

Health Officer

I. General Responsibilities

State law requires every municipality in the State to employ a Local Health Officer to "assist in the reporting, prevention and suppression of diseases and conditions dangerous to health" ([22 M.R.S.A. § 451,454-A](#)).

II. The Local Health Officer

The City Manager shall appoint a Local Health Officer for a 3-year term. The local health officer must be qualified by education, training and/or experience in the field of public health, no later than 6 months after appointment. Upon expiration of this term or upon resignation of the person so appointed, the municipal officers must appoint a successor within 30 days. The municipal officers must, within 10 days of appointment of a Local Health Officer, notify the Maine Department of Health & Human Services (DHHS) of the appointment of a health officer, providing the person's name, address and age and the dates of appointment and of the beginning of the 3-year term. If the Local Health Officer is absent or incapacitated, the municipal officers shall appoint a person to act or else the chair of the municipal officers shall serve as Local Health Officer. A person with any pecuniary (financial) interest in a private sewer corporation over which the person would have jurisdiction cannot serve as a Local Health Officer. At the discretion of the municipal officers, the offices of Local Health Officer and town or school physician may be combined if, in their opinion, the health needs of the municipality's residents would be better served.

III. Duties

State law imposes two sets of duties on the Local Health Officer - reporting communicable diseases and inspecting dwelling places. It also authorizes (but does not require) the Local Health Officer to undertake certain vaccination activities.

Reporting Communicable Diseases ([22 M.R.S.A. § 454-A](#)). The Local Health Officer, subject to the supervision and direction of DHHS, shall promptly report to the commissioner of DHHS or the commissioner's designee facts that relate to communicable diseases within the Officer's jurisdiction and every case of a "notifiable disease."

The Local Health Officer also shall receive, investigate and evaluate all citizen complaints concerning potential health threats posed by alleged nuisances within the Officer's jurisdiction. Where the owner, occupant or agent consents, the Local Health Officer may enter upon or within any place or premises where conditions posing a public health threat are known or believed to exist and may inspect the same, personally or through agents. If refused entry, the Local Health Officer may apply to the Maine District Court for an inspection warrant. If the Local Health Officer has reasonable cause to suspect the presence of a communicable disease, the Officer shall consult with the commissioner of DHHS or the commissioner's designee, after which the Officer shall order the suppression or removal of nuisances and conditions posing a "public health

threat" (meaning "any condition or behavior that can reasonably be expected to place others at significant risk of exposure to infection with a communicable disease").

The Local Health Officer shall keep a book in which he or she shall make and keep a record of all proceedings, transactions, doings, orders and regulations of that Officer.

If the health officer fails to perform the duties in Section 454-A, DHHS may intervene to perform those duties.

Inspecting Dwelling Places ([22 M.R.S.A. § 461](#)). Where after inspection, the Local Health Officer is satisfied that a cellar, room, tenement or building occupied as a dwelling place has become, by reason of want of cleanliness or other cause, unfit for that purpose and a cause of sickness to the occupants or the public, the Officer may, after consulting with DHHS, issue a written notice to the occupants, the owner or the owner's agent requiring that the premises be cleaned or that the occupants leave the premises within a reasonable time (as determined by the Officer). Should a person so notified refuse or neglect to clean the premises, the Local Health Officer may have the premises cleaned at the owner's expense or may close the premises, in which case it shall not be used as a dwelling place until cleaned properly. Should the owner occupy or knowingly permit occupancy of the premises prior to cleaning the same, the owner is subject to a fine of \$10 to \$50 for each day that premise remains unfit following written notification of the same.

IV. Local Board of Health

Municipalities may appoint a local board of health to act as an advisory board to the Local Health Officer. [22 M.R.S.A. § 453](#). If a municipality does appoint such a board, it shall consist of 3 members, one of whom shall be a physician available in the community, and another of whom shall be a woman. The initial appointments shall be for staggered terms of 1, 2 and 3 years, after which members shall serve for 3-year terms.

V. Miscellaneous

Additional Duties. A municipality may by ordinance assign other duties to the Local Health Officer, such as the enforcement of State health and sanitation rules, and may appoint sanitary inspectors to assist the health officers. A copy of the City of Auburn's "Health Officer" Ordinance, which includes these duties and offices, is linked above for reference.

Collaboration with Other Town Officials. Some violations may involve health standards as well as land use or other statutes and ordinances. In those cases, health officers will need to work in tandem with local CEOs, building inspectors, or plumbing inspectors.

Disposal of Animal Carcasses. Where a person leaves an animal carcass in a location where it may become a nuisance, that person shall promptly remove, bury or dispose of the carcass upon receipt of a notice from the local health officer. Failure to obey this notice in a timely fashion or in a satisfactory manner is punishable by a fine of \$10 to \$100 or by imprisonment of not more than 3 months. [22 M.R.S.A. § 1562](#).

Local Health Officers Manual; Information. The Maine CDC publishes a "Local Health Officers Online Training Handbook," the current edition of which is dated 2013. The Manual contains a summary of the primary duties, responsibilities, and public health concerns of the Local Health Officer in addition to a set of sample procedures, letters and forms which health officers can use/adapt in order to perform their duties. The manual also contains a directory of services and resources. For copies of the manual, see the above link or contact the Maine CDC at 287-4397.

CHAPTER 5

HEALTH AND SANITATION

SUBCHAPTER I - IN GENERAL

SECTIONS 5-101 THROUGH 5-102 (Reserved)

SECTION 5-103 CHIEF OF POLICE, HEALTH OFFICER TO ENFORCE

It shall be the duty of the Chief of Police or the health officer to cause the enforcement of the provisions of this Code relating to health and to prosecute any and all persons violating such provisions.

[Derivation: Section 11-3, 1973 Revised Code of Ordinances]

SECTION 5-104 (Reserved)

SECTION 5-105 HEALTH OFFICER TO BE APPOINTED; NOTICE OF APPOINTMENT

In accordance with the charter, the City Manager shall appoint a health officer, with the advice and consent of the Mayor and City Council.

The City Clerk shall notify the State Department of Human Services of the same, address and term of appointment of the person appointed health officer.

[Derivation: Section 11-5, 1973 Revised Code of Ordinances]

SECTION 5-106 (Reserved)

SECTION 5-107 (Reserved)

SECTION 5-108 (Reserved)

SECTION 5-109 HEALTH OFFICER'S DUTIES GENERALLY

The health officer shall perform those duties ascribed to him by state statute and by this Code.

[Derivation: Section 11-9, 1973 Revised Code of Ordinances]

SECTION 5-110 (Reserved)