

# 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

1892.

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VOLUME I.

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AUGUSTA:

BURLEIGH & FLYNT, PRINTERS TO THE STATE.

1892.

REPORT

OF THE

COMMISSIONERS OF PHARMACY

FOR THE

STATE OF MAINE.

1891.

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AUGUSTA:

BURLEIGH & FLYNT, PRINTERS TO THE STATE.

1892.

STATE OF MAINE.

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COUNCIL CHAMBER, January 14, 1892.

Received, accepted and five hundred copies ordered printed.

NICHOLAS FESSENDEN, *Secretary of State.*

## REPORT.

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

The Commissioners of Pharmacy for the State of Maine, have the honor to submit the following report of their doings for the year 1891.

There have been forty-four applicants for registry and certificate during the year. Of these, one was registered under the provisions of section eight of the act. Two were partially examined but failed to complete their examination. Ten, including the two just mentioned, were unsuccessful. The remainder thirty-two in number passed successfully, and have all been registered and received their certificates. Of those who were examined the averages of 2 were 25.5 per cent on the question paper and the oral ; 2 were 43.32 ; 4 were 55.02 ; 5 were 65.54 ; 14 were 73.91 ; 12 were 84.28 ; 2 were 90.22.

Of the foregoing those below 65 per cent were unsuccessful. The Commissioners have decided on requiring 75 per cent the coming year. It is very probable that this decision will very materially diminish the prospective number of applicants, as the boys will regard it, perhaps, in the light of requiring "bricks without straw." The foregoing tabular statement shows that a majority of them have attained and even exceeded the requirement of the past twelve months. They are generally rather at sea on the questions in the metric system, and one of them rather amused the examiner, who inquired how much salt it would take to make a liter of solution of the strength of one centigram to one cubic centimeter, by informing him that "salt would not dissolve in a centimeter." Curious misconceptions occur frequently, and in some of the best written examinations.

It seems, at first sight, as though it would be easy to formulate a set of questions for an examination; but let one sit down to the task, considering the limitations of the condition with young men who have had no instruction beyond what they could pick up by practice in the shop, or no guidance as to their initial studies in preparing for an examination, needing direction as to the fundamental truths underlying all their work, and he will find his range woefully restricted. Even in viewing and reviewing the various operations of practical pharmacy as so lucidly though tersely explained by Prof. Remington, the student must have a good memory to answer all the questions that may be asked about any one of them. And then there is the limitation of time. A thorough and exhaustive examination would occupy three days at least; but the boys naturally want to get through between nine A. M. and five P. M., so as to take the trains at that hour to get home. Yet some of them work so slowly that it has taken them till nine P. M. or even much later.

Ever since the Commission was created, the need of two things has been forced upon the attention of the Board, or rather one thing in two aspects; first, a course of questions limited in its range, yet sufficiently wide, to give a course of reading, and a choice of subjects for examination which should not alarm intending applicants as being apparently without end; and secondly, which should furnish a sufficient variety of questions for examination, without any two of them having the same set of questions to answer. Of course these questions should be printed and placed in the hands of those intending to appear before the Board, to be studied so that 75 or 80 per cent of them can be answered completely and correctly. Such a special set of questions has been prepared for students in medicine and published by a Philadelphia firm, who offer them for ten cents apiece to medical students. This book is published in form small enough to go in the vest pocket and comprises 3,000 questions. Now in Prof. Remington's Pharmacy, second edition, there are over 5,000 questions, and in Prof. Attfield's Chemistry there are over 1,000,

and when we come to reckon on those that might be asked from the Pharmacopœia, we have a list that looks rather discouraging. It would be easier formulating questions if we could place in the hands of students for their consideration the questions they are expected to answer, without their knowing beforehand what they will be asked.

The concluding clause of section four of the act was the subject of severe censure by a correspondent of the Secretary, and the principle involved in this clause, was sharply criticised by several Pharmaceutical Journals of the highest character, without particular reference to the Pharmacy Act of Maine; and it was a source of disappointment to the Board that the Judiciary Committee declined to report the repeal of that clause as was requested in our last report; whether they knew the reasons therein urged in favor of the repeal we have not learned; but we are of opinion that physicians who conduct drug stores should at least be required to report the same to the Board under penalty for refusal or neglect. This refers to all who are now conducting drug stores or who shall hereafter undertake the business. One physician set a good example to his brethren in not fearing to face the Board, but appeared and was examined and registered.

As to the violations of the Pharmacy Act, one or two have been reported, but little or no evidence offered with which the county attorney could go before the court. The writer of this report would have been pleased to investigate the Lewiston cases, but the severe and protracted illness which occupied him from October, 1890, to July, 1891, and under the pressure of which the last report was written, gave him neither time nor strength to grapple with them. The ensuing months must tell their own story.

We are not aware of anything more that is worthy of notice and close with the annexed copy of the law, with the text as amended by the Legislature of 1891.

All of which is respectfully submitted.

FRANK R. PARTRIDGE,	} Commissioners of Pharmacy.
EDWARD H. THOMPSON,	
HENRY T. CUMMINGS, <i>Secretary.</i>	

# AN ACT to Prevent Incompetent Persons from Conducting the Business of Apothecaries.

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## CHAPTER 379.

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

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

SECT. 2. The governor, under the advice 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 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. Said commissioners shall make a report of their proceedings annually to the governor and council, who shall cause such a number of said reports to be printed as they deem necessary.

SECT. 3. 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.

SECT. 4. Every person not now registered, unless he was engaged in the business of apothecary, in the State of Maine, on the eleventh

day of March, in the year of our Lord eighteen hundred and seventy-seven, 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; but only one of the partners in a firm need be a registered druggist, provided, the partner who compounds medicines be registered. And any physician who has a diploma as a graduate of a duly established medical college in the United States, and in active practice, may do the business of an apothecary without being registered.

SECT. 5. For each examination under the provisions of this act, the commissioners shall be entitled to receive from the person examined ten dollars, except as hereinafter provided, 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.

SECT. 6. Certificates of two grades or kinds may be issued, whereof one shall declare that the holder is skilled in pharmacy as in section four 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, and the fee for such assistant's examination shall be five dollars.

SECT. 7. It shall not be lawful for any apothecary store 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 or qualified assistant who is satisfactory to the owners.

SECT. 8. Any person engaged in the business of apothecary, in the State of Maine, on the eleventh day of March, in the year of our Lord one thousand eight hundred and seventy-seven, may re-

ceive a certificate and be registered as aforesaid on application to said commissioners, with proof of his competency.

SECT. 9. If any person who was not engaged in the business of an apothecary within the State of Maine on the eleventh day of March, in the year of our Lord one thousand eight hundred and eighty-seven, shall hereafter engage in or carry on the business of an apothecary contrary to the provisions of this act, he shall upon indictment and conviction be subject to a penalty of fifty dollars per month for the first offense, and one hundred dollars per month for each and every subsequent offense whether for continuance in said business or for engaging anew therein in violation of the provisions of this act. It is hereby made the duty of the county attorney in each county, upon complaint made by any one of said commissioners, to prosecute all violations of the provisions of this act. The treasurer of each county shall pay to the treasurer of the law library association of his county for the use and benefit of the county law library, twenty per cent of all fines actually paid into the county treasury for the violation of any of the provisions of this act.

SECT. 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.

SECT. 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.

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

SECT. 13. Any person may enter upon the business of an apothecary without the certificate required by the foregoing act; provided he does not personally do the duties of an apothecary but employs a duly registered apothecary who has sole charge of compounding, putting up and dispensing medicines and drugs under the provisions of this act.

SECT. 14. No action now pending by virtue of section six of chapter twenty-eight of the Revised Statutes shall be maintained except as to costs, or shall hereafter be commenced for any penalty or forfeiture incurred prior to the approval of this act.

SECT. 15. The word apothecary as used in this act shall not include persons who do not compound medicines, put up prescriptions or sell poisons.

SECT. 16. This act shall take effect when approved.

[As amended by act approved March 27, 1891.]