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Justice may by warrant require officers to remove them to suitable places.
R. S., c. 14, § 7.
1887, c. 123, § 27.

Powers of officers in executing such process.
R. S., c. 14, § 8.

Expenses, how paid.
R. S., c. 14, § 9.
1887, c. 123, § 27.

Compensation for men or property impressed.
R. S., c. 14, § 10.
65 Me., 404.

Adjournment of courts because of danger from infection.
R. S., c. 14, § 11.
83 Me., 116.

Removal of infected prisoners from places of confinement.
R. S., c. 14, § 12.
1887, c. 123, § 27.

Order for removal, how returned.—such removal, not an escape.
R. S., c. 14, § 13.
1887, c. 123, § 27.

May order removal of private nuisances; proceedings.
R. S., c. 14, § 16.
1887, c. 123, § 27.
See c. 22, § 21.
57 Me., 438, 440.
65 Me., 436.
87 Me., 475.

Depositing carcass of dead animal where it may cause nuisance, forbidden.
1899, c. 39.

—penalty.

SEC. 57. He may by the same warrant, if it appears to him necessary, require said officer, under the direction of the local board of health, to impress and take convenient houses or stores for the safe keeping of such infected articles, and cause them to be removed thereto, or otherwise detained, until the local board of health think that they are free from infection.

SEC. 58. Said officer, 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 any person who at the command of any such officer, fails to assist in such execution, shall be subject to a fine not exceeding ten dollars.

SEC. 59. The charges for securing such infected articles and of transporting and purifying them, shall be paid by the owners thereof, at the price determined by the local board of health.

SEC. 60. When the officer impresses or takes any house, store, lodging or other necessities, 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.

SEC. 61. When a malignant infectious distemper prevails in any town wherein the supreme judicial court, the superior 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 such courts judge best, as near their usual place of meeting as they think that safety permits.

SEC. 62. When any person in a jail, house of correction or work-house, is attacked with a disease, which the local board of health 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.

SEC. 63. If he was committed by an order of court or judicial process, the order for his removal, or a copy thereof attested by the local board of health, 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.

SEC. 64. 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 local board of health or health officer, at his own expense, remove or discontinue it; and if he neglects or unreasonably delays to do so, he forfeits not exceeding one hundred dollars; and said local board of health or health 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.

SEC. 65. Whoever personally or through the agency of another leaves or deposits the carcass of a dead horse, cow, sheep, hog or of any other of the larger domestic animals in any place where it may cause a nuisance shall, upon receiving a notice to that effect from the local board of health, promptly remove, bury or otherwise dispose of such carcass, and if he fails to do so within such time as may be prescribed by the local board of health, and in such manner as may be satisfactory to such board of health, he shall be punished by a fine of not less than five, nor more than twenty-five dollars, or by imprisonment not exceeding one month.

INFECTED VESSELS. QUARANTINE.

SEC. 66. If a master, seaman or passenger of a vessel, in which there is, has lately been, or is suspected to have been, any infection, 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 local board of health of the town to which such vessel comes, which oath any member of said board may administer, he shall forfeit not exceeding two hundred dollars, or be imprisoned not more than six months.

SEC. 67. When a vessel arrives at a port having on board any person infected with a malignant disease, the master, commander or pilot 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 said port; and no person or thing on board shall be brought on shore, until the local board of health gives its written permit.

SEC. 68. For the wilful violation of the preceding section, such master or commander forfeits not exceeding two hundred, and the pilot not exceeding fifty dollars for each offense.

SEC. 69. The local board of health of a seaport town may cause vessels arriving there to perform quarantine at such place and under such regulations as they judge expedient, when they think that 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. 70. When such local board of health thinks 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 masters of all vessels which they board. A pilot who neglects to do so, or who contrary thereto pilots any vessels up to said seaport town, forfeits not exceeding one hundred dollars.

SEC. 71. If 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 local board of health, he shall be punished as provided in section sixty-nine.

SEC. 72. The local board of health 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, during the term thereof, cause one of them to be continually kept at the head of the mainmast of his vessel; and no person shall board such vessel during said term unless by permission of said local board of health; 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 discharged by said local board of health.

SEC. 73. In every seaport town the health officer may perform all the duties and exercise all the authority of the local board of health in requiring vessels to perform quarantine.

Note. Proceedings as to burial of body of person dying of contagious disease, c. 61, § 24.

Penalty for polluting water supply, c. 129, § 1; for selling milk from cows diseased or fed upon injurious substances, c. 129, §§ 2, 3; for selling unwholesome provisions or drinks, c. 129, §§ 2-16.

Masters, seamen or passengers of vessels may be examined on oath in reference to infectious distempers.
R. S., c. 14, § 17.
1887, c. 123, § 27.

Vessels with infected persons shall anchor at a distance from towns.
R. S., c. 14, § 18.
1887, c. 123, § 27.
45 Me., 503.

Penalty for violation of sec. 67.
R. S., c. 14, § 19.

Board of health may establish quarantine regulations.
R. S., c. 14, § 20.
1887, c. 123, § 27.

—penalty.

Duty of pilots to give notice thereof.
R. S., c. 14, § 21.
1887, c. 123, § 27.

Punishment for violation or evasion of quarantine, after notice.
R. S., c. 14, § 22.
1887, c. 123, § 27.

Board of health to furnish signals.
R. S., c. 14, § 23.
1887, c. 123, § 27.

—restrictions on persons visiting vessels at quarantine.

Health officer.—quarantine.
R. S., c. 14, § 24.
1887, c. 123, § 27.

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Expenses,
how paid.
R. S., c. 14, § 25.

SEC. 74. Expenses incurred on account of any person, vessel or goods, under quarantine regulations, shall be paid by such person, or the owner of the vessel or goods, as the case may be.

TOWN HOSPITALS.

Hospitals may
be established.

SEC. 75. A town may establish therein one or more hospitals for the reception of persons having the smallpox or other diseases dangerous to the public health; or its local board of health may license any building therein as a hospital, which shall be under the control of said board; but no such hospital shall be within one hundred rods of an inhabited dwelling-house in an adjoining town without the consent of its local board of health.

—restrictions
as to location.
R. S., c. 14, § 26.
1887, c. 123, § 27.

SEC. 76. Whoever inoculates himself or any other person, or suffers himself to be inoculated with the smallpox, unless at some lawful hospital, forfeits not exceeding one hundred dollars for each offense.

Inoculation
with small-
pox re-
stricted.
R. S., c. 14, § 27.

SEC. 77. When a hospital is so established or licensed, the physicians, the persons inoculated or sick therein, the nurses, attendants, and all who come within its limits, and all furniture or other articles used or brought there, shall be subject to the regulations made by the local board of health.

Physicians
and others
subject to
hospital regu-
lations.
R. S., c. 14, § 28.
1887, c. 123, § 27.

SEC. 78. When smallpox or other disease dangerous to the public health breaks out in a town, the local board of health 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; such hospitals and places are 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 permit it without imminent danger; in which case, the house or place where the sick are, shall be deemed a hospital for every purpose aforesaid; and all persons residing in, or in any way concerned with it, are subject to hospital regulations.

Hospital to be
provided, on
breaking out
of infectious
diseases; regu-
lations.
R. S., c. 14, § 29.
1887, c. 123, § 27.
66 Me., 72,
314, 315.

SEC. 79. 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 shall 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.

Precautions to
prevent the
spread of such
diseases.
R. S., c. 14, § 30.
28 Me., 257.
64 Me., 121.

SEC. 80. 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 forfeits not less than ten, nor more than one hundred dollars, for each offense.

Penalty for
violation of
hospital regu-
lations by per-
sons subject
thereto.
R. S., c. 14, § 31.

GENERAL PROVISIONS.

SEC. 81. All forfeitures mentioned in the last thirty preceding sections, except otherwise provided, inure to the town where the offense is committed.

Forfeitures,
how appro-
priated.
R. S., c. 14, § 33.
87 Me., 475.

SEC. 82. The board of health of each city, village, town and plantation shall annually on the first day of March, or oftener if they deem it prudent, provide for the free vaccination with the cow pox, of all the inhabitants over two years of age within their respective localities, to be done under the care of skilled practicing physicians, and under such circumstances and restrictions as said authorities adopt therefor.

Free vaccina-
tion provided,
annually.
R. S., c. 14, § 35.
1893, c. 172.

SEC. 83. No owner, agent or superintendent of any paper mill where domestic or foreign rags are used in the manufacturing of paper shall hire or admit any person to work in or about said mill who has not been suc-

Supt. of paper
mills shall not
employ any
person not

CHAP. 18.

cessfully vaccinated or re-vaccinated within two years, or to the satisfaction of the local board of health.

SEC. 84. No person shall work in or about any paper mill where rags are used, who has not been successfully vaccinated or re-vaccinated within two years, or to the satisfaction of the local board of health.

SEC. 85. The owner, agent and superintendent in every paper mill where rags are used shall every year, in the months of February and September, make out and deliver to the local board of health, a list containing the names, ages, kind of work, and places of residence of all persons employed in or about said mill.

SEC. 86. In the months of March and October, annually, each and every person who is employed in a paper mill, shall be examined by the local board of health as to whether he or she is successfully and sufficiently protected by vaccination, and the local board of health shall in all cases be the judges of the sufficiency of the protection by vaccination.

SEC. 87. Whoever violates any provision of the four preceding sections shall be punished by a fine of not more than fifty dollars.

SEC. 88. The local boards of health within their respective jurisdictions and the state board of health, shall enforce sections eighty-three to eighty-seven each inclusive as far as comes within their power, and when said state board of health knows or has reason to believe that any penalty or forfeiture has been incurred by reason of neglect to comply with said sections, it shall give notice thereof, in writing, to the county attorney of the county in which said penalty or forfeiture has occurred, and upon receipt of such notice the county attorney shall prosecute the defaulting person or persons.

SEC. 89. Whenever a local board of health or its executive officer has notice of, or suspects the existence of, a case of tuberculosis or glanders in domestic animals, such board or officer shall forthwith investigate or cause to be investigated the truth of such notification or the grounds for such suspicion; and if there appear to be good grounds for believing that such disease is present, the local board of health or its executive officer shall notify the state cattle commissioners, reciting in said notification the grounds for their belief or suspicion.

successfully vaccinated.
1889, c. 213, § 1.
Persons not successfully vaccinated shall not work in paper mill.
1889, c. 213, § 2.
List of employees shall be furnished local board of health, semi-annually.
1889, c. 213, § 3.
Employees shall be examined semi-annually.
1889, c. 213, § 4.

Penalty for violation.
1889, c. 213, § 5.

Enforcement of §§ 83-87.
1889, c. 213, § 6.

Suspected cases of tuberculosis, or glanders, shall be investigated by local board of health.
1895, c. 144, § 2.
—cattle commissioners shall be notified.

PREVENTION OF BLINDNESS.

SEC. 90. If one or both eyes of an infant become reddened or inflamed at any time within four weeks after birth, the midwife, nurse or person having charge of said infant shall report the condition of the eyes at once to some legally qualified practitioner of medicine of the city, town or district in which the parents of the infant reside. Any failure to comply with the provisions of this section shall be punishable by a fine not to exceed one hundred dollars, or imprisonment not to exceed six months.

Duty of midwife, etc., in charge, to report to qualified practitioner, if eyes of any infant become inflamed within four weeks after birth.
1891, c. 115.
—penalty.