

MAINE STATE LEGISLATURE

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SEVENTH REVISION

THE
REVISED STATUTES

OF THE
STATE OF MAINE

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By the Authority of the Legislature

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ERRATA

1. Page 60 in headnote of Chapter 2, third line, "Boards" should read "Bonds."
2. Page 454, Line 20, should read "and the said Department may declare any and all of its rules and regulations."
3. Page 534, Section 113, in note, "c. 63" should be "c. 64."
4. Page 549, Section 32, Line 4, should read "templated in the six preceding sections for the building of state aid highways." (See Chap. 28, Sec. 32.)
5. Page 845, Section 4, Line 2 should read "employers who employ five or less workmen or operatives regularly in the same."
6. Page 877, Line 10, change first word "or" to "of."
7. Page 1339, Section 59 in headnote, "count" should read "court."

CHAPTER 22.

The Public Health and the Prevention of Contagious Diseases.

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The State Department of Health.

Sec. 1. State department of health; composition; duties. R. S. c. 19, §§ 1, 2. 1917, c. 197, § 1. The state department of health as heretofore established shall consist of a commissioner of health and a public health council. There shall also be directors of divisions, district health officers, and other employees as hereinafter provided. Said department shall have the general supervision of the interests of health and life of the citizens of the state. It 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; it 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; it shall investigate the causes of disease occurring among the stock and domestic animals in the state, and the methods of remedying the same; it shall gather such information in respect to all these matters as it may deem proper for diffusion among the people; it shall, when required or when it 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; it shall from time to time examine and report upon works on the subject of hygiene for the use of the

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schools of the state; it shall have general oversight and direction of the enforcement of the statutes respecting the preservation of health; and it shall as soon as practicable after the close of the fiscal year which is indicated by an even number, report to the governor and council its doings, investigations, and discoveries during the biennial period just ended, with such suggestions as to legislative action as it may deem necessary.

See c. 35, §§ 28-31.

Sec. 2. Headquarters; department to furnish own supplies. 1917, c. 197, § 2. The headquarters of the department shall be at Augusta and suitable rooms for offices and laboratories shall be provided by the state for the use of the department. The department shall furnish its own supplies and equipment out of its annual appropriation.

Sec. 3. Commissioner of health; appointment; qualifications; tenure of office; duties; etc. 1917, c. 197, § 3. The commissioner of health shall be appointed by the governor with the advice and consent of the council and he shall be a physician skilled in sanitary science and experienced in public health administration. The term of office of the commissioner of health shall be six years and he shall devote his entire time to his official duties. The commissioner of health shall be the administrative head of the state department of health and his powers and duties shall be to administer the laws relative to health and sanitation and the regulations of the department; to prepare rules and regulations for the consideration of the public health council; and with the advice of the public health council to appoint and remove directors of divisions, district health officers, inspectors, and other necessary employees and to fix their compensation within the limitations of the appropriation therefor. The commissioner of health shall submit annually to the public health council a report containing recommendations in regard to health legislation; and he shall perform all executive duties of the department. He may direct any executive officer or employee of the state department of health to assist in the study, suppression, or prevention of disease in any part of the state. The commissioner of health may be removed by the governor with the advice and consent of the council for cause shown at a hearing.

Sec. 4. Public health council; membership and qualifications; tenure of office; vacancies, etc.; meetings and duties. 1917, c. 197, § 4. 1923, c. 221. The public health council shall consist of a commissioner of health and five other members, hereinafter called the appointive members, two of whom shall be physicians, and one a dentist, all of whom shall be appointed by the governor with the advice and consent of the council. All appointments to said board, except to fill vacancies, shall be for the term of five years from the first day of May of the year of such appointment. Vacancies shall be filled by appointment of the governor, with the advice and consent of the council, for the unexpired term. The public health council shall meet at least once in each month and at such other times as they shall determine by their rules, or upon the request of any three members, or upon request of the commissioner of health. It shall be the duty of the public health council to make and promulgate rules and regulations in furtherance of the public health law; to consider plans and appointments required by law; to submit biennially to the legislature, through the governor, a report, including recommendations as to needed health legislation; and to discharge other duties required by law, but it shall have no administrative or executive functions.

See c. 35, §§ 28-31 as to duties in recreational camps.

Sec. 5. Divisions; number, how regulated; directors, how appointed; duties. 1917, c. 197, § 5. There shall be in the state department of health such divisions

as the commissioner of health may, with the approval of the public health council, from time to time determine. The commissioner of health shall appoint and may remove, with the advice of the public health council, a director to take charge of each division and shall prescribe the duties of such directors of divisions.

Sec. 6. Health districts; district health officers appointed by commissioner; qualifications and duties. 1917, c. 197, § 6. The commissioner of health, with the advice of the public health council, shall from time to time, divide the state into three or more health districts and shall appoint and may remove district health officers for each district. The district health officers shall not be engaged in any other occupation and shall give their entire time to the performance of their duties. The commissioner of health may order two or more of said district health officers to work in one district in order to study, suppress, or prevent disease. Each district health officer shall, under the direction of the commissioner of health, perform such duties as may be prescribed by the commissioner of health and shall act as the representative of the commissioner of health and under his direction shall secure the enforcement within his district of the public health laws and regulations. Said district health officers shall be graduates of an incorporated medical school and admitted to practice medicine in this state, or shall have been certified in public health by a reputable institution of collegiate grade.

Sec. 7. Individual to select own physician. 1917, c. 197, § 9. Nothing in this chapter shall be construed to empower or authorize the state department of health or its representative to interfere in any manner with the individual's right to select the physician or mode of treatment of his choice, providing that sanitary laws, rules, and regulations are complied with.

Sec. 8. Duties of municipalities in regard to local health officers; state aid under certain circumstances. 1919, c. 172, § 2. 1923, c. 116. Every city, town, and organized plantation shall employ an official who shall be known as the local health officer and who shall be appointed by the officers of the municipality subject to the approval of the state commissioner of health. Upon the failure to fill said office as hereinbefore stated within thirty days after a vacancy occurs therein, the state commissioner of health may appoint said official. The local health officer shall be ex officio a member and the executive officer of the local board of health, and shall be one of the three members of which the board consists, or at the option of the municipal officers, may take the place of the local board of health. The municipal officers shall fix and the town pay the salary or other compensation of the local health officer who shall be appointed under the provisions of this section, and shall fix and audit all salaries, fees, and charges of persons employed by the local board of health in the execution of the health laws, of the local ordinances, and of the rules and regulations of the state department of health. He may be employed to devote a part or all of his time to the performance of the duties of his office. If employed to give his entire time and if he possesses the qualifications of a district health officer as stated in section six hereof, or is approved by the state health commissioner on the basis of experience in public health administration, the state department of health is authorized and directed to pay from money appropriated to said department of health for said purpose one-third of the total salary of said official, not to exceed eight hundred dollars a year, payment to be made directly by the state to the city, town, or organized plantation by which said local health officer is employed.

Sec. 9. Municipalities may combine into districts; state aid. 1919, c. 172, § 2. Subject to the approval of the state health commissioner, several adjoining

towns, cities, or organized plantations may unite in employing the same local health officer who shall possess the qualifications of a district health officer as stated in section six hereof, or is approved by the state health commissioner on the basis of experience in public health administration, shall devote his entire time to the performance of his duties, and shall receive one-third of his salary, not to exceed eight hundred dollars a year, from the state.

Sec. 10. Duties of local health officers. 1919, c. 172, § 2. Said local health officers shall assist in the reporting, prevention, and suppression of diseases and all conditions dangerous to health, and shall be subject to the supervision and direction of the state department of health.

Sec. 11. Local boards under control of state department. 1919, c. 172, § 2. The powers vested in local boards of health by authority of section fifty-two shall be exercised under the control and direction of the state department of health.

Sec. 12. State department to promulgate rules and regulations; in case of epidemics. 1919, c. 172, § 2. The state department of health shall from time to time make and publish such orders and regulations as it shall think necessary and proper for the protection of life and health and the successful operation of the health laws of this state, which said orders and regulations shall be published in such manner as said department of health directs. In case of emergency or threatened epidemic of disease which may affect more than one city, town, or plantation, the state department of health, if it shall appear to it necessary and proper for the protection of life and health, may make such further orders and regulations as in its opinion the public exigency may require.

Sec. 13. Penalties and jurisdiction. 1919, c. 172, § 2. Whoever violates any provision of the preceding sections, or any order or regulation made thereunder, shall be punished by a fine of not less than ten dollars nor more than one hundred dollars for each offense. Municipal and police courts and trial justices shall have jurisdiction of all offenses under this section.

Sec. 14. Information to department of health. R. S. c. 19, § 7. In order to afford to this department 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 practicable, shall furnish to the state department of health any information bearing upon public health which may be requested by said department for the purpose of enabling it better to perform its duties of collecting and distributing useful knowledge on this subject.

Tuberculosis.

Sec. 15. Register of tuberculous persons. R. S. c. 19, § 8. The state department of health shall keep a register of all persons in the state who are known to be affected with tuberculosis. The department 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.

Sec. 16. Duty of physicians and others. R. S. c. 19, § 9. 1919, c. 27. Tuberculosis is hereby declared to be an infectious and communicable disease, dangerous to the public health. Every physician in the state shall report in writing, to the local board of health within forty-eight hours after the fact comes to the knowledge of said physicians, the name, age, sex, color, occupation, place where

last employed, if known, and address, of every person known by said physician to have tuberculosis. Such report shall be made on forms furnished by the state department of health. 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 so furnished shall also be included in the report. 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 shall report to the state department 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. Such physician or chief officer shall also give notice to the commissioner 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.

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Town and city clerks to send copy of certificate of death from tuberculosis to health officer of secretary of local board of health, c. 72, § 20.

Sec. 17. Notice of vacancy. R. S. c. 19, § 10. Whenever any apartment or premises are vacated by the death or removal therefrom of a person having tuberculosis, the attending physician, or if there be no such physician, or if the physician be absent, the owner, lessee, occupant, or other person having charge of said apartments or premises shall notify the health officer or secretary of the local board of health of the 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.

See c. 19, § 51.

Sec. 18. Infected articles to be disinfected. R. S. c. 19, § 11. When notified as provided in the preceding section, that any apartments or premises have been vacated, 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 the 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, if the owner prefers, by the owner at his expense, to the satisfaction of the health authorities; but the methods or processes of disinfection and the material or agencies with which it shall be done shall be those which are advised by the state department of health for work of that kind in connection with tuberculosis.

Sec. 19. When orders of local board are not obeyed. R. S. c. 19, § 12. 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:

"Tuberculosis is a communicable disease. These apartments have been occupied by a consumptive and may be infected. They must not be occupied until

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the order of the health officer directing their disinfection or renovation has been complied with. This notice must not be removed under penalty of the law except by the local board of health or other duly authorized official."

Sec. 20. Tuberculous persons to exercise care; duty of board of health. R. S. c. 19, § 13. 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. The local board of health upon receiving such complaint shall 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 punished by a fine of not more than ten dollars.

Sec. 21. Duty of physician. R. S. c. 19, § 14. Any physician attending a patient having tuberculosis shall take all proper precautions, and shall 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; all duties imposed upon physicians by sections fifteen to twenty-five, both inclusive, 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.

Sec. 22. Precautionary measures; needy patients. R. S. c. 19, § 15. 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 department of health in its printed circulars, and reports to the state department of health shall include a statement of what procedures and precautions have been taken to prevent the spread of infection. In 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 such supplies and material to aid him in preventing the spread of the disease, and all local health officers or secretaries of local boards of health shall honor, so far as possible, any requisition signed by the attending physician, and the bill for these supplies shall be paid by the town.

See § 78.

Sec. 23. Penalty for false statement. R. S. c. 19, § 16. 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 department 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 punished by a fine of not more than one hundred dollars.

Sec. 24. Recoveries to be reported. R. S. c. 19, § 17. Upon the recovery of any person having tuberculosis, the attending physician shall make a report of this fact to the commissioner 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 the nine preceding sections.

Sec. 25. Penalty. R. S. c. 19, § 18. Any person violating any provision of the ten preceding sections 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.

Occupational Diseases.

Sec. 26. Reports from physicians. R. S. c. 19, § 19. Every physician attending upon or called to visit a person whom he believes to be suffering from poisoning from lead, phosphorus, arsenic, or mercury, or their compounds, or from anthrax, or from compressed air illness, or any other ailment or disease contracted as a result of such person's occupation or employment, shall, within ten days after his first attendance upon such person, send to the state department of health a written notice, stating the name, post-office address and place of employment of such person, the nature of the occupation and the disease or ailment from which, in the opinion of the physician, the person is suffering, with such other specific information as may be required by the department.

Sec. 27. Lead poisoning. R. S. c. 19, § 20. In like manner, as is provided in the preceding section, every case of lead poisoning and of suspected lead poisoning, which has resulted from the use of water which contains lead or is suspected of containing lead, shall be reported to the state department of health; and when such reports are received, the said department shall assist, by laboratory work and otherwise, the attending physician to determine whether the case is one of lead poisoning, and if so, the source of the poison.

Sec. 28. Penalty; prosecutions. R. S. c. 19, § 21. Any physician who fails to perform the duty imposed by the two preceding sections within the time therein limited shall be deemed guilty of a misdemeanor, and shall be punished by a fine of not less than five dollars, nor more than ten dollars. The state department of health and the county attorney of the county wherein any such physician resides shall prosecute all violations of said sections which shall come to the knowledge of them or either of them.

Regulations Against Infectious Diseases.

Sec. 29. System of inspection. R. S. c. 19, § 22. The more effectually to protect the public health, the state department 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, typhoid fever, or other dangerous, infectious, or contagious disease; and any duly authorized agent or inspector of said department may enter any building, vessel, railroad 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 railroad car to stop such vessel or vehicle at any place, and he may require the conductor of any railroad 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

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be required to stop his train when telegraphic communication with the dispatcher'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 department of health may from time to time, make, alter, modify, or revoke rules and regulations for guarding against the introduction of any infectious or contagious diseases into the state, including rabies or hydrophobia of animals and men; 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 guarding against the transmission of infectious and contagious diseases through the medium of common towels, common drinking-cups, and other articles which may carry infection from person to person; for the sanitation of railroad service and that of other common carriers; for the transportation of dead bodies; 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 council within thirty days after such submission, such 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, railroad car, or public vehicle of any kind.

Sec. 30. Rules must be approved by governor and council; publication; supersede all local rules. R. S. c. 19, § 23. Any rules and regulations adopted by the state department 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 commissioner 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 department 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 officers thereof shall be a sufficient notice thereto; and the rules, regulations, or orders of the state department 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. 31. Penalty for refusing to obey rules. R. S. c. 19, § 24. All health officers, local boards of health, municipal officers, sheriffs, constables, police officers, and marshals shall enforce the rules and regulations of the state department 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 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 twenty-nine shall cooperate with the state department of health in carrying out the provisions of this section and the two preceding sections; and in case such cooperation be refused, withheld, or neglected, the said department may execute its orders and directions by agents of its own appointment; and all expenses incurred by members of the state department of health or by duly appointed agents of said department under the provisions of this section shall be paid by the state, the bills first being approved by the governor and council.

Authority of state department of health as to construction of mausoleums and burial vaults, c. 24, §§ 22-26; as to prevention of diseases arising from impure milk, c. 42, §§ 7-13.

Sec. 32. Sanatorium or hospital for infectious diseases, prohibited unless approved. 1921, c. 112, § 1. No person, firm, or corporation shall establish or maintain within the populous districts of any city or town in this state, any sanatorium or hospital designed for the treatment of persons suffering from tuberculosis or other infectious or contagious disease unless approval has been obtained from the municipal officers of the city or town in question and from the state department of health.

Sec. 33. Penalty. 1921, c. 112, § 2. 1929, c. 90. Any person, firm, or corporation found guilty of violating the provisions of section thirty-two of this chapter shall be punished by a fine of not more than one thousand dollars or by imprisonment for not more than eleven months; and jurisdiction in equity to enjoin threatened violations of said section thirty-two is hereby conferred upon the supreme judicial and superior courts.

Registration of Undertakers.

Sec. 34. Business of undertaker and practice of embalming regulated; qualifications. R. S. c. 19, § 25. 1927, c. 141. Any person wishing to become an undertaker, or an embalmer of dead human bodies for burial, or to engage in the business of preparing dead human bodies for transportation or cremation, as a regular or permanent business or profession, shall be at least twenty-one years of age, with not less than a high school education, or its equivalent, shall have practiced embalming, caring for, and preparing for burial dead human bodies, for at least two years, under the direction and supervision of a licensed or registered undertaker, or embalmer, and shall have taken and completed the prescribed course of study of some school or college of embalming, the standing and requirements of which shall be approved by the board of embalming examiners. Such person shall also present to said board a certificate, or diploma, certifying that he, or she, has taken and successfully passed the required examination of said school or college of embalming, and shall have an intelligent comprehension 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 department of health may prescribe as necessary for the protection of the living, and shall pass an examination before a board of examiners appointed under the following section, before he or she is permitted to practice said business or profession within the state, providing, however, that the provisions of sections thirty-four to forty-four inclusive shall apply only to persons who advertise or hold themselves out to embalm dead human bodies for burial, or to prepare the same for transportation or cremation. Undertakers' assistants, partners, or members of firms, who have not received a license as provided in the following ten sections, shall not engage in

the practice of embalming dead human bodies for burial, transportation, or cremation, except under the personal supervision of a licensed or registered undertaker or embalmer.

Sec. 35. State board of examiners. R. S. c. 19, § 26. 1927, c. 141. The board of examiners shall consist of four members, one of whom shall be the state commissioner of health, who shall be secretary of said board, and the other members shall be licensed undertakers and embalmers, who shall be appointed by the governor, with the advice and consent of the council, at the expiration of the terms of the members now serving, and they shall hold office for the term of 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.

Sec. 36. Examinations for licenses; board may revoke licenses. R. S. c. 19, § 27. 1927, c. 141. Examinations for licenses shall be given by the board at least twice a year, at such times and places as it may determine. Applicants shall pass an examination upon their knowledge of embalming, sanitation, preservation of the dead, disinfection of a deceased person, and the apartments, bedding, clothing, or anything likely to be affected in the case of death from infectious, or contagious diseases in accordance with the rules and regulations of the state department of health. They shall also be conversant with the law and rules governing the transportation of dead human bodies, and such other subjects as the board may, from time to time, see fit to name, and if found qualified, a certificate of a licensed embalmer shall be issued to the applicant, under which he shall have legal authority to perform all acts relating to preparing, embalming, shipping, or burying dead human bodies and to do any work coming within the province of said vocation. The board may revoke for cause, any license issued by it, and failure to comply with the law and the regulations of the state department of health shall be deemed sufficient cause for the revocation of a license.

Sec. 37. Blanks and forms of procedure; lists of licenses and examinations to be kept. R. S. c. 19, § 28. 1927, c. 141. The state department of health may adopt such blanks and forms of procedure as it may deem necessary to carry out the provisions of sections thirty-four to forty-four, both inclusive, and shall keep on file a list of all registered and licensed embalmers and undertakers and a record of examinations, together with the examination papers, all of which shall be open to public inspection.

Sec. 38. Record of licensed embalmers to be kept; report of board of examiners. R. S. c. 19, § 29. 1927, c. 141. The board of examiners shall keep a record containing the names and residences of all persons licensed 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 state commissioner of health during regular office hours. The board of examiners shall report to the state department of health, on or before the first day of May in each year, a full and complete account of all of its official acts during the year, together with a statement of its receipts and disbursements and such comment as may be deemed proper.

Sec. 39. Fees; expiration and renewal of licenses. R. S. c. 19, §§ 30, 31. 1927, c. 141. 1929, c. 147. The fee for examination under section thirty-six shall be five dollars, and all licenses and certificates of registration which have been, or may be issued to undertakers and embalmers by the board of examiners, shall expire on the thirty-first day of December, annually, provided that the licenses and certificates of registration hereafter issued, shall be valid and shall

not expire until the last day of the following year. Any persons holding an embalmer's license or certificate of registration, issued under the provisions of this or any other law, may have the same renewed by making and filing with the secretary of said board of examiners an application therefor within thirty days preceding the expiration of his, or her, license or certificate of registration, upon blanks prescribed by said board, and upon the payment of a renewal fee of two dollars, provided, however, that any person neglecting or failing to have his, or her, license or certificate of registration, renewed as above, may have the same renewed by making application therefor within thirty days after the date of such expiration, and upon the payment of four dollars, revival and renewal fee.

Sec. 40. Application of moneys collected. 1927, c. 141. 1929, c. 147. The money thus received shall constitute a permanent fund for carrying on the work of the board and the compensation of its members, and for such expenses as may be necessarily incurred from time to time by said board on account of investigations which said board may be required to make by reason of this act; and for such educational purposes as said board may deem for the best interests and advantage to the embalmers and undertakers of the state of Maine; provided always, that none of the expenses designated hereunder shall reduce the fund hereby created under the sum of one thousand dollars.

Sec. 41. List of licensed undertakers and embalmers to be supplied to transportation companies. R. S. c. 19, § 32. 1927, c. 141. In the month of January of each year, the secretary of the board of examiners shall supply each licensed embalmer, and the various transportation companies within the state, with a list of all registered undertakers and all undertakers and embalmers holding licenses, then in force, giving the names of such persons, their business addresses, and the numbers of their licenses.

Sec. 42. Holders of expiring licenses, how notified. R. S. c. 19, § 33. 1927, c. 141. The secretary of the board of examiners shall, at least forty days prior to the expiration of any license, mail to the holder of any license about to expire a notice, advising him or her to that effect, and enclosing a blank application for renewal thereof. The secretary of said board shall also mail a notice to each holder of a license that has not been renewed in accordance with the foregoing provisions, advising him or her of the expiration of his or her license, and of the penalty for embalming, caring for or preparing for burial, transportation, or cremation of dead human bodies without holding a license, and the conditions and terms upon which his or her license may be revived and renewed. All notices required to be mailed by provisions of this section shall be directed to the last known post-office address of the person to whom the notice is addressed.

Sec. 43. In case of accidental death, embalming fluids not to be injected until cause of death be legally determined. R. S. c. 19, § 34. 1927, c. 141. 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 or a medical examiner 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.

Sec. 44. Penalties; jurisdiction of offenses. R. S. c. 19, § 35. 1927, c. 141. Whoever violates any provision of the ten preceding sections, or any rule or regulation prescribed by the state department of health, for the preparation, em-

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balming, shipping, or burial of any dead human body shall be punished by a fine of not less than ten dollars, nor more than fifty dollars, or by imprisonment for not less than ten days, nor more than sixty days, and the county attorney of the county in which violation occurs shall prosecute all such persons. Municipal and police courts and trial justices shall have original jurisdiction, concurrent with the superior court, of any and all prosecutions for violations hereof.

State Laboratory of Hygiene.

Sec. 45. State laboratory of hygiene. R. S. c. 19, § 36. The state department 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.

Sec. 46. Director; his appointment, duties, report; services to be free. R. S. c. 19, § 37. 1927, c. 206, § 2. The state department of health shall appoint a director of such laboratory, who shall hold that position at the pleasure of the department. 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 department may from time to time direct. He shall annually in the month of July make a full report to the department of all matters pertaining to the laboratory, and shall make such other and special reports as the department may require. The kind and amount of the work he shall do and the compensation therefor shall be fixed by said department. The services of the laboratory and all investigations therein made shall be free to the people of the state, except that the public health council subject to the approval of the governor and council may fix charges when deemed advisable or necessary.

Local Boards of Health.

Sec. 47. Local boards of health; appointment, etc. R. S. c. 19, § 39. 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 thereafterwards 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.

Sec. 48. State department of health may appoint local boards, if towns fail to appoint. R. S. c. 19, § 40. 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 commissioner 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 department of health may appoint such local board of health, or fill any vacancy therein.

Sec. 49. Annual meetings. R. S. c. 19, § 41. 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.

Sec. 50. Duties of officers. R. S. c. 19, § 42. 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 local health officer shall be the executive officer of the board.

See § 8.

Sec. 51. Reports to state department. R. S. c. 19, § 44. The health officer, at least once in each year, shall report to the state department of health their proceedings, and such other facts required, on blanks, and in accordance with instructions received from said department. He shall also make special reports whenever required to do so by the state department of health. He shall, within one week following their meeting and election of officers, report to the commissioner 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.

Sec. 52. Powers and duties. R. S. c. 19, § 45. Each local board of health constituted under section forty-seven shall:

I. Hold regular quarterly meetings, and special meetings whenever considered necessary by its executive officer, also whenever requested by the state department of health, or by the commissioner of health.

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

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 department of health, promptly, facts which relate to infectious and epidemic diseases occurring within the limits of its jurisdiction, and shall report to said department every case of such infectious or contagious diseases as the rules and regulations of said department shall require. Those diseases which the rules and regulations of the state department of health may require to be reported shall be known, under the terms of this chapter, as notifiable diseases. Diseases which the state department of health may promulgate as those which shall be quarantined or isolated shall be known as quarantinable diseases.

105 Me. 136.

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 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.

V. Make, alter, and 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 superior 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; or by posting copies of said by-laws in six conspicuous and public places within the town; and a record of such publication, or posting, of said orders and by-laws in the office of the town clerk shall be deemed a legal notice to all persons.

See §§ 8-II.

Powers and Duties of Local Boards of Health, and Prevention of Infectious Diseases.

Sec. 53. Notice to owner of any infected house, etc., requiring same to be disinfected. R. S. c. 19, § 46. 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.

Sec. 54. Penalty for failure to comply with notice. R. S. c. 19, § 47. If the person to whom notice is given fails to comply therewith, he shall be punished by a fine of not less than five dollars, 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.

Sec. 55. Notice of existence of any infectious disease. R. S. c. 19, § 48. 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 any other disease which is made notifiable by the rules and regulations of the state department of health, 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 letter or telephone, the communication to be mailed or delivered to him 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.

Sec. 56. Infected person shall not be removed without permission of board. R. S. c. 19, § 49. No householder in whose dwelling there occurs any of the notifiable 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.

Sec. 57. Children, affected, shall not attend school, etc. R. S. c. 19, § 50. No parent, guardian, or other person shall carelessly carry about children or others affected with infectious diseases, or knowingly or wilfully introduce in-

fectious persons into other persons' houses, or permit such children under his care to attend any school, theatre, church, or any public place.

Sec. 58. Physician shall give notice of existence of contagious disease. R. S. c. 19, § 51. Whenever any physician knows or has reason to believe that any person whom he is called upon to visit has or is infected with any of the notifiable diseases, such physician shall forthwith give notice thereof to the secretary of the local board of health, or the health officer of the town in which such person lives.

Sec. 59. Proceedings in cases of violation of § 58. R. S. c. 19, § 52. 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.

Sec. 60. Persons affected with smallpox, etc., shall not mingle with the public. R. S. c. 19, § 53. No person affected with smallpox, scarlet fever, diphtheria, or other quarantinable disease, and no person having access to any person affected with any of the said diseases shall mingle with the general public until such sanitary precautions as may be prescribed by the local board of health shall have been complied with.

Sec. 61. Convalescents and nurses not to leave premises without certificate from health officer. R. S. c. 19, § 54. Persons recovering from smallpox, scarlet fever, diphtheria, or other diseases for which disinfection may be required by the state department of health, 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.

Sec. 62. Disinfection, excreta, bedding, etc. R. S. c. 19, § 55. Nurses and other attendants upon persons sick with smallpox, scarlet fever, diphtheria, or other quarantinable disease 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.

Sec. 63. Use of bedding and clothing until disinfected, prohibited. R. S. c. 19, § 56. 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, or other disease for which disinfection may be required by the state department of health, 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.

Sec. 64. Bedding and clothing may be destroyed. R. S. c. 19, § 57. Any local board of health may direct the destruction of any bedding, clothing, or other articles, which have been exposed to infection.

Sec. 65. Children who have been exposed to contagion, shall be excluded from public schools. R. S. c. 19, § 58. 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 school-house all children and other persons living in such infected houses or who have called or visited at such houses, until such time as the local board of health shall certify that such children or other persons may safely be readmitted.

Sec. 66. Schoolhouses, when infected, shall be closed. R. S. c. 19, § 59. When persons from houses or places which are infected with any of the diseases for which disinfection may be required by the state department of health 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. 67. When any cellar, etc., becomes unfit for occupancy, notice to be served on the owner, to cleanse the same; if owner fails, board may cleanse, at owner's expense. R. S. c. 19, § 60. 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 one 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 proper sanitary condition, he shall forfeit not less than ten dollars, nor more than fifty dollars.

Sec. 68. Persons infected, not to be allowed to enter any conveyance without notice to owner. R. S. c. 19, § 61. 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. 69. When such conveyance has been so used, it shall be disinfected. R. S. c. 19, § 62. 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. 70. Houses to be disinfected, where contagion has existed. R. S. c. 19, § 63. No person shall let or hire any house or room in a house in which any of the diseases have existed for which disinfection may be required by the state department of health, 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. 71. Officers not to be obstructed in performance of duty. R. S. c. 19, § 64. 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. 72. Penalty for violations. R. S. c. 19, § 65. Whoever wilfully violates any provision of the twenty-four 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 superior court, of all offenses under said sections.

Sec. 73. Antitoxin, in certain cases, to be furnished free. R. S. c. 19, § 66. To provide for the control of diphtheria and other contagious diseases, local boards of health shall furnish antitoxin free to all indigent persons suffering from such diseases, in such manner as the state department of health may direct.

Sec. 74. Contracts for supply of antitoxin. R. S. c. 19, § 67. The state department of health shall make contracts with reputable manufacturers for the sale of antitoxin to the local boards of health in such manner as is deemed best and most economical for the several towns, and may arrange several towns and plantations into groups for the purchase of antitoxin when it appears that such arrangement would be best, most convenient, and most economical for them.

Sec. 75. Antitoxin to be furnished physicians. R. S. c. 19, § 68. The antitoxin shall be kept by the secretary or chairman of the local board, and shall be furnished physicians upon application on blanks provided and furnished by the state department. The local board shall provide a repository for antitoxin which may be furnished to physicians at the same rates as furnished by the state department of health, and to their patients on prescriptions. The local board of health in any town furnishing an indigent person residing in another town antitoxin upon application, as above provided, shall be reimbursed by the town where the patient belongs. The state shall reimburse cities or towns furnishing antitoxin to any person having no legal residence in any city or town within the state.

*19 Me. 223; *108 Me. 495.

Sec. 76. Precautions against infected persons. R. S. c. 19, § 69. 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 necessities, at his charge or that of his parent, if able.

19 Me. 223; 28 Me. 257; 45 Me. 409; 52 Me. 119; *66 Me. 60, 72; 67 Me. 371;
*99 Me. 19, 214; 102 Me. 38; 108 Me. 493.

Sec. 77. Board of health to assist persons placed in quarantine. R. S. c. 19, § 70. Whenever any person or family is placed in quarantine by a board of health to protect the public against smallpox, scarlet fever, diphtheria, or any other dangerous or contagious disease, said board shall assist such person or family, if indigent or in a needy condition while in quarantine, in such a manner as in the judgment of the board may be deemed wise and necessary.

Sec. 78. Expenses incurred to be deemed legitimate, and charged to town. R. S. c. 19, § 71. All expenses including all supplies of food and medicine, including antitoxin, incurred in carrying out the provisions of the preceding section, or

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incurred in furnishing families or persons affected with tuberculosis with burnable spit-cups or other supplies needed to prevent the spread of infection, or such part thereof as the board may determine, shall be deemed a legitimate expenditure for the protection of the public health and shall be charged to the account of incidental expenses of the town, but not to any pauper account, nor shall any person so quarantined and assisted be considered a pauper, or be subject to disfranchisement for that cause unless such persons are already paupers as defined by the revised statutes. All or such portion of such expenses as the board of health may determine are not a legitimate expenditure for the protection of the public health may be recovered from the person quarantined, or whose family is quarantined, or from his parent, if able; otherwise from the town to which he belongs. The provisions of this section shall not release the state from the obligations which are imposed upon it by sections twenty-two to twenty-five, both inclusive, of chapter thirty-three.

See §§ 22, 73; 108 Me. 494; *113 Me. 319.

Sec. 79. Precautions against persons arriving from infected places; penalty. R. S. c. 19, § 72. 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.

Sec. 80. Restrictions on such persons; may be removed if refractory; penalty if they return. R. S. c. 19, § 73. 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 more than one hundred dollars.

Sec. 81. Precautions authorized in border towns; penalty. R. S. c. 19, § 74. 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 more than one hundred dollars.

Removal of Infected Persons and Goods.

Sec. 82. Process for removal or separate accommodation of infected persons. R. S. c. 19, § 75. 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 necessities for the accommodation, safety, and relief of the sick.

66 Me. 72, 314.

Sec. 83. Process for securing infected articles. R. S. c. 19, § 76. 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.

Sec. 84. Justice may by warrant require officers to remove them to suitable places. R. S. c. 19, § 77. 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. 85. Powers of officers in executing such process. R. S. c. 19, § 78. 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 punished by a fine of not more than ten dollars.

Sec. 86. Expenses, how paid. R. S. c. 19, § 79. 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. 87. Compensation for men or property impressed. R. S. c. 19, § 80. 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.

65 Me. 404.

Sec. 88. Adjournment of courts because of danger from infection. R. S. c. 19, § 81. 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.

83 Me. 116.

Sec. 89. Removal of infected prisoners from places of confinement. R. S. c. 19, § 82. When any person in a jail, house of correction, or workhouse 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. 90. Order for removal, how returned; such removal, not an escape. R. S. c. 19, § 83. 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

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clerk of the court from which such order or process was issued. No such removal shall be deemed an escape.

Sec. 91. May order removal of private nuisances; proceedings; penalty. R. S. c. 19, § 84. 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.

See c. 26, § 27; 57 Me. 438, 440; 65 Me. 436; 87 Me. 475.

Sec. 92. Depositing carcass of dead animal where it may cause nuisance forbidden; penalty. R. S. c. 19, § 85. 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 dollars, nor more than twenty-five dollars, or by imprisonment for not more than one month.

Infected Vessels. Quarantine.

Sec. 93. Masters, seamen, or passengers of vessels may be examined on oath in reference to infectious distempers; penalty. R. S. c. 19, § 86. 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 more than two hundred dollars, or be imprisoned for not more than six months.

Sec. 94. Vessels with infected persons to anchor at a distance from towns. R. S. c. 19, § 87. 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.

45 Me. 503.

Sec. 95. Penalty for violation of § 94. R. S. c. 19, § 88. For the wilful violation of the preceding section, such master or commander forfeits not more than two hundred dollars, and the pilot not more than fifty dollars for each offense.

Sec. 96. Board of health may establish quarantine regulations; penalty. R. S. c. 19, § 89. 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 more than five hundred dollars, or be imprisoned for not more than six months.

Sec. 97. Duty of pilots to give notice thereof; penalty. R. S. c. 19, § 90. 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 more than one hundred dollars.

Sec. 98. Penalty for violation or evasion of quarantine, after notice. R. S. c. 19, § 91. 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 ninety-six.

Sec. 99. Board of health to furnish signals; restrictions on persons visiting vessels at quarantine. R. S. c. 19, § 92. 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. 100. Authority of health officer, as to quarantine. R. S. c. 19, § 93. 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.

Sec. 101. Expenses, how paid. R. S. c. 19, § 94. 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.

Proceedings as to burial of body of person dying of contagious disease, c. 72, § 22.
Penalty for polluting water supply, c. 140, § 1; for selling milk from cows diseased or fed upon injurious substances, c. 140, §§ 2, 3; for selling unwholesome provisions or drinks, c. 140, §§ 2-9.

Town Hospitals.

Sec. 102. Hospitals may be established. R. S. c. 19, § 95. 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.

Sec. 103. Physicians and others subject to hospital regulations. R. S. c. 19, § 96. When a hospital is so established or licensed, the physicians, the persons who are infected, infectious, 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.

Sec. 104. Hospital to be provided, on breaking out of infectious diseases; regulations. R. S. c. 19, § 97. When smallpox or other disease dangerous to the public health breaks out in a town, the local board of health shall immedi-

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ately 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.

66 Me. 72, 314, 315.

Sec. 105. Precautions to prevent the spread of such diseases. R. S. c. 19, § 98. 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.

28 Me. 257; *64 Me. 121.

Sec. 106. Penalty for violation of hospital regulations by persons subject thereto. R. S. c. 19, § 99. 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 dollars, nor more than one hundred dollars, for each offense.

Sec. 107. Forfeitures, how appropriated. R. S. c. 19, § 100. All forfeitures mentioned in the last twenty-eight preceding sections, except otherwise provided, inure to the town where the offense is committed.

*87 Me. 475.

Children's Homes.

Sec. 108. Persons maintaining children's homes to have license. R. S. c. 64, § 58. 1917, c. 176. 1921, c. 86. 1929, c. 53. No person, firm, corporation, or association shall conduct or maintain a boarding-house or home for three or more children under sixteen years of age, unattended by parents or guardian, excepting children related to such persons by blood or marriage, or who have been legally adopted by such persons, or engage in, or assist in conducting a business of placing out or finding homes or otherwise disposing of children under sixteen years of age, without having in full force a written license therefor from the state department of health; provided, that nothing in this section shall apply to any institution, which is or shall come under the supervision of the state department of public welfare by the provisions of chapter one hundred fifty-seven. Any licenses issued by the state board of charities and corrections, under former legislation and remaining in force shall continue in force until the expiration of the period for which they were granted unless sooner revoked by the commissioner of health for cause.

Sec. 109. Terms used in § 108, defined. 1917, c. 149. The term "boarding-house for children" as used in section one hundred eight, shall be held to mean a house or other place conducted or maintained by any one who advertises himself or holds himself out as conducting a boarding place for children under sixteen years of age, or who receives illegitimate children under sixteen years of age, or who has in his custody or control three or more children under sixteen years of age unattended by parents or guardians, for the purpose of providing such children with food or lodging, excepting children related to him by blood or marriage or who have been legally adopted by him.

The term "home for children" as used in said section one hundred eight, shall be held to mean any children's home, orphanage, or other institution, association, organization, or individual engaged in receiving, caring for, and finding homes for orphaned, dependent, and neglected children.

Whoever advertises himself or holds himself out as placing or finding homes for, or otherwise disposing of children under sixteen years of age, or whoever within a period of six months, actually places or assists in placing in homes of persons other than relatives or causes or assists in causing the adoption or disposal otherwise of more than two children under sixteen years of age, shall be deemed as engaged or assisting in conducting a business of placing out or finding homes for children within the meaning of said section one hundred eight.

General Provisions.

Sec. 110. Free vaccination provided, annually. R. S. c. 19, § 101. 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 cowpox, of all the inhabitants 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.

Sec. 111. Paper mills not to employ persons not vaccinated. R. S. c. 19, § 102. 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 successfully vaccinated or revaccinated within two years, or to the satisfaction of the local board of health.

Sec. 112. Persons not vaccinated not to work in paper mill. R. S. c. 19, § 103. No person shall work in or about any paper mill where rags are used, who has not been successfully vaccinated or revaccinated within two years, or to the satisfaction of the local board of health.

Sec. 113. List of employees to be furnished semi-annually. R. S. c. 19, § 104. 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. 114. Employees to be examined semi-annually. R. S. c. 19, § 105. 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. 115. Penalty. R. S. c. 19, § 106. Whoever violates any provision of the four preceding sections shall be punished by a fine of not more than fifty dollars.

Sec. 116. Enforcement of §§ 111-115. R. S. c. 19, § 107. The local boards of health within their respective jurisdictions and the state department of health shall enforce sections one hundred eleven to one hundred fifteen each inclusive as far as comes within their power, and when said state department 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. 117. Suspected cases of tuberculosis or glanders to be investigated. **R. S. c. 19, § 108.** 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 of 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 commissioner of agriculture, reciting in said notification the grounds for their belief or suspicion.

Inspection of Plumbing.

Sec. 118. Inspectors of plumbing; appointment and tenure. **R. S. c. 19, § 109.** In every city or town where there is a system of water supply or sewerage, the board of health may, whenever necessary, appoint one or more inspectors of plumbing, who may or may not be residents of the town or city for which they are appointed, and who shall hold office for one year; in every city or town where there is a system of water supply or sewerage, at least one member of the board of health shall be a practical plumber within the meaning of section one hundred twenty-three.

Sec. 119. Compensation of inspectors; their duties. **R. S. c. 19, § 110.** The compensation of said inspectors shall be determined by the board appointing them, subject to the approval of the municipal officers, and shall be paid from the treasury of their respective cities or towns. Such inspectors shall inspect all plumbing, for which permits are granted, within their respective cities or towns, which is in process of construction, alteration, or repair, and shall report to said board all violations of any law, ordinance, by-law, rule, or regulation relative to plumbing; and also perform such other appropriate duties as may be required. The approval of plumbing by any inspector other than those appointed as provided in the preceding section shall not be a compliance with the provisions hereof.

Sec. 120. No inspector shall approve his own work; inspection of work done by regular inspector. **R. S. c. 19, § 111.** No inspector of plumbing shall inspect or approve any plumbing work done by himself, or by any person by whom he is employed, or who is employed by or with him; but in a city or town which is subject to the provisions of the two preceding sections, the board of health shall appoint an additional inspector of plumbing, in the same manner and subject to the same qualifications as the regular inspector of plumbing, who shall inspect, in the manner herein prescribed, plumbing done by the regular inspector or by any person by whom he is employed, or who is employed by or with him. Said additional inspector may act in case of the absence or inability of the regular inspector, and shall receive for his services the same compensation as the regular inspector for a like duty.

Sec. 121. Every city or town having water supply or sewerage system to prescribe regulations. **R. S. c. 19, § 112.** Each city or town which has therein a system of water supply or sewerage shall by ordinance or by-law, prescribe regulations for the materials, construction, alteration, and inspection of all pipes, tanks, faucets, valves, and other fixtures by and through which waste or sewerage is used and carried; and shall provide that such pipes, tanks, faucets, valves, or other fixtures shall not be placed in any building in such city or town, except in accordance with plans approved by the inspector of plumbing or by the board of health; and shall further provide that no plumbing shall be done,

except to repair leaks, without a permit being first issued therefor, upon such terms and conditions as such cities or towns shall prescribe. The provisions of this section shall not prevent boards of health from making such regulations relative to plumbing and house drainage authorized by law prior to the thirtieth day of June nineteen hundred and eleven, as are not inconsistent with any ordinance or by-law made under the authority of this section.

118 Me. 452.

Sec. 122. Annual reports. R. S. c. 19, § 113. Inspectors of plumbing and boards of health shall annually, before the first day of June, make a full report in detail to their respective cities or towns of all their proceedings during the year under the provisions of the three preceding sections.

Sec. 123. Definitions. R. S. c. 19, § 114. The words "practical plumber," as used in the five preceding sections shall mean a person who has learned the business of plumbing by working for at least two years as an apprentice or under a verbal agreement for instruction, and who has then worked for at least one year as a first class journeyman plumber. The word "journeyman" as used in said sections shall mean a person who himself does any work in plumbing which is by law, ordinance, by-law, rule, or regulation subject to inspection. The provisions of said sections shall apply to all persons learning the business of plumbing when they are sent out to do the work of a journeyman plumber.

Sec. 124. Penalty. R. S. c. 19, § 115. Whoever violates any provision of the six preceding sections, or any ordinance, by-law, or regulation made thereunder, shall be punished by a fine of not less than ten dollars, nor more than fifty dollars for each offense. Municipal and police courts and trial justices shall have jurisdiction of all offenses under said sections.

Licensing of Plumbers.

Sec. 125. Plumbers in municipalities which own water-works, to be licensed. R. S., c. 19, § 116. In water districts and in cities and towns which own and control municipal water-works, either by direct ownership of the plant or by ownership of the majority of the stock thereof, no plumbing shall hereafter be done on any pipes or fixtures for the use of water from such water-works, unless done by a plumber or other person licensed by the trustees of such district, or the board of water commissioners of such cities, or the municipal officers of such towns. Said trustees, commissioners, and municipal officers are hereby authorized to grant and revoke licenses.

Sec. 126. Reports of fixtures set up, etc., to superintendent of water district or works. R. S. c. 19, § 117. Every plumber or the person who shall set up any pipes or fixtures for the use of water from such municipal water-works, or from any other water-works in the state, or shall make repairs upon, additions to, or alterations of, any pipes or fixtures set up previous thereto, shall, between the first and tenth days of the succeeding month, after the same shall be completed, fill up and return to the superintendent of the water-works on which such work, repairs, or alterations are made, a report, stating particularly what new pipes and fixtures he has set up and what repairs, additions, and alterations he has made upon or to those previously set up, describing all fixtures both new or old for the use of water on the premises.

Sec. 127. Suspension of license and penalty for misrepresentation. R. S. c. 19, § 118. For any misrepresentation or omission in the report of the work done, such plumber or other person shall be liable, if licensed, to suspension or

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to have his license revoked and whether licensed or not to pay a fine of not less than five dollars, nor more than twenty dollars, to be recovered in an action of debt in the name of the treasurer of the city or town in which such work is done, before the municipal or police court of such city or a trial justice in such town.

Sec. 128. Acting without license; penalty. R. S. c. 19, § 119. If any plumber or person not duly licensed shall set up any pipes or fixtures for the use of water from any water-works designated in section one hundred twenty-six, or make any repairs upon, additions to, or alterations of, any pipes or fixtures previously thereto set up, he shall forfeit and pay a sum of not less than five dollars, nor more than twenty dollars, to be recovered by complaint, or in an action of debt in the name of the treasurer of the water district or the city or town in which such work is done, before the municipal or police court of such city or a trial justice in such town.

Sec. 129. Provisions in city charters not affected. R. S. c. 19, § 120. The four preceding sections shall not affect any provisions in city charters and ordinances, inconsistent therewith.

Prevention of Blindness.

Sec. 130. Duty of physician, midwife, or nurse to prevent blindness; penalty. R. S. c. 19, § 121. 1919, c. 164. 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 town in which the parents of the infant reside. Every physician, midwife, or nurse in charge shall instil or cause to be instilled into the eyes of the infant immediately upon its birth, one or two drops of a prophylactic solution prescribed by the state department of health, unless either parent or the guardian of the infant shall offer conscientious objections thereto. Any failure to comply with the provisions of this section shall be punishable by a fine of not more than one hundred dollars, or by imprisonment for not more than six months.

Treatment of Persons Suffering from Opiates.

Sec. 131. Persons suffering from use of opiates may be committed to general hospital. R. S. c. 19, § 122. A person, alleged to be suffering from the effects of the use of an opiate, cocaine, chloral hydrate, or other narcotic may be committed to the care of any general hospital receiving aid from the state, or any legally qualified physician of not less than five years' actual practice, for treatment; and the medical authorities of said hospital or said physician to whom said patient is committed may restrain said patient, so committed, in such manner as may be necessary for his protection, for a period of not more than ninety days.

Sec. 132. Agreement for personal restraint. R. S. c. 19, § 123. Before any restraint shall be imposed under the authority of the preceding section, a voluntary agreement shall be made in writing by the person suffering from the effects of any drug mentioned in said section, to the imposition of restraint upon his actions, if necessary, and such agreement must be witnessed by the husband, wife, or parent of the person aforesaid, or one of the municipal officers of the city or town in which the person, so suffering, is a resident, and approved, after reasonable notice, by a justice of the superior court or the judge of probate in the county where the patient resides.

Sec. 133. Investigation as to progress of cases may be required. R. S. c. 19, § 124. Any justice of the superior court or the judge of probate in the county where the patient resides, may, at his discretion, require the commissioner of health, or one of the county examiners of insane criminals, to investigate as to the progress of any such case; and, upon his certificate that further restraint is unnecessary, may annul the agreement, and the person restrained shall be immediately released upon the order of said justice.

Treatment of Venereal Diseases.

Sec. 134. Venereal diseases; cases found in charitable or correctional institutions to be reported. 1917, c. 301. It shall be the duty of every superintendent, manager, or physician in charge of any state, county, or municipal, charitable or correctional institution immediately to report to the state department of health every case of venereal disease among the inmates of said institution of which he has knowledge. It shall be the duty of every superintendent, manager, or physician in charge of any state-aided, county-aided, or municipally-aided charitable institution to make a similar report to the state department of health in relation to inmates of such institution, the cost of whose care and treatment is being paid in whole or in part by the state or by any county or municipality in the state. Said report shall be made in the form which may be required by the rules and regulations of the said state department, provided that such rules and regulations shall not require said reports to be made in a form which will disclose to the state department of health or to any other person, except the said superintendent, manager, or physician, the identity of the inmate. Said superintendents, managers, and physicians shall comply with such rules and regulations as are made by the said state department to prevent the spread of venereal disease.

Sec. 135. Reports to be treated as confidential. 1917, c. 301. The reports to the state department of health prescribed by the preceding section shall be confidential, and shall not be accessible to the public, nor shall such records and reports be deemed public records.

Sec. 136. Examination and treatment of gonorrhea and syphilis. 1917, c. 301. The state department of health shall provide, at the state laboratory of hygiene or elsewhere, facilities for the free bacteriological examination of discharges for the diagnosis of gonorrheal infections, and shall also provide at cost vaccine or antitoxin for the treatment of such infections. And said department shall make at the expense of the state the Wassermann test or its equivalent for the diagnosis of syphilis; and shall furnish the treatment known as Salvarsan or other accredited specific treatment at cost.

Sec. 137. State department of health to include information, concerning venereal diseases, in bulletins. 1917, c. 301. The state department of health shall include in bulletins and circulars distributed by it, information concerning the diseases covered by the preceding sections, provided that nothing shall be contained in such bulletins or circulars which will disclose the identity of the persons suffering from such venereal disease nor the identity of any state-aided, county-aided, or municipally-aided charitable institution in which such persons are treated or cared for.

Sec. 138. Persons discovered affected in institutions to be treated; may be isolated; state department of health to be notified of release. 1917, c. 301. 1923, c. 61. 1925, c. 184. Any inmate of any state, county, or municipal charitable or correctional institution, or any dependent child supported or par-

tially supported by public funds, afflicted or suspected of being afflicted with venereal disease, shall forthwith be placed under medical treatment, and, if in the opinion of the attending physician, it is necessary, shall be isolated until danger of contagion is passed. Such case shall be immediately reported to the state department of health in accordance with the latter's rules and regulations, provided that such rules and regulations shall not require information disclosing the identity of any dependent or delinquent child, and the rules and regulations of the state department of health for the examination, testing, and treatment of cases of venereal disease shall be faithfully observed.

Not more than thirty days and not less than fourteen days before the estimated date of release from custody of any inmate of a state, county, or municipal charitable or correctional institution who is afflicted with venereal disease in an infectious form, the superintendent or other person in charge of such institution shall notify the state department of health in writing of the proposed release of such individual and the state department of health shall thereupon take necessary measures to protect others from such infection.

Sec. 139. Penalty for neglect of duty. 1917, c. 301. Any official or person who shall wilfully fail, neglect, or refuse to perform any of the duties imposed upon him by the provisions of the five preceding sections shall be punished by a fine of not more than five hundred dollars or by imprisonment for not more than six months.

Marriage of Persons Having Syphilis.

Sec. 140. Syphilitic persons not to marry. 1919, c. 41, § 1. No person having syphilis shall marry until he has a certificate from the attending physician or physicians that he is cured of syphilis. The state department of health is hereby empowered to make regulations prescribing the methods to be employed in diagnosing said disease.

Sec. 141. Physicians to keep record of syphilitic cases; to notify health officer of intention of persons so affected to marry. 1919, c. 41, § 2. Every physician shall keep a record of all cases of syphilis that come under his observation and care, and shall use reasonable means to ascertain the intention of syphilitic patients as to marriage. The physician shall warn said patients of the legal, moral, and physical evils of marriage contracted by them. If the physician learns that a patient as aforesaid has filed intentions of marriage as required by law, or if the physician believes that the patient as aforesaid intends to marry, the physician shall notify the local board of health or the health officer in the town or city in which the patient resides, who are hereby empowered to notify the other party to the intended marriage.

Sec. 142. Penalty for violations; court jurisdiction. 1919, c. 41, § 3. 1929, c. 90. Any person failing to comply with the provisions of the two preceding sections and any physician making a certificate as aforesaid falsely shall be punished by a fine of not less than two hundred dollars, nor more than five hundred dollars, or by imprisonment for not less than three months nor more than eleven months, or by both said fine and imprisonment. Municipal and police courts and trial justices shall have jurisdiction of the above concurrently with the superior court.

Analysis of Water Sold for Domestic Purposes.

Sec. 143. Persons selling water for domestic purposes may be required to submit samples for examination; sale may be prohibited if polluted. 1925, c. 138. The state department of health may require any person selling water

for domestic purposes to furnish samples thereof for chemical and bacteriological examination, and if said water is found to be contaminated, polluted, and unfit for domestic use, the state department of health may issue an order prohibiting the transporting, sale, distribution, or supplying of such water as long as such contamination, pollution, and unfitness remains.

Sec. 144. Penalty. 1925, c. 138. Whoever neglects or refuses to furnish such samples of water, or violates or disobeys any order of said state department of health as provided in the preceding section shall be punished by a fine of not less than five dollars nor more than fifty dollars, or by imprisonment for not less than ten days nor more than thirty days.

Manufacture of Bedding.

Sec. 145. Second hand material in mattresses to be sterilized and mattress tagged as containing such material. 1929, c. 287, § 1. No person shall manufacture for sale, sell, lease, offer to sell or lease, or deliver or consign in sale or lease, or have in his possession with intent to sell, lease, deliver or consign in sale or lease any mattress which in making, or remaking has been filled with any material of which prior use has been made, unless since last used such material has been thoroughly sterilized and disinfected by a reasonable process approved by the commissioner of health, and unless such mattress shall bear securely attached thereto a substantial cloth tag upon which shall be plainly and indelibly stamped or printed in English, a statement showing that the material so used is second hand in part or in whole, as the case may be, and that it has been disinfected or sterilized according to law.

Sec. 146. State department of health to enforce regulations in regard to the manufacture of bedding. 1929, c. 287, § 2. The state department of health is charged with the enforcement of sections one hundred forty-five to one hundred forty-nine both inclusive, and the commissioner of health by himself, his agents, any local health officer, or any officer qualified to serve civil or criminal processes, shall have the power to seize and hold for evidence at a trial for the violation of sections one hundred forty-five to one hundred forty-nine both inclusive, any mattress made, remade, or offered for sale in violation of sections one hundred forty-five to one hundred forty-nine both inclusive, and all places where mattresses are made, remade, or offered for sale or where sterilizing or disinfecting is performed under sections one hundred forty-five to one hundred forty-nine both inclusive, shall be subject to inspection by the commissioner of health or any of his agents, including local health officers.

Sec. 147. False statement on or removal of tags to be unlawful. 1929, c. 287, § 3. It shall be unlawful to make any false statement on any tag required under section one hundred forty-five, or to remove, alter or deface any such tag placed on any mattress in accordance with section one hundred forty-five.

Sec. 148. Penalty. 1929, c. 287, § 4. Any person violating any provision of sections one hundred forty-five to one hundred forty-nine both inclusive, shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not less than ten dollars and not more than fifty dollars for each offense.

Sec. 149. Not to include persons remaking mattresses not intended for sale. 1929, c. 287, § 5. The word "person" as used in the four preceding sections shall include individuals, corporations, copartnerships and associations, but shall not include persons making, remaking or renovating mattresses not intended for sale, lease or consignment in sale or lease, and shall not include executors and administrators of estates of decedents.

Extermination of Mosquitoes.

Sec. 150. Commissioner of health to use methods for the extermination of mosquitoes; to cooperate with state entomologist in study of mosquito life history, breeding places, etc.; to spread information concerning mosquitoes. 1929, c. 214, § 1. The commissioner of the state department of health is hereby authorized and directed to use all lawful methods for the extermination of mosquitoes and prevention of their breeding. In cooperation with the state entomologist he is authorized to carry on such investigation of mosquito life-history and control and of the prevalence of mosquito breeding places in this state and particularly in any locality when so requested by the local health officer as will in his judgment furnish information necessary to the successful carrying on of mosquito extermination by any agency within the state. It shall also be the duty of said commissioner to cause to be carried on, by such means as he may deem best, the spread of information concerning the nature and results of mosquito extermination among the people of the state.

Sec. 151. Commissioner authorized to enter breeding places and to carry out necessary control methods; may delegate authority to local boards or officials. 1929, c. 214, § 2. The commissioner of health shall be authorized to enter upon areas suspected of being breeding places of salt-marsh or fresh-water mosquitoes wheresoever located and to carry out necessary control measures for the abatement of mosquito nuisances and the eradication of such mosquitoes. Said commissioner may delegate authority to carry out such control measures to local health officers or other officials of cities, towns or plantations in which control work is deemed necessary.

Sec. 152. Commissioner to have power to expend such money as the legislature may appropriate for the extermination of mosquitoes. 1929, c. 214, § 3. For the purpose of carrying into effect the provisions of sections one hundred fifty and one hundred fifty-one, said commissioner of the state department of health shall have power to expend such amount of money annually as may be appropriated by the legislature.