

MAINE STATE LEGISLATURE

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REVISED STATUTES
OF THE
STATE OF MAINE
1954

1955 SUPPLEMENT

ANNOTATED

IN FIVE VOLUMES

VOLUME 2

**Place in Pocket of Corresponding
Volume of Main Set**

THE MICHIE COMPANY
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more full-time duly licensed physicians or surgeons, providing that person does not refer to himself as a physical therapist. (1955, c. 271, § 1.)

Sec. 12. Refusal, suspension and revocation of license.—The board may refuse to license an applicant convicted of violating any state or federal narcotic law. Said board shall investigate and may refuse license to, or revoke license of, a physical therapist who has treated or undertaken to treat ailments of human beings otherwise than by physical therapy as authorized by this chapter, or who has undertaken to practice independent of the prescription, direction or supervision of a duly licensed physician or surgeon. Said board may revoke a license, after due notice and hearing, 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 is addicted to the use of morphine, cocaine or other drugs having similar effect, or if the person named therein uses intoxicants to such an extent as to render him unfit to practice physical therapy. Said board may also revoke or suspend any license where such license has been obtained by fraud or misrepresentation. Said board may suspend the license of any physical therapist who has been declared insane by a court of competent jurisdiction and has not thereafter been lawfully declared sane. (1955, c. 271, § 1.)

Chapter 68.

Registration of Apothecaries. Drugs, Poisons and Narcotics.

Use or Sale of Narcotic Drugs.

Sec. 38. Sales by apothecaries.—

I. An apothecary, in good faith, may sell and dispense narcotic drugs to any person upon a written prescription, or an oral prescription in pursuance to regulations promulgated by the United States commissioner of narcotics under federal narcotic laws in effect on the effective date of this act, of a physician, dentist or veterinarian, dated and signed by the person prescribing on the day when issued and bearing the full name and address of the patient for whom, or of the owner of the animal for which, the drug is dispensed, and the full name, address and registry number under the federal narcotic laws of the person prescribing, if he is required by those laws to be so registered. If the prescription be for an animal, it shall state the species of animal for which the drug is prescribed. The person filling the prescription shall write the date of filling and his own signature on the face of the prescription. The prescription shall be retained on file by the proprietor of the pharmacy in which it is filled for a period of 2 years, so as to be readily accessible for inspection by any public officer or employee engaged in the enforcement of the provisions of this chapter. The prescription shall not be refilled. (1955, c. 292)

Effect of amendment.—The 1955 amendment inserted the provision as to an oral prescription in the first sentence of subsection I. As subsections II and III were not changed by the amendment, they are not set out.

Chapter 70.

Licensed Practical Nurses.

Sec. 1. Licensed practical nurses.—

I. Definition. As used in this chapter, "board" means the "board of registration of nurses."

II. Qualifications of applicants. An applicant for a license to practice as a licensed practical nurse shall submit to the board written evidence, verified by oath, that the applicant:

- A. Is 19 years of age; (1955, c. 212, § 1)
- B. Is of good moral character;
- C. Is in good physical and mental health;
- D. Has completed at least 1 year of high school or its equivalent and such other preliminary qualification requirements as the board may prescribe; applicants over 30 years of age shall have completed at least the 8th grade or its equivalent; (1945, c. 378, § 60)
- E. Has successfully completed an accredited course for the training of licensed practical nurses.

III. License.

A. By examination. The applicant shall be required to pass a written examination in such subjects as the board may determine. Each written examination may be supplemented by an oral or practical examination. Upon successfully passing such examination the board shall, within 3 months, issue to the applicant a license to practice as a licensed practical nurse.

B. Without examination; persons licensed under the laws of another state, etc. The board may issue a license to practice as a licensed practical nurse without examination to any applicant who has been duly licensed or registered as a licensed practical nurse, or a person entitled to perform similar services under a different title under the laws of another state, territory or foreign country if, in the opinion of the board, the applicant meets the requirements for licensed practical nurses in this state.

IV. Fee. The applicant applying for a license to practice as a licensed practical nurse shall pay a fee of \$10 to the board. (1955, c. 212, § 2)

V. Title and abbreviation. Any person who holds a license to practice as a licensed practical nurse in this state shall have the right to use the title "Licensed Practical Nurse" and abbreviation "L. P. N." No other person shall assume such title or use such abbreviation or other words, letters, signs or figures to indicate that the person using the same is a licensed practical nurse. (1945, c. 265; c. 378, § 60. 1955, c. 59, §§ 1, 2; c. 212, §§ 1, 2.)

Effect of amendments.—The first 1955 amendment substituted "Licensed Practical Nurse" for "Licensed Nursing Attendant" and "L. P. N." for "L. N. A." in the first sentence of subsection V, and substituted "practical nurse" for "nursing attendant" and "practical nurses" for "nursing attendants" throughout the section.

Section 1 of the first amendatory act expressly amended the first sentence of subsection V of this section as shown

above. Section 2 of the first amendatory act provides: "Wherever in the Revised Statutes or public laws, the words 'nursing attendant' or 'nursing attendants' appear they shall be repealed and the words 'practical nurse' or 'practical nurses' enacted in place thereof."

The second 1955 amendment changed paragraph A of subsection II by substituting "19" and "20." It also substituted "practical nurse" for "nursing attendant" and "\$10" for "\$5" in subsection IV.

Sec. 4. Courses for training practical nurses.—

I. Application for accreditation. Any person or persons desiring to conduct a school for training practical nurses shall apply to the board and submit evidence of being prepared to give a course of not less than 9 months nor more than 12 months and to meet the standards prescribed by the statutes and by the board for the training of practical nurses.

II. Survey. A survey of the school which is planning to train practical nurses shall be made by the board. If, in the opinion of the board, the requirements for an accredited course for the training of practical nurses are met, it shall approve the school as an accredited school for the training of practical nurses.

From time to time as deemed necessary by the board, it shall be the duty of the board to survey all schools of training of practical nurses in the state. If the board determines that any accredited school for the training of practical nurses is not maintaining the standards required by the statutes and by the board, notice thereof in writing specifying the defect or defects shall immediately be given to the school conducting the course. If defects are not corrected within a reasonable time, the school shall be removed from the list of accredited schools for licensed practical nurses. (1945, c. 265. 1955, c. 59, § 2.)

Effect of amendment.—The 1955 amend- “nursing attendants” throughout the sec-
ment substituted “practical nurses” for tion. See note to § 1 of this chapter.

Sec. 5. Penalties.—It shall be unlawful for any person, including any corporation, association or individual, to:

I. Sell or fraudulently obtain or furnish any practical nurse’s diploma, license or record or aid or abet therein.

II. Use in connection with his or her name any designation tending to imply that he or she is a licensed practical nurse unless duly licensed so to practice under the provisions of this chapter.

III. Practice as a licensed practical nurse during the time his or her license issued under the provisions of this chapter shall be suspended or revoked.

Whoever violates any provision of this chapter or willfully makes a false representation to the board shall be punished by a fine of not more than \$100 and shall have his or her license revoked; provided that nothing in this section shall apply to the acts of any person nursing the sick who does not represent himself or herself to be a licensed practical nurse. The board shall cause to be presented to the proper prosecuting officer evidence of any violation 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.

Upon receipt of written complaint or information indicating the advisability of hearing and after hearing, said board may cancel or suspend the license of any licensed practical nurse who may be found guilty of neglect of duty, or of inefficiency, or any act derogatory to the standing and morals of attendant nursing, but before any license 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 license which has been canceled 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. (1945, c. 265. 1955, c. 59, § 2.)

Effect of amendment.—The 1955 amend- “nursing attendant” throughout the sec-
ment substituted “practical nurse” for tion. See note to § 1 of this chapter.

Chapter 71.

Registration of Osteopaths.

Sec. 7. Certificate publicly displayed; rights under certificate.

Any osteopathic physician of good repute who is a graduate of an accredited osteopathic college, serving as an intern, resident physician or surgeon in a hospital in this state, shall register with the board and be issued a certificate by the board evidencing the right of such a person to hold a temporary license to practice only in said hospital. Such a certificate may not be issued for a period in excess of one year, but may be renewed from time to time, not to exceed an aggregate of 5 years. The certificate shall be in a form prescribed by the board and may be revoked or suspended at any time by the board with such suspension or revo-