

# MAINE STATE LEGISLATURE

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FIRST REGULAR SESSION

ONE HUNDRED AND NINTH LEGISLATURE

Legislative Document

No. 1502

H. P. 1240

House of Representatives, March 28, 1979

Referred to the Committee on Health and Institutional Services. Sent up for concurrence and ordered printed.

EDWIN H. PERT, Clerk

Presented by Mr. Leonard of Woolwich.

Cosponsor: Miss Brown of Bethel.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED  
SEVENTY-NINE

AN ACT to Amend the Statutes Concerning the Practice of Medicine.

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

**Sec. 1. 32 MRSA § 3269, sub-§ 10, first sentence**, as enacted by PL 1975, c. 504, is amended to read:

The power to **prescribe**, conduct and operate or contract with other agencies, persons, firms or associations for the conduct and operation of programs of medical education and to disburse funds accumulated through the receipt of licensure fees for this purpose, provided that no such funds shall be disbursed for this purpose for out-of-state travel, meals or lodging for any physician being educated under this program.

**Sec. 2. 32 MRSA § 3270, first ¶, first sentence**, as enacted by PL 1971, c. 591, § 1, is amended to read:

Unless duly registered and licensed by said board, no person shall practice medicine ~~or~~, surgery **or obstetrics** or any branch thereof, or hold himself out to practice medicine ~~or~~, surgery **or obstetrics** or any branch thereof within the State by diagnosing, relieving in any degree or curing, or professing or attempting to diagnose, relieve or cure any human disease, ailment, defect ~~or~~, complaint **or condition**, where physical or mental, or of physical and mental origin, by

attendance or by advice, or by prescribing or furnishing any drug, medicine, appliance, manipulation, method or any therapeutic agent whatsoever or in any other manner unless otherwise provided by statutes of this State **and nothing in this section shall be deemed to prohibit the practice of medicine, surgery or obstetrics or any branch thereof pursuant to section 2102, subsection 2, paragraph C.**

**Sec. 3. 32 MRSA § 3270, 2nd ¶**, as enacted by PL 1971, c. 591, § 1, is amended to read:

Whoever, not being duly registered by said board, practices medicine ~~or~~, surgery **or obstetrics** or any branch thereof, or holds himself out to practice medicine ~~or~~, surgery **or obstetrics** or any branch thereof in any of the ways aforesaid, or who uses the title "Doctor" or the letters "Dr." or the letters "M.D." in connection with his name, contrary to this section, shall be ~~punished by a fine of not less than \$100 nor more than \$500 for each offense, or by imprisonment for 3 months, or by both~~ **guilty of a Class E crime**. The prefixing of the title "Doctor" or the letters "Dr." or the appending of the letters "M.D." by any person to his name or the use of the title of doctor or physician in any way by any person not duly registered as described shall be prima facie evidence that said person is holding himself out to practice medicine ~~or~~, surgery **or obstetrics** contrary to this section, provided that nothing contained in this section shall prevent any person who has received the doctor's degree from any reputable college or university, other than the degree of "Doctor of Medicine" from prefixing the letter "Dr." to his name, if he is not engaged, and does not engage, in the practice of medicine ~~or~~, surgery **or obstetrics** or the treatment of any disease ~~or~~, human ailment **or condition**. Nothing in this chapter shall be so construed as to affect or prevent the practice of the religious tenets of any church in the ministration to the sick or suffering by mental or spiritual means, **and nothing in this section shall be deemed to prohibit the practice of obstetrics pursuant to section 2102, subsection 2, paragraph C.**

**Sec. 4. 32 MRSA § 3271, first ¶**, as repealed and replaced by PL 1977, c. 388, § 3, is amended to read:

Any graduate of a medical school in the United States or Canada designated as accredited by the Liaison Committee on Medical Evaluation, or any foreign medical school graduate who has been evaluated by the Educational Commission for Foreign Medical Graduates and is a recipient of its permanent certificate, or has successfully completed an academic year of supervised clinical training under the direction of a medical school accredited by the Liaison Committee on Medical Education and who has spent at least 12 months in a graduate educational program approved by the Liaison Committee on Graduate Medical Education, the Canadian Medical Association, the Royal College of Physicians and Surgeons of Canada or the Board of Registration in Medicine, upon payment of a fee of ~~\$125~~ **\$175**, shall be entitled to examination, and if found qualified by a majority of the members of the board and a majority of the members of the board finds that there exists no cause as set forth in section 3282 which would be considered grounds for

suspension or revocation of a license, shall be registered as a physician or surgeon in the State of Maine. The board, at its discretion, may waive the requirement of evaluation by the Educational Commission for Foreign Medical Graduates.

**Sec. 5.** 32 MRSA § 3273, as enacted by PL 1971, c. 591, § 1, is amended to read:

**§ 3273. Reexamination**

Any applicant who fails the examination may be reexamined by the board upon payment of a fee of ~~\$100~~ **\$135**.

**Sec. 6.** 32 MRSA § 3275, sub-§ 1, first sentence, as repealed and replaced by PL 1977, c. 388, § 4, is amended to read:

The board may, at its discretion, grant licensure without examination to a physician in good standing **who meets the requirements of section 3271 and** who has been:

**Sec. 7.** 32 MRSA § 3275, sub-§ 2, as enacted by PL 1975, c. 680, § 2, is amended to read:

**2. Fees.** Any physician who applies for a license pursuant to subsection 1 shall pay a fee of ~~\$100~~ **\$125**.

**Sec. 8.** 32 MRSA § 3280, first ¶, as last amended by PL 1975, c. 770, § 187, is further amended to read:

On or before the first day of July, 1966, and on or before the first day of July of every even-numbered year thereafter, every physician licensed under this chapter shall ~~register with~~ **apply to** the Board of Registration in Medicine **for a certificate of biennial registration** on forms provided by said board. **On or before the first day of July, 1982, the applicant shall include satisfactory evidence to the board that in the preceding 2 years, the applicant has completed a course of continuing medical education as prescribed in the rules and regulations of the board.** The registration fee for residents of this State and for nonresidents ~~shall be fixed by rule or regulation, but~~ shall in no event exceed the sum of ~~\$25~~ **\$100**. This section shall not apply to interns or residents registered under section 3279 nor shall it apply to those holding temporary certificates for practice in hospitals or camps as provided in section 3277. Said registration fees provided for under this section shall not be required of any physician who is 70 years of age on the first day of July of the year for which reregistration is made, although the requirement of reregistration as provided for shall apply without regard to age.

#### STATEMENT OF FACT

The purpose of this bill is to assure that acceptable standards of safety are provided to mothers and their infants in the practice of family-centered maternity care and midwifery, to enable the Board of Registration in Medicine to prepare for implementation of a mandatory continuing medical education system by the year 1982, and to provide for additional revenue to cover the increase in examination and other costs.