

MAINE STATE LEGISLATURE

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1 FIRST REGULAR SESSION
2

3 ONE HUNDRED AND ELEVENTH LEGISLATURE
4

5 Legislative Document

No. 1129

6
7 H.P. 875

House of Representatives, March 9, 1983

8 Referred to the Committee on Business Legislation. Sent up for concur-
9 rence and ordered printed.

10 EDWIN H. PERT, Clerk

11 Presented by Representative Racine of Biddeford.

12 STATE OF MAINE
13

14 IN THE YEAR OF OUR LORD
15 NINETEEN HUNDRED AND EIGHTY-THREE
16

17 AN ACT Concerning Advertising by
18 Chiropractors.
19

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

21 Sec. 1. 32 MRSA §503, sub-§3, ¶A, as enacted by
22 PL 1973, c. 405, §4, is amended to read:

23 A. Advertising in any manner considered by the
24 board to be deceptive or unethical or in viola-
25 tion of the provisions of section 502, includ-
26 ing, but not limited to, the following:

27 (1) Advertising that the cost of treatment
28 of certain infirmities by chiropractic will
29 be covered by standard health insurance
30 policies when the chiropractor knows or has
31 reason to know that such a statement is
32 untrue or that it is more likely than not to
33 be untrue;

1 (2) Advertising in such a way that the con-
2 text or content in which the advertisement
3 is presented makes only a partial disclosure
4 of the relevant facts;

5 (3) Advertising free services, such as x
6 rays, consultations or spinal examinations;

7 (4) Advertising in such a way as to create
8 false or unjustified expectations of benefi-
9 cial treatment or successful cures;

10 (5) Advertising in such a way as to appeal
11 primarily to a lay person's fears, ignorance
12 or anxieties regarding the state of his
13 health or physical well-being; or

14 (6) Advertising without conspicuously iden-
15 tifying himself as a chiropractor.

16 Sec. 2. 32 MRSA §503, sub-§3, ¶H-1 is enacted to
17 read:

18 H-1. Engaging in repeated acts of clearly exces-
19 sive prescribing or administering of treatment,
20 repeated acts of clearly excessive use of diag-
21 nostic procedures or repeated acts of clearly
22 excessive use of diagnostic or treatment facili-
23 ties as determined by the board;

24 Sec. 3. 32 MRSA §503, sub-§4 is enacted to read:

25 4. Penalties. Any person who violates any rule
26 adopted by the board pursuant to subsection 3, para-
27 graph A, or any provisions of subsection 3, paragraph
28 A, subparagraphs (1) to (7), commits a civil viola-
29 tion for which a fine of not less than \$200, nor more
30 than \$500, shall be imposed.

31 STATEMENT OF FACT

32 The purpose of this bill is to specifically iden-
33 tify advertising activities by chiropractors that
34 should be considered "misleading and deceptive" in
35 addition to those already listed in the Revised Stat-
36 utes, Title 32, section 503, subsection 3. Advertis-
37 ing includes any oral or written statements dissemi-
38 nated to the public to further, directly or indi-
39 rectly, the sale of chiropractic services.

1 This bill also imposes a civil penalty for up to
2 \$500 for any violation of any of the advertising pro-
3 hibitions established by the bill.

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