

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

OF THE

SIXTY-EIGHTH LEGISLATURE

OF THE

STATE OF MAINE

1897

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PUBLIC LAWS
OF THE
STATE OF MAINE.

1897.

Chapter 324.

An Act to prevent incompetent persons from conducting the business of Apothecaries.

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

Sect. 1. From and after the passage of this act, it shall not be lawful for any person, within the limits of this state to conduct the business of an apothecary, or any part thereof, except as hereinafter provided.

Business of apothecaries, regulated.

Sect. 2. The governor, with the advice and consent of the council shall appoint three suitable persons to be commissioners of pharmacy, one commissioner to be appointed as the term of each of those now holding office shall expire, to hold office for the term of three years, unless removed for cause, and until a successor is appointed and qualified. If a vacancy occurs in said commission another shall be appointed as aforesaid, to fill the unexpired term thereof. Before entering on the duties of their office, the commissioners shall be sworn to faithfully and impartially discharge the same, and a record shall be made thereof on their commission. Said commissioners shall make a report of their proceedings annually to the governor and council, who shall cause such a number of said reports to be printed as they deem necessary.

Commissioners of pharmacy, appointment of.

—tenure.

—vacancies, how filled.

—to be sworn.

—report of.

Sect. 3. Said commissioners shall examine any person who desires to carry on the business of an apothecary, and if he be found skilled in pharmacy, shall give him a certificate of that fact and that he is authorized to engage in the business of an apothecary, and such certificate must be signed by at least two commissioners. They shall register in a suitable book, to be kept in the office of the secretary of state, the name and place of residence of all to whom they issue certificates, and the date thereof. All certificates issued under the provisions of this act shall be kept constantly displayed, in a conspicuous place, in the store or shop of the persons to whom the same were issued.

Powers and duties.

Sect. 4. Every person not now registered, hereafter entering on the business of an apothecary, shall be examined by said commissioners, and shall present to them satisfactory evidence that he has been an apprentice, or employed in an apothecary store where physicians' prescriptions are compounded, at least three years; or has graduated from some regularly incorporated medical college or college of pharmacy, and is competent for the

Shall examine apothecaries entering business.

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business; and the commissioners may then grant him a certificate and registry as hereinbefore provided; but only one of the partners in a firm need be a registered druggist, provided, the partner who compounds medicines be registered.

Fees.

Sect. 5. For each examination under the provisions of this act, the commissioners shall be entitled to receive from the person examined ten dollars, except as hereinafter provided, which shall be in full for all services and expenses. In case the result of the examination is unsatisfactory, and no certificate is granted, the applicant shall have the right to another examination without charge after an interval of two months, and within twelve months after the date of his first examination.

—rejected applicant may be reexamined.

Certificates of two grades may be issued.

Sect. 6. Certificates of two grades or kinds may be issued, whereof one shall declare that the holder is skilled in pharmacy as in section four of this act, and the other kind which after the examination of the applicants therefor, may be issued to such as shall not be less than eighteen years of age and who have passed the junior year in a college of pharmacy or a college having a department of pharmacy or served two full years in an apothecary store where physicians' prescriptions are compounded, shall declare that the holder is a qualified assistant and is qualified to take charge of the business of an apothecary, during the temporary absence of the registered apothecary, and the fee for such assistant's examination shall be five dollars. A permit may also be granted upon written application to said commissioners, to storekeepers in towns or villages where there is no apothecary store, to sell the usual medicines and poisons used as home remedies and for the necessary agricultural purposes, and for such permit a fee of one dollar shall be charged payable to said commissioners; but such storekeepers shall satisfy the commissioners of their fitness to keep and sell such medicines and poisons.

—fee.

—store keepers, where is no apothecary, be permitted to sell usual home remedies, etc.

Sale of medicines, etc., and compounding prescriptions, unlawful, unless under control of registered apothecary.

Sect. 7. It shall not be lawful for any store to be kept open for the sale of medicines or poisons, or for compounding physicians' prescriptions, nor shall drugs or such medicines be exposed or displayed for sale in any such store, unless the same is placed and kept under the personal control and supervision of a registered apothecary or qualified assistant, but such store may be under the charge of a qualified assistant during the temporary absence of such registered apothecary.

Penalty for violation of this act.

Sect. 8. If any person shall hereafter engage in or be found in charge of or carrying on the business of apothecary con-

trary to the provisions of this act, he shall upon indictment and conviction be subject to a penalty of fifty dollars per month for the first offense, and one hundred dollars per month for each and every subsequent offense, whether for continuance in said business or for engaging anew therein in violation of the provisions of this act. It is hereby made the duty of the county attorney in each county, upon complaint made by any one of said commissioners, to prosecute all violations of the provisions of this act. The treasurer of each county shall pay to the treasurer of the law library association of his county for the use and benefit of the county law library, twenty per cent of all fines actually paid into the county treasury for the violation of the provisions of this act.

—how prosecuted.

—how fines shall be disposed of.

Sect. 9. The provisions of this act shall apply in the cases of women who shall hereafter enter upon and carry on the business of apothecaries.

Applicable to women, doing business as apothecaries.

Sect. 10. This act shall not apply in the case of physicians who prepare and dispense their own medicines, nor to the sale of proprietary preparations, nor to any person legally authorized to engage in the apothecary business previous to the passage of this act, nor to registered physicians who reside in towns where there is no drug store.

Not applicable to physicians.

Sect. 11. All acts and parts of acts, inconsistent with this act, are hereby repealed.

Inconsistent acts, repealed.

Sect. 12. Any person may enter upon the business of an apothecary without the certificate required by the foregoing act; provided he does not personally do the duties of an apothecary, but employs a duly registered apothecary who has sole charge of compounding, putting up and dispensing medicines and drugs under the provisions of this act.

Any person may do business without certificate, if he employs registered apothecary.

Sect. 13. The word apothecary as used in this act, shall not include persons who do not compound medicines, put up prescriptions or sell poisons.

Apothecary, defined.

Sect. 14. This act shall take effect when approved.

Approved March 27, 1897.