



125th MAINE LEGISLATURE

FIRST REGULAR SESSION-2011

Legislative Document

No. 547

H.P. 430

House of Representatives, February 15, 2011

**Resolve, Directing the Maine Center for Disease Control and
Prevention To Conduct a Review of Public Health Nuisance Laws**

(EMERGENCY)

Reference to the Committee on Health and Human Services suggested and ordered printed.

A handwritten signature in cursive script that reads "Heather J.R. Priest".

HEATHER J.R. PRIEST
Clerk

Presented by Representative BERRY of Bowdoinham.

Cosponsored by Representatives: BICKFORD of Auburn, EVES of North Berwick, KESCHL of Belgrade, McCABE of Skowhegan, ROSEN of Bucksport, STRANG BURGESS of Cumberland, Senator: COLLINS of York.

1 **Emergency preamble.** Whereas, acts and resolves of the Legislature do not
2 become effective until 90 days after adjournment unless enacted as emergencies; and

3 **Whereas,** this legislation needs to take effect before the expiration of the 90-day
4 period in order to enable the stakeholder group created in this resolve to report in a timely
5 fashion; and

6 **Whereas,** in the judgment of the Legislature, these facts create an emergency within
7 the meaning of the Constitution of Maine and require the following legislation as
8 immediately necessary for the preservation of the public peace, health and safety; now,
9 therefore, be it

10 **Sec. 1. Review of public health nuisance laws. Resolved:** That the
11 Department of Health and Human Services, Maine Center for Disease Control and
12 Prevention shall examine the current public health nuisance laws and enforcement
13 procedures to determine if they are sufficient to protect the public. The department shall
14 assemble a group of relevant stakeholders, including but not limited to representatives of
15 public health organizations, municipal officials, Department of Environmental Protection
16 officials and affected members of the public. This stakeholder group shall review the
17 scope and coverage of current public health nuisance laws and the effectiveness of
18 existing public health nuisance law enforcement. The stakeholder group shall identify
19 gaps in or problems with current public health nuisance laws and the enforcement of
20 these laws and make recommendations for improvement, including any suggested
21 legislation, to the Joint Standing Committee on Health and Human Services by November
22 30, 2011. The Joint Standing Committee on Health and Human Services may submit a
23 bill on matters relating to the report of the stakeholder group to the Second Regular
24 Session of the 125th Legislature.

25 **Emergency clause.** In view of the emergency cited in the preamble, this
26 legislation takes effect when approved.

27 SUMMARY

28 This resolve directs the Department of Health and Human Services, Maine Center for
29 Disease Control and Prevention to examine the current public health nuisance laws and
30 enforcement procedures to determine if they are sufficient to protect the public. The
31 department is directed to convene a stakeholder group to identify problems with current
32 public health nuisance laws and the enforcement of those laws and make
33 recommendations for improvement to the Joint Standing Committee on Health and
34 Human Services by November 30, 2011.