

MAINE STATE LEGISLATURE

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REVISED STATUTES

OF THE

STATE OF MAINE

1954

1961 CUMULATIVE SUPPLEMENT

ANNOTATED

IN FIVE VOLUMES

VOLUME 2

Discard Previous Pocket Part Supplement

THE MICHIE COMPANY
CHARLOTTESVILLE, VIRGINIA
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proval, October 31, 1957, re-enacted the section so as to give effect to the prior 1957 amendments and added the exception at the end of the section.

The 1961 amendment eliminated "policemen" in the last sentence.

Sec. 2. Definitions.

The phrase "the civilian employees of the Maine national guard who are employed pursuant to section 90 of the National Defense Act of June 3, 1916 (32 U. S. C., sec. 42)" means the civilian employees of the Maine national guard who are employed pursuant to section 90 of the National Defense Act of June 3, 1916 (32 U. S. C., sec. 42) and paid from funds allotted to the Maine national guard by the department of defense and such employees shall, for the purpose of this chapter, be deemed to be employees of the state of Maine; provided, however, that the provisions of this chapter shall apply to the Maine national guard, with respect to such employees, as if it constituted a "political subdivision" within the meaning of this section.

(1957, c. 150, § 2.)

Effect of amendment. — The 1957 amendment, which became effective on its approval, April 16, 1957, inserted the paragraph set out above as the fourth

paragraph of the section.

As the rest of the section was not affected by the amendment, it is not set out.

Sec. 3. Federal-state agreement. — The state agency, with the approval of the governor, is authorized to enter on behalf of the state into an agreement with the federal security administrator, consistent with the terms and provisions of this chapter, for the purpose of extending the benefits of the federal old age and survivors insurance system to employees of any political subdivision of the state and to the civilian employees of the Maine national guard who are employed pursuant to section 90 of the National Defense Act of June 3, 1916 (32 U. S. C., sec. 42), with respect to services specified in such agreement which constitute "employment" as defined in section 2. Such agreement may contain such provisions relating to coverage, benefits, contributions, effective date, modification and termination of the agreement, administration and other appropriate provisions as the state agency and federal security administrator shall agree upon, but, except as may be otherwise required by or under the Social Security Act as to the services to be covered, such agreement shall provide in effect that:

(1957, c. 150, § 3.)

Effect of amendment. — The 1957 amendment, which became effective on its approval, April 16, 1957, inserted the clause in the first sentence which makes the section applicable to certain civilian

employees of the Maine national guard.

As only the first paragraph of the section was changed by the amendment, the rest of the section is not set out.

Chapter 66.

Registration of Physicians and Surgeons. Medical Education.

Sections 1 to 9-A. Registration of Physicians and Surgeons.

Registration of Physicians and Surgeons.

Sec. 1. Board of registration in medicine; appointment; vacancies; compensation.

Members of said board shall receive annual salaries of \$500 each, except the secretary, who shall receive \$1,000 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. 1955, c. 55. 1961, c. 104, § 1.)

Effect of amendments. — The 1955 amendment substituted “\$300” for “\$100” in the first line of the second paragraph and “\$500” for “\$300” in the second line of the second paragraph.

The 1961 amendment substituted “\$500”

for “\$300” in the first line of the second paragraph and also substituted “\$1,000” for “\$500” in the second line of that paragraph.

As the first paragraph was not affected by the amendments, it is not set out.

Sec. 3. Registration of physicians and surgeons; fee.—Any citizen of the United States or Canada who is a graduate of a medical school designated as Class A by and approved by the American medical association, or any non-citizen who has satisfactorily met the requirements of a national group, constituted to evaluate graduates from foreign medical schools, which is recognized by the board as competent to evaluate graduates from foreign medical schools, and who has served an internship for at least 12 months, or its equivalent, in a hospital approved by the American hospital association and the American medical association shall, upon the payment of a fee of \$50, 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. 1955, c. 169, § 1. 1959, c. 202, § 1. 1961, c. 104, § 2.)

Effect of amendments. — The 1955 amendment inserted in the first sentence the requirements that the applicant be a citizen of the United States or Canada and have served a twelve-months internship in an approved hospital.

The 1959 amendment inserted the pro-

visions as to any noncitizen in the first sentence of this section.

The 1961 amendment substituted “board” for “state of Maine board of registration in medicine” in the first sentence and increased the fee in that sentence from \$25 to \$50.

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 a citizen of the United States or Canada, or any non-citizen who has satisfactorily met the requirements of a national group, constituted to evaluate graduates from foreign medical schools, which is recognized by the state of Maine board of registration in medicine as competent to evaluate graduates from foreign medical schools, 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 exam-

ination 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 satisfactory proof that he has served as an intern for 12 months in a hospital approved by the American hospital association and the American medical association. 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 such applicant has paid a fee of \$100 and has satisfied the educational and other qualifications in this section provided. The board may make such rules and regulations as may be necessary in connection with this section. (R. S. c. 61, § 4. 1951, c. 223, § 2. 1955, c. 169, §§ 2, 3. 1959, c. 202, § 2. 1961, c. 104, § 3; c. 394, § 21.)

Effect of amendments. — The 1955 amendment inserted the words “a citizen of the United States or Canada” in the second sentence, and added the third sentence.

The 1959 amendment inserted the provisions as to any noncitizen in the second

sentence of this section.

P. L. 1961, c. 104, increased the fee in the next to the last sentence from \$50 to \$100. P. L. 1961, c. 394, deleted “but no such rule shall become operative until it has been approved by a justice of the superior court” at the end of this section.

Sec. 4-A. Physicians in state hospitals; temporary registrations.—

In the case of physicians assigned to junior positions in state hospitals, caring for tubercular and mental patients, the requirements of sections 3 and 4 may be waived by the board and temporary registration may be granted, limited to practice in state institutions under the department of institutional service, for periods of 1 year, which may be renewed, to non-citizens who are graduates of foreign schools, upon recommendations of the superintendents of such institutions and under such regulations as the board may establish with the approval of a justice of the superior court. (1955, c. 169, § 4.)

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 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. The hearing officer as designated in chapter 20-A, 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 satisfactory proof 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 satisfactory proof of the use of advertising which may be considered to be deceptive, misleading, extravagant, improbable or unethical, of or by any person to whom a certificate has been issued by them, and after hearing, may suspend or revoke the certificate and suspend or cancel the registration of the person to whom the same was issued. The board may suspend or revoke any certificate by a $\frac{2}{3}$ 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. 1961, c. 394, § 22.)

Effect of amendment.—The 1961 amendment rewrote the second sentence, which formerly provided for suspension, revocation or cancellation by the board instead of the hearing officer, and made other minor changes.

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 optometrists 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," or any podiatrist 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 "Podiatrist" or "Chiropodist," when permitted such right by the laws governing the practice of podiatry. 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. 1955, c. 261, § 5.)

Effect of amendment.—The 1955 amendment added to the second sentence the provision as to the use of the title "Doctor" or "Dr." by a podiatrist.

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, and is of good repute may make application for a temporary license to practice 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 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. 1959, c. 202, § 3.)

Effect of amendment.—The 1959 amendment deleted “who is a citizen of the United States” and “1st” and “2nd” from the first sentence of this section.

Sec. 9-A. Immunity of licensee rendering emergency care.—No person licensed under this chapter who in the exercise of due care renders emergency care at the scene of an accident shall be liable for any civil damage as a result of acts or result of acts or omissions by such a person in rendering emergency care. (1961, c. 265, § 1.)

Promotion of Medical Education.

Sec. 12. Death in almshouses, prisons, etc.

Notwithstanding the availability of lump sum death benefits under the federal social security act, the term “buried at public expense” as written in this section shall be deemed to include the unclaimed dead bodies of all indigent persons otherwise within the intendment of this section. (R. S. c. 61, § 12. 1957, c. 241.)

Effect of amendment. — The 1957 amendment added the above paragraph at the end of this section. As the first paragraph was not changed by the amendment, it is not set out.

Chapter 66-A.

Tri-State Regional Medical Needs.

Sec. 1. Purpose; authorization.—In order to provide advisory service to voluntary and official health agencies and educational institutions concerned with health, relating to policies concerned with the promotion, preservation and restoration of health and to insure the availability of day to day medical care where there is need in the rural areas of Maine, New Hampshire and Vermont:

The legislature hereby ratifies the following compact to become effective at such time as the legislative bodies of the states of Vermont and New Hampshire also ratify it.

NORTHERN NEW ENGLAND MEDICAL NEEDS COMPACT

Article I.

The purposes of the Northern New England Medical Needs Compact shall be to provide advisory service to voluntary and official health agencies and educational institutions concerned with the promotion, preservation and restoration of health through, but not limited to, provision for the availability of day to day medical care where there is need in the rural areas of the compacting states.

Article II.

There is hereby created and established a Tri-State Regional Medical Needs Board which shall be the agency of each state party to the compact. The Board shall be a body corporate and politic having the powers, duties and jurisdiction enumerated in this chapter and such other and additional powers as shall be conferred upon it by the concurrent act or acts of the compacting states. The Board shall consist of the president, vice-president and president-elect of the medical societies of Vermont and New Hampshire and the president, president-elect and executive director of the Maine Medical Association; the commissioners of