

MAINE STATE LEGISLATURE

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Chapter 66.

Registration of Physicians and Surgeons. Medical Education.

Sections 1- 9. Registration of Physicians and Surgeons.

Sections 10-17. Promotion of Medical Education.

Registration of Physicians and Surgeons.

Sec. 1. Board of registration in medicine; appointment; vacancies; compensation.—The board of registration in medicine, as heretofore established and hereinafter in this chapter called the “board,” shall consist of 6 persons appointed by the governor with the advice and consent of the council. They shall be residents in the state, shall be graduates of a legally chartered medical college or university having authority to confer degrees in medicine and shall have been actively engaged in the practice of their profession for a period of 5 years. Two persons, qualified as aforesaid, shall be appointed members of said board on or before the 1st day of July of every uneven-numbered year, to hold office for 6 years from the 1st 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.

Members of said board shall receive annual salaries of \$100 each, except the secretary, who shall receive \$300 a year; in addition each member shall receive necessary traveling expenses in attending the meetings of the board. Extra compensation for each day actually spent in investigation or prosecution of complaints and cases under the provisions of section 6 shall be allowed to each member of the board actually engaged therein. Provided that if the fees to be collected under the provisions of section 3 are insufficient to pay the salaries and expenses provided by this section, the members of said board shall be entitled to only a pro rata payment for salary in any year in which such fees are insufficient. (R. S. c. 61, § 1.)

See c. 75, §§ 1-3, re practice of any healing art or science.

Sec. 2. Meetings for choice of officers; regular meetings; seal; expenses.—The members of said board shall meet on the 2nd Tuesday of July of the uneven-numbered years at such time and place as they may determine and shall elect a chairman and a secretary, who shall hold their respective offices for the term of 2 years. The secretary of said 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. 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. (R. S. c. 61, § 2.)

See c. 16, § 2, re bond of state officials;
c. 18, § 31, re fees, fund for payment of expenses of board, etc.

Sec. 3. Registration of physicians and surgeons; fee.—Any graduate of a medical school designated as Class A by, and approved by American Medical Association shall, upon the payment of a fee of \$25, be entitled to examination

and, if found qualified by a majority of the members of the board present, shall be registered as a physician or surgeon, and shall receive a certificate thereof under the seal of the board and signed by the chairman and secretary, which shall state the facts and must be publicly displayed at the person's principal place of business as long as said person continues such practice for gain or hire. Any person refused registration may be reexamined at the regular meeting of said board, within 2 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 \$25 for each examination. (R. S. c. 61, § 3. 1951, c. 223, § 1.)

Cross reference.—See c. 68, § 19, re prescribing opium to habitual users.

Cited in State v. Corriveau, 131 Me. 79, 159 A. 327.

Sec. 4. Applicants examined; qualifications; reciprocity. — The board shall examine all such applicants for registration as licensed physicians or surgeons. Each applicant shall, at least 7 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 21 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 4 school years, or a certificate of having passed a satisfactory examination before the 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, 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 in its discretion grant registration without examination to a physician in good standing who has been examined and licensed by a board of another state or who has been examined and certified by a national medical examining board, provided the examination passed by the applicant is deemed by the board to have been equivalent in all essentials to its own examination, and provided that such applicant has paid a fee of \$50 and has satisfied the educational and other qualifications hereinbefore in this section provided. The board may make such rules and regulations as may be necessary in connection with the provisions of this section; but no such rule shall become operative until it has been approved by a justice of the superior court. (R. S. c. 61, § 4. 1951, c. 223, § 2.)

Sec. 5. Records; annual report.—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 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 and disbursements and such comments or suggestions as it may deem essential. (R. S. c. 61, § 5.)

See c. 16, § 5, re uniform fiscal year.

Sec. 6. Investigation of complaints; certificates revoked. — The board, its members or agents shall investigate all complaints and all cases of

noncompliance with or violation of the provisions of this chapter relating to the registration and activities 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, either within or without the state, of any crime involving moral turpitude, or of any crime in the practice of his profession or of a felony; or on proof to its satisfaction of fraudulent or unprofessional conduct in the practice of his profession, or addiction to the use of morphine, cocaine or other drugs having similar effect; or on proof to its satisfaction of the use of advertising which may be considered by the board to be deceptive, misleading, extravagant, improbable or unethical, or by any person to whom a certificate has been issued by them, and after hearing, may by vote of 2/3 of the entire board suspend or revoke the certificate and suspend or cancel the registration of the person to whom the same was issued. Said board may also suspend or revoke any certificate by a 2/3 vote of the entire board in any case where such certificate has been wrongfully obtained or for any fraud connected with the said registration. (R. S. c. 61, § 6. 1951, c. 223, § 3.)

Cross reference.—See c. 25, §§ 88-103, 110-113, re reporting of diseases and deaths by physicians and surgeons.

“Conviction” is the judgment of the court, which is to be reached before exe-

cution of sentence, and not the return of the adverse verdict. *Donnel v. Board of Registration of Medicine*, 128 Me. 523, 149 A. 153.

Sec. 7. No unregistered person to practice or to use title; prima facie evidence.—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,” or any member of the Maine state chiropractors’ association or any chiropractor duly licensed by this state may prefix the title “Doctor” or the letters “Dr.” to his name when accompanied by the word “Chiropractor,” or any dentist duly licensed by this state may prefix the title “Doctor” or the letters “Dr.” to his name, or any optometrist duly licensed under the laws of this state may prefix the title “Doctor” or the letters “Dr.” to his name when accompanied by the word “Optometrist.” 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 \$100 nor more than \$500 for each offense, or by imprisonment for 3 months, or by both such 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. (R. S. c. 61, § 7. 1945, c. 17. 1949, c. 265. 1953, c. 44.)

Cross references.—See c. 71, § 7, re use of "Doctor," etc., by osteopaths; c. 74, § 7, re podiatrists not to use prefix "Doctor," etc.

Purpose of section.—This section was set up to protect the individual from the danger of submitting to incompetent hands when he felt the need of medical aid, surgical attention, the arresting or cure of disease, or relief from ailment, to preserve and promote the public health. State v. Corriveau, 131 Me. 79, 159 A. 327.

In this section there is no attempt at oppression of any fixed class of people, nor at denying equal rights to any fixed class. It is purely police legislation, designed solely for the promotion of the health of all the people within the state. All persons practicing or proposing to practice medicine or surgery within this

state for gain or hire have the same right and duties without any discrimination between them. State v. Bohemier, 96 Me. 257, 52 A. 643.

Performance of optometrical functions may be practice of medicine.—It is inconceivable that anyone would solicit the services of one who holds himself out to prescribe and adjust lenses for the eye, unless he felt disease, defect or ailment. Consequently, a person who engages in the business or profession of fitting, bending and adjusting spectacles and eyeglasses with ophthalmic lenses for the betterment of vision may, under certain circumstances, be practicing medicine or surgery and be held to be within the provisions of this section. State v. Corriveau, 131 Me. 79, 159 A. 327.

Cited in Fletcher v. Belfast, 77 Me. 334.

Sec. 8. Certain officers, physicians, exempt.—The provisions of the 7 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. (R. S. c. 61, § 8.)

Constitutionality of section.—See State v. Bohemier, 96 Me. 257, 52 A. 643.

Cited in State v. Corriveau, 131 Me. 79, 159 A. 327.

Sec. 9. Temporary admission to practice as camp physician or hospital resident.—Any physician, a graduate of a class A medical school or university, duly registered and licensed in this or any other state, who meets the requirements of the board relative to education medically as well as premedical, who is a citizen of the United States and is of good repute may make application for a temporary license to practice, 1st, as camp physician that he may care for the campers in that particular camp for which he was hired and obtained as camp physician or, 2nd, as a resident physician or surgeon in a hospital. He shall be entitled to practice only on patients in said camp or said hospital. The certificate of licensure shall be obtained each year. Application for this temporary certificate shall be made in the same form and manner as for regular licensure. The fee shall be \$10, annually, which shall include registration and certificate. No examination shall be exacted from applicants for these temporary licenses. (R. S. c. 61, § 9. 1951, c. 223, § 4.)

Promotion of Medical Education.

Sec. 10. Body delivered to physician for scientific purposes. — If any resident of the state requests or consents that after 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. (R. S. c. 61, § 10.)

Sec. 11. Collection, distribution and delivery of dead human bodies.

—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 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. When no medical schools of the state are in active operation, the superintendent of the Bangor State Hospital, the superintendent of the Augusta State Hospital, the superintendent of the Eastern Maine General Hospital, the superintendent of the Maine General Hospital and the superintendent of the Central Maine General Hospital shall constitute such board. 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. (R. S. c. 61, § 11.)

Sec. 12. Deaths in almshouses, prisons, etc. — 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 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 physicians and surgeons from time to time designated by it or them, who comply with the provisions of this chapter, to take and remove any and all such bodies to be used within the state for the advancement of medical education; but no such notice need be given and no such body shall be delivered if any person, satisfying the authorities in charge of said body that he or she is a member of the family or next of kin to the deceased, shall claim the body for burial, but it shall be surrendered to him or her for interment, and no notice shall be given and no body delivered to said board or its agents if such deceased person was a traveler and not a vagabond, who died suddenly, in which case the said body shall be buried; provided, however, that the superintendents and medical staffs of the Augusta State Hospital, the Bangor State Hospital and Pownal State School, 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 or the Pownal State School and the department of institutional service 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. (R. S. c. 61, § 12.)

Overseers have choice as to disposition. —This section must be construed along with c. 94, § 28.

Overseers have the authority either to bury such bodies, or, if the situation war-

rants, to deliver them to the board of distribution. *Bath v. Harpswell*, 110 Me. 391, 86 A. 318.

History of section.—See *Bath v. Harpswell*, 110 Me. 391, 86 A. 318.

Sec. 13. Distribution of bodies. — The board or its duly authorized agent may take and receive such bodies, so delivered as aforesaid, and shall upon receiving them after 7 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. Subject to the provisions of sections 10 to 17, it shall be lawful for the University of Maine, Colby College, Bates College and Bowdoin College or any recognized medical school in New England to receive such bodies for the promotion of medical education, which shall be construed to include nursing training and pre-medical education. (R. S. c. 61, § 13. 1953, c. 141, § 1.)

Sec. 14. Bodies enclosed from public view; carriers to obtain receipts.—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. (R. S. c. 61, § 14.)

Sec. 15. School or persons receiving bodies to give bond for proper disposal; trafficking in dead bodies outside of state.—No school, college, university, or any recognized medical school in New England, 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, college, university or any recognized medical school in New England, to be approved by a justice of a court of record in and for the county in which said physician or surgeon resides, or in which such school, college, university or any recognized medical school in New England is situated; such bond shall be in the penal sum of \$1,000, conditioned that all such bodies, which the said physician or surgeon or the said school, college, university or any recognized medical school in New England shall receive thereafter, shall be used only for the promotion within the state of medical education, which shall be construed to include nursing training and premedical education, 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, except as provided in section 13, shall be punished by a fine of not more than \$200 or by imprisonment for not more than 11 months. (R. S. c. 61, § 15. 1953, c. 141, § 2.)

Sec. 16. Expenses.—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. (R. S. c. 61, § 16.)

Sec. 17. Neglect to discharge duties.—Any person having duties enjoined upon him by the provisions of the 6 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 \$100 nor more than \$500, for each offense. (R. S. c. 61, § 17.)