

## Chart: Handling Specific LHO Situations

**Abbreviations:**

- **ACO:** Animal Control Officer
- **DHHS:** Department of Health and Human Services personnel
- **IFW:** Department of Inland Fisheries and Wildlife Professional Resource
- **LPI/CEO:** Local Plumbing Inspector or Code Enforcement Officer
- **MHB** Manufacturing Housing Board
- **PR** Third party contractor

<b>Problem</b>	<b>Title &amp; Section Reference</b>	<b>LHO</b>	<b>LPI or CEO</b>	<b>A C O</b>	<b>IFW</b>	<b>P R</b>	<b>M H B</b>	<b>D H H S</b>
Automobile junkyards	T30-A §3751	Lead	Assist					
Bathing beaches	T 22 § 461	Lead	Assist					
Cemeteries	T13 §1343	Lead	Assist					
Dangerous buildings	T17 §2851	Lead	Assist					
Landlord tenant issues - implied warranty and covenant of habitability	T14 §6021	Lead	Assist					
Malfunctioning sewage disposal systems	T30-A §3428	Assist	Lead					
Mobile home parks	T10 §9003	Assist				Lead	Lead	
Removal of dead animal	T22 §1562	Assist	Assist	Lead	Assist			
Removal of private nuisances	T22 §1561	Lead	Assist					
Removal of private nuisances that could be injurious to health	T 22 § 461	Lead	Assist					
Reporting adult abuse	T22 §3477	Assist						Lead
Reporting child abuse	T22 §4011	Assist						Lead
Unclean premises	T22 §1561	Lead	Assist					



John E. Baldacci, Governor

Brenda M. Harvey, Commissioner

Department of Health and Human Services  
Maine Center for Disease Control and Prevention  
286 Water Street  
# 11 State House Station  
Augusta, Maine 04333-0011  
Tel: (207) 287-8016  
Fax: (207) 287-9058; TTY: 1-800-606-0215

**Office of Local Public Health**  
**Fact Sheet: Local Health Officer Duties (3)**

## Local Health Officer Duties

### Likely Complaints

- Protect occupants in a "dangerous building." This is covered in T 17 M.R.S.A. §2851. Dangerous buildings. The statute authorizes the town to obtain a court order to require either abatement or demolition of the property.  
<http://janus.state.me.us/legis/statutes/17/title17sec2851.html>
- Inspect and examine any place or premises where filth or a public health threat may exist. This is covered under 22 MRSA §461. Notice to owner to clean premises; expenses on refusal. The law authorizes the LHO to have the premises cleaned at the expense of the owner, or may close the premises.  
<http://janus.state.me.us/legis/statutes/22/title22sec461.html>
- Removal of filth on property. This is covered by 22 M.R.S.A. §1561. Removal of private nuisance. This law authorizes the LHO, at the expense of the owner or occupant, to remove or discontinue the nuisance. If the owner or occupant or the person who caused it delays correction, that person is assessed \$300, in addition to having to repay the municipality for all expenses for the removal or discontinuance of the nuisance.  
<http://janus.state.me.us/legis/statutes/22/title22sec1561.pdf>
- Removal of dead animals (domesticated - such as cow, horse, fox, rat, etc., includes fowl). This is covered under T 22 M.R.S.A. §1562. Depositing of dead animal where nuisance. Unless there is a municipal ordinance, the only remedy is going to District court where the offender must be fined \$10 to \$100, or by imprisonment for not more than 3 months. NOTE: Undomesticated animals suspected of having rabies are dealt with by the Department of Inland Fish and Wildlife, unless the animal is a wolf hybrid, in which case the Animal Control Officer is responsible. Maine law, T 22 M.R.S.A. §1313-A is the associated law.  
<http://janus.state.me.us/legis/statutes/22/title22sec1562.pdf>
- Unlawful dumping. This is covered by T 30-A M.R.S.A. §3352. Prohibited dumping. Similar to the previous example, unless there is a municipal ordinance, the only remedy is going to District court where the offender must be fined \$10 to \$100. The municipality can recover all costs.  
<http://janus.state.me.us/legis/statutes/30-A/title30-Asec3352.html>
- Malfunctioning sewage system. This is covered by T 30-A M.R.S.A. §3428. Malfunctioning domestic wastewater disposal units; abatement of nuisance. Municipal Officials (generally the Local Plumbing Inspector with the assistance of the LHO) can either issue an abatement order or apply for a court order to require the owner to reimburse the town for repairs to the system.  
<http://janus.state.me.us/legis/statutes/30-A/title30-Asec3428.pdf>
- Landlord tenant issues. These issues are covered by T 14 M.R.S.A. §6021 which contains an "implied warranty" and "covenant of habitability". Remedies to these problems may sometimes be expedited by resolving it similarly to one of the other complaints already discussed, such as the dangerous building.  
<http://janus.state.me.us/legis/statutes/14/title14sec6021.html>

---

*Caring..Responsive..Well-Managed..We are DHHS.*

## LHO Complaint Flowchart

Refer to the flowchart below to help you follow logical steps in typical situations. The suggested timeframes are only examples. In very serious situations, you may simply go to court immediately and seek an injunction. In less serious situations, you may give the alleged offender five days to give you a rough plan of how he/she might correct the problem, with a 30 day follow-up after that.

*The length of time you may ask for corrective action varies and relates directly to how complex and how urgent the matter is.*

### Steps to Follow When Processing Reported Complaints and Situations

#### **Document**

Take notes of the call in a booklet designed for this purpose. Many times you can return to these notes and save time. If the complaint is about a third party, make sure you obtain all contact information including the name of the landlord, eating place, etc. Give the caller a date and time you anticipate following up by making an on-site visit. In many situations you can ask the caller to obtain further information. For example, maybe the landlord, neighbor, or whoever the complaint is about hasn't been contacted yet. This is an important first step.



#### **Verify**

Visit site of complaint to confirm the complaint. It is best to have someone accompany the LHO, someone who may also have a special skill to reinforce those of the LHO. For example, code enforcement officers or the local fire chiefs are good to have onsite, as they are familiar with the National Fire Protection Association Life Safety Code®. Remember to take photographs to document the situation – the more the better.



#### **Meet**

Discuss the problem with the owner or owner's representative. Since you will need to follow-up with a letter, you have to document what is said at the meeting. Ask probing questions to obtain information or intent that you can restate in the letter. If the complainant can be present that may be preferable – but that is the LHO's decision. Tell the owner you will be following up with a letter and will expect him/her to respond within a short time period as to what his/her intentions are.



## LHO Complaint Flowchart (continued)

### **Follow Up**

Call the owner after five days and ask what they are going to do. Do not accept an inexact response as a solution. You must receive sufficient supporting statements from the owner so you have a good feeling that the action(s) will be carried out. This is done by asking questions in more depth such as who, what, when, where, and why? Take notes. Tell the owner you will expect action in 30 days (or less depending upon the severity of the situation).



### **Get Support**

You must make sure you have the backing of the Board of Selectmen/Town Council/Mayor/City Manager. Eventually, an elected official will have to take responsibility for giving the LHO the authority to take action.



### **Check Status**

At the appointed time, contact the owner and determine the status of the corrective action. You should normally plan on someone else being with you to confirm everything said, and also to have another set of eyes for observation. Make sure that the owner understands that legal action will be taken if the problem isn't resolved.



### **Give Last Chance**

If the problem hasn't been properly addressed, it may be time to establish a last chance letter. After this, you will have to take further action. This may involve putting a lien on a property, going to court, committing the town to cleaning up the area and billing the owner.



### **Go to Court**

If all else fails, prepare to go to court. If there is nothing that you can do based on current law or ordinances, suggest to the complainant that he or she could individually take action at District Court.