

Section 3 I'm A New LHO

Statutes, Rules and Guidance Documents

Local health officer service has a long and proud history that began in 1885. Your role as an LHO is certainly an important position in protecting the health of Maine's people. [VIDEO](#)



<http://www.maine.gov/dhhs/mecdc/local-public-health/lho/training/New/New-1.html>

In this section we will cover:

- **The Law**
- **How to Read Maine Statutes**
- **State Agency Rules**
- **Guidance Documents**

This section also provides you with many resource materials. You do not have to memorize it as you read. The goal for you is to understand the basics, and establish a system for finding the information.

Section 3 should take approximately 90 minutes to read, process, and work on sample knowledge check.

3.1 The Law

The term “law” relates to a system of rules and guidelines made by a government’s legislators. Maine laws, rules, and guidance documents are tools that the LHO uses in performing his or her job. The key issue in investigating different complaints or problems is identifying which state statute is relevant to resolving a particular problem. Therefore, in resolving the problem, it is important to know how to research and



find the appropriate law or rule. *How Our Laws are made in Maine - Appendix -3-A*

3.2 Maine Law: How to Read Maine Statutes

A **statute** is a formal written law passed by the Maine legislative branch. Statutes provide a general system of law that can be used in the resolution of specific situations.

A statute can prohibit a certain act, direct a certain act, make a statement, or lay down



governmental processes and procedures to help society.

Statutes are assembled by volumes and published in book form as part of a **code**, and are available electronically.

Generally, statutes are organized by subject matter and are referred to as **codified law**. On the other hand, local statutes or "laws" are usually called "ordinances." Regulations, rulings, opinions, executive orders, and proclamations are not statutes.

Typically, a state has several types of codes, such as civil codes (laws related to domestic violence, divorce), criminal codes (murder, theft), welfare code (which contains laws related to public benefits), and many other codes dealing with a wide variety of topics. Statutes and Rules are updated annually, repealed, or allowed to expire.

The **title** of a law ordinarily starts-off with a broad subject heading that gives a concise summary of its contents, such as "An act for the prevention of the abuse of narcotics."

Other statutes are given titles that briefly describe the subject matter, such as the "Americans with Disabilities Act."

The main parts of the Maine statutory provisions consist of these elements:

1. The title number followed by a space and "M.R.S.A." for (Maine Revised Statutes Annotated) Health and Welfare - **Title 22 M.R.S.A.**
2. The section (a piece of the law) number preceded by the section symbol (§) and no space. Example- Title 22 M.R.S.A. **§451**
3. The subsection that deals with the issue, for example-Title 22 MRSA **§451(4)**

How to Read a Statute and Diagram of how to read a statute - Appendix – 3-B

An example of a Maine Statute: Title 22 M.R.S.A. refers to Health and Welfare; Title 22-A M.R.S.A. refers to Department of Health and Human Services; Title 30-A M.R.S.A. refers to Municipalities and Counties. If you are given the title and section numbers, you will be able to locate the law.

Important: Statute Titles

- Have no punctuation separating these elements.
- Nothing is italicized or underlined.

This section also provides you with many resource materials. You do not have to memorize it as you read. The goal for you is to understand the basics and establish a system where to find the information.

3.3 State Agency Rules

Rules and guidelines are issued and enforced by government agencies to control



behavior or standards for activities. Regulation is an administrative ruling or directive that either establishes or limits your rights and allocates responsibilities. The Code of Maine Rules (CMR), are arranged by unique numbers that identify the department, departmental unit, and chapter. Rules Governing Qualifications of

Local Health Officers **Maine CDC rules (10-144 CMR Ch. 294) Appendix-3- C**

3.4 Guidance Documents

The term “**guidance document**” does not have a clear legal definition. Guidance documents are not usually enforceable rules or requirements by themselves. Guidance documents are written guidelines/explanations which provide broad advice in following a procedure or process, instead of providing a set of precise requirements or standards. They usually are used to explain the objective or interpretation of a vague or non-specific law or requirement.

An important guidance document is Maine CDC Health Alerts. Health Alerts are informational and are sent to keep LHOs updated on priority public health issues in Maine. This health alert information is emailed or faxed to all LHO. An explanation of the Health Alert Network (HAN) alerts can be found in the introduction section of this manual.

Sample Knowledge Check # 1

Multiple choice

What are the likely job roles an LHO may perform?

- A) Reports community's public health status to municipal government and Maine Center for Disease Control and Prevention
- B) Investigates and enforces public health threats
- C) Testify in court
- D) Mediate and solve public health problems
- E) All of the above

Question 1 of 3

Matching

Indicate which of the following formats refers to a law or a regulation.

A) Title 22 §451 M.R.S.A.	A) <input type="text"/>
B) 10-144 CMR 201	B) <input type="text"/>
C) T 4 section 179	C) <input type="text"/>
D) 01-015 CMR Ch. 1	D) <input type="text"/>

Question 2 of 3

Multiple choice

In the event of incapacity or absence of the local health officer, who shall perform the duties of the health officer?

- A) CEO
- B) Municipal Officer
- C) Plumbing Inspector
- D) Animal Control Officer

Question 3 of 3