

# MAINE STATE LEGISLATURE

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OF THE

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FIRST ANNOTATED REVISION

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IN FIVE VOLUMES

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THE MICHIE COMPANY, Inc.  
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## Chapter 69.

### Registration of Nurses.

**Sec. 1. Board of registration of nurses; qualifications; tenure; vacancies; removals.**—The board of registration of nurses, as heretofore established, and hereinafter in this chapter called the “board,” shall consist of 5 nurses, all of whom shall be residents of the state. They shall be appointed by the governor with the advice and consent of the council, shall have been graduated each from a different school of nursing and shall have had after graduation at least 3 years’ experience in nursing and in addition thereto at least 2 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.

Except to fill vacancies in unexpired terms, all appointments shall be for terms of 5 years. All appointments shall be made from a list of 3 eligible candidates selected at a meeting of the executive committee of the Maine State Nurses’ Association and submitted to the governor not less than 30 days before the time of appointment. No person shall be eligible for appointment to succeed herself.

Any vacancy occurring on said board shall be filled for the unexpired term by appointment to be made by the governor from like nominations to be furnished by the said association. If said nominations in either case are not submitted within 30 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. (R. S. c. 63, § 1. 1945, c. 155, §§ 1, 2. 1947, c. 70. 1951, c. 266, § 93.)

**Sec. 2. Organization; inspector of training schools; compensation; expenses; records; certificates; renewals; reports.**—The board shall, at each annual meeting, elect from its number a president, and a secretary who shall also be treasurer. The board may appoint and employ a qualified person, not a member of the board, to serve as educational secretary to the board and as inspector of schools of nursing and it shall fix her compensation and define her duties. It may employ such other persons as may be necessary to carry on the work of the board, which shall include the promotion of nursing education and standards of nursing care in this state. The educational secretary appointed by the board shall be a citizen of the United States, a graduate of an accredited school of nursing and shall be registered by the board. She shall have had at least 5 years’ experience in teaching and administration in an accredited school of nursing and shall be otherwise qualified. 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 2 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 the provisions of sections 3 and 4, which shall be open to the public at all reasonable times; he or she shall furnish a certificate of registration to each of such nurses, said certificate to be in force from the date of issue thereof until 1 year from and after the 1st day of the following January and may be renewed annually thereafter upon the payment of \$1 to the secretary of the board. On or before the 1st day of November of each year the secretary of the board shall mail to every nurse registered in this state under the provisions 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 31st 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 31st, provided a fee of \$1 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 for each fiscal year 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.

The members of the board of registration of nurses shall receive \$10 per day and actual necessary expenses incurred while in performance of their official duties; and the secretary shall receive a salary to be fixed by the board, not exceeding \$300 a year.

The treasurer shall receive all fees, charges and assessments payable to the board, and account for and pay over the same according to law. (R. S. c. 63, § 2. 1945, c. 155, §§ 3, 4.)

See c. 18, § 31, re fees, fund for payment of expenses of board, etc.; c. 16, § 2, re bond of state officials; c. 16, § 5, re fiscal year; c. 70, § 3, re fees, etc., for licensed nursing attendants.

**Sec. 3. Examinations; time; notice; eligibility; subjects.**—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 3 months from the date of such examination. Notice of each meeting, whether annual or special, shall be given by publication at least 1 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 \$10 and submit satisfactory evidence that he or she:

**I.** Is more than 20 years of age and of good moral character; (1945, c. 155, § 5)

**II.** Has had at least 2 years of high school education or its equivalent; provided, however, that any applicant beginning training in an approved school as hereinafter provided after September 1, 1935 shall submit satisfactory evidence that he or she has graduated from a class A secondary school or has had education equivalent thereto.

**III.** Has completed a course of not less than 2 years in an accredited school or schools of nursing; provided, however, that not less than 1 year thereof shall have been spent in the school of nursing from which she received her diploma. (1945, c. 155, § 6)

Any student desiring to transfer from one accredited school of nursing to another shall submit her records to the board on the form and in the manner that the board shall prescribe. Time allowance for previous training shall be determined by the board; provided, however, that not less than 1 year shall have been spent in the school from which she received her diploma.

In case of transfer of a student because of closing of the school of nursing, the board shall have determined the length of time required to be spent in the school of nursing which granted her diploma.

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 prac-

tical 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 examination to the satisfaction of the board shall receive a certificate of registration within 3 months of said examination. (R. S. c. 63, § 3. 1945, c. 155, §§ 5, 6.)

**Compliance with all conditions herein is mandatory.**—Under this section no applicant for registration and certification as a registered nurse can be admitted to examination unless he or she has complied with all the conditions enumerated, and no warrant can be found in it for waiving any of its provisions. *Snelson v. Culton*, 141 Me. 242, 42 A. (2d) 505.

**No distinction between schools in and out of state.**—The provision with reference to schools is all inclusive and an intent to distinguish between schools in and out of the state is not apparent in the plain and unambiguous language in which it is written nor elsewhere in the chapter. *Snelson v. Culton*, 141 Me. 242, 42 A. (2d) 505.

**Sec. 4. Registration without examination of nurses registered by other states; fee.**—The board may register, without examination upon payment of a fee of \$10, any person who has been registered by examination as a professional nurse in another state, territory or foreign country, if the board finds that the applicant meets the qualifications required of registered nurses in this state. (R. S. c. 63, § 4. 1945, c. 155, § 7.)

**Sec. 5. Registration suspended or canceled.**—Upon receipt of written complaint or information indicating the advisability of hearing and after hearing, said board 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 30 days' notice of the charges against him or her and to a full and fair hearing thereon.

Any certificate which has been revoked shall be returned by the holder thereof to the board, and upon failure of prompt return, shall be taken by any officer of the peace upon request of the board and returned to the board. (R. S. c. 63, § 5. 1945, c. 155, § 8.)

**Sec. 6. Credential committee; duties; public health nursing defined.**—A credential committee, which shall be a subcommittee of the board, shall be appointed annually to act upon the applications and qualifications of nurses employed in public health work. This committee shall be composed of 3 registered nurses, one from the board, one from the public health section of the Maine state nurses' association and one from the division of public health nursing of the state bureau 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 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. (R. S. c. 63, § 6.)

**Sec. 7. Unlawful practice.**—Nurses who have been registered as hereinbefore provided shall be known as "Registered Nurses." 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. 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 this chapter or willfully makes a false representation to said board in applying for a certificate of registration shall be punished by fine of not more than \$100 and shall have his or her certificate revoked; provided that nothing in this chapter 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 the provisions of this chapter and may incur any necessary expenses in the performance of this duty, which expenses shall be paid out of the receipts of said board. (R. S. c. 63, § 7, 1945, c. 155, § 9.)

**Purpose of section.**—The purpose of this and preceding sections clearly is not to regulate or control the practice of nursing as a calling but to designate by public registry and certification those nurses for whose qualifications the state is willing to vouch and to prevent others who are not entitled to it from falsely claiming such sponsorship. *Snelson v. Culton*, 141 Me. 242, 42 A. (2d) 505.

**Any person may nurse the sick gratuitously or for hire without a license or permit,** and nursing as a calling is open to all alike regardless of age, sex or qualifications and free from governmental regulation. There is no distinction in this regard be-

tween the professional and the private or the trained and the merely experienced nurse, or even the friend or relative who assists in time of need. Their right to nurse the sick is the same and unrestricted. Registration is purely voluntary and in no way compulsory. And while the practice of professional nursing as a registered nurse without a certificate of registration is prohibited, it is expressly provided that the law does not apply to the nursing of the sick by any person who does not represent himself or herself to be a registered nurse. *Snelson v. Culton*, 141 Me. 242, 42 A. (2d) 505.

**Sec. 8. Approving committee.**—An approving committee, constituted as hereafter provided, shall investigate, and if necessary in its opinion inspect, and determine that schools of nursing in this state and elsewhere are or are not approved by it for the training of nurses, candidates for registration hereunder. Such approval may for reason, sufficient to the committee, be withdrawn. Notice of approval or withdrawal thereof shall be given the governing body of the training school and the committee shall maintain a list of schools so approved, and such schools and none other shall be "accredited schools" of nursing hereunder. Any school whose governing body is aggrieved by refusal or withdrawal of such approval shall, on petition, be given a hearing before the committee.

Said committee shall consist of the board of registration of nurses and the commissioner of education ex officio and a business or professional person, not a practitioner of the healing arts, who is at the time of appointment a trustee or on the governing board of a hospital conducting a school of nursing in this state. Such member shall be appointed by the governor with the advice and consent of the council to hold office for a term of 3 years and shall be paid the reasonable expenditures incurred in the performance of duties hereunder. Vacancies in such office shall be filled by appointment in the same manner for the unexpired term. (1945, c. 155, § 10.)