

MAINE STATE LEGISLATURE

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SIXTY-FIRST LEGISLATURE.

HOUSE.

No. 177.

[NEW DRAFT.]

STATE OF MAINE.

IN THE YEAR OF OUR LORD ONE THOUSAND EIGHT HUNDRED AND
EIGHTY-THREE.

AN ACT to provide for the registration of all prac-
titioners of medicine and surgery.

*Be it enacted by the Senate and House of Representatives
in Legislature assembled, as follows:*

SECTION 1. Every person practicing medicine
2 or surgery in any department shall possess
3 the qualifications required by this act; and any
4 person shall be regarded as practicing medicine
5 within the meaning of this act, who shall profess
6 or advertise publicly to be a physician, or prescribe
7 for sick persons, or who shall take the title of
8 doctor, or append to his or her name the letters
9 "M. D."; but this act does not prohibit students
10 of medicine from prescribing for the sick under

11 the supervision of a preceptor, or prohibit medical
12 services by any one in emergencies, or any of the
13 ordinary duties of nurses, including midwifery,
14 attendance by midwives not otherwise practicing,
15 or the use of electricity or so called magnetism or
16 massage, by laymen, or the business of druggists
17 and apothecaries as ordinarily pursued, or the prac-
18 tice of dentistry in all its departments, or the
19 practice of veterinary surgery, or the services of
20 commissioned surgeons of the United States army
21 or navy.

SECT. 2. Every person practicing medicine or
2 surgery shall cause himself or herself to be reg-
3 istered as hereinafter provided.

SECT. 3. A board of registration shall be formed,
2 to be known as "The Maine Board of Medical
3 Registration," which shall consist of five members,
4 two to be appointed by the Maine Medical Associ-
5 ation, one by the Maine Homeopathic Medical
6 Society, one by the Maine Eclectic Medical
7 Society and one by the trustees of the Medical
8 School of Maine, all of which members shall be
9 qualified to register under this act; and their term
10 of office shall be five years and until successors
11 are chosen, except that the board shall at first be

12 so organized, by lot, that one member shall hold
13 office one year, one two years, one three years, one
14 four years and one five years; and whenever a
15 vacancy occurs, it shall be filled by the body orig-
16 inally appointing to the place made vacant. In
17 case of failure of any party entitled to make such
18 appointment to comply in so making the same
19 within three months, the governor and council
20 shall fill the vacancy at their next following meet-
21 ing after being duly notified by the registra of the
22 board.

SECT. 4. The members chosen as aforesaid shall
2 meet on or before the third Tuesday of July, one
3 thousand eight hundred and eighty-three, and
4 organize by electing a president, a registra who
5 shall be clerk of the board, a treasurer who shall
6 receive and pay out all moneys under the direction
7 of the board, and such other officers as may be
8 necessary. The president may administer oaths,
9 and the board may take sworn testimony in all
10 matters relating to registration. Meetings of the
11 board shall be held at least twice in each year, and
12 as often as its business requires; notice of which
13 shall be given through the public print at least four
14 weeks previous to such meetings. It shall provide

15 such books and blanks as may be necessary and
16 shall have a seal. A majority of the board shall
17 constitute a quorum, and less than a quorum shall
18 not authorize the registration of any person or the
19 grant of any certificate of registration.

SECT. 5 The board shall inquire into the qualifi-
2 cations of all applicants for registration under this
3 act, and record in the register the names, resi-
4 dences and qualifications, whether as shown by
5 diploma, license to practice, examination by the
6 board or otherwise, of all persons entitled to regis-
7 tration, with the names of the medical colleges or
8 institutions conferring such diplomas or licenses to
9 practice, and the dates when conferred, and such
10 other facts as shall be deemed necessary, also make
11 and keep a full record of all its transactions, and
12 furnish annually on or before the first day of
13 December to the clerk of the supreme judicial court
14 of each county within this state a complete list of
15 all persons registered, to be kept on file in his office,
16 and also furnish to the governor and council,
17 through the secretary of state such a list with a
18 full report of the transactions and financial affairs
19 of the board.

SECT. 6. The standard of medical education by
2 this act shall be equal to that of the medical school
3 of Maine, except that materia medica and medicinal
4 therapeutices shall in no way be regarded in deter-
5 mining any person's qualifications for registration.

SECT. 7. Every person in good moral standing,
2 having received in good faith and without fraud, a
3 medical diploma or license to practice from a legally
4 chartered medical college or institution whose
5 standard of qualifications is such as prescribed in
6 section six of this act shall be entitled to registra-
7 tion on presenting to the board in person, by letter
8 or by proxy, such medical diploma or licenses to
9 practice, or satisfactory evidence of its having been
10 granted him or her, and of the genuineness of the
11 same, with three dollars in payment for registration
12 to be receipted for by the treasurer of the board.
13 Every person not having received such diploma or
14 license to practice as aforesaid shall be entitled to
15 registration on payment of ten dollars to the
16 treasurer of the board, producing satisfactory evi-
17 dence of good moral character and passing a satis-
18 factory examination, oral or written, in whole or in
19 part, before the board; the standard of qualification
20 being that named in section six of this act. Any

21 person who shall have been in the continuous prac-
22 tice of medicine in this state ten years prior to the
23 passage of this act without having received a
24 diploma or license to practice as mentioned in this
25 act shall be entitled to registration on payment of
26 three dollars to the treasurer of the board, produc-
27 ing satisfactory evidence of good moral character
28 and of such time of actual practice in this state.
29 Any person who shall have been in the continuous
30 practice of medicine in this state for seven years
31 prior to the passage of this act shall be allowed to
32 register conditionally, on payment of three dollars
33 to the treasurer of the board, producing satisfac-
34 tory evidence of good moral character and of such
35 seven years' continuous practice in this state; and
36 the condition shall be that if he or she shall not
37 fully qualify to practice by receiving a diploma or
38 license to practice, or pass a satisfactory examina-
39 tion before the board as herein provided, within
40 three years from the passage of this act, then his
41 or her name shall be stricken from the register,
42 and the conditional certificate of registration
43 shall be revoked. In every case the register and
44 the certificate of registration shall set forth the
45 ground of qualification of the person registering.

SECT. 8. Nothing in this act shall prevent any
2 physician or surgeon legally qualified to practice
3 in the state where he or she resides, from practic-
4 ing in this state; but any person who shall open
5 an office for practice, or appoint any place in this
6 state where he or she shall receive calls or meet
7 patients for medical or surgical treatment, or who
8 shall travel from place to place to treat patients,
9 shall conform to the provisions of this act.

SECT. 9. The board may refuse registration and
2 certificates of registration to persons guilty of
3 dishonorable or criminal conduct, and may revoke
4 certificates for like offences.

SECT. 10. The board shall have the power to
2 establish all necessary rules and regulations for
3 government of its business, prescribe reasonable
4 compensation for its several officers and members,
5 and require of the treasurer such bonds running
6 to the president as it shall deem sufficient.

SECT. 11. Any person practicing medicine or
2 surgery or any branches of the same in neglect of
3 registration or without complying with this act shall
4 forfeit not less than one hundred dollars nor more
5 than three hundred dollars, one-half to the county
6 and one-half to the treasury of the board of regis-

7 tration, or be imprisoned for not less than thirty
8 days nor more than six months, or both, for each
9 and every such offence, to be recovered by indict-
10 ment or action of debt in the name of the informer;
11 and any person presenting or offering to present in
12 his own name the diploma or license to practice of
13 another person, or any forged certificate of identi-
14 fication by which to procure registration shall be
15 guilty of forgery and punished as provided in
16 section one, chapter one hundred and twenty-one
17 of the revised statutes.

SECT. 12. This act shall take effect on the first
2 day of September, one thousand eight hundred and
3 eighty-three, except that the members of the board
4 of registration shall be elected and the board
5 organized on or before the third Tuesday in July,
6 one thousand eight hundred and eighty-three.

SECT. 13. All acts or parts of acts inconsistent
2 with this act are hereby repealed.

STATE OF MAINE.

IN HOUSE OF REPRESENTATIVES, }
March 3, 1883. }

Reported by Mr. MOORE, from Committee on Legal Affairs, and
ordered printed.

ORAMANDAL SMITH, *Clerk.*