



TOWN OF FREEPORT, MAINE  
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TO: Freeport Town Council  
FROM: Caroline Pelletier, Interim Town Manager  
RE: Local Health Officer  
DATE: Tuesday, April 25, 2023

Background: State law requires that “every municipality in the State to employ an official who is known as the Local Health Officer.” and “The requirement that all cities and towns have an LHO and that the LHO be appointed for a three-year period.” (see attached supporting documents from the State of Maine).

Most recently this position was held by the former Town Manager and upon his departure, the Town needs to designate a new Local Health Officer.

Section 512 of Chapter 2 – Administrative Code has the following requirement:

“SECTION 512 - HEALTH OFFICER

512.1 Establishment and Appointment There shall be a Health Officer appointed by the Town Manager, subject to confirmation by the Town Council.

512.2 Duties of Health Officer

1. Enforce all Ordinances containing provisions for the protection of public health.
2. Present reports to the Town Manager as may be required.”

Appointment: Upon notification of the vacancy, Fire/Rescue Chief Paul Conley came forward with a recommendation that Deputy Chief Scott Smith would be a good candidate to fill this role. Mr. Smith is interested in the position, has a medical background (Acute Care Nurse Practitioner (ACNP) and a Paramedic), and is willing to complete the training required by the State of Maine. Mr. Smith has been appointed by me as the Local Health Officer and confirmation by the Town Council is required.



## Local Health Officer

### Statutory Requirements

- **LHO Appointment:** towns, plantations, and municipalities need to appoint a qualified person to perform the mandatory duties of a Local Health Officer.
- **LHO Training:** towns, plantations, and municipalities need to assure that appointed LHO is getting the necessary training, which can be done through consultation with your Public Health District Liaison. The Local Health Officer Coordinator is developing a training program for 2023.

For more information on Local Health Officers, please consult our web page at  
<https://www.maine.gov/dhhs/mecdc/public-health-systems/lho/index.shtml>

For current Maine Statute on Local Health Officers, go to  
<http://legislature.maine.gov/legis/statutes/22/title22ch153sec0.html>

### Consultation and Technical Assistance

Please work with your Public Health District Liaison for technical assistance and consultation.  
See current contact information for District Liaisons.

Public Health District	Serving LHOs in these Counties	District Liaison Name	Contact Information
Aroostook	Aroostook	Stacy Boucher	<a href="mailto:stacy.boucher@maine.gov">stacy.boucher@maine.gov</a> 207-493-4087
Central	Kennebec and Somerset	Paula Thomson	<a href="mailto:paula.thomson@maine.gov">paula.thomson@maine.gov</a> 207-287-2613
Cumberland	Cumberland	Kristine Jenkins	<a href="mailto:kristine.l.jenkins@maine.gov">kristine.l.jenkins@maine.gov</a> 207-485-0541
Downeast	Hancock and Washington	Al May	<a href="mailto:alfred.may@maine.gov">alfred.may@maine.gov</a> 207-255-2017
Midcoast	Knox, Lincoln, Sagadahoc, and Waldo	Drexell White	<a href="mailto:drexell.r.white@maine.gov">drexell.r.white@maine.gov</a> 207-596-4278
Penquis	Penobscot and Piscataquis	Jessica Fogg	<a href="mailto:jessica.fogg@maine.gov">jessica.fogg@maine.gov</a> 207-561-4421
Western	Androscoggin, Franklin, and Oxford	Emily Theriault	<a href="mailto:emily.theriault@maine.gov">emily.theriault@maine.gov</a> 207-592-2968
York	York	Adam Hartwig	<a href="mailto:adam.hartwig@maine.gov">adam.hartwig@maine.gov</a> 207-490-4625



## Local Health Officer Responsibilities

**Appointment:** Maine law requires every municipality in the State to employ an official who is known as the Local Health Officer.

- The requirement that all cities and towns have an LHO and that the LHO be appointed for a three-year period.
- A municipal official or clerk must notify the department in writing of an LHO appointment.

**Duties:** Maine law provides the legal duties of an LHO, and from a practical sense, LHOs have five primary job roles:

- Overall health resource to the community,
- Mediator and problem-solver in the resolution of complaints,
- Investigator and enforcer of complaints that cannot be resolved,
- Reports to and informs the Board of Selectman/City Council on the community's public health status, and
- Reports to Maine CDC, DHHS on any perceived local public health threats.

**Incapacity or Absence of a Local Health Officer:** In the event of incapacity or absence of the Local Health Officer:

- Municipal officials shall appoint a person to act as Local Health Officer during such incapacity or absence.
- Failing such appointment, the chairman of the municipal officers (e.g., First Selectman) shall perform the duties of Local Health Officer until the regular Local Health Officer is returned to duty.

**Examples of Likely Complaints:** Examples of complaints that would typically be brought to the attention of an LHO are:

- Protect occupants in a "dangerous building."
- Inspect and examine any place or premises where filth or a public health threat may exist. *The law authorizes the LHO to have the premises to be cleaned at the expense of the owner or may close the premises.*
- Removal of filth on property. The law authorizes the LHO, at the expense of the owner or occupant, to remove or discontinue the nuisance.
- Removal of dead animals (domesticated - such as cow, horse, fox, rat, etc., includes fowl).
- Unlawful dumping.
- Malfunctioning sewage system. Municipal Officials (generally the Local Plumbing Inspector, with the assistance of the LHO) can remedy the problem and put a lien on the property or go to court.
- Landlord tenant issues. Involves "implied warranty" and "covenant of habitability".