

MAINE STATE LEGISLATURE

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ONE - HUNDRETH LEGISLATURE

Legislative Document

No. 1200

H. P. 865

House of Representatives, February 2, 1961

Referred to Committee on Agriculture. Sent up for concurrence and ordered printed.

HARVEY R. PEASE, Clerk

Presented by Mr. Boothby of Livermore.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SIXTY-ONE

AN ACT Revising the Laws Relating to Veterinarians.

Be it enacted by the People of the State of Maine, as follows:

Sec. 1. R. S., c. 77-A, additional. The Revised Statutes are amended by adding a new chapter 77-A, to read as follows:

‘Chapter 77-A.

Registration of Veterinarians.

Sec. 1. Board of Veterinary Examiners; appointment; vacancies; compensation; expenses; removals. The Board of Veterinary Examiners, as heretofore established and hereinafter in this chapter called the “board,” shall consist of 3 members who shall be veterinarians, appointed by the Governor with the advice and consent of the Council. Said persons shall be residents in the State, graduates of a legally chartered veterinary college or university having authority to confer degrees in veterinary medicine and shall have been actively engaged in the practice of their profession for a period of at least 5 years. One member shall be appointed annually, as the terms of the present members expire, and hold office for 3 years. Any vacancy in said board shall be filled by the appointment, within 30 days after such vacancy occurs, of a person qualified as aforesaid to hold office during the unexpired term of the member whose place he fills. Any member of said board may be removed from office for cause, by the Governor with the advice and consent of the Council.

The members of the board shall each receive as compensation for their services \$20 a day or any part thereof spent and their necessary expenses incurred in the discharge of their duties, to be certified by the secretary of the board.

Sec. 2. Organization and officers; oaths and testimony; treasurer; expenses; annual report. The board shall organize annually in the month of July by the election from its members of a president, and a secretary who shall be treasurer, and may adopt such rules, not in conflict with the laws of the State, as they may deem proper to carry into effect this chapter. They shall adopt a seal which shall be affixed to all certificates issued by them in accordance with section 5. The treasurer shall receive all fees, charges and assessments payable to the board and account for and pay over the same according to law and shall annually, on the first day of July, make written report to the Governor and Council for all receipts and expenditures of said board.

Sec. 3. Meetings; examination; fee. The board shall meet as a board of examiners in the City of Augusta on the 2nd Monday and the Tuesday following said 2nd Monday of July when there are applicants for examination, and at such other times and places as they may find necessary for the performance of their duties. All persons not previously registered, who desire to practice veterinary surgery, medicine or any branch thereof within the State, shall pass an examination to the satisfaction of the board. Applicants for examination shall file with the secretary of the board their written request for such examination at least 15 days previous to the time of said examination, with satisfactory proof of graduation from colleges having power to grant degrees in veterinary medicine, which said colleges shall be approved by the board, and shall pay to the treasurer of said board a fee of \$20 before taking such examination.

If and when the State Board of Veterinary Examiners adopt the national board examinations, there shall be an additional fee of \$12.50 from each applicant, payable before taking said examination. The additional fee of \$12.50 is the fee the state board has to pay the national board for each applicant.

Sec. 4. Certificates obtained. It shall be unlawful for any person not previously licensed to practice veterinary surgery, medicine or dentistry or any branch thereof within the State without having obtained a certificate from the board and being registered as provided in section 5. Any person shall be regarded as practicing veterinary surgery, medicine or dentistry or any branch thereof, within the meaning of this section, who has publicly professed to be a veterinarian or who has attached to his name the title "D.V.M.," or "V.S." and as such has prescribed for or treated sick or injured animals and accepted fees for such services. Exceptions to this section shall include veterinarians employed by the Federal Government, State Government, educational and research institutions or private industry, provided the veterinary services do not extend into private practice.

Sec. 5. Certificate issued and recorded. The board shall issue certificates, signed by the 3 members of the board, to all persons passing the examination required under section 3, authorizing the holder to practice veterinary surgery, medicine or dentistry or any branch thereof within the State. It shall be unlawful for any person to practice veterinary surgery, medicine or dentistry in this State in any year after the year which said certificate is issued to him unless he or she shall pay to the treasurer of the board on or before January 1st of said year a fee of \$2, for which he or she shall receive a registration card, signed

by the secretary of the board, which card shall be placed beside or attached to the certificate above mentioned.

When a veterinarian fails to renew his annual registration for 2 consecutive years and subsequently applies for registration or renewal of his previous registration, the board is authorized to issue new annual registration upon the payment of a sum equal to all the annual registration fees since the expiration of his last registration, or in lieu thereof the board may require an oral examination and a fee in the amount of \$20 payable to the board before taking such examination.

Sec. 6. Records. The board shall keep a record of all veterinarians who shall qualify under section 5, and register the name, age, the name of the college granting the degree and the date of license in the State of Maine. Such record shall be open to public inspection at all times, within reasonable hours, at the office of the secretary of the board.

Sec. 7. Reciprocity; fee. The board is authorized, with an oral examination, to issue a certificate to any applicant therefor, who shall furnish proof, satisfactory to the board, that he has been licensed to practice veterinary medicine in any New England state after full compliance with the requirements of its veterinary laws and that the applicant shall have been at least 5 years in actual practice in the state in which the license was granted. No license shall be issued under this section, unless the state from which the applicant comes shall accord equal rights to the duly licensed veterinarians of Maine. The fee for such certificate shall be \$50. The applicant must be a graduate of a veterinary school or college approved by the board.

Sec. 8. Revocation of license or registration. Any person who shall practice veterinary surgery, medicine or dentistry or any branch thereof in the State without complying with this chapter shall be deemed guilty of a misdemeanor, and shall be punished by a fine of not more than \$500 or by imprisonment for not more than 6 months, or by both.

The license of a practitioner of veterinary medicine may be revoked or suspended or his registration annulled, or both, for any of the following causes:

- I. Ignorance or incompetence in connection with the practice of veterinary medicine;
- II. Fraud or deceit in procuring admission to such practice;
- III. Fraud or deceit in the practice of veterinary medicine;
- IV. Willful violation of any of the provisions of this chapter;
- V. Malpractice;
- VI. Conviction of a felony;
- VII. Being addicted to the use of drugs.

Proceedings for the revocation or suspension of a license or the annulment of registration may be brought by filing written verified charges against the

accused. Such charges may be preferred by the board or one of its members. Original charges shall be filed with the clerk of the Superior Court of the county in which the accused last resided.

The time and place for the hearings of said charges shall be fixed by the Superior Court before which said hearings will be held. It shall be the duty of the county attorney of said county to present the evidence before the court on said case.

A copy of the charges, together with a notice of the time and place when they will be heard, shall be served upon the accused or his counsel at least 10 days before the date actually set for said hearing.

If the court shall find that all or any of the charges are sustained, the court shall cause the license of the accused to be revoked or suspended.

Any person who shall practice veterinary medicine, or dentistry, or any branch thereof, after his registration has been revoked or suspended, shall be deemed to have practiced veterinary medicine without registration.

After the sentence of the court has been fulfilled, the board may entertain an application for a new license and may exempt the applicant from the necessity of taking an examination.'

Sec. 2. R. S., c. 77, repealed. Chapter 77 of the Revised Statutes, as amended, is repealed.