

MAINE STATE LEGISLATURE

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REVISED STATUTES
OF THE
STATE OF MAINE
1954

1963 CUMULATIVE SUPPLEMENT

ANNOTATED

IN FIVE VOLUMES

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THE MICHIE COMPANY
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the license of any licensed dentist who is found guilty of aiding or abetting or encouraging a dental hygienist employed by him to make use of a so-called prophylactic call list, or the calling by telephone or by use of written letters transmitted through the mails to solicit patronage from patients formerly served in the office of any dentist formerly employing such hygienist. No order or suspension or revocation provided in this section shall be made or entered except after hearing by the hearing officer as provided in chapter 20-A. (1951, c. 336, § 14. 1961, c. 417, § 162.)

Effect of amendment.—The 1961 amendment substituted “hearing officer under chapter 20-A” for “board” in the first sentence and “hearing officer” for “board” in the second and third sentences. It also

substituted “chapter 20-A” for “this chapter” and deleted “and such order shall be subject to appeal as provided by section 12” in the third sentence.

Sec. 25. Dental hygienists; powers; duties; license of registered dentist revoked for violation.—Any registered or licensed dentist may employ women assistants who shall be known as dental hygienists. Such dental hygienists may operate x-ray machines for the purpose of dental diagnosis, and make oral examinations by mouth mirror and explorer for the detection of cavities, and remove lime deposits, accretions and stains from the exposed surfaces of the teeth and directly beneath the free margin of the gum and make local applications of medicaments to the surfaces of the teeth and gums, 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 or for the department of health and welfare, division of dental health, under the general supervision of a registered or licensed dentist. The hearing officer 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 this section. (R. S. c. 66, § 20. 1947, c. 139, § 2. 1949, c. 349, § 112. 1951, c. 336, § 14. 1961, c. 417, § 163.)

Effect of amendment.—The 1961 amendment substituted “hearing officer” for “board” near the beginning of the last

sentence and deleted “the provisions of” preceding “this section” at the end of the section.

Sec. 26. Examination; qualification; fees.

Nothing in this section shall prohibit a student of dental hygiene enrolled in a school for dental hygienists from practicing dental hygiene in the school or in any clinic affiliated with such school when such practice is under the direct supervision of a qualified instructor. (R. S. c. 66, § 21. 1949, c. 347, § 2. 1951, c. 336, § 14. 1961, c. 240.)

Effect of amendment.—The 1961 amendment added the second paragraph of this section.

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

Chapter 74.

Registration of Podiatrists.

Sec. 1. Examiners of podiatrists. — The examiners of podiatrists, as heretofore appointed and hereinafter in this chapter called the “examiners,” shall be 2 members of the board of registration in medicine together with 2 podiatrists appointed by the governor with the advice and consent of the council. The chairman of the board of registration in medicine shall act as chairman of the examiners and the secretary-treasurer of the board of registration in medicine shall act as secretary-treasurer of the examiners. The podiatrists appointed by the governor shall be appointed for a term of 4 years from a list submitted by the Podiatry

Association of Maine, except that the first appointment of the new member shall be for a term of 2 years. The podiatrists selected shall at the time of their appointment have been actively engaged in the practice of podiatry for a period of at least 2 years. (R. S. c. 67, § 1. 1957, c. 111, § 9; c. 429, § 73.)

Effect of amendments.—The first 1957 amendment rewrote this section. The second 1957 amendment, which became effective on its approval, October 31, 1957, added the exception to the third sentence, and deleted the fourth sentence, formerly reading: "Appointments shall be spaced so that the term of one of the podiatry members of the board shall expire every 2 years."

Sec. 4. Examination; requirements.—Except as otherwise provided in this chapter, any person before engaging in the practice of podiatry shall be examined as to his qualifications. Each applicant shall, at least 10 days before the date of his examination, present to the secretary of the board of registration in medicine an application for a license to practice podiatry on a form prescribed by the examiners and containing satisfactory proof that said applicant is at least 21 years of age, of good moral character and that he has received a certificate of graduation from a legally incorporated, regular established school of podiatry, recognized by the council of education of the national association of chiropodists, having a minimum requirement of not less than 4 consecutive years of 8 months each of scholastic attendance, nor shall such applicant be entitled to registration and certificate unless such applicant shall have had, prior to the beginning of his course in podiatry, as a minimum requirement, a 4-year course in a recognized high school or its equivalent and 1 year in a legally recognized school or college of the liberal arts or of the sciences.

The applicant shall then be required to pass an examination in the subjects of anatomy, chemistry, dermatology diagnosis, materia medica, pathology, physiology, surgery and clinical and orthopedic podiatry, limited in scope so as to cover only the requirements for the practice of podiatry as defined in this chapter. Examinations of applicants for a license to practice podiatry shall be held at the same times and places as examinations of applicants for registration as physicians and surgeons are held. (R. S. c. 67, § 4. 1955, c. 261, § 1.)

Effect of amendment.—The 1955 amendment rewrote that part of the second sentence that follows the word "and" in line seven.

Sec. 7. Certificates displayed; use of title "Doctor."—Every applicant who shall satisfactorily meet the requirements for license to practice podiatry, as provided in this chapter, shall be granted a certificate under the seal of the board of registration in medicine signed by the chairman and secretary, which certificate shall entitle the person to whom it is granted to practice podiatry anywhere in this state. Every such certificate shall be conspicuously displayed at the place of practice of such person; and every renewal certificate for the current year shall be displayed in connection with the original certificate. A podiatrist licensed in accordance with the provisions of this chapter may use the word "Doctor" or the letters "Dr." when followed by the word "Podiatrist" or "Chiropodist," only if he is a graduate of a school approved by the board of examiners, or if graduated prior to the establishment of a board of examiners, then from a school approved for examination and registration in the state in which the school was located. (R. S. c. 67, § 7. 1955, c. 261, § 2.)

Effect of amendment.—The 1955 amendment rewrote the last sentence, which formerly prohibited the use of the title "Doctor" or the letters "Dr." as a prefix.

Sec. 8. Suspension or revocation of license.—Any license to practice podiatry may be suspended or revoked by the hearing officer under chapter 20-A when the licensee has been convicted of an act involving moral turpitude; and may be suspended or revoked when, after a hearing, it shall be found that the licensee used fraud in procuring his license or has used untruthful or improbable statements to patients or in advertisements; or that the licensee is incompetent

to practice podiatry; or that the licensee is flagrantly advertising himself or his work, whether through newspapers or other periodicals, or by circular, postcard or over the radio, television or otherwise.

A podiatry license may be revoked for violation of any of the following rules of practice:

- I. A podiatrist shall not practice podiatry in conjunction with any business, such as a shoe store or beauty parlor.
- II. A podiatrist shall refrain from all forms of specific guarantee.
- III. A podiatrist shall in his professional role represent himself to the public as a podiatrist and as such shall practice within the legal bounds and privileges thereof.
- IV. The following titles shall be considered ethical and correct:
 - A. Dr. John Doe, Podiatrist (or Chiropodist);
 - B. John Doe, D.S.C.;
 - C. John Doe, D.S.C., Podiatrist (or Chiropodist).
- V. A podiatrist shall practice only in his individual personal capacity, alone or in association with a licensed practitioner of this or another of the healing arts, but under his own name and not as a corporation.
- VI. Letterheads and other office listing shall display no more than name, title, address, phone number and office hours.
- VII. Telephone listings shall not be in bold type or in display form of any kind.
- VIII. A podiatrist shall not advertise, as such, through any medium; but professional cards shall not be considered as advertising if same contain only the podiatrist's name, title, address, phone number and office hours.
- IX. Lettering on doors, windows and any signs shall be in keeping with the size and style deemed ethical by colleagues in similar professional practices. Neon signs shall be considered as advertising, in bad taste, and are prohibited.
- X. Announcement cards of opening a new office, closing of an office or change of location may be inserted in newspapers or sent direct by mail, provided same be in keeping with size, style, frequency and duration of those ethical by colleagues in similar professional practices.
- XI. Advertising prices, free services or free examinations are specifically prohibited.
- XII. A podiatrist shall refrain from any conduct generally considered unprofessional or unethical by the learned professions.

The said examiners may, after a lapse of 6 months, at their discretion, reissue a license which has been suspended or revoked. (R. S. c. 67, § 8. 1955, c. 261, § 3. 1957, c. 429, § 72. 1961, c. 394, § 37; c. 417, § 164.)

Effect of amendments.—The 1955 amendment rewrote this section.

The 1957 amendment, which became effective on its approval, October 31, 1957, substituted "3 members" for "5 members" in the first sentence of this section, which was subsequently rewritten by the 1961 amendment.

The first 1961 amendment rewrote the first sentence of this section, which formerly provided for a hearing and findings by the examiners. The second 1961 amendment substituted "hearing officer under chapter 20-A" for "examiners" near the beginning of the first sentence.

Sec. 8-A. Narcotics.—With the approval of the bureau of narcotics, a podiatrist duly licensed in the state of Maine and a graduate of an accredited school of podiatry recognized by the National Association of Chiropodists, who has been granted a doctorate degree, shall be privileged to apply for license and therefore to prescribe narcotic drugs in the treatment of ailments of the human foot. (1957, c. 111, § 11.)

Sec. 10. Definitions.—The practice of podiatry is defined as the diagnosis and treatment of the human foot by medical, mechanical or surgical means without the use of anaesthetics other than local except that the use of local anaesthesia

shall be restricted to use only by those podiatrists who have been granted a doctorate degree from a school approved by the examiners. A podiatrist is defined as one who administers any such aforesaid treatment to the human foot. The words "podiatrist" and "chiroprapist," "podiatry" and "chiropraxy" shall be construed to be synonymous herein. (R. S. c. 67, § 10. 1955, c. 261, § 4. 1957, c. 111, § 10.)

Effect of amendments.—The 1955 and 1957 amendments rewrote this section.

Chapter 76.

Registration of Optometrists.

Sec. 5. License fee.—Every registered optometrist shall annually, before the 1st day of April, pay to the board the sum of \$5 for each office location as a license renewal fee for such year; and in case of default in such payment by any person his certificate may be revoked by the board. (R. S. c. 69, § 5. 1949, c. 336, § 4. 1955, c. 53, § 3.)

Effect of amendment.—The 1955 amendment inserted the words "for each office location."

Sec. 10. Certificate refused, suspended or revoked.—The board may refuse to issue or refuse to renew, or the hearing officer as designated by chapter 20-A may suspend or revoke any certificate of registration for any one or more of the following causes:

VIII. Willfully violating any of the rules and regulations of the board.

No certificate shall be suspended or revoked for any of the foregoing causes unless the person accused has been given at least 10 days' notice in writing of the charge against him and afforded a public hearing before the hearing officer. (R. S. c. 69, § 14. 1947, c. 333, § 4. 1955, c. 53, § 1. 1961, c. 394, §§ 38, 39.)

Effect of amendments.—The 1955 amendment inserted subsection VIII in this section. substituted "hearing officer" for "board" at the end of the section.

The 1961 amendment inserted "the hearing officer as designated by chapter 20-A" near the beginning of the section and sub-

As subsections I to VII were not affected by the amendments, they are not set out.

Sec. 12. Corporate practice of optometry.—No person who shall receive a certificate of registration or license to practice optometry in this state shall assign, lease, sublet, give or grant unto any person, copartnership, firm or corporation the right or privilege to practice optometry, directly or indirectly, under said registration and no registered optometrist, under this chapter, shall associate himself in any way with any person not a registered optometrist nor any copartnership, firm or corporation for the promotion of any commercial practice for profit or division of profit, which enables any such person, copartnership, firm or corporation to engage, either directly or indirectly, in the practice of optometry in this state; and any optometrist, registered under the provisions of this chapter, guilty of such conduct or of violation of the provisions of this section, shall be punished by having his certificate and registration to practice optometry in this state suspended or revoked; provided that no certificate of registration shall be suspended or revoked for any of the foregoing causes unless the person accused has been given at least 10 days' notice in writing of the charge against him and afforded a public hearing before the board. (1949, c. 336, § 12. 1955, c. 53, § 2.)

Effect of amendment.—The 1955 amendment deleted the words "or willfully violating any of the rules and regulations of

the board promulgated as provided in this chapter," which formerly preceded the words "shall be punished."