

MAINE STATE LEGISLATURE

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Public Documents of Maine:

BEING THE

ANNUAL REPORTS

OF THE VARIOUS

Public Officers and Institutions

FOR THE YEAR

— 1885 —

VOLUME II.

AUGUSTA:

SPRAGUE & SON, PRINTERS TO THE STATE.

1885.

AUGUSTA:
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1884.

REPORT

OF THE

COMMISSIONERS OF PHARMACY.

To His Excellency, the Governor, and the Honorable Board of Councillors:

The Commissioners of Pharmacy for the State of Maine have the honor of submitting their Report for the years 1883 and 1884, with such notices of the history of some preceding years, as may be necessary and pertinent.

The Report for the year 1878, being the second year of the existence of the Commission, was transmitted to the Governor and Council in due season, but for some reason never saw the light. The business of the Commission in subsequent years up to 1883, was light, and it was deemed hardly worth while to trouble the Governor and Council with what was, comparatively, of minor importance, and that it would be better to wait until there was something that might with advantage be said. During 1883 and 1884, however, there have been more applicants for registry and certificate, by examination, than in all the preceding years together.

THE PERSONNEL OF THE COMMISSION.

The personnel of the Commission, during the eight years of its existence, has undergone various changes. As first constituted it was composed of H. T. Cummings, M. D., of Portland, Charles K. Partridge of Augusta, and N. S. Harlow of Bangor. At the close of 1878, Mr. Partridge

resigned, greatly to the sorrow of his colleagues, who bore willing testimony to the diligence, faithfulness and energy he had displayed in the onerous duties incident to the office of Secretary and Treasurer, the labor of which was increased by the multiplicity of detail pertaining to the inception of a new enterprise hitherto untried in this State. By his assiduity and activity, the Board was safely and prosperously launched and proceeded on its way. And his diligence is attested by the active correspondence he carried on with his colleagues and the large number of applicants in the first two years, shown by the volume of his letters left behind in the archives of the Commission. He was succeeded by Mr. James H. Plaisted of Waterville, who was appointed to fill the unexpired portion of Mr. Partridge's term, and was re-appointed for a full term, at the request of his colleagues. Mr. Plaisted served from December, 1878, to July, 1882, when he declined re-appointment, greatly to the regret of his colleagues, who had learned to respect and esteem him for the straightforward common sense and justice of his decisions in cases of casuistry or ethics which were presented for his adjudication, as well as the *bonhommie* which marked his intercourse with them. Mr. Plaisted's answers to questions were occasionally spiced with a dry humor which gave them additional force and made them very effective, reminding one somewhat of a similar characteristic of the late President Lincoln. Mr. Augustus G. Schlotterbeck succeeded Mr. Plaisted in July, 1882, and served until September of the same year, when finding that the frequent applications for examination interfered seriously with the attention required by his large and multifarious business, he resigned, and the duties of the Commission were performed by the two remaining Commissioners, until January, 1883, when Mr. William H. Jordan of Portland was appointed and qualified as his successor. In April of this year, Mr. Harlow, who had served for six years continuously, resigned, for business reasons, leaving but one of the original members of the Board thereon, who most keenly felt the separation,

after so many years of fraternal correspondence and counsel. Mr. Harlow's conduct in the duties of the Board was characterized by strict adherence to the letter and spirit of the law, by caution and dignity and a most excellent judgment, while his cheerfulness and urbanity conciliated the affection of his colleagues, as much as the wisdom with which he acted, inspired respect. Mr. Harlow was succeeded by Mr. Seth D. Wakefield of Lewiston, who still continues a valuable member of the Board. Mr. Jordan served until April, 1884, when, having accepted a position in a large drug house in Boston, he resigned, much to the regret of his colleagues, who saw in him the making of an excellent officer. Mr. Jordan was succeeded in June by Mr. Herschel Boynton of Biddeford, who is now on the Board.

The Commission of Pharmacy, as at present constituted, consists of H. T. Cummings, M. D., of Portland, Seth D. Wakefield of Lewiston, and Herschel Boynton of Biddeford.

MEETINGS OF THE BOARD.

During 1877 and 1878, the Commissioners held about a dozen meetings, for perfecting the organization, considering applications and conducting examinations. From 1879 to 1882 inclusive, the Commissioners hardly met, the business being carried on by correspondence, and applicants were compelled to visit two of the Board, at their residences, to complete their examinations. During these years the business was so light that the Commissioners would have been out of pocket by undertaking to meet, especially as it would have required more than sixty miles travel for each of two of them to go to Waterville, and for one of them the distance would have been much increased in going to Bangor or Portland. As the Board was constituted in July, 1883, the members lived much nearer each other, it was resolved to hold meetings on the second Wednesday of each alternate month, to conduct examinations of applicants and do routine business. This

series of meetings commenced in August, 1883, in which year the Board met three times, and in 1884 six times, for the purposes above described. Experience has shown that this is a great improvement upon the style of having the examinations distributed irregularly through the year, subjecting the Commissioners to interruptions in important business operations and deranging, or at least interfering with other engagements, besides saving applicants the disappointment of finding the one they have called to visit out of town. This last is liable to occur if the applicant comes for examination without having given previous notice of his intention. The Commissioners, to discourage applications for examination in the intervals between the regular meetings, have believed that an extra fee ought to be charged, in justice to themselves, for such examinations; and the applicant should decide with himself whether the exigency is such, or whether his business would be sufficiently benefited, to make it worth his while to pay the fee. Of course, no extra fee is charged at the regular meetings.

EXAMINATIONS.

These consist of questions to be answered in writing and orally. They include elementary principles and a few practical points in making preparations and executing prescriptions, with some few recipes for criticism. The requirements are, that the candidate shall make at least fifty per cent of all the points at which the questions are valued, to pass at all. In scoring a paper, four points are especially regarded as points of support for our decisions, viz: a question not answered, under which is reckoned an incorrect answer, makes 0; an imperfect answer, containing some element of correctness, makes between 0 and 5; a more or less correct answer makes from 5 upwards; and a correct and complete answer makes 10. As a specimen of the result of criticising a paper, the following is submitted from an actual examination: Number of questions, 81; not answered, 18; number

of points possible if the questions are correctly answered, 514 ; number of points made, 333 ; then $514 : 333 :: 100 : \times \therefore \times = 64.8$ nearly.

During the first two years, the apothecaries who were established in business at the date when the Pharmacy Act was approved, were admitted to registry, without examination, on their sworn statements, and testimonials from physicians. In June, 1879, in consequence of some experience, and our stock of certificates of this class being exhausted, the Board voted to issue no more certificates, except upon examination had, and to this rule we have adhered with the rarest exceptions. The number thus registered (under the provisions of section 4 of the act) is 225.

The number registered, upon examination, is now 166. They hail from all parts of the State, but it is a little singular how many claim residence in Portland, 31 having so located their domicile. Augusta claims 12, Auburn and Lewiston 10, Bangor 6, the cities on the Kennebec, except Augusta, 14. Death has made some inroads upon this number, and removals have still further subtracted from them. The writer of these pages has often wished to trace those bearing the certificates of the Commission, but the task is one not easily accomplished, involving, as it must necessarily, large expenditure of time and labor as well as the expense of postage.

Some interest will naturally be felt as to the performances of the boys in these examinations. The most compendious way to exhibit them is by means of one or two short tables, which those interested can study and compare at their leisure. The first table presented is the work by separate years, in which column A specifies the years, column B the number each year, column C the highest per cent obtained by any one in the year, column D the lowest, column E the average of per cent above 50 each year, column F the average below 50 per cent, column G the general average of the whole.

A	B	C	D	E	F	G
1877.....	6	95	42	72.61	44.92	51.31
1878.....	11	82.6	23.4	66.18	30.57	56.75
1879.....	7	88	51.16	69.07	—	69.07
1880.....	26	85.36	27	66.12	38.81	56.55
1881.....	11	88.26	12.2	63.44	27.8	50.51
1882.....	18	92.25	19.8	70.29	30.16	44.38
1883.....	52	95.4	18.23	69.38	38.63	59.22
1884.....	43	85.2	26.65	69.91	40.72	62.5

The records for the first three years are incomplete. If they could be filled out, it is very probable that the percentages in the last column would be found very much less than they are. The writer has recorded as many as could be found without a search through the correspondence of his colleagues: for the last five years all are gathered from papers on file, and scored at the time they were written. The table shows a progressive improvement within five years. In this are included the scores of unsuccessful examinees, as well as of those who passed. The following table shows the different grades, the first column speaks for itself, column B number in each grade, column C the highest percentage, column D the lowest, column E the general average.

A	B	C	D	E
10 to 20	3	18.24	9.84	10.9
21 to 30	9	29.81	20.87	26.27
31 to 40	21	40	31	35.51
41 to 50	17	50.7	40.25	45.92
51 to 60	34	59.8	50.08	54.52
61 to 70	30	70	60.33	65.49
71 to 80	24	80	71.07	75.06
81 to 90	20	88	81.16	83.93
91 and upward.	3	95.4	92.25	94.22

In examining this table it is gratifying to see that only one-third, or even less, of the whole number, fell below 50 per cent, and it is a little amusing to observe the slight esteem

in which medical students hold *Materia Medica*, Pharmacy and Chemistry, to see the figure some of them cut along-side of the apothecary boys, when, after they have obtained their degrees, and think an apothecary shop would be a good place to wait for practice, they appear before the Commissioners and submit to the pressure of their screw. Some dozen out of the twenty we have examined failed to reach 50 per cent, and we were obliged, however reluctantly, to inform them that they were unsuccessful.

Cumberland County by no means monopolizes the candidates for registry who have made the best records. Nearly every county in the State has sent us men who have gained percentages high among the 80s, while Cumberland, with her best men, has also sent a fair proportion of ignoramuses.

Sometimes it is difficult to tell to which account we should lay a bad paper—to hurry or ignorance. Some, in years past, have seemed to imagine that the examinations were a mere matter of form, and that the business could be despatched between dinner time and the next train, but they have been very speedily disabused of such notions, either by the positive refusal of the Commissioner to undertake the examination, or the sight of the questions for the written examination, which gave them an inkling of the six hours work required.

AMENDMENT OF THE PHARMACY ACT.

During the session of the Legislature of 1882, the Commissioners came before the Legislature with a bill to amend the Pharmacy Act in several particulars. The first was the definition of an apothecary, and defined the scope of his business—the second increased the fee for examination and made it payable before examination, thus securing to the Commissioners pay for work done, if the applicant should fail to pass—third, providing for issue of certificates to a class termed “Qualified Assistants”—fourth, requiring *all* apothecary stores to be in charge of registered apothecaries—fifth, amending the penalties. As the Commissioners were unable to fee

counsel, and were unable to be present themselves to present the reasons in favor of the amendment, or to urge its passage by suitable argument, the Judiciary Committee, it is supposed, found an elephant on their hands, and not knowing how else to dispose of it, reported to the Legislature that the Apothecaries' Bill ought not to pass. Now this was a misnomer, for the bill was the Pharmacy Commissioners' Bill; and no temperance legislator or other temperance man should take alarm at it, for it conferred no further privileges in the sale of intoxicating liquors than the bill it was sought to amend. A copy of the proposed bill is annexed to this report.

PROSECUTIONS FOR VIOLATIONS OF THE ACT.

In January of 1884, Mr. George H. Phillips of Boston commenced action for bringing violators of the Pharmacy Act to book. The Commissioners viewed his operations rather askance; but as he was entirely independent of them and pursued his course under strictly legal forms, they were, of course, unable to prevent him, however much they might have disliked his method of proceeding. This brought a large amount of correspondence from persons who had reasons for apprehending that they might be compelled to defend a suit in court, the letters inquiring as to registry and certificate—but it was too late for this to protect those upon whom writs had already been served, and it was doubtful if it would benefit others who were not registered before Phillips began to move. From letters and other sources, the Commissioners found that Mr. Phillips had made some mistakes, in serving writs upon men already registered, and those whom the Commissioners regarded as exempt, but they are informed that there are some fifty cases now pending, with two in the Law Court. The solution of these cases is awaited with some interest.

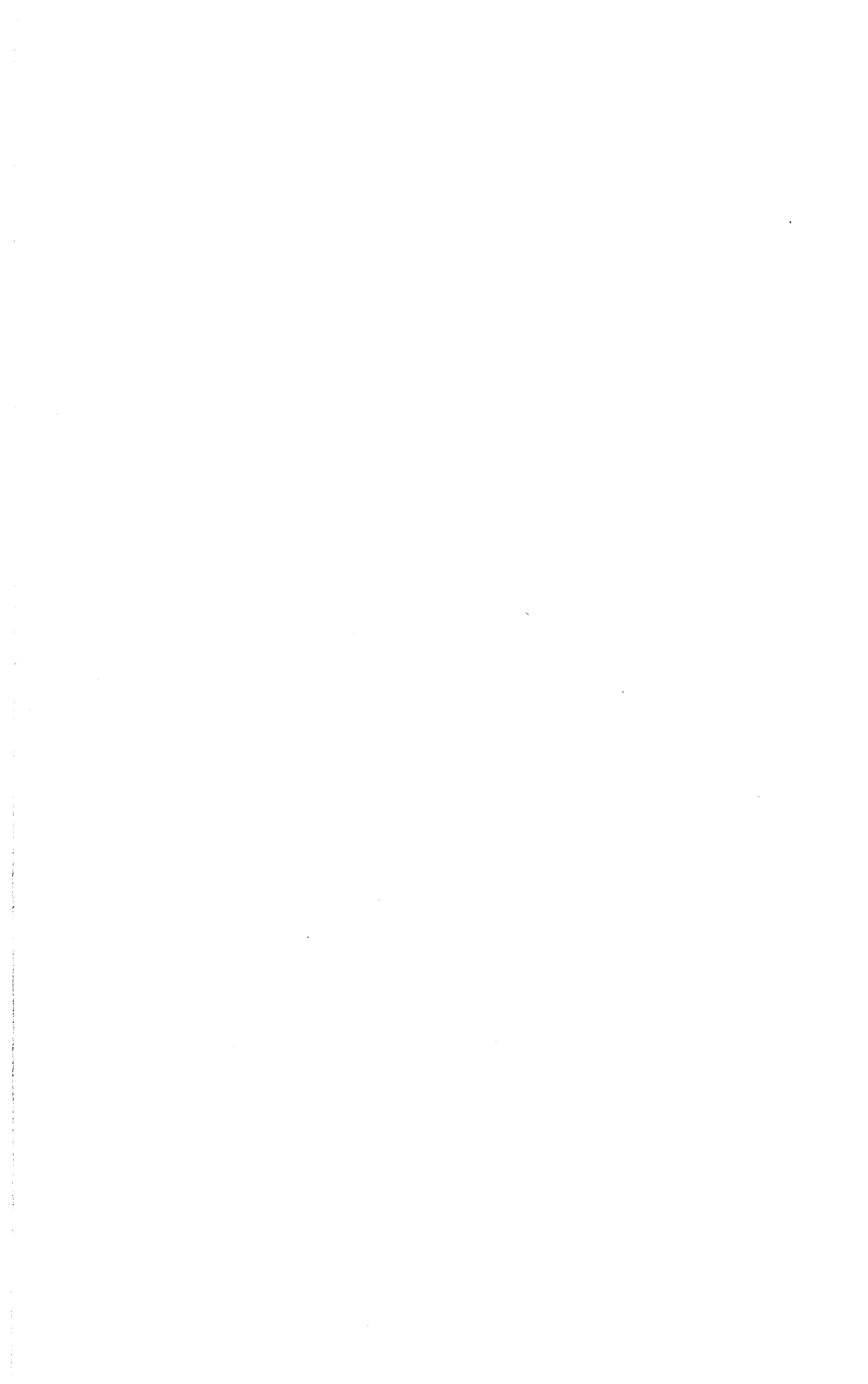
TEXT-BOOKS AND COURSE OF STUDY.

The text-books recommended by the Commissioners are the United States Pharmacopœia, Sixth Revision, that of 1880; The United States Dispensatory, fifteenth edition; Parrish's Practical Pharmacy, fourth or fifth editions; Attfield's Chemistry, tenth edition; The National Dispensatory of Professors Stillé and Maisch is recommended as an equivalent for the United States Dispensatory. The amount of reading in these volumes seems to the average apothecary boy almost illimitable, and the number and variety of the subjects infinite; and it has seemed that he should not be discouraged by an apparently endless task, so that it has been in contemplation for sometime, to provide a set of questions upon which he might prepare himself, to appear before the Board for examination. This proposal was made to some of the other Boards of Pharmacy, and was met with the objection that it would be the same thing as cramming for examination. To this objection we can offer two rejoinders:—First, if it *is* cramming, the pupil will read far more systematically and extensively than he would without it; and second, that it would afford a much greater range of questions than is possible with the system now in vogue. A determined effort will be made in the coming twelve months to supply such a set of questions.

All which is respectfully submitted.

H. T. CUMMINGS, M. D.,	} <i>Commissioners</i>	
SETH D. WAKEFIELD,		<i>of</i>
HERSCHEL BOYNTON,		<i>Pharmacy.</i>

PORTLAND, December, 1884.



STATE OF MAINE.

An Act to amend an act approved February 9, 1877, entitled
"an act to prevent incompetent persons from conducting
the business of apothecaries."

*Be it enacted by the Senate and House of Representatives
in Legislature assembled:*

SECTION 1. From and after the passage of this act, it shall not be lawful for any person within the Subject matter
of this act. limits of the State of Maine to conduct the business of an apothecary, or any part thereof, except as hereinafter provided.

SECTION 2. An apothecary within the meaning An Apothecary
—what. of this act shall be taken and deemed to be a person who has been duly registered as such, or may hereafter receive a certificate of registration as hereinafter provided. The business of an apothecary is hereby defined to The business of
an Apothecary. be the keeping and retailing of all medicines, simple or compound, which are prescribed in any pharmacopœia; the manufacturing all chemical and medicinal preparations therein directed; preparing or compounding the prescriptions of physicians; and the guardianship and sale of poisons.

SECTION 3. The governor, under the advice Commissioners
of Pharmacy,
how appointed. and consent of the council, shall appoint three suitable persons to be commissioners of pharmacy, one commissioner to be appointed as the term of each of those now holding office shall expire, to hold the office for the term of three years, unless removed for cause, and until a successor is appointed and qualified. If a vacancy occurs in said

commission, another shall be appointed as aforesaid to fill the unexpired term thereof. Before entering on the duties of their office, the commissioners shall be sworn to faithfully and impartially discharge the same, and a record shall be made thereof on their commission.

Functions of the
Commissioners.

SECTION 4. Said commissioners shall examine any person who desires to carry on the business of an apothecary, and if he is found skilled in pharmacy, shall give him a certificate of that fact, and that he is authorized to engage in the business of an apothecary, and such certificate must be signed by at least two commissioners. They shall register in a suitable book to be kept in the office of the secretary of state, the name and place of residence of all to whom they issue certificates, and the date thereof.

Who shall be
examined.

SECTION 5. Every person not registered, including individual partners in firms, continuing in or hereafter entering on the business of an apothecary, shall be examined by said commissioners, and shall present to them satisfactory evidence that he has been an apprentice, or employed in an apothecary store where physicians' prescriptions are compounded, at least three years; or has graduated from some regularly incorporated medical college or college of pharmacy, and is competent for the business; and the commissioners may then grant him a certificate and registry as hereinbefore provided.

Qualifications for
Examination.

SECTION 6. For each examination under the provisions of this act, the commissioners shall be entitled to receive from the persons examined *ten* dollars, which shall be in full for all services and expenses. In case the result of the examination is unsatisfactory, and no certificate is granted, the applicant shall have the right to another examination without charge after an interval of two months, and within twelve months after the date of his first examination.

Two kinds of
certificates.

SECTION 7. Certificates of two grades or kinds may be issued, whereof one shall declare that the holder is skilled in pharmacy as in section 4 of this act, and

the other kind, which after the examination of the applicants therefor, may be issued to such as shall be not less than eighteen years of age and who have served two full years in an apothecary store where physicians' prescriptions are compounded, shall declare that the holder is a qualified assistant and is competent to take charge of the business of an apothecary, during the temporary absence of his employer.

SECTION 8. It shall not be lawful for any store or place of business to be kept open for the sale of medicines or poisons, or for compounding physicians' prescriptions, unless the same is placed and kept under the personal control and supervision of a registered apothecary; and no holder of a certificate of registration can be permitted to carry on branch stores without full compliance with the provisions of this act.

SECTION 9. If any person shall hereafter engage in, or carry on the business of an apothecary contrary to the provisions of this act, he shall be subject to a penalty of fifty dollars upon conviction of the first offence; and of one hundred dollars upon each and every subsequent conviction, whether of continuance in said business or for engaging anew therein in violation of the provisions of this act. And it shall be the duty of the commissioners to prosecute all such cases as may be brought to their notice accompanied by testimony; the penalty to be recovered by an action of debt for their use in any court of competent jurisdiction.

SECTION 10. The provisions of this act shall apply in the cases of women who shall hereafter enter upon and carry on the business of apothecaries.

SECTION 11. This act shall not apply in the case of physicians who prepare and dispense their own medicines, nor to the sale of proprietary preparations.

SECTION 12. All acts and parts of acts inconsistent with this act are hereby repealed.

SECTION 13. This act shall take effect upon its approval by the governor.

Qualified Assistants, and what is required of them.

All apothecary stores must be in charge of a registered Apothecary.

Penalty, and how recovered.

Women Apothecaries.

Exemptions or exceptions.

Acts inconsistent repealed.

When to take effect.

STATE OF MAINE.

IN COUNCIL, December 23, 1884.

Received and ordered that 600 copies be printed.

Attest: JOSEPH O. SMITH, *Secretary of State.*