

## CHAPTER 153

### LOCAL HEALTH OFFICERS

#### §451. Appointment

The following provisions govern the appointment and employment of local health officers. [PL 2007, c. 462, §1 (NEW).]

**1. Role of municipality.** Every municipality in the State shall employ a local health officer who is appointed by the municipal officers of that municipality. A person may be appointed and employed as a local health officer by more than one municipality.

[PL 2007, c. 462, §1 (NEW).]

**2. Qualifications.** The local health officer must be qualified by education, training or experience in the field of public health or a combination as determined by standards adopted by department rule no later than June 1, 2008. A person who is employed as a local health officer who is not qualified by education, training or experience must meet qualification standards adopted by department rule no later than 6 months after appointment. Rules adopted pursuant to this subsection are major substantive rules as defined in Title 5, chapter 375, subchapter 2-A.

[PL 2007, c. 598, §5 (AMD).]

**3. Duration of appointment; notification.** A local health officer is appointed for a term of 3 years and until that officer's successor is appointed. The municipal officers shall appoint a successor within 30 days of any resignation or expiration of term. The municipal officers or clerk of each municipality shall within 10 days notify the department in writing of the appointment of a local health officer. Notification to the department must include the local health officer's name, age and address and the dates of the appointment and the beginning of the 3-year term. A local health officer in a town or plantation contiguous to unorganized territory shall perform the duties of a local health officer in that territory.

[PL 2007, c. 462, §1 (NEW).]

**4. Incapacity or absence.** In the event of incapacity or absence of the local health officer, the municipal officers shall appoint a person to act as local health officer during that incapacity or absence. The chair of the municipal officers shall perform the duties of a local health officer until the regular local health officer is returned to duty or another person has been appointed and employed. In a municipality with a manager form of government, when the charter so provides, the appointments provided for in this subsection may be made by the manager and the duties prescribed for the chair of the municipal officers during incapacity or absence of the local health officer are performed by the manager.

[PL 2007, c. 462, §1 (NEW).]

**5. Conflict of interest.** A person may not be appointed to hold office as a local health officer or to serve as a member of the local board of health under section 453 if that person has a pecuniary interest, directly or indirectly, in any corporation or other entity over which that officer or board has general supervision.

[PL 2007, c. 462, §1 (NEW).]

**6. Duties.** Local health officers may be employed on a part-time or full-time basis. The offices of local health officer and town or school physician may be combined when, in the opinion of the municipal officers, the health needs of the public would be better served.

[PL 2007, c. 462, §1 (NEW).]

**7. Associate health officers.** Municipal officers may appoint one or more associate health officers, as defined in section 411, subsection 1-A, to assist the local health officer perform the local health officer's duties during an actual or threatened epidemic or other public health threat. An associate health officer is not required to meet the qualifications set out in subsection 2 or in rules applicable to local health officers adopted by the department. An associate health officer must work under the direct supervision of the local health officer.

[PL 2023, c. 46, §2 (NEW).]

#### SECTION HISTORY

PL 1981, c. 703, §A7 (AMD). PL 1989, c. 487, §3 (AMD). PL 2007, c. 462, §1 (RPR). PL 2007, c. 598, §5 (AMD). PL 2023, c. 46, §2 (AMD).

#### §452. Compensation

**(REPEALED)**

#### SECTION HISTORY

PL 1981, c. 703, §A8 (RP).

#### §453. Local board of health

Any municipality may appoint, in addition to the local health officer, a board of health consisting of 3 members besides the local health officer, one of whom shall be a physician if available in the community, and one a woman. When first appointed members of the board shall be appointed one for one year, one for 2 years and one for 3 years. Subsequent appointments shall be for 3-year terms.

The local health officer shall be secretary ex officio of said board and keep a record of all proceedings. The local board of health shall constitute an advisory body to the local health officer.

#### §454. Duties

**(REPEALED)**

#### SECTION HISTORY

PL 1987, c. 600 (AMD). PL 1989, c. 487, §4 (AMD). PL 1997, c. 387, §1 (RPR). PL 2003, c. 689, §B7 (REV). PL 2007, c. 598, §6 (RP).

#### §454-A. Powers and duties

**1. Supervision.** For the purposes of this section, a local health officer is subject to the supervision and direction of the commissioner or the commissioner's designee.

[PL 2007, c. 598, §7 (NEW).]

**2. Duties.** Within jurisdictional limits, a local health officer shall:

A. Make and keep a record of all the proceedings, transactions, ordinances, orders and rules acted upon by the local health officer; [PL 2007, c. 598, §7 (NEW).]

B. Report to the commissioner or the commissioner's designee facts that relate to communicable diseases and cases of communicable disease as required by department rules; [PL 2007, c. 598, §7 (NEW).]

C. During a declared health emergency, as defined in section 802, subsections 2 and 2-A, report to the commissioner or the commissioner's designee facts regarding potential notifiable diseases and cases that directly relate to the declared health emergency, as the rules of the department require; [PL 2007, c. 598, §7 (NEW).]

D. Receive and examine the nature of complaints made by members of the public concerning conditions posing a public health threat or a potential public health threat; [PL 2007, c. 598, §7 (NEW).]

E. With the consent of the owner, agent or occupant, enter, inspect and examine any place or premises where filth, whether or not the cause of sickness, or conditions posing a public health threat are known or believed to exist. An agent with special expertise appointed by the local health officer may inspect and examine the place or premises. If entry is refused, the local health officer shall apply for an inspection warrant from the District Court, pursuant to Title 4, section 179, prior to conducting the inspection; [PL 2007, c. 598, §7 (NEW).]

F. After consulting with the commissioner or the commissioner's designee, order the suppression and removal of nuisances and conditions suspected of posing or found to pose a public health threat; [PL 2007, c. 598, §7 (NEW).]

G. Act as a resource for connecting residents with the public health services and resources provided by the Maine Center for Disease Control and Prevention; [PL 2023, c. 46, §3 (AMD).]

H. Enforce public health safety laws, including:

- (1) Laws pertaining to the exclusion of students from school under Title 20-A, section 6356;
- (2) Laws pertaining to control of browntail moths under section 1444;
- (3) Laws pertaining to the removal of a private nuisance or nuisance of a dead animal under sections 1561 and 1562;
- (4) Laws pertaining to the establishment of temporary health care facilities under section 1762; and
- (5) Laws pertaining to prohibited dumping under Title 30-A, section 3352; and [PL 2023, c. 46, §4 (AMD).]

I. Supervise associate health officers appointed under section 451, subsection 7. [PL 2023, c. 46, §5 (NEW).]

For purposes of this subsection, "public health threat" means any condition or behavior that can reasonably be expected to place others at significant risk of exposure to infection with a communicable disease.

[PL 2023, c. 46, §§3-5 (AMD).]

#### SECTION HISTORY

PL 2007, c. 598, §7 (NEW). PL 2023, c. 46, §§3-5 (AMD).

#### **§455. Reports**

**(REPEALED)**

#### SECTION HISTORY

PL 1989, c. 487, §5 (RP).

#### **§456. Employment by several localities**

**(REPEALED)**

#### SECTION HISTORY

PL 1981, c. 703, §A8 (RP).

#### **§457. Notice to town of charge for infected persons**

**(REPEALED)**

#### SECTION HISTORY

PL 1989, c. 487, §5 (RP).

#### **§458. Medical supplies for indigent nonresidents**

**(REPEALED)**

## SECTION HISTORY

PL 1977, c. 457, §1 (RP).

**§459. Providing for free vaccinations****(REPEALED)**

## SECTION HISTORY

PL 1975, c. 293, §4 (AMD). PL 1981, c. 470, §A61 (AMD). PL 1989, c. 487, §§6,7 (AMD). PL 2003, c. 689, §B6 (REV). PL 2007, c. 598, §8 (RP).

**§460. Notice to owner of infected house requiring disinfecting****(REPEALED)**

## SECTION HISTORY

PL 1989, c. 487, §8 (RP).

**§461. Notice to owner to clean premises; expenses on refusal**

The local health officer, when satisfied upon due examination, that a cellar, room, tenement or building in the 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, in consultation with the department, a notice in writing to such occupants, or the owner or the owner's 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 local health officer may deem reasonable. If the persons so notified, or any of them, neglect or refuse to comply with the terms of the notice, the local health officer 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, the owner shall forfeit not less than \$10 nor more than \$50 for each day that the premises remain unfit following written notification that the premises are unfit. [PL 1989, c. 487, §9 (AMD).]

## SECTION HISTORY

PL 1989, c. 487, §9 (AMD).

**§462. Assistance if obstructed in duty**

Any health officer or other person employed by the local health officer may, when obstructed in the performance of the person's duty, call for assistance from a law enforcement officer. [PL 1989, c. 487, §10 (AMD).]

## SECTION HISTORY

PL 1989, c. 487, §10 (AMD).

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