

MAINE STATE LEGISLATURE

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CHAPTER 66.

BOARD OF DENTAL EXAMINERS. DENTISTS. DENTAL
HYGIENISTS.

Sections 1-19 Registration of Dentists.

Sections 20-22 Registration of Dental Hygienists.

Registration of Dentists

Sec. 1. Board of dental examiners; appointment; vacancies; removal; nominations; compensation. R. S. c. 21, § 26; c. 125, § 53. 1941, c. 46, § 3. The board of dental examiners, as heretofore established, and hereinafter in this chapter called the "board", shall consist of 5 members of the dental profession appointed by the governor, with the advice and consent of the council. They shall be graduates of a reputable dental college, and shall have been in the actual practice of dentistry in this state for at least 5 years immediately preceding the appointment. One member shall be appointed annually, as the terms of the present members expire, to hold office for 5 years from the 1st day of January. No person shall be eligible to appointment on said board who shall have served 10 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 6 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.

The members of the board shall each receive as compensation for their services \$10 a day for the time actually spent and their necessary expenses incurred in the discharge of their duties, to be certified by the secretary of the board.

Sec. 2. Election of officers; quorum; annual report; records to be public; treasurer; expenses. R. S. c. 21, § 27; c. 125, §§ 55, 56. 1931, c. 216, Art. II, § 15. 1943, c. 320. The board shall, at its annual meeting, elect from its members a president and a secretary. They shall hold at least 1 meeting annually at the state house between the 1st day of May and the 1st day of August, to examine applicants for certificates to practice dentistry in the state; 3 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.

The secretary of the board shall be the treasurer thereof and shall receive all

fees, charges, and assessments payable to the board, and account for and pay over the same according to law.

See c. 14, §§ 2-4, re bond of treasurer; c. 14, § 5, re uniform fiscal year; c. 15, § 27, re fees, fund for payment of expenses of board, etc.

Sec. 3. Qualifications of applicant. R. S. c. 21, § 28. 1935, c. 97, § 1. 1939, c. 50, § 1. All persons applying for examination and a certificate to practice dentistry in this state shall be 21 years of age, of good moral character, a citizen of the United States, and shall be graduates of and have a diploma from a reputable dental college, school, or dental department of a reputable university, rated as A or B by the dental educational council of America, and should the dental educational council of America cease to exist, the board shall rate dental colleges, dental schools, or dental departments of a university.

Sec. 4. Application for examination; subjects included in examination; re-examination. R. S. c. 21, § 29. 1935, c. 97, § 2. Not less than 10 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 the board a fee of \$25 and present himself for examination at the 1st 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, oral hygiene, and such other subjects as the board may deem necessary to meet changed conditions in dental education. 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 1st examination to the satisfaction of the board shall be entitled to 1 reexamination without charge, and the fee for any subsequent examination shall be \$10.

Sec. 5. Certificate; fee; registration cards. R. S. c. 21, § 30. 1935, c. 97, § 3. 1939, c. 50, § 2. The 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 board on or before January 1st of said year a fee of \$100, except that residents of this state and all other persons now authorized to practice dentistry and maintaining permanent dental offices in this state shall pay a fee of \$1, for which they shall receive a registration card, which card shall be placed beside or attached to the certificate above mentioned. "A resident of this state" wherever used in this section shall mean one who has been a bona fide resident hereof and actually domiciled here for a period of 6 months.

Sec. 6. Certificates may be issued to practitioners from other states; fee. R. S. c. 21, § 31. 1935, c. 97, § 4. The board may, at its discretion, without the examination as hereinbefore provided, issue its certificate to any applicant there-

for 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 1st day of January, 1913, his professional education shall not be less than is required in this state, and provided that such applicant shall have been at least 5 years in actual practice in the state in which said license was granted. Provided further, that the board may, at its discretion, recognize a certificate granted by the national board of dental examiners in lieu of, or subject to, such examination as may be required. 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 certificate shall be \$50.

Sec. 7. Fee for a duplicate certificate. R. S. c. 21, § 32. An applicant for a duplicate certificate granted upon proof of loss of the original shall pay a fee of \$5.

Sec. 8. Practitioners of dentistry. R. S. c. 21, § 25. Only those persons who were in the lawful practice of dentistry on the 13th day of March, 1913, and those who have received certificates, as provided for by law since the aforesaid date, shall be deemed lawful practitioners of dentistry in this state.

Sec. 9. Dentist may prescribe drugs or medicines, etc. R. S. c. 21, § 33. 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 1 to 19, inclusive, as is enjoyed by registered physicians in this state.

See c. 61, re physicians and surgeons; c. 62, § 19, re prescribing opium to habitual users.

Sec. 10. Revocation of certificates; misrepresentation, penalty. R. S. c. 21, § 34. 1935, c. 97, § 5. 1941, c. 46, § 1. The 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 a felony, or is afflicted with one or more of the specific infections, or is convicted in a court of competent jurisdiction of violating any of the provisions of this chapter.

No registered dentist, dental hygienist, dental technician, or dental laboratory shall include in any newspaper, radio, display sign, or other advertisement any statement of a character tending to deceive or mislead the public, or any statement claiming professional superiority or the performance of professional services in a superior manner, or the performance of painless operations of a dental or oral surgical nature, or advertising fixed prices for professional services or materials or the use of any drug, nostrum, patent or proprietary medicine of any unknown formula, or advertising to use any system of anesthetics without truly and accurately naming the same, or to use any such system unless such system is in fact used, or shall advertise with signs or printed advertisements which contain the representation of a tooth, teeth, dental restoration of any kind, or of whatsoever design or description or any portion of the human head or neck or photograph of any person. Any person who violates any of the provi-

sions of this paragraph shall be deemed guilty of a misdemeanor and shall be punished by a fine of not more than \$200.

See § 11, re hearing before revocation of license; § 12, re appeal from revocation; § 13, re revocation of license for crime involving moral turpitude.

Sec. 11. No certificate to be revoked without hearing. R. S. c. 21, § 35. 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 20 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 1 year after such revocation, and then only upon sufficient assurances and guarantees to said board, of correct future conduct. A 2nd revocation of any certificate shall be perpetual.

122 Me. 453.

Sec. 12. Appeal from decree of revocation. R. S. c. 21, § 36. A person whose certificate has been revoked may file with the secretary, within 30 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. 13. Conviction to be certified. 1935, c. 97, § 6. The clerk of a court in which a registered dentist or dental hygienist is convicted under the provisions of section 10 shall forthwith certify such conviction to the board, and the board may, after a hearing, revoke or suspend the certificate of the convicted registrant. The board may also revoke or suspend the certificate of a dentist or dental hygienist for conviction in any court of the state of a crime involving moral turpitude.

Sec. 14. Affiliation with national association of dental examiners. 1935, c. 97, § 6. The board may affiliate with the national association of dental examiners, as an active member, and pay regular annual dues to said association and may send a delegate to the meetings of the said national association of dental examiners; such delegate shall receive the compensation provided for in section 1.

Sec. 15. Term "practicing dentist" defined; persons excepted. R. S. c. 21, § 37. 1939, c. 50, § 3. 1941, c. 46, § 2. 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 take any impression of the human gums in connection with the manufacture of artificial dentures, or prescribe for any disease, pain, injury, deficiency, deformity, or physical condition of the human teeth, alveolar process, gums, or jaws, or any lesion of the teeth, alveolar process, gums, jaws, oral cavity, and associated parts, 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 supply and insert artificial dentures, crowns, or bridges as substitutes for natural teeth, or who, except on the written prescription of a duly licensed and registered dentist and by the use of impressions or casts made by a duly licensed and registered dentist, shall directly or indirectly by mail, carrier, personal agent, or by any other method, furnish, supply, construct, reproduce, or repair prosthetic dentures, crowns, bridges, appliances, or other structures to be used and worn as substitutes for natural teeth, or corrective appliances; or who shall place such substitutes in the mouth and/or adjust the same except by a duly licensed and registered dentist, 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 this chapter 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. 16. 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. 21, § 38. 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 15, 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, 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 \$100, nor more than \$300, or by imprisonment for not more than 30 days, or by both such fine and imprisonment. Each act constituting a violation of any of the provisions of sections 1 to 16, 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. 17. Members of board to investigate complaints. R. S. c. 21, § 39. Each member of the board is constituted an agent, who shall investigate all complaints and all cases of non-compliance with or violation of the provisions of law relating to the registration of dentists, and shall bring all such cases to the notice of the proper prosecuting officers.

Sec. 18. Diplomas not to be transferred, or fraudulently altered; penalty. R. S. c. 21, § 40. 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 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 \$100, nor more than \$200, or by imprisonment for not less than 30 days, nor more than 60 days, or by both such fine and imprisonment. A subsequent conviction shall be punished by the maximum penalties prescribed in this section.

Sec. 19. Penalty for other violation; duty of prosecuting officers. R. S. c. 21, § 41. Whoever violates any provision of the 18 preceding sections, for the violation of which no penalty has been prescribed, shall be punished by a fine of not less than \$50, nor more than \$300, or by imprisonment for not less than 10 days, nor more than 30 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 18 preceding sections.

Registration of Dental Hygienists

Sec. 20. Dental hygienists; powers; duties; license of registered dentist to be revoked for violation. R. S. c. 21, § 42. 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 board 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. 21. Examination; qualifications; fees. R. S. c. 21, § 43. No person shall enter practice as a dental hygienist in this state until she has passed an examination given her by the board, 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 \$10 and any applicant failing to pass said examination shall be entitled to 1 additional examination without further cost. The fee for each reexamination after the first shall be \$5. The said board 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 certificate unless she shall be 18 years of age, of good moral character, and shall have completed a 4 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 board on or before January 1st of said year

a fee of \$1, for which she shall receive a registration card, which card shall be placed beside or attached to the certificate above mentioned.

Sec. 22. Dental hygienists licensed in another state may receive certificate without examination; proof required; fee. R. S. c. 21, § 44. The board 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 \$10.

CHAPTER 67.

EXAMINERS OF PODIATRISTS.

Sec. 1. Examiners of podiatrists provided for. 1933, c. 140, § 3. The examiners of podiatrists, as heretofore appointed, and hereinafter in this chapter called the "examiners", shall be the members of the board of registration in medicine together with 1 podiatrist appointed by the governor with the advice and consent of the council. The podiatrist appointed by the governor shall be appointed for a term of 4 years, and shall, at the time of his or her appointment, have been actively engaged in the practice of podiatry for a period of at least 2 years.

See c. 61, § 1, re board of registration in medicine.

Sec. 2. Meetings; officers; records. R. S. c. 125, § 55. 1933, c. 140, § 8. The examiners shall hold regular meetings, one in March, one in July, and one in November, upon the same dates and at the same places as are held the regular meetings of the board of registration in medicine, and such additional meetings at such times and places as the said examiners may determine. The chairman of the board of registration in medicine shall act as chairman of the examiners. The secretary and treasurer of the board of registration in medicine shall act as secretary and treasurer of the examiners and shall keep a record of the proceedings of said examiners, which record shall include, among other things, a record of all money received and disbursed, a list of all applicants for licenses to practice podiatry and the fact of whether the applicant was granted or denied a license. Said records, or duplicates thereof, shall be filed in the office of the secretary of state and shall always be open to inspection during regular office hours. Four members of the examiners shall constitute a quorum for the transaction of business, but no license to practice podiatry shall be granted except upon the affirmative vote of 4 members of said examiners.

See c. 14, §§ 2-4, re bond of treasurer; c. 61, § 2, re meetings of board of registration in medicine.

Sec. 3. Compensation; disposition of fees. R. S. c. 125, §§ 55, 56. 1931, c. 216, Art. II, § 15. 1933, c. 140, § 10. 1935, c. 47. 1943, c. 320. The treasurer of the examiners shall receive all fees, charges, and assessments payable to said