

# MAINE STATE LEGISLATURE

The following document is provided by the  
**LAW AND LEGISLATIVE DIGITAL LIBRARY**  
at the Maine State Law and Legislative Reference Library  
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied  
(searchable text may contain some errors and/or omissions)

*Maine*  
**REVISED STATUTES**  
**1964**

*Prepared Under the Supervision  
of the  
Committee on Revision of Statutes*

Being the Tenth Revision of the  
Revised Statutes of the State  
of Maine, 1964

**Volume 4**  
Titles 21 to 25



**Boston, Mass.**  
Boston Law Book Co.

**Orford, N. H.**  
Equity Publishing Corporation

**St. Paul, Minn.**  
West Publishing Co.

Text of Revised Statutes  
Copyright © 1964  
by  
State of Maine

This is a historical version of the Maine Revised Statutes that may not reflect the current state of the law. For the most current version, go to:

<http://legislature.maine.gov/legis/statutes/>

## PART 3

## PUBLIC HEALTH REGULATIONS

Chap.		Sec.
251.	Communicable Diseases .....	901
253.	Alcoholism and Drug Addiction .....	1351
255.	Cancer .....	1401
257.	Mosquito Extermination .....	1441
259.	Occupational Diseases .....	1481
261.	Prevention of Blindness .....	1521
263.	Offenses Against Public Health .....	1561

## CHAPTER 251

## COMMUNICABLE DISEASES

Subch.		Sec.
I.	General Provisions .....	901
II.	Tuberculosis .....	1041
III.	Venereal Diseases .....	1091
IV.	Quarantine of Infected Vessels .....	1271
V.	Rabies or Hydrophobia .....	1311

## SUBCHAPTER I

## GENERAL PROVISIONS

ARTICLE 1. INSPECTION; RULES GENERALLY;  
EPIDEMICS

Sec.	
901.	System of inspection.
902.	Rules and regulations.
903.	Refusal to obey rules.
904.	Notice by householders.
905.	Notice by physician to local health officer.
906.	Epidemics.

## ARTICLE 2. CARE OF INFECTED PERSONS

Sec.

951. Infected persons not to be removed.
952. Infected persons may not mingle with public.
953. Convalescents and nurses may not leave premises without certificate.
954. Infected persons excluded from conveyance without notice to owner.
955. Seclusions of infected person.
956. —Upon complaint and warrant.
957. Quarantined persons; assistance to.
958. Persons arriving from infected places; restrictions.
959. Precautions in border towns.
960. Antitoxins, vaccines and drugs; available free.
961. Infected children restricted.
962. Exposed children excluded from public schools.
963. Dismissal of school if exposed to infection.

ARTICLE 3. CARE OF INFECTED PREMISES  
AND ARTICLES

1001. Disinfecting of leased premises.
1002. Disinfection of personal items by nurses or other attendants.
1003. Use of personal items prohibited until disinfected.
1004. Destruction of exposed bedding and clothing.
1005. Impounding of infected articles.
1006. —Safekeeping.
1007. Powers of officers.
1008. —Expenses.
1009. Compensation for men or property impressed.
1010. Used conveyance to be disinfected.

## ARTICLE 1. INSPECTION; RULES GENERALLY; EPIDEMICS

## § 901. System of inspection

The more effectually to protect the public health, the department 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. 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. 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 sidetrack and there detain it for a reasonable time. No conductor shall 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. Any such agent or inspector may cause any car which he may think may be infected with any of said diseases to be sidetracked at any suitable place and there be cleansed, fumigated and disinfected. The department 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. The department may declare any and all of its rules and regulations made in accordance with 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.

R.S.1954, c. 25, § 37.

## § 902. Rules and regulations

Such rules and regulations, if of general application, shall be published in the state paper. 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 no-

tice thereto. The rules, regulations or orders of the department made in accordance with this section shall, for the time being and until the same are revoked, supersede all local rules, regulations, bylaws or ordinances that may be inconsistent or in conflict therewith.

R.S.1954, c. 25, § 38.

### § 903. Refusal to obey rules

All health officers, municipal officers, sheriffs, constables, police officers and marshals shall enforce the rules and regulations of the department made as provided in sections 901 and 902 in every particular affecting their respective localities and duties. Any person who shall neglect or refuse to obey the said rules and regulations, or who shall willfully obstruct or hinder the execution thereof, shall be punished by a fine of not more than \$500 or by imprisonment for a period of not more than 6 months, or by both. All authorities of every county, city, town and village corporation, all health officers, and all officers and persons in charge of the institutions, buildings and vehicles mentioned in section 901 shall cooperate with the department in carrying out this section and sections 901 and 902. In case such cooperation be refused, withheld or neglected, the said department may execute its orders and directions by agents of its own appointment. All expenses incurred by members of the department or by duly appointed agents of said department under this section shall be paid by the town.

R.S.1954, c. 25, § 39.

### § 904. Notice by householders

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, cerebrospinal meningitis, measles, membranous croup, so called, whooping cough or any other disease which is made notifiable by the rules and regulations of the department, he shall, within 24 hours, give notice thereof to the health officer of the town in which he resides. 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 specified, and in case there is no health officer, to the department, either at its office or by communication.

R.S.1954, c. 25, § 51.



**§ 905. Notice by physician to local health officer**

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 local health officer of the town in which such person lives, except that venereal diseases shall be reported in the manner set forth in section 1094. Any local health officer in the State, who shall have knowledge of any violation of this section occurring within the jurisdiction of his town, 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.

R.S.1954, c. 25, § 68.

**§ 906. Epidemics**

In case of emergency or threatened epidemic of disease which may affect more than one municipality, the said department, 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 and which shall become effective immediately on their promulgation.

R.S.1954, c. 25, § 42.

**ARTICLE 2. CARE OF INFECTED PERSONS****§ 951. Infected persons not to be removed**

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 local health officer, and the said health officer shall prescribe the conditions of removal.

R.S.1954, c. 25, § 53.

**§ 952. Infected persons may not mingle with public**

No person afflicted with smallpox, scarlet fever, diphtheria, pulmonary tuberculosis or any infectious or communicable disease, so defined under the rules and regulations of the Bureau of Health, shall mingle with the general public until such time

as such person has become noninfectious or has complied with the regulations of the department for control of the disease with which such person may be afflicted.

Any person who is or has been in direct contact with a person afflicted with any such disease shall comply with the rules and regulations of the department, now in effect or hereafter adopted, concerning quarantine or necessary measures to render such contacts noninfectious. Nothing herein shall be construed to affect section 1705.

R.S.1954, c. 25, § 55.

**§ 953. Convalescents and nurses may not leave premises without certificate**

Persons, recovering from smallpox, scarlet fever, diphtheria or other diseases for which disinfection may be required by the department 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 local 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. No such person shall expose himself in any public place, shop, street, inn or public conveyance without having first adopted such precautions.

R.S.1954, c. 25, § 56.

**§ 954. Infected persons excluded from conveyance without notice to owner**

No person having smallpox, diphtheria, scarlet fever, cholera or other disease dangerous to public health shall enter, nor shall any person allow anyone 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.

R.S.1954, c. 25, § 58.

**§ 955. Seclusion of infected person**

When any person is or has recently been infected with any disease or sickness dangerous to the public health, the local health officer of the town where he is shall provide for the safety of the

inhabitants, as he thinks best, by removing him to a separate house, if it can be done without great danger to his health, and by providing nurses and other assistants and necessaries, at his charge or that of his parents, if able.

R.S.1954, c. 25, § 60.

**§ 956. —Upon complaint and warrant**

Upon complaint made to any Judge of the District Court, such judge 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 health officer of the town where he is; or to impress and take convenient houses, lodgings, nurses, attendants and other necessaries for the accommodation, safety and relief of the sick, or for the protection of the public health.

R.S.1954, c. 25, § 78; 1963, c. 402, § 30.

**§ 957. Quarantined persons; assistance to**

Whenever any person or family is placed in quarantine by a local health officer to protect the public against smallpox, scarlet fever, diphtheria or any other dangerous or contagious disease, said local health officer shall assist such person or family, if indigent or in a needy condition while in quarantine, in such a manner as in his judgment may be deemed wise and necessary.

All expenses for medical care and medicine, including anti-toxin, incurred in carrying out this section, or incurred in furnishing families or persons affected with tuberculosis with supplies needed to prevent the spread of infection, 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 in the Revised Statutes. All other expenses may be recovered from the person quarantined, or whose family is quarantined or from his parents, if able, otherwise from the town in which he has legal settlement. This section shall not release the State from the obligations which are imposed upon it by sections 4468 to 4471.

R.S.1954, c. 25, § 61.

**§ 958. Persons arriving from infected places; restrictions**

When an infectious or malignant distemper is known to exist in any place out of the State, the local health officer of any town in the State may, by giving such public notice therein as he finds convenient, require any person coming from such place to inform him or the town clerk of his arrival and from what place he came; and if he does not, within 2 hours after arrival or after actual notice of such requirement, give such information, he forfeits \$100 to the town.

The local health officer may prohibit any such person from going to any part of his town where he thinks that the presence of such person would be unsafe for the inhabitants; and if he does not comply, the health officer may order him, unless disabled by sickness, forthwith to leave the State in the manner and by the road which he directs. If such person neglects or refuses to do so, any justice of the peace or Judge of the District Court in the county, on complaint of said local health officer, 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 such person resides, he returns to any town in the State without the license of its local health officer, he forfeits not more than \$100.

R.S.1954, c. 25, § 62; 1963, c. 402, § 28.

**§ 959. Precautions in border towns**

The local health officer of any town near or adjoining the state line may, by writing under his hand, 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 said local health officer. 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 \$100.

R.S.1954, c. 25, § 63.

**§ 960. Antitoxins, vaccines and drugs; available free**

To provide for the control of diphtheria and other contagious diseases, the local health officer shall furnish antitoxin, vaccines,

drugs and necessary medical attention free to all indigent persons suffering from such diseases at the expense of the town, in such manner as the department may direct.

If the health officer fails to furnish such supplies, the State may do so and charge the account to the town.

R.S.1954, c. 25, § 64.

### § 961. Infected children restricted

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

R.S.1954, c. 25, § 54.

### § 962. Exposed children excluded from public schools

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

R.S.1954, c. 25, § 57.

### § 963. Dismissal of school if exposed to infection

When persons from houses or places which are infected with any of the diseases for which disinfection may be required by the department 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 health officer. No school shall be again held in such schoolroom until the room has been disinfected to the satisfaction of the local health officer, and the school officers and health officer shall cause the room to be disinfected as soon as possible.

R.S.1954, c. 25, § 70.

## ARTICLE 3. CARE OF INFECTED PREMISES AND ARTICLES

**§ 1001. Disinfecting of leased premises**

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 department, without having caused the house and the premises used in connection therewith to be disinfected to the satisfaction of the local health officer.

R.S.1954, c. 25, § 72.

**§ 1002. Disinfection of personal items by nurses or other attendants**

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 health officer.

R.S.1954, c. 25, § 73.

**§ 1003. Use of personal items prohibited until disinfected**

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 department, or from rooms which have been occupied by such persons, without first having said articles disinfected to the satisfaction of the local health officer.

R.S.1954, c. 25, § 74.

**§ 1004. Destruction of exposed bedding and clothing**

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

R.S.1954, c. 25, § 75.

**§ 1005. Impounding of infected articles**

When on application of the local health officer of a town it appears to any Judge of the District Court 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 judge 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.

R.S.1954, c. 25, § 79; 1963, c. 402, § 31.

### **§ 1006. —Safekeeping**

Any Judge of the District Court may by the same warrant, if it appears to him necessary, require said officer, under the direction of the local health officer, to impress and take convenient houses or stores for the safekeeping of such infected articles, and cause them to be removed thereto, or otherwise detained, until the local health officer thinks that they are free from infection.

R.S.1954, c. 25, § 80; 1963, c. 402, § 32.

### **§ 1007. Powers of officers**

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. 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 \$10.

R.S.1954, c. 25, § 81.

### **§ 1008. —Expenses**

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 health officer.

R.S.1954, c. 25, § 82.

### **§ 1009. Compensation for men or property impressed**

When the officer impresses or takes any house, store, lodging or other necessaries, or impresses any man, the parties interested shall have a just compensation therefor, to be paid by the town in which such persons or property were impressed.

R.S.1954, c. 25, § 83.

**§ 1010. Used conveyance to be disinfected**

The owner or person in charge of any conveyance shall not, after the entry of any person so infected as described in section 954 into his conveyance, allow any other person to enter it, without having sufficiently disinfected it under the direction of the local health officer.

R.S.1954, c. 25, § 59.

## SUBCHAPTER II

## TUBERCULOSIS

Sec.

- 1041. Infections; duty of physicians and others.
- 1042. Control generally.
- 1043. Registration.
- 1044. Notice of vacancy of infected premises.
- 1045. Disinfection.
- 1046. Failure to obey health orders.
- 1047. Exercise of care; duty of health officer.
- 1048. Duty of physician.
- 1049. Precautionary measures; needy patients.
- 1050. Recoveries reported.
- 1051. False statements by physicians.
- 1052. Investigation of suspected cases in animals.
- 1053. Return of person to sanatorium.
- 1054. Appeals.
- 1055. Penalties.

**§ 1041. Infections; duty of physicians and others**

Tuberculosis is 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 health officer within 48 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 department.

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 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 department 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 48 hours thereafter. Such physician or chief officer shall give notice to the department 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.

R.S.1954, c. 25, § 93.

### § 1042. Control generally

The department or any full-time municipal health officer is empowered to make such investigations as may be necessary to ascertain the source of any infectious or communicable disease. Whenever said department or any full-time municipal health officer has cause to believe that any person is infected with tuberculosis so as to expose others to the dangers thereof, said department by its representative or full-time municipal health officer shall petition the Superior Court in the county where said person resides or is found, setting forth said facts and requesting an examination of such person. Said court may order such notice thereon as it may deem proper for such person to appear and answer thereto. Upon hearing, if said court finds cause to believe that such person is so infected, it may issue an order requiring said person to be examined by a board of 3 physicians licensed to practice in this State at the expense of said department. Said board shall be comprised of the superintendent of one of the state sanatoriums, a physician chosen by the person suspected of having tuberculosis and the 3rd appointed by the court. The board shall make a report to the court within the time designated by it.

If the board finds and reports that the alleged tuberculous infected person does not have active infectious tuberculosis and is not dangerous to the public health the court shall enter an order dismissing the petition. If the board finds and reports that the alleged tuberculous infected person has active infectious tuberculosis and is dangerous to the public health, the court shall hold a hearing at the time fixed. If the court determines that such person has active infectious tuberculosis and is dangerous to the public health, it may commit such person to a sanatorium for such period of time as shall in the opinion of the superintendent of the sanatorium be necessary to remove the danger of infection to the public health and improve the health of the person, so that he will not have active infectious tuberculosis. The court,

in its order committing a person to a sanatorium, may direct the sheriff to take such person into his custody and forthwith deliver him to the sanatorium.

R.S.1954, c. 25, § 105; 1955, c. 371, §§ 1, 2; 1959, c. 180; 1961, c. 417, § 48.

### § 1043. Registration

The department 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.

R.S.1954, c. 25, § 94.

### § 1044. Notice of vacancy of infected premises

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 local health officer of the town of said death or removal within 24 hours thereafter, and such apartments or premises so vacated shall not again be occupied until duly disinfected, cleansed or renovated.

R.S.1954, c. 25, § 95.

### § 1045. Disinfection

When notified as provided in section 1044 that any apartments or premises have been vacated, the local health officer or his agent shall within 24 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. Said local health officer 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 local health officer determines 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 said health offi-

cer at public expense, or if the owner prefers, by the owner at his expense, to the satisfaction of the local health officer, 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 department for work of that kind in connection with tuberculosis.

R.S.1954, c. 25, § 96.

### **§ 1046. Failure to obey health orders**

In case the orders or directions of the local health officer requiring the disinfection, cleansing or renovation of any apartments or premises or any articles therein shall not be complied with within 48 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 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 health officer or other duly authorized official.”

R.S.1954, c. 25, § 97.

### **§ 1047. Exercise of care; duty of health officer**

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. Any person subjected to such a nuisance may make complaint in person or writing to the local health officer of any town where the nuisance complained of is committed. The local health officer 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, he 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 health officer of any town, requiring him to cease to commit such nui-

sance, shall be deemed guilty of a misdemeanor and on conviction thereof shall be punished by a fine of not more than \$10.

R.S.1954, c. 25, § 98.

### § 1048. Duty of physician

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 health officer. All duties imposed upon physicians by sections 1041 to 1051 shall be performed by the local health officer in all cases of tuberculosis not attended by a physician, or when the physician fails to perform the duties specified, and shall so report.

R.S.1954, c. 25, § 99.

### § 1049. Precautionary measures; needy patients

Precautionary measures carried out by physicians, local health officers and others to prevent the transmission of infection to other persons shall be in accordance with the advice given by the department in its printed circulars. Reports to the department 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 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 health officer 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 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.

R.S.1954, c. 25, § 100.

### § 1050. Recoveries reported

Upon the recovery of any person having tuberculosis, the attending physician shall make a report of this fact to the department, which shall record the same in the records of its office, and shall relieve said person from further liability to any requirements imposed by sections 1041 to 1049.

R.S.1954, c. 25, § 101.

**§ 1051. False statements by physicians**

Any physician who shall knowingly report as affected with tuberculosis any person who is not so affected, or who shall willfully make any false statement concerning the name, age, sex, color, occupation or other facts called for on the blanks prepared by the department 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 \$100.

R.S.1954, c. 25, § 103.

**§ 1052. Investigation of suspected cases in animals**

Whenever a local health officer has notice of, or suspects the existence of, a case of tuberculosis or glanders in domestic animals, such officer shall forthwith investigate or cause to be investigated the truth of such notification or the grounds of such suspicion. If there appear to be good grounds for believing that such disease is present, the local health officer shall notify the Commissioner of Agriculture, reciting in said notification the grounds for his belief or suspicion.

R.S.1954, c. 25, § 104.

**§ 1053. Return of person to sanitorium**

Any person committed under section 1042 who leaves the sanitorium to which he has been committed without having been discharged by the superintendent shall be recommitted to the sanitorium by the Superior Court in the county from which the person was originally committed upon an affidavit being filed before such court by the superintendent of the sanitorium from which the person left. Said affidavit shall state that such person has left the sanitorium and has not been discharged by the superintendent of said sanitorium. The order of recommitment shall direct the sheriff to forthwith deliver such person to the superintendent of the sanitorium named in the recommitment order.

1955, c. 371, § 3; 1961, c. 417, § 49.

**§ 1054. Appeals**

Any person who shall feel aggrieved by the order of commitment shall have the right to appeal such order to the Supreme Judicial Court. The filing of notice of appeal shall not operate to

supersede the effect of the order from which the appeal is taken. Every order shall be executed forthwith unless the court entering the order or the Supreme Judicial Court, in its discretion, enters a supersedeas order and fixes the terms and conditions thereof. In all respects, except the entry of a supersedeas order, the existing statutes and rules pertaining to appeals of civil causes shall apply to such appeals.

1955, c. 371, § 4; 1961, c. 417, § 50.

### § 1055. Penalties

Any person violating any provision of sections 1041 to 1050 shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished, except as otherwise provided, by a fine of not less than \$5 nor more than \$50.

R.S.1954, c. 25, § 102.

## SUBCHAPTER III

### VENEREAL DISEASES

#### ARTICLE 1. GENERAL PROVISIONS

Sec.

- 1091. Federal aid and cooperation.
- 1092. Examination and treatment.
- 1093. Information bulletins.
- 1094. Reports by physicians and institutions.
- 1095. Examination requested.
- 1096. Cure supervised.
- 1097. Penalty.

#### ARTICLE 2. PROPHYLACTIC RUBBER ARTICLES

- 1131. License for sale.
- 1132. Kinds of licenses.
- 1133. Wholesale license.
- 1134. Retail license.
- 1135. Application for license.
- 1136. Fees.
- 1137. Term of license.
- 1138. Information furnished.
- 1139. License not transferable.
- 1140. License for separate locations.
- 1141. Display of license.
- 1142. Penalty.
- 1143. Disposition of fines.

## ARTICLE 3. PREMARITAL MEDICAL EXAMINATIONS

Sec.

- 1181. Test required.
- 1182. Waiver in emergency.
- 1183. Physician's statement and laboratory test.
- 1184. Free blood test if unable to pay.
- 1185. Exception to requirement of physician's certificate.
- 1186. Fee.
- 1187. Form sheets; certificates.
- 1188. Appeals.
- 1189. Misrepresentation; penalty.

## ARTICLE 4. PRENATAL EXAMINATION

- 1231. Blood sample for laboratory test.
- 1232. Standard tests approved by department.
- 1233. Blood specimens accompanied by information blank; report.
- 1234. Civil action not maintainable.

## ARTICLE 1. GENERAL PROVISIONS

**§ 1091. Federal aid and cooperation**

The department, through its Bureau of Health, is authorized to administer a program to extend and improve its services for controlling and eradicating venereal diseases.

The department is authorized to:

**1. Apply for federal aid.** Apply for federal aid under the Venereal Disease Control Act of 1938;

**2. Cooperate with Federal Government.** Cooperate with the Federal Government through the United States Public Health Service in matters of mutual concern pertaining to venereal diseases, including such methods of administration as are found to be necessary for the efficient operation of the plan for such aid;

**3. Reports.** Make such reports in such form and containing such information as the Surgeon General of the United States Public Health Service may require, and comply with such provisions as said Surgeon General may find necessary to assure the correctness and verification of such reports.

The Treasurer of State shall be the appropriate fiscal officer of the State to receive federal grants on account of venereal disease services as contemplated by the Venereal Disease Control

Act of 1938, and the State Controller shall authorize expenditures therefrom as approved by the department.

R.S.1954, c. 25, § 107.

### § 1092. Examination and treatment

The department 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 provide at cost vaccine or antitoxin for the treatment of such infections. 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.

R.S.1954, c. 25, § 108.

### § 1093. Information bulletins

The department shall include in bulletins and circulars distributed by it, information concerning the diseases covered by section 1092. 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.

R.S.1954, c. 25, § 109.

### § 1094. Reports by physicians and institutions

Syphilis, gonorrhea, chancroid and lymphogranuloma venereum are declared to be infectious and communicable diseases, dangerous to the public health.

Every physician in the State, within 48 hours of the time the fact comes to the knowledge of said physician, shall report in writing to the Bureau of Health any person known by said physician to have any of such diseases, and shall keep a record of such cases by number, and name and address. Such report shall be made on a form furnished and numbered by the Bureau of Health, which shall state only the age, sex and color of the person infected. In case such person having any of such diseases fails to observe the necessary precautions indicated in the treatment thereof, or in cases where financial obligations for treatment are incurred by the Bureau of Health, the name and address of such person shall be submitted at once to the Bureau of Health.



All information and reports concerning persons suffering with venereal diseases shall be made on forms furnished and numbered by the Bureau of Health, shall be held confidential and shall not be available to any person not an agent of the said bureau, or for any other than a public health purpose.

The chief officer having charge for the time being of any hospital, asylum, dispensary, jail, sanatorium or other similar private or public institution in the State shall report in like manner any cases of such diseases which come into his care or under his observation and shall comply with such rules and regulations as are made by the department to prevent the spread of venereal disease.

R.S.1954, c. 25, § 110.

### **§ 1095. Examination requested**

The Bureau of Health is empowered to make such investigations as may be necessary to ascertain the source of any infectious or communicable disease. Whenever said bureau has cause to believe that any person is infected with any of the diseases mentioned in section 1094 so as to expose others to the dangers thereof, said bureau by its representative shall petition the District Court in the division where said person resides or is found or the Superior Court in the county where said person resides or is found, setting forth said facts and requesting an examination of such person. Said court may order such notice thereon as it may deem proper for such person to appear and answer thereto. Upon hearing, if said court finds cause to believe that such person is so infected, it may issue an order requiring said person to be examined by a licensed physician, at the expense of the bureau; and use all necessary legal processes to carry its decrees into effect.

R.S.1954, c. 25, § 111; 1963, c. 402, § 33.

### **§ 1096. Cure supervised**

It shall be the duty of said bureau, when the report provided for in section 1094 or the examination provided for in section 1095 reveals that such person has any of such diseases and has not consulted a physician or has not taken the necessary treatment, to place such person immediately under medical treatment in order to effect a cure. Such treatment shall continue until, in the opinion of the attending physician, the cure of said disease has been effected or is rendered noninfectious.

Nothing in sections 1094 to 1096 shall be construed as denying to any person the right to be examined or treated by a licensed physician of his own choice.

R.S.1954, c. 25, § 112.

### § 1097. Penalty

Any person who violates sections 1094, 1095 and 1096 shall be punished by a fine of not more than \$100 or by imprisonment for not more than 11 months, or by both.

R.S.1954, c. 25, § 113.

## ARTICLE 2. PROPHYLACTIC RUBBER ARTICLES

### § 1131. License for sale

No sanitary or prophylactic rubber or other articles for the prevention of venereal diseases shall be sold or otherwise disposed of in this State without a license therefor issued by the Bureau of Health.

R.S.1954, c. 25, § 114.

### § 1132. Kinds of licenses

There shall be 2 kinds of licenses issued by the Bureau of Health, to wit: Wholesale license and retail license.

R.S.1954, c. 25, § 115.

### § 1133. Wholesale license

Wholesale licenses shall be issued only to wholesale druggists, jobbers or manufacturers and no licensed wholesaler, jobber or manufacturer shall sell any rubber or other articles specified in sections 1131 to 1143 to anyone who is not a duly licensed retailer.

R.S.1954, c. 25, § 116.

### § 1134. Retail license

Retail licenses shall be issued only to retail drug stores regularly registered and licensed by this State.

R.S.1954, c. 25, § 117.

**§ 1135. Application for license**

A license provided by sections 1131 to 1143 shall be issued by the Bureau of Health on written application and payment of the license fee therefor for one year by an applicant entitled and qualified to receive the license asked.

R.S.1954, c. 25, § 118.

**§ 1136. Fees**

The annual fees for licenses under sections 1131 to 1143 shall be: Wholesale license \$15; retail license \$2. All fees received for licenses under this section shall be placed in a separate fund and expended for inspection under, and enforcement of, sections 1131 to 1143.

R.S.1954, c. 25, § 119.

**§ 1137. Term of license**

All licenses issued under sections 1131 to 1143 shall begin on the first day of July in each year and annual fee therefor shall be fully paid before issuance of any license. Except when the application for license, accompanied by 50% of the annual license fee, shall be made by a qualified applicant between January 1st and July 1st of any year, the Bureau of Health shall issue to such applicant a license which shall cover the period from the date of application to the next July 1st.

R.S.1954, c. 25, § 120.

**§ 1138. Information furnished**

In addition to such other information as the Bureau of Health may determine shall be furnished in any application for license under sections 1131 to 1143, the following information shall be given under oath, all of which shall be deemed material:

**1. Name, age and residence.** The name of the applicant, and if there be more than one and they be partners, the partnership name, age and residence of the several persons so applying, and the facts of his or her citizenship, or if said applicant be a corporation, the names of its officers and board of directors and the state under the laws of which it is organized;

**2. Business location.** The business location, street and number where such business is to be carried on.

R.S.1954, c. 25, § 121.

**§ 1139. License not transferable**

A license issued to any applicant pursuant to sections 1131 to 1143 for certain premises shall not be transferable except on written consent of the Bureau of Health, and each license issued shall be available only to the person or persons, firm or corporation therein specified and for the premises licensed and for no other.

R.S.1954, c. 25, § 122.

**§ 1140. License for separate locations**

Any person, firm or corporation, eligible for license under section 1131 and who shall operate his business in more than one location, shall secure a separate license for each location where the business specified shall be conducted.

R.S.1954, c. 25, § 123.

**§ 1141. Display of license**

Every holder of a license under section 1131 shall at all times keep same on display, visible for inspection within the place of business for which same is issued.

R.S.1954, c. 25, § 124.

**§ 1142. Penalty**

Any person or persons, firm, corporation, or any member of a firm, or any officer, director or employee of a corporation who violates any provision of sections 1131 to 1143 shall upon conviction be punished by a fine of not more than \$100 or by imprisonment for not less than 30 days, nor more than 90 days.

R.S.1954, c. 25, § 125.

**§ 1143. Disposition of fines**

When any fines shall be collected from anyone guilty of violating sections 1131 to 1143,  $\frac{1}{2}$  of any sum collected as such fine shall accrue to the Bureau of Health and be added to the fund specified in section 1136 to be expended for expenses of inspection under, and enforcement of, sections 1131 to 1143.

R.S.1954, c. 25, § 126.

## ARTICLE 3. PREMARITAL MEDICAL EXAMINATIONS

**§ 1181. Test required**

Except as otherwise provided in sections 1182 to 1189, no municipal clerk shall issue a license for the marriage of parties until each applicant has caused to be filed with such clerk a statement signed by a duly licensed physician that such applicant has been given a physical examination, including a standard blood test, as required by the Bureau of Health for the discovery of syphilis, made on a day specified in the statement, which shall not be more than the 30th day prior to that on which the license is applied for, said blood test to be made by the state laboratory or by a hospital laboratory approved by the Bureau of Health, and that in the opinion of the physician the person therein named is not infected with syphilis, or, if so infected, is not in a stage of that disease whereby it may become communicable. If it appears from said first test that the applicant is infected with syphilis, every such applicant shall have the right to have a minimum of 3 tests in connection with said application, of which not less than 2 shall establish the opinion of the physician that such applicant is infected with such venereal disease. In case an application for a marriage license is finally denied, the person making such application may again apply for a marriage license when he or she has reason to believe that the cause for denial no longer exists.

R.S.1954, c. 25, § 127; 1963, c. 45.

**§ 1182. Waiver in emergency**

Because of emergency or other cause shown by affidavit or other proof, any Justice of the Superior Court or judge of probate, if satisfied that the public health and welfare will not be injuriously affected thereby, may make an order, in his discretion, on joint application of both of the parties desiring the marriage license, dispensing with the requirements of section 1181 as to either or both of the parties, including the laboratory statement, or, if the statement or statements provided for by such section have been filed, extending the 30-day period following the examination and test to not later than a day specified, which shall be not more than 90 days after the examination and test. The order shall be accompanied by a memorandum in writing of the said justice or judge reciting his reasons for granting the order. Application for such extension may be made before or on the expiration of such 30-day period. The order and the accompanying

memorandum shall be filed with the town or city clerk, and he then shall accept and consider application for the marriage license without the production or filing of any of the physician's statements dispensed with by the order, or shall accept and consider the application within any such extended period, as the case may be. The clerk shall hold such memorandum of a judge or justice in absolute confidence.

R.S.1954, c. 25, § 128.

### § 1183. Physician's statement and laboratory test

Each physician's statement shall be accompanied by a statement from the person in charge of the laboratory making the test or tests, or from some other person authorized to make such statement, setting forth the name of the test or tests, the date it was completed and the name and address of each person whose blood was tested, but not stating the result of the test or tests. The physician's statement and the laboratory statement shall be on the same form sheet. Upon a separate form a detailed report of the laboratory test or tests, showing the result of the test or tests, shall be transmitted by the laboratory to the physician, who, after examining it, shall file it with the Bureau of Health, and it shall be held in confidence and shall not be open to public inspection. It may be produced under subpoena in a proceeding upon appeal as provided for in section 1188.

R.S.1954, c. 25, § 129.

### § 1184. Free blood test if unable to pay

A blood sample may be sent to the state laboratory and shall be examined free of charge. An applicant who is unable to pay costs of the physician for taking the blood sample and making required statement may go to any of the established clinics maintained by the State for such examination and certificate or to the town or city physician in the town or city in which said applicant resides, such service to be performed without charge.

R.S.1954, c. 25, § 130.

### § 1185. Exception to requirement of physician's certificate

The physician's certificate, as to whether either applicant is infected with communicable syphilis at the time of application for marriage license, shall not be required for the granting of such license when the woman states that she is pregnant and the license may be granted whether a report has been received from the

laboratory or not and irrespective of what that report shows, but a physician's statement must be filed with the town or city clerk stating that a blood sample has been taken from each applicant.

R.S.1954, c. 25, § 131.

**§ 1186. Fee**

All fees and charges of any physician making the necessary examination or examinations of and issuing the necessary certificate to any one party, as provided in sections 1181 to 1189, shall not exceed the sum of \$3 for each person examined.

R.S.1954, c. 25, § 132.

**§ 1187. Form sheets; certificates**

The Bureau of Health shall arrange and provide the form sheets, and certificates required in sections 1181 to 1189, and shall supply without charge such form sheets and certificates upon application to any duly licensed physician in the State.

R.S.1954, c. 25, § 133.

**§ 1188. Appeals**

When an applicant has been refused a marriage license, such applicant shall have the right to appeal to the Superior Court within 90 days from the date of such refusal. The court may try such appeal without the intervention of a jury upon the evidence provided by the certificate or certificates of the medical examiner or examiners, and the decision of such court shall be final.

R.S.1954, c. 25, § 134.

**§ 1189. Misrepresentation; penalty**

Any applicant for marriage license, any physician or any representative of a laboratory who shall misrepresent any of the facts called for by the physician's statement and the laboratory report or statement, or any town or city clerk who shall issue a license without the required certificate, or any officer of the Bureau of Health or any employee of said department who shall not hold the laboratory record confidential, except as provided in section 1183 with respect to its production for evidence on order of the justice or judge of any court, shall be guilty of a misdemeanor, and shall be punished by a fine of not less than \$100

nor more than \$500, or by imprisonment for not less than 30 days nor more than 90 days.

R.S.1954, c. 25, § 135.

#### ARTICLE 4. PRENATAL EXAMINATION

### § 1231. Blood sample for laboratory test

Every physician attending a woman in the State by reason of her being pregnant during gestation shall in the case of every woman so attended take or cause to be taken, with her consent, a sample of blood of such woman, and submit such sample for a standard serological test for syphilis and R. H. factors to a laboratory of the department or to a laboratory approved for these tests by the department. Such laboratory tests as are required by sections 1231 to 1234 shall be made on request without charge by the department.

R.S.1954, c. 25, § 136.

### § 1232. Standard tests approved by department

The department is authorized to approve one or more tests for syphilis and R. H. factor which shall be known as standard tests, and may approve and appoint other laboratories in addition to the state laboratory to make such tests.

R.S.1954, c. 25, § 137.

### § 1233. Blood specimens accompanied by information blank; report

Blood specimens sent to a laboratory in compliance with section 1231 shall be accompanied by an information blank which shall contain the initials of the person whose blood is submitted or a number or other suitable means of identification, and the word "Prenatal" to indicate the purpose of the examination.

If the person in question is found to be infected with syphilis, the physician in charge shall make a report to the Bureau of Health on a regular blank, supplied by the bureau for the reporting of venereal diseases, adding thereto the word "Prenatal" in addition to such other information as may be indicated on said blanks

Such reports shall be kept in a special file at the bureau and shall not be considered a public record. Such reports may be



produced in any court procedure where they may be material and relevant on an order of the justice presiding.

R.S.1954, c. 25, § 138.

**§ 1234. Civil action not maintainable**

No civil action shall be maintainable for failure to comply with sections 1231 to 1233.

R.S.1954, c. 25, § 139.

**SUBCHAPTER IV**

**QUARANTINE OF INFECTED VESSELS**

Sec.

- 1271. Examination of passengers and crew.
- 1272. Anchorage at proper distance.
- 1273. Regulations.
- 1274. Duty of pilots to give notice.
- 1275. Penalty for violation or evasion after notice.
- 1276. Red flags on vessels.
- 1277. Expenses.

**§ 1271. Examination of passengers and crew**

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 health officer of the town to which such vessel comes, which oath the said health officer may administer, he shall forfeit not more than \$200 or be imprisoned for not more than 6 months.

R.S.1954, c. 25, § 150.

**§ 1272. Anchorage at proper distance**

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. No person or thing on board shall be brought on shore until the local health officer gives his written permit. For the willful violation of this section, such

master or commander forfeits not more than \$200, and the pilot not more than \$50, for each offense.

R.S.1954, c. 25, § 151.

### § 1273. Regulations

The local health officer of a seaport town may cause vessels arriving there to perform quarantine at such place and under such regulations as he judges expedient, when he thinks that the safety of the inhabitants requires it. Whoever neglects or refuses to obey such orders and regulations shall forfeit not more than \$500 or be imprisoned for not more than 6 months.

R.S.1954, c. 25, § 152.

### § 1274. Duty of pilots to give notice

When the local health officer thinks it necessary to order all vessels, arriving there from any particular port or ports, to perform quarantine, he shall give notice thereof to the pilots of his 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 \$100.

R.S.1954, c. 25, § 153

### § 1275. Penalty for violation or evasion after notice

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 health officer, he shall forfeit not more than \$500 or be imprisoned for not more than 6 months.

R.S.1954, c. 25, § 154.

### § 1276. Red flags on vessels

The local health officer 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 3 yards in length. 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. No per-

son shall board such vessel during said term unless by permission of said local health officer. 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 health officer.

R.S.1954, c. 25, § 155.

**§ 1277. Expenses**

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.

R.S.1954, c. 25, § 156.

**SUBCHAPTER V****RABIES OR HYDROPHOBIA**

Sec.

1311. Killing or impounding of dogs.

**§ 1311. Killing or impounding of dogs**

The department may, in the case of an emergency or threatened epidemic of rabies or hydrophobia when in its opinion the health and safety of the people in a community are endangered, issue orders to the mayor of any city or the municipal officers of any town or plantation to have killed any dogs found loose in violation of quarantine regulations and impounded for a period of 72 hours without being claimed by their owner.

The mayor of any city or the municipal officers of any town or plantation shall forthwith direct that such dogs be killed by a police officer or constable.

R.S.1954, c. 25, § 43.