

MAINE STATE LEGISLATURE

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CHAPTER 18.

Practice of Medicine, Surgery, Dentistry and Optometry.

- Sections 1-8 Promotion of Medical Education.
 Sections 9-17 Registration of Physicians and Surgeons.
 Sections 18-23 Registration of Nurses.
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Promotion of Medical Education.

Sec. 1. A body may be delivered to physician, for scientific purposes. **R. S. c. 17, § 1.** If any resident of the state, requests or consents that after his death, his body may be delivered to a regular physician or surgeon, for the advancement of anatomical science, it may be used for that purpose, unless some kindred or family connection makes objection.

Sec. 2. Board constituted for collection, distribution and delivery of dead human bodies; its authority and duties. **R. S. c. 17, § 2.** The professors of anatomy, the professors of surgery and the demonstrators of anatomy in the medical schools of the state, which are now or may hereafter become incorporated by act of the legislature, shall be and are hereby constituted a board for the collection, distribution and delivery of dead human bodies hereinafter described, to and among such persons as under the provisions of this chapter are entitled thereto. The said board shall have full power to establish rules and regulations for its government, and to appoint and remove officers, and shall keep full and complete minutes of its transactions, and records shall also be kept under its direction of all bodies received and distributed by said board, and of the persons to whom the same are distributed, which minutes and records shall be open at all times to the inspection of each member of said board, the attorney-general and the county attorney of any county within the state.

Sec. 3. Board of distribution shall be notified of deaths occurring in almshouses, prisons, etc.; notice not given if body is claimed by family. Superintendents and medical staff of insane hospitals authorized to hold autopsies. **R. S. c. 17, § 3. 1911, c. 187.** All public officers, agents and servants of any and every county, city, town and other municipality, and of any and every almshouse, prison, morgue, hospital or any other public institution having charge or control over dead human bodies required to be buried at the public expense, are hereby required to notify immediately the said board of distribution, or such person or persons as may from time to time be designated by said board, or its duly authorized officer or agent, whenever any such body or bodies come into his or their possession, charge or control, and shall, without fee or reward, deliver such body or bodies to said board, or its duly authorized officer or agent, and permit

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and suffer the said board or its agents, or the physicians and surgeons from time to time designated by it or them, who comply with the provisions of this chapter, to take and remove any and all such bodies to be used within the state for the advancement of medical education; but no such notice need be given and no such body shall be delivered, if any person, satisfying the authorities in charge of said body that he or she is a member of the family or next of kin to the deceased, shall claim the body for burial, but it shall be surrendered to him or her for interment, and no notice shall be given and no body delivered to said board or its agents, if such deceased person was a traveler and not a vagabond, who died suddenly, in which case the said body shall be buried; provided, however, that the superintendent and medical staff of the Augusta State Hospital, and the superintendent and medical staff of the Bangor State Hospital, having charge or control over dead human bodies required to be buried at public expense, when no person satisfies the superintendent of either insane hospital and the hospital trustees that he or she is a member of the family of, or some family connection or next of kin to the deceased, and wishes to claim the body for burial, may for the advancement of science hold an autopsy and examine the body of such person, notwithstanding any provisions of this chapter.

110 Me. 393.

Sec. 4. Distribution of bodies. R. S. c. 17, § 4. Said board or its duly authorized agent may take and receive such bodies, so delivered as aforesaid, and shall upon receiving them after seven days from the date of decease distribute and deliver them to or among the schools, physicians and surgeons aforesaid in the following manner. Those schools needing bodies for lectures and demonstrations shall first be supplied as fast as practicable, the number assigned to each to be based upon the number of students in actual attendance, which number shall be returned to the board at such times as it shall direct. The board of distribution may from time to time designate physicians or surgeons who shall receive said bodies, applications to be considered in the order of their receipt by said board.

Sec. 5. Bodies shall be enclosed from public view; carriers shall obtain receipts. R. S. c. 17, § 5. The said board may employ a carrier or carriers for the conveyance of said bodies, and the said bodies shall be well enclosed within a suitable encasement, and carefully deposited free from public observation. Said carrier shall obtain receipts by name, or, if the deceased is unknown, by a description, for each body delivered by him, which receipt shall state the source from which said body was received, and shall deposit said receipts with the secretary of said board.

Sec. 6. School or persons receiving such bodies, shall give bond for proper disposal of same; duty of treasurer of state; penalty for trafficking in dead bodies outside of the state. R. S. c. 17, § 6. No school, physician or surgeon shall be allowed or permitted to receive any such body or bodies until a bond shall be given to the treasurer of state by such physician or surgeon, or by and in behalf of such school, to be approved by a justice of a court of record in and for the county in which such physician or surgeon resides, or in which such school is situated; such bond shall be in the

penal sum of one thousand dollars, conditioned that all such bodies which the said physician or surgeon, or the said school shall receive thereafter shall be used only for the promotion of medical education within the state, and, when no longer needed for such educational purposes, shall be decently buried; said bond shall be examined annually in the month of December, by the treasurer of state, and he shall certify in writing upon each bond in his possession, his approval of the same; in case any bond is not approved by him, he shall immediately notify the party giving the same, who shall forthwith file a new bond as hereinbefore provided; whosoever shall sell or buy such body or bodies, or in any way traffic in the same, or shall transmit or convey such body or bodies to any place outside of the state, or cause the same to be done, shall be liable to a fine not exceeding two hundred dollars, or to imprisonment for not more than one year.

Sec. 7. Expenses, how paid. R. S. c. 17, § 7. Neither the state nor any county or municipality, nor any officer, agent or servant thereof, shall be at any expense by reason of the delivery or distribution of any such body, but all the expenses thereof, and of said board of distribution, shall be paid by those receiving the bodies, in such manner as shall be specified by said board of distribution.

Sec. 8. Fine for neglect to discharge duties. R. S. c. 17, § 8. Any person having duties enjoined upon him by the provisions of the six preceding sections, who shall neglect, refuse or omit to perform the same as required by the provisions of said sections, shall, on conviction thereof, be liable to a fine of not less than one hundred, nor more than five hundred dollars for each offense.

Registration of Physicians and Surgeons.

Sec. 9. Appointment of board of registration of medicine; vacancies; removal of members. R. S. c. 17, § 9. 1909, c. 239. The governor with the advice and consent of the council, shall appoint a board of registration of medicine consisting of six persons, residents in the state, who shall be graduates of a legally chartered medical college or university having authority to confer degrees in medicine, and who shall have been actively engaged in the practice of their profession for a period of five years. Two persons qualified as aforesaid, shall be appointed members of said board on or before the first day of July of every alternate year after the first day of July, eighteen hundred and ninety-five, to hold office for six years from the first day of July following said appointment. No member of said board shall belong to the faculty of any medical college or university. Any vacancy in said board shall be filled by the appointment of a person, qualified as aforesaid, to hold office during the unexpired term of the member whose place he fills. Any member of said board may be removed from office for cause, by the governor, with the advice and consent of the council.

See c. 117, §§ 54, 55.

Sec. 10. Meetings for choice of officers; regular meetings; seal. R. S. c. 17, § 10. 1915, c. 275, § 2. The members of said board shall meet on the second Tuesday of July of each alternate year after the year eighteen hundred and ninety-five, at such time and place as they may determine,

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and shall elect a chairman and secretary who shall hold their respective offices for the term of two years. The said board shall hold regular meetings, one in March, one in July and one in November of each year, and such additional meetings at such times and places as it may determine. Said board shall cause a seal to be engraved and shall keep correct records of all its proceedings, and may make such minor rules and regulations as it shall deem necessary for the successful enforcement of its authority and the performance of its duties.

Sec. 11. Registration of physicians and surgeons; disposal of fees. R. S. c. 17, § 11. 1911, c. 31, § 1. Any person shall, upon the payment of a fee of fifteen dollars, be entitled to examination, and if found qualified by a majority of the members of the board present shall be registered as a physician or surgeon, and shall receive a certificate thereof under the seal of the board, and signed by the chairman and secretary, which shall state the facts and must be publicly displayed at the person's principal place of business as long as said person continues such practice for gain or hire. Any person refused registration may be re-examined at the regular meeting of said board, within two years of the time of such refusal, without additional fee and thereafter may be examined as often as he may desire upon payment of the fee of fifteen dollars for each examination. All fees received by the board hereunder shall be paid by the secretary thereof into the treasury of the state once in each month.

Sec. 12. All applicants shall be examined for registration; qualifications of applicants; conduct of examinations; rules for reciprocity of licensure with boards of other states. R. S. c. 17, § 12. 1911, c. 31, § 2. The board shall examine all applicants for registration as licensed physicians or surgeons. Each applicant shall, at least seven days before the date of his examination, present to the secretary of the board an application under oath or affirmation, containing satisfactory proof that said applicant is twenty-one years of age, of good moral character and a graduate of some reputable medical school or college in good standing, having power to confer degrees in medicine, and maintaining a standard of preliminary education and of medical instruction approved by the board, which said standard shall at least require that the applicant for admission to said medical school or college shall present to said school or college, before beginning the study of medicine therein, the diploma of a high school or equivalent school having a course of study requiring an attendance through four school years, or a certificate of having passed a satisfactory examination before the state superintendent of schools, or like state officer, in the studies embraced in the curriculum of such high school or other equivalent school. He shall also present such other facts as the board in its blank application may require, and must pay the fees provided in the preceding section. Examinations shall be in whole or in part in writing and shall be of a thorough and practical character. They shall embrace the general subjects of anatomy, physiology, pathology, bacteriology, sanitation, chemistry, materia medica and therapeutics, surgery, the principles and practice of medicine, obstetrics, and such branches of medical science as the board may deem necessary for the applicant to be versed in. The board may make such

rules and regulations as may be necessary for reciprocity of licensure with the boards of other states which maintain a standard of education at least equal to their own; but no such rules shall become operative until they have been approved by a justice of the supreme judicial court.

Sec. 13. Record kept which shall be open to inspection; annual report. R. S. c. 17, § 13. The board shall keep a record of the names and residences of all persons registered hereunder and a record of all moneys received and disbursed by said board, and said records or duplicates thereof shall always be open to inspection in the office of the secretary of state during regular office hours. Said board shall annually on or before the first day of January in each year, make a report to the governor containing a full and complete account of all its official acts during the preceding year, also a statement of its receipts and disbursements and such comments or suggestions as it may deem essential.

Sec. 14. Investigation of complaints; certificates may be revoked. R. S. c. 17, § 14. 1911, c. 31, § 3. The board, its members or agents shall investigate all complaints, and all cases of non-compliance with or violation of the provisions of this chapter relating to the registration of physicians and surgeons, and shall bring all such cases to the notice of the proper prosecuting officers. Said board, after a conviction before a proper court, for crime in the course of professional business, of any person to whom a certificate has been issued by them, and after hearing, may by vote of two-thirds of the entire board revoke the certificate and cancel the registration of the person to whom the same was issued. Said board may also suspend or revoke any certificate by a two-thirds vote of the entire board, in any case where such certificate has been wrongfully obtained or for any fraud connected with the said registration.

Sec. 15. No person shall practice medicine who has not been registered; unless registered shall not use title; penalty for violation; prima facie evidence. R. S. c. 17, § 15. 1911, c. 31, § 4. Unless duly registered by said board, no person shall practice medicine or surgery, or any branch thereof, or hold himself out to practice medicine or surgery or any branch thereof for gain or hire within the state, by diagnosing, relieving in any degree, or curing, or professing or attempting, to diagnose, relieve or cure, any human disease, ailment, defect or complaint, whether physical or mental, or of physical or mental origin, by attendance, or by advice, or by prescribing, or furnishing any drug, medicine, appliance, manipulation, method, or any therapeutic agent whatsoever or in any other manner, unless otherwise provided by statute of this state. Unless duly registered by said board, no person shall prefix the title "Doctor" or the letters "Dr.," or append the letters "M. D.," to his name, or use the title of doctor or physician in any way, excepting that any member of the Maine Osteopathic Association may prefix the title "Doctor" or the letters "Dr.," to his name, when accompanied by the word "Osteopath." Whoever not being duly registered by said board practices medicine or surgery, or any branch thereof, or holds himself out to practice medicine or surgery, or any branch thereof in any of the ways aforesaid, or who uses the title "Doctor" or the letters "Dr." or the letters "M. D." in connection with his name, contrary to the pro-

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visions of this section, shall be punished by a fine of not less than one hundred, nor more than five hundred dollars for each offense, or by imprisonment for three months, or by both fine and imprisonment; the prefixing of the title "Doctor" or the letters "Dr." or the appending of the letters "M. D." by any person to his name, or the use of the title of doctor or physician in any way by any person not duly registered as hereinbefore described, shall be prima facie evidence that said person is holding himself out to practice medicine or surgery contrary to the provisions of this section; provided, that nothing herein contained shall prevent any person who has received the doctor's degree from any reputable college or university, other than the degree of "Doctor of Medicine" from prefixing the letters "Dr." to his name, if he is not engaged, and does not engage, in the practice of medicine or surgery, or the treatment of any disease or human ailment.

77 Me. 334; 96 Me. 257.

Sec. 16. Certain officers, physicians, exempt. R. S. c. 17, § 16. 1911, c. 31, § 5. The seven preceding sections shall not apply to commissioned officers of the United States army, navy or marine hospital service, or to a physician or surgeon who is called from another state to treat a particular case and who does not otherwise practice in this state, nor to prohibit gratuitous service or the rendering of assistance in emergency cases; nor to clairvoyants or persons practicing hypnotism, magnetic healing, mind cure, massage, christian science, osteopathy, or any other method of healing or prescribing, if no poisonous or dangerous drugs are employed nor surgical operations performed; provided, such clairvoyants and other persons do not violate any of the provisions of the preceding section in relation to the use of "M. D.," "Dr.," or the title of doctor or physician.

96 Me. 259.

Sec. 17. Compensation and traveling expenses of board. R. S. c. 17, § 17. 1905, c. 54. 1911, c. 31, § 6. The compensation, incidental and traveling expenses of the board shall be approved by the board, audited by the state auditor, and paid from the state treasury, provided, that the amounts so paid shall not exceed the amount received by the treasurer of state from the board in fees as herein specified, and so much of said receipts as may be necessary is hereby appropriated for the compensation and expenses of the board as aforesaid.

See c. 117, § 54.

Registration of Nurses.

Sec. 18. Appointment of board of registration of nurses; qualifications of members; tenure of office; vacancies; removal of members. 1915, c. 139, § 1. The governor with the advice and consent of the council, shall appoint a board of registration of nurses, consisting of four nurses and one physician, all of whom shall be residents of the state and engaged in professional work. The nurses so appointed shall have been graduated each from a different training school, connected with a hospital of good standing, presided over by a graduate nurse, giving at least a two years' general course in theory and practice of nursing in the wards, and shall have had at least

five years' experience from date of graduation in professional nursing of the sick, and shall have been registered under the provisions of section twenty or twenty-one of this chapter. The physician so appointed shall have been graduated at least five years, shall be a member of the Maine Medical Association, and shall be associated with a general hospital maintaining a training school for nurses. There shall be at all times at least two members of the board who shall have had two or more years' experience in educational work among nurses. The members of the board shall be appointed for terms of three years. Any vacancy in said board shall be filled by the appointment of a person, qualified as aforesaid, to hold office during the unexpired term of the member whose place he or she fills; any member may be removed from office for cause, by the governor, with the advice and consent of the council. On request of the board the superintendent of public buildings shall provide a suitable room in the state house for its meetings.

See c. 117, §§ 54, 55.

Sec. 19. Organization of board; quorum; records; duty of secretary as to renewal of certificates of registration; annual report. 1915, c. 139, §§ 2, 8. The board shall, at each annual meeting, elect from its number a president, and a secretary who shall also be treasurer. The board may adopt a seal and pin, which shall be placed in the care of the secretary, and may adopt such by-laws, rules and regulations for the transaction of the business of the board and the government and management of its affairs, not inconsistent with the laws of this state and of the United States, as it may deem expedient. Three members of said board shall constitute a quorum; special meetings shall be called upon request of any two members. The secretary shall keep a record of all meetings of the board, including a register of the names of all nurses duly registered under sections twenty and twenty-one, which shall be open to the public at all reasonable times; he shall furnish a certificate of registration to each of such nurses, which may be renewed at the expiration of five years, upon payment of one dollar to the secretary of the board; the applicant for renewal of a certificate shall give at least three months' notice, by registered letter, of the expiration of said certificate, and shall submit an affidavit showing his or her identity. The board shall submit to the governor on or before the first day of January in each year, a general statement of the work of the board for the year preceding; including therein a statement of the number of applicants received during the year, the number approved, and the number rejected.

Sec. 20. Time of examinations fixed; notice; eligibility for examination; subjects in which applicants shall be examined. 1915, c. 139, § 4. At each annual meeting and at such special meetings as said board may deem necessary to hold for that purpose, the board shall examine all applicants for registration, to determine their qualifications for the efficient nursing of the sick, and shall decide upon the qualifications of every such applicant and give notice of their decision within three months from the date of such examination. Notice of each meeting, whether annual or special, shall be given by publication at least one month previous to each meeting in such

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newspapers and nursing journals as the board may determine. Application for registration shall be made upon blanks furnished by the board and shall be signed and sworn to by applicant. Any person twenty-one years of age or over, and of good moral character, who shall show to the satisfaction of the board that he or she is a resident of the state, is a graduate of a training school for nurses in good standing, which gives at least a two years' course in a public or private hospital, in which a general course of instruction in the theory and practice of medical, surgical and obstetrical nursing, or in case of male nurses, of genito-urinary work instead of obstetrics, is given, or has had such experience obtained by affiliation or post-graduate work, shall be eligible for such examination upon payment of a fee of five dollars, to be deposited upon the filing of the application for examination. The board shall provide a schedule of the subjects upon which applicants shall be examined for registration. The examination shall be oral and written and shall include the subjects of elementary anatomy and physiology, materia medica, medical, surgical and obstetrical nursing, dietetics, home sanitation and nursing. If such applicant shall pass said examination to the satisfaction of the board, he or she shall receive a certificate of registration.

Sec. 21. Registration without examination. 1915, c. 139, § 5. Any resident of the state twenty-one years of age or over, and of good moral character, applying for registration within two years from the third day of July in the year nineteen hundred and fifteen, who shall, by affidavit or otherwise, show to the satisfaction of the board that he or she is a graduate of a training school for nurses, which gives at least a two years' course in a public or private hospital, where a general course of instruction is given, or that he or she was, on said third day of July, a student in such a training school for nurses, and afterwards was graduated therefrom, shall be eligible for registration without examination, upon the payment of a fee of five dollars. The board may register in like manner without examination, upon payment of a fee of like amount, any person who has been registered as a professional nurse in another state under laws, which in the opinion of the board, maintain a standard substantially similar to that maintained in this state, and which extends a similar privilege to nurses registered in this state.

Sec. 22. Registration may be canceled. 1915, c. 139, § 6. Said board may cancel the registration of any person who has been convicted of any felony, or of any crime or misdemeanor in the practice of the profession of nursing.

Sec. 23. Unlawful to practice professional nursing without certificate after certain date; penalty. 1915, c. 139, § 7. No person shall practice professional nursing in this state as a registered nurse without having a certificate of registration. A nurse who has received such certificate and pin shall be styled and known as a "Registered Nurse," and no other person shall assume such title, use the pin, the abbreviation "R. N." or any other words, letters or figures to indicate that the person using the same is a registered nurse. Whoever violates any provision of the five preceding sections, or wilfully makes a false representation to said board in applying for a certificate of registration, shall be punished by fine of not more than

one hundred dollars; provided, that nothing in this section or in the five preceding sections shall apply to the acts of any person nursing the sick, who does not represent himself or herself to be a registered nurse. The board shall cause to be presented to the proper prosecuting officer evidence of any violation of this section or of the five preceding sections, and may incur any necessary expenses in the performance of this duty, which expenses shall be paid out of the receipts of said board.

Registration of Dentists.

Sec. 24. Lawful practitioners of dentistry. 1913, c. 53, § 1. Only those persons who were in the lawful practice of dentistry on the thirteenth day of March, nineteen hundred and thirteen, and those who may thereafter receive certificates as hereinafter provided, shall be deemed lawful practitioners of dentistry in the state.

Sec. 25. Appointment of board of dental examiners; vacancies; removal. 1913, c. 53, §§ 2, 3, 4. The governor with the advice and consent of the council, shall appoint a board of dental examiners, consisting of five members of the dental profession, who shall be graduates of a reputable dental college, and who shall have been in the actual practice of dentistry in this state for at least five years immediately preceding the appointment. One member shall be appointed annually, as the terms of the present members expire, to hold office for five years from the first day of January. After five years from the thirteenth day of March, nineteen hundred and thirteen, no person shall be eligible to appointment on said board who shall have served ten years or more on a dental examining board in this state. Any vacancy in said board shall be filled by the appointment of a person qualified as aforesaid, to hold office during the unexpired term of the member whose place he fills. The governor, with the advice and consent of the council, may remove any member of said board on proven charges of inefficiency, incompetence, immorality or unprofessional conduct.

Sec. 26. Election of officers; quorum; annual report; records shall be public. 1913, c. 53, § 5. The board shall, at its annual meeting, elect from its members, a president and a secretary. They shall hold at least one meeting annually at the state house between the first day of May and the first day of August, to examine applicants for certificates to practice dentistry in the state; three members shall constitute a quorum. They may make such rules, not contrary to law, as they may deem necessary for the performance of their duties, and shall conduct theoretical and practical examinations upon such subjects pertaining to dentistry as are hereinafter prescribed. They shall annually make a report of their proceedings to the governor, and shall furnish to the secretary of state a list of persons to whom certificates have been granted during the year. A record of proceedings kept by the secretary of the board, shall be open for public inspection at reasonable times.

See c. 117, §§ 54, 55.

Sec. 27. Qualifications of applicant for examination. 1913, c. 53, § 6. All persons applying for examination and a certificate to practice dentistry in this state, shall be twenty-one years of age, of good moral character,

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and shall have received a preliminary education equivalent to that required for graduation from high schools in this state, and shall be graduates of a dental college or dental department of a medical college or university, duly authorized to grant degrees in dentistry.

Sec. 28. Applications for examination; subjects included in examination; re-examinations. 1913, c. 53, § 7. Not less than ten days prior to the date upon which an examination is held, each applicant for certificate to practice dentistry shall file an application for examination and pay to the secretary of this board a fee of twenty dollars and present himself for examination at the first regular meeting of the board after such application is filed. Such fee shall not be refunded unless from sickness or other good cause appearing to the satisfaction of the board, such applicant was prevented from attending and completing such examination. The examination shall be practical and theoretical. The theoretical examination may be written or oral, or both, at the option of said board, and shall include the subjects of anatomy, physiology, chemistry, histology, bacteriology, pathology, materia medica, therapeutics, anaesthetics, anaesthesia, operative dentistry, crown and bridge work, prosthetic dentistry, orthodontia and oral hygiene. The board shall also require as part of the examination a demonstration of the candidate's skill in operative dentistry and mechanical dentistry. An applicant who fails to pass the first examination to the satisfaction of the board shall be entitled to one re-examination without charge, and the fee for any subsequent examination shall be ten dollars.

Sec. 29. Certificate under seal; to be displayed. 1913, c. 53, §§ 8, 16. Said board shall issue under its seal, to all persons who shall successfully pass said examination, its certificate to practice dentistry in this state, signed by its president and secretary. Whoever engages in the practice of dentistry in this state shall keep his certificate in a conspicuous place in the operating room or rooms in which he practices.

Sec. 30. Certificate may be issued to practitioners from other states. 1913, c. 53, § 9. 1915, c. 307. The board may at its discretion without the examination as hereinbefore provided, issue its certificate to any applicant therefor who shall furnish proof, satisfactory to the board, that he has been duly licensed to practice dentistry in another state after full compliance with the requirements of its dental laws; provided, however, that if licensed to practice dentistry in said other state after the first day of January, nineteen hundred thirteen, his professional education shall not be less than is required in this state, and provided that such applicant shall have been at least five years in actual practice in the state in which said license was granted. Every certificate so given shall state upon its face the grounds upon which it is granted, and the applicant may be required to furnish his proof upon affidavit. The fee for such a certificate shall be twenty dollars.

Sec. 31. Fee for a duplicate certificate. 1913, c. 53, § 10. An applicant for a duplicate certificate granted upon proof of loss of the original shall pay a fee of five dollars.

Sec. 32. Dentist may prescribe drugs or medicines, etc. 1913, c. 53, § 11. A dentist or dental surgeon shall have the same rights to prescribe

drugs or medicines, perform such surgical operations, administer general and local anaesthetics and use such appliances as may be necessary to the proper treatment of the special class of diseases mentioned in sections twenty-four to forty, both inclusive, as is enjoyed by registered physicians in this state.

Sec. 33. Board may revoke certificate obtained by fraud. 1913, c. 53, § 13. Said board may revoke a certificate obtained by fraud or misrepresentation, or if the person named therein uses intoxicants or drugs to such an extent as to render him unfit to practice dentistry, or is guilty of immoral or unprofessional conduct, or convicted of felony.

Sec. 34. No certificate shall be revoked without hearing. 1913, c. 53, § 14. No action to revoke a certificate shall be taken until the accused shall be furnished a statement in writing of the charges against him and notice of the time and place of a hearing thereon. The statement of charges and notice shall be served personally upon the accused or mailed to his last known address at least twenty days prior to the hearing. The accused may be present at the hearing in person and may be represented by counsel. If upon such hearing the board finds the charges are true, it may revoke the certificate of the accused. Such revocation shall deprive the person named in the certificate of all rights and privileges acquired thereby, and said board shall not re-empower anyone, whose certificate has been revoked for any of the above causes, to practice dentistry within one year after such revocation, and then only upon sufficient assurances and guarantees to said board, of correct future conduct. A second revocation of any certificate shall be perpetual.

Sec. 35. Appeal from decree of revocation. 1913, c. 53, § 15. A person whose certificate has been revoked may file with the secretary, within thirty days after the decision of the board, a written notice of appeal therefrom. Upon receiving such notice the secretary shall transmit the record of the proceedings to the governor and attorney-general; and they shall review the proceedings as disclosed by the record, and their decision affirming or over-ruling the action of the board shall be final.

Sec. 36. Term "Practicing dentist" defined; persons excepted. 1913, c. 53, §§ 17, 18. A person shall be regarded as practicing dentistry who is manager, proprietor, operator, or conductor of a place for performing dental operations, or who for a fee, salary or other reward paid or to be paid either to himself or to another person, performs dental operations of any kind, treats diseases or lesions of human teeth or jaws, attempts to correct malpositions thereof, or who uses the words dentist, dental surgeon, the letters D. D. S. or D. M. D., or any other letter or title in connection with his name, which in any way represents him as being engaged in the practice of dentistry; provided, that nothing in sections twenty-four to forty, both inclusive, shall apply to a legally qualified physician or surgeon, unless he is practicing dentistry as a specialty, or to a legal practitioner of dentistry of another state making a clinical demonstration before a dental society, convention or association of dentists.

Sec. 37. Penalty for practicing dentistry without certificate, or under a false name, or making false representations; subsequent convictions, penal-

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ties. 1913, c. 53, § 19. Whoever practices dentistry without obtaining the certificate required by law, or whoever, being manager, proprietor, operator or conductor of a place for performing dental operations, employs a person who is not a lawful practitioner of dentistry in this state, to do dental operations as defined in section thirty-six of this chapter, or permits such persons to practice dentistry under a false name, or assumes a title or appends or prefixes to his name the letters which falsely represent him as having a degree from a dental college, or who impersonates another at an examination held by the board of dental examiners, or who knowingly makes a false application or false representation in connection with such examination, shall be punished by fine of not less than one hundred, nor more than three hundred dollars, or by imprisonment for not less than thirty days, or by both fine and imprisonment. A subsequent conviction shall be punished by the maximum penalties prescribed in this section, and the offender be required to furnish a recognizance conditioned to refrain from further unlawful practice.

Sec. 38. Members of board shall investigate complaints. 1913, c. 53, § 20. Each member of the board of dental examiners is constituted an agent, who shall investigate all complaints, and all cases of non-compliance with or violation of the provisions of law relating to the registration of dentists and shall bring all such cases to the notice of the proper prosecuting officers.

Sec. 39. Diplomas shall not be transferred, or fraudulently altered; penalty. 1913, c. 53, § 21. Whoever sells or offers to sell a diploma conferring a dental degree or a certificate granted pursuant to the laws of this state, or who procures such certificate or diploma with intent that it shall be used as evidence of the right to practice dentistry by a person other than the one upon whom the diploma or certificate was conferred, or who with fraudulent intent alters such diploma or certificate, or uses or attempts to use the same when altered, or whoever attempts to bribe a member of the board of dental examiners by the offer or use of money or other pecuniary reward or by other undue influence, shall be punished by fine of not less than one hundred, nor more than two hundred dollars, or by imprisonment for not less than thirty days nor more than sixty days, or by both fine and imprisonment. A subsequent conviction shall be punished by the maximum penalties prescribed in this section.

Sec. 40. Penalty for other violation; duty of prosecuting officers. 1913, c. 53, §§ 22, 23. Whoever violates any provision of the sixteen preceding sections, for the violation of which no penalty has been prescribed, shall be punished by fine of not less than fifty, nor more than three hundred dollars, or by imprisonment for not less than ten, nor more than thirty days. A subsequent conviction shall be punished by the maximum penalties prescribed in this section. The several prosecuting officers of this state, on notice from any member of the board, shall institute prosecutions for offenses under the sixteen preceding sections.

Registration in Optometry.

Sec. 41. Appointment of board of registration in optometry; tenure; vacancies; removal of members. 1909, c. 105, § 1. The governor with the advice and consent of the council, shall appoint a board to be known as the Maine State Board of Registration and Examination in Optometry, consisting of five persons, three of whom shall have been resident opticians, engaged in the actual practice of optometry in this state for a period of five years prior to their appointment; one, an oculist who in like manner has been engaged in the practice of his profession for five years prior to his appointment; and one, a physician in actual practice; not more than three members of the board shall belong to the same political party. They shall be appointed for terms of three years each, as the terms of the present members expire, and each shall hold office until his successor is appointed and qualified. Any vacancy in said board shall be filled by the appointment of a person, qualified as aforesaid, to hold office during the unexpired term of the member whose place he fills. Any member of said board may be removed from office for cause, by the governor, with the advice and consent of the council. The board shall have a common seal.

Sec. 42. Officers; meetings. 1909, c. 105, § 2. The board shall annually elect from its members a president and a secretary, who shall be treasurer; they shall severally have authority, during their term of office, to administer such oaths and take such affidavits as are required by the provisions of the thirteen following sections, certifying thereto under their hand and the seal of the board. The board shall meet at least once in each year at Augusta; and, in addition thereto, whenever and wherever the president and secretary thereof shall call a meeting; a majority of said board shall constitute a quorum. The secretary shall keep a full record of the proceedings of said board, which shall be open to public inspection at all reasonable times. The board shall from time to time establish and record, in a record kept for that purpose, a schedule of the minimum requirements which must be complied with by applicants for examination before they can be examined or receive a certificate. In like manner the board shall establish and put on record a schedule of the minimum requirements and rules for the recognition of schools of optometry, so as to keep the requirements of proficiency up to the average standard of other states. But no rule or requirement shall be made that is unreasonable, or that contravenes any provision of the thirteen following sections.

See c. 117, §§ 54, 55.

Sec. 43. Examination before beginning practice; fees; registration. 1909, c. 105, § 3. Every person before beginning the practice of optometry in this state shall pass an examination before the state board of registration and examination in optometry. Such examination shall be confined to such knowledge as is essential to the practice of optometry. Any person, having signified to said board his desire to be examined, shall appear before the board at such time and place as they may designate, and before such examination shall pay to said board the sum of five dollars, and if he shall successfully pass said examination shall pay to said board a further sum of ten dollars, on the issuance to him of a certificate. All persons

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successfully passing such examination shall be registered in a record which shall be kept by the secretary of said board, as licensed to practice optometry, and shall also receive a certificate of such registration to be signed by the president and secretary of said board.

Sec. 44. Practice of optometry defined. 1909, c. 105, § 4. The practice of optometry is defined as follows: The employment of mechanical means for testing and measuring the refractive and accommodative conditions of the eye, without the employment of drugs or medicine, and the measuring and grinding of lenses, the fitting, bending and adjusting of spectacles and eyeglasses with lenses for the betterment of vision; provided, that the fitting or peddling of spectacles and eyeglasses by itinerant opticians prior to the third day of July, nineteen hundred and nine, shall not be construed to mean the practice of optometry within the meaning of this section.

Sec. 45. Unlawful to practice unless registered; exceptions. 1909, c. 105, §§ 5, 6. No person shall practice optometry in this state, unless he shall first obtain a certificate of registration from the state board of registration and examination in optometry, and file the same with the clerk of the supreme judicial court of the county in which he proposes to practice, as hereinafter provided; but sections forty-three to fifty-five, both inclusive, shall not apply to physicians and surgeons authorized to practice medicine and engage therein under the laws of the state, nor to resident merchants so long as they sell spectacles as any other piece of merchandise without representation of qualification in the practice of optometry on the part of the seller.

Sec. 46. Certificate may be issued to certain persons without examination. 1909, c. 105, § 7. Upon application and the payment of the sum of five dollars said board shall issue, without the prescribed examination, to persons practicing optometry in those states which, in the opinion of the board, maintain a standard in the requirements of the practice of optometry equal to the standard of this state, a certificate to practice in this state, which certificate shall be filed in the same manner as that issued to residents of the state; provided, however, that such certificate shall be issued only to the residents of such states as allow similar privileges to residents of this state.

Sec. 47. Certificate recorded by clerk of courts. 1909, c. 105, §§ 10, 14. Every person receiving a certificate under the provisions of section forty-three shall present the same for record to the clerk of the supreme judicial court of the county in which he intends to practice, and the clerk shall record the same. Whoever neglects or refuses to file such certificate for record, within thirty days after the issuance thereof, forfeits the same.

Sec. 48. Clerk shall issue license. 1909, c. 105, § 12. The clerk of the supreme judicial court of the county in which an applicant so intends to practice, shall issue to the person presenting such certificate a license over his official seal in the following form:

State of Maine, County of _____ ss:
 I, _____, clerk of the supreme judicial court of _____ county,
 in the State of Maine, do hereby certify that _____ has complied with
 the laws of Maine relating to the practice of optometry in the county and
 state aforesaid.

Witness my hand and seal of said court this _____ day of _____
 _____, Clerk.

Sec. 49. New license. 1909, c. 105, § 11. Whenever the holder of an optometrist's license, changes his residence from one county to another in this state, he shall obtain a new license in the county where he proposes to reside, by filing with the clerk of the supreme judicial court for such county the license obtained by him in the county in which he last resided, in the same manner as on the presentation of his certificate from the state board of registration and examination in optometry, and the clerk shall issue to him a new license.

Sec. 50. Certificate displayed in office. 1909, c. 105, § 15. Every person to whom a certificate of examination or registration is granted shall display the same in a conspicuous part of his office wherein the practice of optometry is conducted. Whenever practicing the profession of optometry outside of, or away from said office or place of business, he shall deliver to each customer or person so fitted with glasses, a bill of sale, which shall contain his signature, home post-office address, and the number of his certificate of registration.

Sec. 51. Duplicate lists of certificates and licenses shall be furnished. 1909, c. 105, § 13. The clerk of courts in each county shall furnish annually on the first day of January to the state board of registration and examination in optometry, upon blanks furnished by such board, a duplicate list of all certificates received and licenses issued by him during the preceding year, and shall include therein the date of issue of such license, and the name and residence of the person receiving the same.

Sec. 52. Annual report. 1909, c. 105, § 16. The board shall make an annual report of its proceedings to the governor on the first Monday in January of each year, which shall contain an account of all moneys received and disbursed by them.

Sec. 53. Annual license fee. 1909, c. 105, § 17. Every registered optometrist shall annually, before the first day of April, pay to the state board of registration and examination in optometry the sum of two dollars as a license fee for such year; and in case of default in such payment by any person his certificate may be revoked by the board.

Sec. 54. Refusal to grant certificate. 1909, c. 105, § 18. The board may refuse to grant a certificate to any person guilty of felony, gross immorality or habitual drunkenness, or affected with contagious or infectious disease; and may, after notice and hearing, revoke a certificate and any license which may have been granted thereon, for like cause.

Sec. 55. Penalty; prima facie evidence of engaging in practice. 1909, c. 105, §§ 19, 20. Whoever engages in the practice of optometry in this state without first having obtained a license as provided in section forty-eight or as provided in section forty-nine in case of a change of residence,

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shall be deemed guilty of a misdemeanor, and shall be punished by fine of not less than fifty dollars, nor more than two hundred dollars. To open an office for the purpose of practicing optometry or to announce to the public in any way an intention to practice optometry in any county in the state shall be prima facie evidence of engaging in the practice of optometry within the meaning of this section.

Registration of Veterinary Surgeons.

Sec. 56. Appointment of board of veterinary examiners; vacancies; removal of members. 1905, c. 17, § 1. The governor with the advice and consent of the council, shall appoint a board of veterinary examiners, consisting of three veterinary surgeons, residents in the state, who shall be graduates of a legally chartered veterinary college or university having authority to confer degrees in veterinary surgery, and who shall have been actively engaged in the practice of their profession for a period of at least five years. One member shall be appointed annually, as the terms of the present members expire, and hold office for three years. Any vacancy in said board shall be filled by the appointment within thirty days after such vacancy occurs, of a person, qualified as aforesaid, to hold office during the unexpired term of the member whose place he fills. Any member of said board may be removed from office for cause, by the governor, with the advice and consent of the council.

Sec. 57. Organization and officers; president may administer oaths and take testimony; annual report. 1905, c. 17, §§ 2, 8. 1913, c. 208, § 1. The board shall organize annually in the month of May by the election from its members of a president and a secretary who shall be treasurer, and may adopt such rules, not in conflict with the laws of the state, as they may deem proper to carry into effect the provisions of the five following sections. They shall adopt a seal which shall be affixed to all certificates issued by them in accordance with section sixty. The president of said board may administer oaths and take testimony for the proper enforcement of the five following sections and the rules established by said board. The treasurer shall annually, on the first day of April make written report to the governor and council of all receipts and expenditures of said board.

See c. 117, §§ 54, 55.

Sec. 58. Practitioners to obtain a certificate. 1905, c. 17, §§ 3, 4. 1907, c. 89, §§ 1, 2. 1911, c. 18, § 1. 1913, c. 208, §§ 2, 3. It shall be unlawful for any person not previously registered to practice veterinary surgery, medicine, or dentistry, or any branch thereof, within the state, without having obtained a certificate from the state board of veterinary examiners and being registered as provided in section sixty. Any person shall be regarded as practicing veterinary surgery, medicine, or dentistry, or any branch thereof, within the meaning of this section, who has publicly professed to be a veterinary surgeon, or has prescribed for sick or injured animals and accepted fees for such services, or has attached to his name the title "V. S." or "Veterinary Surgeon," or any veterinary title ordinarily used. Nothing in this section shall be construed as prohibiting the performance of services rendered by anyone in the case of emergency, or prohibiting any person

from practicing veterinary medicine, surgery, or dentistry, on any animal belonging to himself; nor shall this section be construed as prohibiting castration of animals by any resident of this state.

Sec. 59. Meetings of the board. Examination of applicants. 1905, c. 17, §§ 5, 10. 1907, c. 89, § 3. 1913, c. 208, § 4. The board shall meet as a board of examiners in the city of Augusta, on the second Monday in January and July of each and every year, when there are applicants for examination, and at such other times and places as they may find necessary for the performance of their duties. All persons who commence the practice of veterinary surgery, medicine, or any branch thereof, within the state, after the first day of May, nineteen hundred and five, shall pass an examination to the satisfaction of the board. Applicants for examination shall file with the secretary of the board their written request for such examination, and pay to the treasurer of said board a fee of five dollars before taking such examination.

Sec. 60. Board of examiners shall issue certificates; certificates shall be recorded. 1905, c. 17, § 6. 1913, c. 208, § 5. The board of veterinary examiners shall issue certificates signed by the president and secretary, to all persons passing the examination required under the preceding section, authorizing the holder to practice veterinary surgery, medicine, or dentistry, or any branch thereof, within the state. Said certificate shall be recorded in the office of the clerk of the supreme judicial court in the county wherein the holder resides at the time of passing said examination, and in the absence of the original certificate an attested copy of such record shall be received as evidence in all courts within the state, of the right of the person therein named to practice veterinary surgery, medicine, or dentistry, or any branch thereof, within the state. Any veterinarian, not a graduate of some legally chartered veterinary college or university, desiring to render professional services for the State of Maine, in any of its departments, shall at the request of the live stock sanitary commissioner, submit himself to an examination before said board as to his fitness to perform the service.

Sec. 61. Board of examiners shall keep record. 1905, c. 17, § 7. The board of veterinary examiners shall keep a record of all practitioners who shall qualify under the provisions of the preceding section; and register therein the name, age, and time spent in the study and practice of veterinary surgery, medicine and dentistry, and, if a graduate, the name and location of the school or college granting his diploma. Such record shall be open to public inspection at all times, within reasonable hours, at the office of the secretary of the board.

Sec. 62. Penalty. 1905, c. 17, § 9. 1907, c. 89, § 4. 1913, c. 208, § 6. Any person who shall practice veterinary surgery, medicine, or dentistry, or any branch thereof, in the state without complying with the provisions of the six preceding sections shall be deemed guilty of a misdemeanor, and shall be punished by a fine not exceeding one hundred dollars, or by imprisonment in the county jail for not more than thirty days.