

MAINE STATE LEGISLATURE

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SEVENTH REVISION

THE
REVISED STATUTES

OF THE
STATE OF MAINE

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CHAPTER 21.

Practice of Medicine, Surgery, Dentistry, Optometry, Osteopathy, Chiropractic,
and Veterinary Science.

Sections 1-8	Promotion of Medical Education.
Sections 9-17	Registration of Physicians and Surgeons.
Sections 18-24	Registration of Nurses.
Sections 25-41	Registration of Dentists.
Sections 42-44	Dental Hygienists.
Sections 45-59	Registration in Optometry.
Sections 60-70	Registration of Osteopaths.
Sections 71-82	Registration of Chiropractors.
Sections 83-89	Registration of Veterinary Surgeons.

Promotion of Medical Education.

Sec. 1. A body may be delivered to physician, for scientific purposes. R. S. c. 18, § 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. 18, § 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 to be notified of deaths in almshouses, prisons, etc.; notice not given if body is claimed by family; superintendents and staff of insane hospitals authorized to hold autopsies. R. S. c. 18, § 3. 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 and suffer the said board or its agents, or the physi-

CHAP. 21

cians 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. 18, § 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 to be enclosed from public view; carriers to obtain receipts. R. S. c. 18, § 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 bodies to give bond for proper disposal; duty of treasurer of state; penalty for trafficking in dead bodies outside of the state. R. S. c. 18, § 6. 1929, c. 90. 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 punished by a fine of not more than two hundred dollars, or by imprisonment for not more than eleven months.

Sec. 7. Expenses, how paid. R. S. c. 18, § 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. 18, § 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 punished by a fine of not less than one hundred dollars, 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. 18, § 9. 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.

Sec. 10. Meetings for choice of officers; regular meetings; seal. R. S. c. 18, § 10. 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, 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. 18, § 11. 1923, c. 195. Any person shall, upon the payment of a fee of twenty-five 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 dis-

played 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 twenty-five 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. Applicants to be examined; qualifications; conduct of examinations; reciprocity of licensure with other states. R. S. c. 18, § 12. 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 commissioner of education, 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 superior court.

Sec. 13. Record kept which shall be open to inspection; annual report. R. S. c. 18, § 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 July 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. 18, § 14. 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 unregistered person to practice or to use title; penalty; prima facie evidence. R. S. c. 18, § 15. 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 provisions of this section, shall be punished by a fine of not less than one hundred dollars, 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. 18, § 16. 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. 18, § 17. The compensation and 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

CHAP. 21

said receipts as may be necessary is hereby appropriated for the compensation and expenses of the board as aforesaid.

Registration of Nurses.

Sec. 18. Board of registration of nurses; qualifications; tenure; vacancies; removals. R. S. c. 18, § 18. 1917, c. 148, § 1. 1929, c. 138, § 1. The governor, with the advice and consent of the council, shall appoint a board of registration of nurses, consisting of five nurses, all of whom shall be residents of the state and engaged in professional work. They shall have been graduated each from a different school of nursing, and shall have had after graduation at least three years' experience in nursing and in addition thereto at least two years' experience in teaching nurses, the periods of time not to run concurrently. They shall have been registered by the board of registration of nurses of this state and shall be citizens of the United States,

Upon the expiration of the term of office of any member of said board, the governor shall appoint a successor who shall hold office for three years. Said appointments shall be made from a list of six eligible candidates, selected at a meeting of the executive committee of the Maine state nurses association and submitted to the governor not less than thirty days before the time of appointment. Any vacancy occurring on said board shall be filled for the unexpired term by appointment to be made from like nominations to be furnished by the said association. If said nominations in either case are not submitted within thirty days after the vacancy occurs the governor may appoint to fill such vacancy such person, qualified as aforesaid, as to him seems best. Any member of said board may be removed from office for cause by the governor with the advice and consent of the council. On request of said board the superintendent of public buildings shall provide a suitable room in the state house for its meetings.

Sec. 19. Organization; inspector of training schools; records; certificates; renewals; reports. R. S. c. 18, § 19. 1917, c. 148, § 2. 1923, c. 102, § 1. 1929, c. 138, § 2. The board shall, at each annual meeting, elect from its number a president, and a secretary who shall also be treasurer. It shall elect one of its members as inspector of schools of nursing who shall annually or oftener inspect all schools of nursing in the state and make report thereof to the board. 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 by the secretary 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, said certificate to be in force from the date of issue thereof until one year from and after the first day of the following January, and may be renewed annually thereafter upon the payment of one dollar to the secretary of the board. On or before the first day of November of each year the secretary of the board shall mail to every nurse registered in the state of Maine under the provision of this chapter, a notice stating the date of expiration of said certificate, said notice to be addressed in accordance with the post-office address given at the last previous registration. Any nurse failing to renew registration on or before December thirty-first of any

year shall by such failure (and without any act on the part of the board to be performed) forfeit the right to practice as a registered nurse. The board may, for reason satisfactory to it, renew registrations after said December thirty-first, provided a fee of one dollar shall have been paid for each year during which said nurse has not been registered.

The board shall annually make a report to the governor and council showing its receipts and disbursements in detail, the names of persons to whom certificates have been issued, and the names of persons whose certificates have been revoked with the reason therefor, during each fiscal year ending on the thirtieth day of June.

Sec. 20. Examinations; time; notice; eligibility; subjects; registration without examination. R. S. c. 18, § 20. 1917, c. 148, § 3. 1929, c. 138, § 3. 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 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.

The board shall admit to examination for registration any applicant who shall pay a fee of ten dollars and submit satisfactory evidence that he or she:

- (a) Is more than twenty-one years of age and of good moral character;
- (b) Has had at least two years high school education or its equivalent;
- (c) Has taken a full course of not less than two years in the same school of nursing from which he or she has graduated and received a diploma, said school of nursing to be one approved by the board of registration, and presided over by a nurse registered in accordance with the requirements of sections eighteen to twenty-four inclusive.

The examination to be given shall be such as will determine the fitness of the applicant to practice professional nursing and shall include the subjects of practical nursing, anatomy, physiology, bacteriology, materia medica, dietetics, pediatrics, hygiene, medical, surgical, and obstetrical nursing, or in case of male nurses, genito-urinary, and any other subjects deemed by the board necessary to maintain proper standards. Any applicant passing said examinations, to the satisfaction of the board, shall receive a certificate of registration within three months of said examination.

Sec. 21. Registration without examination. R. S. c. 18, § 21. 1917, c. 148, § 4. 1923, c. 102, § 2. 1929, c. 138, § 3. The board may register without examination, upon payment of a fee of ten dollars, any person who has been registered by examination as a professional nurse in another state under laws which in the opinion of the board maintain a standard not lower than that maintained in this state.

Sec. 22. Cancellation or suspension of registration. R. S. c. 18, § 22. 1917, c. 148, § 5. 1929, c. 138, § 4. Said board, by a majority vote of all of its members, may cancel or suspend the registration of any person as a nurse who may be found guilty of neglect of duty, or of inefficiency, or of any act derogatory to the standing and morals of professional nursing, but before any certificate of registration shall be revoked, the holder thereof shall be entitled to thirty days' notice of the charges against him or her, and to a full and fair hearing thereon.

CHAP. 21

Sec. 23. Credential committee to determine qualifications of registered nurses for public health nursing; definition of public health nursing. 1923, c. 102, § 3. 1929, c. 138, § 5. A credential committee, which shall be a sub-committee of the board of registration of nurses, shall be appointed annually to act upon the applications and qualifications of nurses employed in public health work. This committee shall be composed of three registered nurses—one from the board of registration of nurses of Maine, one from the public health section of the Maine state nurses' association, and one from the division of public health nursing of the state department of health. These members shall be appointed by their respective organizations.

No graduate nurse shall be employed in public health nursing unless registered by the board of registration of nurses of this state, and unless her qualifications for such work shall have been determined and approved by said credential committee.

Public health nursing within the meaning of this section shall be deemed to include nursing done by any graduate nurse in any form of social work in which the health of the public is concerned.

Sec. 24. Unlawful practice; penalty. R. S. c. 18, § 23. 1917, c. 148, § 6. 1929, c. 138, § 6. No person shall practice professional nursing in this state as a registered nurse without having a certificate of registration. No nurse shall continue to practice as a registered nurse without renewing his or her certificate or after his or her certificate shall have been revoked. All registrations which are now in effect shall continue for the terms for which they have been granted. 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 six preceding sections or of this section 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, and shall have his or her certificate revoked; provided, that nothing in this section or in the six 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 six 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. 25. Practitioners of dentistry. R. S. c. 18, § 24. 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. 26. Board of dental examiners; appointment; vacancies; removal; nominations. R. S. c. 18, § 25. 1919, c. 175. 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. 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. All said appointments shall be made in the following manner: the Maine Dental Society may at its annual meeting each year nominate six members of said society who fulfil all the foregoing requirements, whose names shall be forthwith certified to the governor by the president and the secretary of said society, and if said list is so submitted in any year, the governor shall, until the date of the next annual meeting of said society, appoint as dental examiner one of those men whose names appear on said list. 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. 27. Election of officers; quorum; annual report; records to be public. R. S. c. 18, § 26. 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.

Sec. 28. Qualifications of applicant. R. S. c. 18, § 27. 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, 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. 29. Applications for examination; subjects included in examination; re-examinations. R. S. c. 18, § 28. 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 reexamination without charge, and the fee for any subsequent examination shall be ten dollars.

CHAP. 21

Sec. 30. Certificate; fee; registration cards. R. S. c. 18, § 29. 1919, c. 46. Said board shall issue under its seal, to all persons who shall successfully pass said examination, its certificate of ability 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. Said certificate shall be considered a license to practice dentistry in this state, except that it shall be unlawful for any person to practice dentistry in this state in any year after the year in which said certificate is issued to him unless he shall pay to the treasurer of the state board of dental examiners on or before January first of said year a fee of one dollar, for which he shall receive a registration card, which card shall be placed beside or attached to the certificate above mentioned.

Sec. 31. Certificate may be issued to practitioners from other states. R. S. c. 18, § 30. 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. 32. Fee for a duplicate certificate. R. S. c. 18, § 31. An applicant for a duplicate certificate granted upon proof of loss of the original shall pay a fee of five dollars.

Sec. 33. Dentist may prescribe drugs or medicines, etc. R. S. c. 18, § 32. 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-five to forty-one, both inclusive, as is enjoyed by registered physicians in this state.

Sec. 34. Board may revoke certificate obtained by fraud. R. S. c. 18, § 33. 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. 35. No certificate to be revoked without hearing. R. S. c. 18, § 34. No action to revoke a certificate shall be taken until the accused shall be furnished with 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 reempower 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. 36. Appeal from decree of revocation. R. S. c. 18, § 35. 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 overruling the action of the board shall be final.

Sec. 37. Term "practicing dentist" defined; persons excepted. R. S. c. 18, § 36. 1919, c. 32. 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, or who holds himself out as being able to diagnose, treat, operate, or prescribe for any disease, pain, injury, deficiency, deformity, or physical condition of the human teeth, alveolar process, gums, or jaws and who shall either offer or undertake by any means or method to diagnose, treat, operate, or prescribe for any disease, pain, injury, deficiency, deformity, or physical condition of the same, 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-five to forty-one, 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. 38. Penalty for practicing dentistry without certificate or registration card, or under a false name or under corporate or other trade name, or making false representations; subsequent convictions, penalties. R. S. c. 18, § 37. 1919, c. 75. Whoever practices dentistry without obtaining the certificate and subsequently the registration card required by law or whoever practices dentistry under a false or assumed name or under the license or registration of another person of the same name or under the name of a corporation, company, association, parlor, or trade name 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 of this state, to do dental operations as defined in section thirty-seven 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 a fine of not less than one hundred dollars nor more than three hundred dollars, or by imprisonment for not more than thirty days, or by both fine and imprisonment. Each act constituting a violation of any of the provisions of the above sections, twenty-five to thirty-eight, both inclusive, shall be held to be a separate offense and on each day on which any such violations shall continue, a separate offense within the meaning of this law shall be held to be committed. 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. 39. Members of board to investigate complaints. R. S. c. 18, § 38. Each member of the board of dental examiners is constituted an agent, who shall in-

CHAP. 21

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. 40. Diplomas not to be transferred, or fraudulently altered; penalty. R. S. c. 18, § 39. 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 a fine of not less than one hundred dollars, 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. 41. Penalty for other violation; duty of prosecuting officers. R. S. c. 18, § 40. Whoever violates any provision of the sixteen preceding sections, for the violation of which no penalty has been prescribed, shall be punished by a fine of not less than fifty dollars, nor more than three hundred dollars, or by imprisonment for not less than ten days, 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.

Dental Hygienists.

Sec. 42. Dental hygienists; powers; duties; license of registered dentist to be revoked for violation. 1917, c. 268, § 1. Any registered or licensed dentist may employ women assistants who shall be known as dental hygienists. Such dental hygienists may remove lime deposits, accretions and stains from the exposed surfaces of the teeth and directly beneath the free margin of the gum, but shall not perform any other operation on the teeth or mouth or on any diseased tissues of the mouth. They may operate in the office of any registered or licensed dentist or in any public or private institution under the general supervision of a registered or licensed dentist. The state board of dental examiners may revoke the license of any registered or licensed dentist who shall permit any dental hygienists operating under his supervision to perform any operation other than that permitted under the provisions of this section.

Sec. 43. Examination; qualifications; fees. 1917, c. 268, § 2. 1919, c. 25. 1929, c. 167. No person shall enter practice as a dental hygienist in this state until she has passed an examination given her by the board of dental examiners of this state, or a sub-committee of said board which it may appoint, under such rules and regulations as it may deem fit and proper to formulate. The fee for said examination shall be ten dollars and any applicant failing to pass said examination shall be entitled to one additional examination without further cost. The fee for each reexamination after the first shall be five dollars. The said board of dental examiners shall issue certificates of ability to practice as dental hygienists in this state to those who have passed said examination, which certificate shall be displayed in a conspicuous place in the room or rooms in which she practices, provided, however, that no person shall be entitled to such certifi-

cate unless she shall be eighteen years of age, of good moral character, and shall have completed a four years' course in a standard high school or its equivalent, and unless she is a graduate of a reputable training school for dental hygienists. Said certificate shall be considered a license to practice as a dental hygienist in this state, except that it shall be unlawful for any person to practice as a dental hygienist in this state in any year after the year in which said certificate is issued to her unless she shall pay to the treasurer of the state board of dental examiners on or before January first of said year a fee of one dollar; for which she shall receive a registration card, which card shall be placed beside or attached to the certificate above mentioned.

Sec. 44. Dental hygienists licensed in another state may receive certificate without examination; proof required; fee. 1917, c. 268, § 3. The board of dental examiners of this state may at its discretion without the examination as herein above provided, issue its certificate to any applicant therefor who shall furnish proof satisfactory to said board that she has been duly licensed to practice as a dental hygienist in another state after full compliance with the requirements of its dental laws; provided however, that her professional education shall not be less than that required in this state. Every certificate so given shall state upon its face the grounds upon which it is granted and the applicant may be required to furnish her proof upon affidavit. The fee for such certificate shall be ten dollars.

Registration in Optometry.

Sec. 45. Board of registration in optometry; appointment; tenure; vacancies; removals. R. S. c. 18, § 41. 1929, c. 277, § 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 optometrists, 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. 46. Officers; meetings. R. S. c. 18, § 42. 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

CHAP. 21

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.

Sec. 47. Practitioners of optometry; examination; fees; registration. R. S. c. 18, § 43. 1923, c. 24, § 1. 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 fifteen 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 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. 48. Practice of optometry defined. R. S. c. 18, § 44. 1929, c. 277, § 2. The practice of optometry is defined as any one or any combination of the following practices:

(a) The examination of the human eye, without the use of drugs, medicines or surgery, to ascertain the presence of defects or abnormal conditions which can be corrected by the use of ophthalmic lenses, prisms, or ocular exercises;

(b) The employment of objective or subjective mechanical means to determine the accommodative or refractive states of the human eye or the range of power of vision of the human eye;

(c) The prescription or adaptation without the use of drugs, medicines or surgery, of lenses, prisms, or ocular exercises to correct defects or abnormal conditions of the human eye or to adjust the human eye to the conditions of special occupation and the fitting, bending and adjusting of spectacles and eyeglasses with ophthalmic lenses for the betterment of vision;

(d) The replacement or duplication of an ophthalmic lens without a prescription from a person authorized under the laws of this state to practice either optometry or medicine. The provisions of this paragraph shall not be construed so as to prevent an optical mechanic from doing the merely mechanical work in such a case.

An ophthalmic lens within the meaning of this and the following section shall be any lens which has a spherical, cylindrical, or prismatic power or value, and is ground pursuant to a prescription.

Sec. 49. Unlawful to practice unless registered; exceptions. R. S. c. 18, § 45. 1929, c. 277, § 3. 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 superior court of the county in which he proposes to practice, as hereinafter provided; but sections forty-seven to fifty-nine, both inclusive, shall not apply to persons authorized under the laws of this state to practice medicine within the state of Maine, nor to resident merchants so long as they shall sell spectacles, only, that do not contain ophthalmic lenses.

Sec. 50. Certificate may be issued to certain persons without examination; fee. R. S. c. 18, § 46. 1923, c. 24, § 2. 1929, c. 203. Upon application and the

payment of the sum of fifty 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. 51. Certificate recorded by clerk of courts. R. S. c. 18, § 47. Every person receiving a certificate under the provisions of section forty-seven shall present the same for record to the clerk of the superior 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. 52. Clerk to issue license. R. S. c. 18, § 48. The clerk of the superior 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 superior 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 the seal of said court this _____ day of _____

_____, Clerk.

Sec. 53. New license. R. S. c. 18, § 49. 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 superior 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. 54. Certificate displayed in office. R. S. c. 18, § 50. 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. 55. Duplicate lists of certificates and licenses to be furnished. R. S. c. 18, § 51. 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. 56. Annual report. R. S. c. 18, § 52. The board shall make an annual report of its proceedings to the governor on the first Monday in July of each year, which shall contain an account of all moneys received and disbursed by them.

Sec. 57. Annual license fee. R. S. c. 18, § 53. 1929, c. 277, § 4. Every registered optometrist shall annually, before the first day of April, pay to the

CHAP. 21

state board of registration and examination in optometry the sum of five 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. 58. Refusal to grant certificate. R. S. c. 18, § 54. 1929, c. 277, § 5. The board of optometry may refuse to issue, or refuse to renew, or may suspend or revoke any certificate of registration for any one or more of the following causes: conviction of felony as evidenced by a certified copy of the record of the court convicting; continued practice of optometry by a person knowingly having a contagious or infectious disease; gross malpractice; advertising by means of false or deceptive statements; advertising; peddling from door to door; habitual drunkenness or habitual addiction to the use of morphine or cocaine or habit forming drugs.

No certificate shall be suspended or revoked for any of the foregoing causes unless the person accused has been given at least thirty days' notice in writing of the charge against him and afforded a public hearing before the state board of optometry, provided it shall not be a cause to refuse to issue or refuse to renew or a cause to suspend or revoke any certificate of registration that a person holding a certificate of registration at the time of the passage of this section is peddling from door to door, if such person file the certificate provided for by section five of chapter two hundred seventy-seven of the public laws of nineteen hundred twenty-nine.

Sec. 59. Penalty; prima facie evidence of engaging in practice. R. S. c. 18, § 55. Whoever engages in the practice of optometry in this state without first having obtained a license as provided in section fifty-two or as provided in section fifty-three in case of a change of residence, 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 Osteopaths.

Sec. 60. Board of osteopathic examination and registration; qualification; tenure; vacancies. 1919, c. 188, § 1. The governor, by and with the advice and consent of the council, shall appoint five persons who shall constitute a board of osteopathic examination and registration. Said persons shall be residents of this state, shall be graduates of a legally chartered osteopathic college or university having the power to confer degrees in osteopathy, shall have been at the time of their appointment actively engaged in the practice of their profession for a period of at least three years. Each appointment shall be for the period of five years as the terms of the present members expire. Any vacancy in said board caused by death, resignation, or for any other cause except completion of a full term of service shall be filled by the like 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.

Sec. 61. Meetings; organization; bond; duties and powers. 1919, c. 188, § 2. Said board shall meet on the second Tuesday of June of each year at such time and place as the chairman may designate for the purpose of organization. They shall elect one of their members as chairman for a term of one year, and one of their members as secretary and treasurer, to hold such office at the pleasure of the

board. The person elected as secretary and treasurer shall give a bond to the treasurer of state in the penal sum of one thousand dollars with sureties to be approved by the governor and council for the faithful discharge of the duties of his office. Said board shall hold regular meetings at least twice in each year for the purpose of considering applications, examining applicants, and such other business as may properly come before the board, the time and place of such meeting to be determined by the board. Special meetings may be called at the pleasure of the chairman, and in case of the death or inability of the chairman the secretary may call special meetings. Said board shall cause a seal of suitable inscription to be procured and to be affixed to such papers as may require such seal, shall keep a correct record of all its proceedings, and shall have power to make such rules and regulations, not inconsistent with law, as it may deem necessary for the successful enforcement of its authority and the performance of its duties. The chairman and secretary shall be empowered to administer oaths in matters connected with the duties of said board. The records of the said board shall include, among other things, a record of all moneys received and disbursed by said board, also a list of all applicants for certificates, giving the name and location of the institution granting a degree of doctor of osteopathy to the applicant, and the fact shall be recorded whether the applicant was granted or denied a certificate. Said records, or duplicates thereof, shall always be open to inspection in the office of the secretary of state during regular office hours, and shall be prima facie evidence of all matters recorded therein. Three members of the board shall constitute a quorum for the transaction of business but no certificate to practice osteopathy shall be granted except on an affirmative vote of at least three members of the board.

Sec. 62. Osteopaths to be registered; exceptions. 1919, c. 188, § 3. Any person, before engaging in the practice of osteopathy in this state, shall make application for a certificate to practice osteopathy to the board of osteopathic examination and registration, on a form prescribed by said board. Said application shall be filed with the secretary of the board, at least seven days before the date of examination, together with a deposit of twenty-five dollars, which said deposit shall be returned to applicant in case the application is rejected. Each applicant must be at least twenty-one years of age and shall present a diploma from a high school, academy, state normal school, college or university, or otherwise satisfy the members of the board of sufficient prior academic education. The applicant shall also present a diploma granted by a legally chartered osteopathic college or university in good standing and having the power to confer degrees in osteopathy which diploma shall show that it was granted on personal attendance of the applicant and completion of a course of not less than eight months in a year for four separate years. All applicants must also present a certificate of good moral character, signed by some reputable resident of the state of Maine, and such other reasonable and proper facts as the board in its blank application may require.

Sec. 63. Examination; board may refuse to grant license. 1919, c. 188, § 4. 1929, c. 36, § 1. The board shall then require the applicant to submit to an examination as to his or her other qualifications for the practice of osteopathy, which examination shall include the subjects of anatomy, physiology, chemistry, bacteriology, toxicology, pathology, dietetics, diagnosis, hygiene, obstetrics, gynecology, surgery, and principles and practice of osteopathy, and such other subjects as the board may deem necessary. If such examination is passed in a manner satisfactory to the board, then the board shall issue to the said applicant a certificate granting him or her the right to practice osteopathy in the

CHAP. 21

state of Maine. Every graduate of a reputable school of osteopathy who has been strictly examined and thereafter licensed to practice osteopathy in another state, and having the same or equivalent educational standards as this state, may be licensed to practice osteopathy in this state upon the payment of twenty-five dollars and the production to the board of his or her diploma, the license obtained in such other state, and satisfactory evidence of good moral character; but the board may, at its discretion, require an examination of any such applicant. The board may refuse to grant a certificate to any person convicted of a felony or who has been guilty of grossly unprofessional conduct, or who is addicted to any vice to such a degree as to render such person unfit to practice osteopathy, and may, after due notice and hearing, revoke a certificate already issued for like cause.

Sec. 64. Certificate to be publicly displayed; rights under certificate. 1919, c. 188, § 5. 1929, c. 36, § 2. When the board shall have granted to a person the certificate mentioned in section sixty-three, hereof, such certificate shall designate the holder as an osteopathic physician, and shall be publicly displayed at the person's principal place of business as long as such person shall continue to practice osteopathy for gain or hire. Such certificate shall entitle the person to whom it is granted to practice osteopathy in any county in this state, in all its branches as taught and practiced by the recognized schools and colleges of osteopathy, with the right to use such drugs as are necessary in the practice of surgery and obstetrics, including narcotics, antiseptics and anesthetics. Provided, however, that no osteopathic physician shall practice major surgery or obstetrics, who has not graduated from an accredited osteopathic school or college, after a four year course therein, or taken sufficient post graduate proper courses to constitute the equivalent thereof, properly evidenced to said board; and that no person heretofore registered under the provisions of sections sixty to seventy inclusive shall practice obstetrics or surgery without passing an examination before said board in surgery. Any person to whom a certificate has been granted under section sixty-three may prefix the title "Doctor," or the letters "Dr." to his name, when accompanied by the word "osteopath."

Sec. 65. Additional exceptions. 1919, c. 188, § 6. Nothing in sections sixty to seventy inclusive shall be construed to restrain or restrict any legally licensed physician, surgeon, dentist, or nurse in the practice of his or her profession, nor shall said sections apply to masseurs in their particular sphere of labor who publicly represent themselves as such, nor to any commissioned medical officer in the United States army, navy, or public health service, in the performance of his duties as such; nor to prohibit gratuitous service or the rendering of assistance in emergency cases.

Sec. 66. Penalties for practicing without certificate; exceptions. 1919, c. 188, § 7. Any person who shall practice or attempt to practice, or use the science or system of osteopathy in treating diseases of the human body, or any person who shall buy, sell, or fraudulently obtain any diploma, license, record, or registration to practice osteopathy or who shall aid or abet in such selling, or fraudulent obtaining; or who shall practice osteopathy under cover of any diploma, license, record, or registration to practice osteopathy, illegally obtained, or signed or issued unlawfully or under fraudulent representations; or who after conviction of felony shall practice osteopathy, or who shall use any of the forms of letters, "Osteopath," "Osteopathist," "Osteopathy," "Osteopathic Practitioner," "Doctor of Osteopathy," "Diplomate in Osteopathy," "D. O.," "D. Sc. O.," or any other title or letters, either alone or with qualifying words or phrases, under such circumstances as to induce the belief that the person who uses such terms is en-

gaged in the practice of osteopathy, without having complied with the provisions of sections sixty to seventy inclusive, shall be deemed guilty of a misdemeanor and upon conviction thereof, shall be punished by a fine of not less than fifty dollars, nor more than five hundred dollars, or by imprisonment for not less than thirty days, nor for more than eleven months, or both; provided, that nothing in said sections shall be construed to prohibit any lawfully qualified osteopathic physician in any other state meeting a registered osteopathic practitioner in this state for consultation.

Sec. 67. Fees to be remitted to state treasurer monthly; compensation and expense of board. 1919, c. 188, § 8. All fees received by the secretary and not returned to the applicant shall be paid monthly to the state treasurer. The compensation of members of the board shall be five dollars per day for each day actually spent in the discharge of their duties, and, in addition thereto, they shall receive necessary traveling expenses. The secretary shall be allowed extra compensation for books, stationery, postage, and other necessary expenses authorized by the board and actually incurred. The compensation and expenses of said board and its secretary and all other expenses proper and necessary in the opinion of said board to discharge its duties hereunder and to enforce the provisions of sections sixty to seventy inclusive, shall be paid out of the state treasury after the approval of the state auditor upon a requisition signed by the president and secretary of said board, provided that the amounts so paid shall in no case exceed the total amount received for the current year by the treasurer of state from the board as fees; and so much of said receipts as may be necessary is hereby appropriated for the compensation and expenses of the board as aforesaid.

Sec. 68. Board to revoke or suspend license after investigation and hearing. 1919, c. 188, § 9. The board, its members or agents, shall investigate all complaints and all cases of non-compliance with, or violations of the provisions of this chapter relating to the registration of osteopathic physicians and shall bring all such cases to the notice of the proper prosecuting officer. Said board, after a conviction before the 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 a vote of four-fifths 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 four-fifths vote of the entire board, in any case where such certificate has been wrongly obtained or for any fraud connected with the said registration.

Sec. 69. Board to make annual report to governor. 1919, c. 188, § 10. Said board shall annually on or before the first day of July 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. 70. Certain laws applicable to osteopaths. 1919, c. 188, § 11. 1929, c. 36, § 3. All laws, rules, or regulations now in force in this state, or which shall hereafter be enacted, for the purpose of regulating the reporting of contagious diseases, deaths, or births, to the proper authorities, and to which the registered practitioner of medicine is subject, shall apply equally to the practitioner of osteopathy, and all reports and health certificates made by osteopathic physicians shall be accepted by the officers of the departments to which the same are made equally with the reports and health certificates of doctors of medicine.

Registration of Chiropractors.

Sec. 71. Board of chiropractic examination and registration; qualifications; tenure; vacancies; removal. 1923, c. 86, § 1. The governor, by and with the advice and consent of the council, shall appoint five persons who shall constitute a board of chiropractic examination and registration. Said persons shall be residents of this state, shall be graduates of a legally chartered chiropractic school, college or university having the power to confer degrees in chiropractic; shall have been at the time of their appointment actively engaged in the practice of their profession for a period of at least three years in the state of Maine. Each appointment shall be for the period of five years as the terms of the present members expire. Any vacancy in said board caused by death, resignation or for any other cause except completion of a full term of service shall be filled by the like 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.

Sec. 72. Meetings; organization; bond of secretary and treasurer; seal; powers and duties. 1923, c. 86, § 2. Said board shall meet on the second Tuesday of June of each year at such time and place as its chairman may designate for the purpose of organization. They shall elect one of their members as chairman for a term of one year, and one of their members as secretary and treasurer, to hold such office at the pleasure of the board. The person elected as secretary and treasurer shall give a bond to the treasurer of state in the penal sum of one thousand dollars with sureties to be approved by the governor and council for the faithful discharge of the duties of his office. Said board shall hold regular meetings at least twice in each year for the purpose of considering applications, examining applicants and such other business as may properly come before the board, the time and place of such meeting to be determined by the board. Special meetings may be called at the pleasure of the chairman, and in case of the death or inability of the chairman the secretary may call special meetings. Said board shall cause a seal of suitable inscription to be procured and to be affixed to such papers as may require such seal, shall keep a correct record of all its proceedings and shall have power to make such rules and regulations, not inconsistent with law, as it may deem necessary for the successful enforcement of its authority and the performance of its duties. The chairman and secretary shall be empowered to administer oaths in matters connected with the duties of said board. The records of the said board shall include, among other things, a record of all moneys received and disbursed by said board, also a list of all applicants for certificates, giving the name and location of the institution granting a degree of doctor of chiropractic to the applicant, and the fact shall be recorded whether the applicant was granted or denied a certificate. Said records, or duplicates thereof, shall always be open to inspection in the office of the secretary of state during regular office hours, and shall be prima facie evidence of all matters recorded therein. Three members of the board shall constitute a quorum for the transaction of business but no certificate to practice chiropractic shall be granted except on an affirmative vote of at least three members of the board.

Sec. 73. Chiropractors to be examined and registered. 1923, c. 86, § 3. Any person, before engaging in the practice of chiropractic in this state, shall make application for a certificate to practice chiropractic to the board of chiropractic examiners and registration, on a form prescribed by said board. Said application shall be filed with the secretary of the board, at least seven days before the date

of examination, together with a deposit of twenty-five dollars, which said deposit shall be returned to applicant in case the application is rejected. Each applicant must be at least twenty-one years of age, and shall present a diploma from a high school, academy, state normal school, college, or university, or otherwise satisfy the members of the board of sufficient prior academic education. The applicant shall also present a diploma granted by a legally chartered chiropractic college, school, or university in good standing and having the power to confer degrees in chiropractic, which diploma shall show that it was granted on personal attendance of the applicant and completion of a course of three school years of not less than six months each, and of a total of two thousand sixty-minute school hours. All applicants must also present a certificate of good moral character signed by some reputable resident of the state of Maine, and such other reasonable and proper facts as the board in its blank application may require.

Sec. 74. Examination of applicants; subjects included; board to issue certificate; certificate without examination, in certain cases; board may refuse certificate. 1923, c. 86, § 4. The board shall then require the applicant to submit to an examination as to his or her qualifications for the practice of chiropractic, which examination shall include the subjects of anatomy, physiology, symptomatology, hygiene, sanitation, chemistry, histology, pathology, chiropractic analysis, and the principles and practice of chiropractic as taught in reputable chiropractic schools and colleges. If such examination is passed in a manner satisfactory to the board, then the board shall issue to the said applicant a certificate granting him or her the right to practice chiropractic in the state of Maine. Any person of good moral character, licensed by a chiropractic board of any other state or territory having a standard equal to the state of Maine, shall be licensed without examination, upon the payment of twenty-five dollars and the production to the board of his or her diploma, the license obtained in such other state, and satisfactory evidence of good moral character; but the board may, in its discretion, require an examination of any such applicant. The board may refuse to grant a certificate to any person convicted of a felony, or who has been guilty of grossly unprofessional conduct, or who is addicted to any vice to such a degree as to render such person unfit to practice chiropractic, and may, after due notice and hearing, revoke a certificate already issued, for like cause.

Sec. 75. Certificate to be publicly displayed; rights under certificate. 1923, c. 86, § 5. When the board shall have granted to a person the certificate mentioned in section seventy-four hereof, such certificate shall designate the holder as a doctor of chiropractic, and shall be publicly displayed at the person's principal place of business so long as such person shall continue to practice chiropractic for gain or hire. Such certificate shall entitle the person to whom it is granted to practice chiropractic in any county in this state, in all its branches as taught and practiced by the recognized schools and colleges of chiropractic, but it shall not authorize its holder to practice obstetrics so far as the same relates to parturition, nor to administer drugs or perform surgical operations with the use of instruments except as now allowed by statute, provided, however, that nothing in this section shall be construed to prohibit any legally registered doctor of chiropractic in this state from practicing surgery after having passed a satisfactory examination therein before the state board of medical examiners.

Sec. 76. Legally licensed practitioners of other schools or professions not affected. 1923, c. 86, § 6. Nothing in sections seventy-one to eighty-two inclusive shall be construed to restrain or restrict any legally licensed physician, sur-

CHAP. 21

geon, dentist, osteopath, or nurse in the practice of his or her profession; nor shall this act apply to masseurs in their particular sphere of labor, who publicly represent themselves as such; nor to any commissioned medical officer in the United States army, or public health service, in the performance of his duties as such; nor to prohibit gratuitous service or the rendering of assistance to emergency cases.

Sec. 77. Penalty for practicing without certificate; fraudulent licenses and certificates. 1923, c. 86, § 7. 1929, c. 90. Any person, who shall practice or attempt to practice, or use the science or system of chiropractic in treating diseases of the human body, or any person who shall buy, sell, or fraudulently obtain any diploma, license, record, or registration to practice chiropractic, or who shall aid or abet in such selling or fraudulent obtaining; or who shall practice chiropractic under cover of any diploma, license, record, or registration to practice chiropractic, illegally obtained, or signed or issued unlawfully or under fraudulent representations; or who after conviction of felony shall practice chiropractic, or who shall use any of the forms of letters, "Chiropractic," "Chiropractor," "Chiropractic Practitioner," "Doctor of Chiropractic," "D. C.," or any other titles or letters, either alone or with qualifying words or phrases, under such circumstances as to induce the belief that the person who uses such terms is engaged in the practice of chiropractic without having complied with the provisions of the six preceding sections, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than fifty dollars, nor more than five hundred dollars, or by imprisonment for not less than thirty days nor for more than eleven months, or both; provided, that nothing in this section shall be construed to prohibit any lawfully qualified chiropractor in any other state meeting a registered chiropractic practitioner in this state for consultation.

Sec. 78. Disposition of fees; compensation of members of board; compensation and expenses, how paid. 1923, c. 86, § 8. All fees received by the secretary and not returned to the applicant shall be paid monthly to the state treasurer. The compensation of members of the board shall be ten dollars per day for each day actually spent in the discharge of their duty, and, in addition thereto, they shall receive necessary traveling expenses. The secretary shall be allowed extra compensation for books, stationery, postage, and other necessary expenses authorized by the board and actually incurred. The compensation and expense of said board and its secretary and all other expenses proper and necessary in the opinion of said board to discharge its duties hereunder and to enforce the provisions of sections seventy-one to eighty-two inclusive shall be paid out of the state treasury, after the approval of the state auditor, upon the requisition signed by the president and secretary of said board, provided that the amounts so paid shall in no case exceed the total amount received for the current year by the treasurer of state from the board as fees; and so much of said receipts as may be necessary is hereby appropriated for the compensation and expenses of the board as aforesaid.

Sec. 79. Board to investigate complaints; may revoke or suspend certificates. 1923, c. 86, § 9. 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 doctors of chiropractic, and shall bring all such cases to the notice of the proper prosecuting officer. 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 four-fifths 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 four-fifths vote of the entire board, in any cases where such certificate has been wrongfully obtained or for any fraud connected with the said registration.

Sec. 80. Annual report. 1923, c. 86, § 10. Said board shall annually on or before the first day of July 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 or suggestions as it may deem essential.

Sec. 81. Laws regarding reporting contagious diseases and deaths applicable. 1923, c. 86, § 11. All laws, rules, and regulations now in force in this state, or which shall hereafter be enacted, for the purpose of regulating the reporting of contagious diseases and deaths to the proper authorities, and to which the registered practitioner of medicine is subject, shall apply equally to the practitioner of chiropractic.

Sec. 82. Definition of chiropractic; other methods excluded. 1923, c. 86, § 12. The system, method, or science commonly known as chiropractic, or the practice of chiropractic, is defined to be the science of palpating and adjusting the segments and articulations of the human spinal column by hand only. This definition is inclusive, and any and all other methods are hereby declared not to be chiropractic, and chiropractic is hereby declared not to be the practice of medicine, surgery, dentistry, and osteopathy within the meaning of the provisions of this chapter.

Registration of Veterinary Surgeons.

Sec. 83. Board of veterinary examiners; appointment; vacancies; removals. R. S. c. 18, § 56. 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. 84. Organization and officers; president may administer oaths and take testimony; annual report. R. S. c. 18, § 57. 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 eighty-seven. 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 July make written report to the governor and council of all receipts and expenditures of said board.

Sec. 85. Practitioners to obtain certificate. R. S. c. 18, § 58. 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 eighty-seven. Any person shall be regarded as

CHAP. 21

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. 86. Meetings of board; examination of applicants. R. S. c. 18, § 59. 1923, c. 38, § 1. 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 not previously registered who commence the practice of veterinary surgery, medicine, or any branch thereof, within the state, 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. 87. Board of examiners to issue certificates; certificates to be recorded. R. S. c. 18, § 60. 1923, c. 38, § 2. 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 considered a license to practice veterinary surgery, medicine, or dentistry in this state, except that it shall be unlawful for any person to practice veterinary surgery, medicine, or dentistry in this state in any year after the year in which said certificate is issued to him unless he shall pay to the treasurer of the state board of veterinary examiners on or before January first of said year a fee of one dollar for which he shall receive a registration card, which card shall be placed beside or attached to the certificate above mentioned. Said certificate shall be recorded in the office of the clerk of the superior 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 service for the state of Maine, in any of its departments, shall at the request of the commissioner of agriculture, submit himself to an examination before said board as to his fitness to perform the service.

Sec. 88. Board of examiners to keep record. R. S. c. 18, § 61. 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. 89. Penalty. R. S. c. 18, § 62. 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 of not more than one hundred dollars, or by imprisonment for not more than thirty days.