

MAINE STATE LEGISLATURE

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EIGHTH REVISION

THE
REVISED STATUTES

OF THE
STATE OF MAINE

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VOLUME I



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CHAPTER 65.

REGISTRATION OF CHIROPRACTORS.

Sec. 1. Board of chiropractic examination and registration; qualifications; tenure; vacancies; removal. R. S. c. 21, § 71. The board of chiropractic examination and registration, as heretofore established, and hereinafter in this chapter called the "board", shall consist of 5 persons who shall be appointed by the governor, with the advice and consent of the council. 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 3 years in this state. Each appointment shall be for the period of 5 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. 2. Meetings; organization; secretary and treasurer; seal; powers and duties. R. S. c. 21, § 72. 1943, c. 320. The board shall meet on the 2nd 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 1 year and one of their members as secretary and treasurer, to hold such office at the pleasure of the board. 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 3 members of the board.

See c. 14, §§ 2-4, re bond of treasurer.

Sec. 3. Disposition of fees; compensation of members of board; compensation and expenses, how paid. R. S. c. 21, § 78. 1931, c. 216, Art. II, § 15. 1935, c. 168, § 3. 1941, c. 297, § 1. Any person to whom a certificate has been granted

under the provisions of section 5 shall, on or before the 1st day of June of each year, pay to the secretary of the board a fee of \$3, upon payment of which said certificate shall be renewed for 1 year; provided that in addition to the payment of such renewal fee, each licensee so applying for his renewal certificate shall furnish to said board satisfactory evidence that he has attended one of 2 educational programs conducted and supervised by the said board, in the year preceding. If such fee is not paid within 3 months after the date of notification by the secretary that such fee is due, the certificate of the chiropractor so failing to pay such fee shall be revoked and shall be thereafter renewed by a majority vote of the board and upon the payment of a fee of \$10 to the secretary of said board. All fees received by the secretary and not returned to the applicant shall be paid forthwith to the treasurer of state. The compensation of members of the board shall be \$10 per day for each day actually spent in the discharge of their duties, and necessary traveling expenses. The secretary shall be reimbursed for all expenditures for books, stationery, postage, and other necessary expenses authorized by the board and actually incurred in the discharge of his duties. Said compensation and all other necessary and proper expenses of said board shall be certified by the chairman and secretary and shall be paid out of the fund held by the treasurer of state; 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.

See c. 15, § 27, re funds held by state treasurer for various examining boards.

Sec. 4. Chiropractors to be examined and registered. R. S. c. 21, § 73. 1935, c. 168, § 1. Any person, before engaging in the practice of chiropractic in this state, shall make application for a certificate to practice chiropractic to the board on a form prescribed by said board. Said application shall be filed with the secretary of the board at least 7 days before the date of examination, together with a deposit of \$25, which said deposit shall be returned to applicant in case the application is rejected. Each applicant must be at least 21 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 4 school years of not less than 6 months each, and of a total of 2,600 60-minute school hours. All applicants must also present a certificate of good moral character signed by some reputable resident of this state, and such other reasonable and proper facts as the board in its blank application may require.

Sec. 5. Examination of applicants; subjects included; board to issue certificate; certificate without examination, in certain cases; board may refuse certificate. R. S. c. 21, § 74. 1935, c. 168, § 2. 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 this state. 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 \$25 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. Any certificate granted under the provisions of this section shall be subject to annual renewal as provided in this chapter.

Sec. 6. Certificate to be publicly displayed; rights under certificate. R. S. c. 21, § 75. When the board shall have granted to a person the certificate mentioned in section 5, 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 registration in medicine.

Sec. 7. Legally licensed practitioners of other schools or professions not affected. R. S. c. 21, § 76. Nothing in this chapter shall be construed to restrain or restrict any legally licensed physician, surgeon, dentist, osteopath, or nurse in the practice of his or her profession; nor shall the provisions of this chapter 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. 8. Penalty for practicing without certificate; fraudulent licenses and certificates. R. S. c. 21, § 77. 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 this chapter shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than \$50, nor more than \$500, or by imprisonment for not less than 30 days, nor for more than 11 months,

or by both such fine and imprisonment; 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. 9. Board to investigate complaints; may revoke or suspend certificates. R. S. c. 21, § 79. 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 4/5 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 4/5 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. 10. Annual report. R. S. c. 21, § 80. The board shall annually on or before the 1st 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.

See c. 14, § 5, re uniform fiscal year.

Sec. 11. Laws regarding reporting contagious diseases and deaths applicable. R. S. c. 21, § 81. 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.

See c. 22, §§ 61, 71-84, 90-93, re reporting diseases and deaths by physicians.

Sec. 12. Definition of chiropractic; other methods excluded. R. S. c. 21, § 82. 1941, c. 297, § 2. 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 and locating and correcting interference with nerve transmission and expression, by hand or by electrical treatments, without the use of drugs or surgery. This definition is inclusive, and any and all other methods are declared not to be chiropractic, and chiropractic is declared not to be the practice of medicine, surgery, dentistry, or osteopathy.