

MAINE STATE LEGISLATURE

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March 27, 1935

Sanger M. Cook, Esquire
House of Representatives
State Capitol

Dear Sir:

In response to your oral inquiry as to the meaning of the words "medical service" as used in Legislative Document No. 236, and also as to whether or not the act as drawn could be held to include osteopathic practice, I am pleased to inform you that,--

"The primary meaning of the terms 'medical attendance' and 'medical service' is the rendering of professional medical service." 2 Bouvier's Law Dictionary, 394.

The word "medical", as defined in Webster's Dictionary, means

"Dealing with the healing art or the science of medicine."

Our court has held that,--

"The professional services of a medical clairvoyant are 'medical service' within the meaning of revised statutes."
Bibber v. Simpson, 59 Me., 181

It has also been held by the courts that,--

"The use of the expression 'practicing medicine' to mean the art of healing is by no means new, but is rather a return to the original meaning of the word 'medical'. The phrase may be properly used by the legislature as one under which to group healing methods of all kinds and is broad enough to include a person who claims to be a practitioner of a system of drugless healing.

March 27, 1935

Sanger M. Cook, Esquire, Page 2

I do not find that the words "medical education", as used in section 2, have ever been defined by our courts.

The words "medical college" have been held to refer to those schools of learning which teach medicine in its different branches.

Nelson v. State Board of Health, 50 L. R. A., 383, holds that,--

"A college of osteopathy, teaching neither therapeutics, materia medica, surgery nor bacteriology is not a medical college within the meaning of the statute requiring a medical practitioner to have a diploma from a legally chartered, reputable medical college."

The question as to whether or not the act in question, in its entirety, would include osteopaths is not free from doubt. Should it be desired to have the act include osteopathic physicians, I would suggest that a short amendment be added so as to make its meaning certain in this regard.

Very truly yours,

Deputy Attorney General

SLF H