

# MAINE STATE LEGISLATURE

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# FIFTIETH LEGISLATURE.

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HOUSE.

No. 13.

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## STATE OF MAINE.

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The Committee on the Judiciary, to which was referred the bill entitled "an act to regulate the qualifications of practitioners in medicine and surgery," have had the same under consideration and ask leave to report the same, and that it ought to be printed and then recommitted.

Per order,

EDMUND WILSON.

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HOUSE OF REPRESENTATIVES, }  
January 25, 1871. }

Read and accepted. Sent up for concurrence.

S. J. CHADBOURNE, *Clerk.*

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IN SENATE, January 26, 1871.

Read and concurred.

SAMUEL W. LANE, *Secretary.*



# STATE OF MAINE.

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IN THE YEAR OF OUR LORD ONE THOUSAND EIGHT HUNDRED AND SEVENTY-ONE.

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AN ACT to regulate the qualifications of practitioners in medicine and surgery.

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

SECTION 1. This act may for all purposes be cited  
2 as "The Medical Act."

SECT. 2. This act shall commence and take effect  
2 from the first day of April, eighteen hundred and  
3 seventy-one.

SECT. 3. A council, which shall be styled "The  
2 General Council of Medical Education and Registra-  
3 tion of the State of Maine," hereinafter referred to as  
4 the *General Council*, shall be established and formed  
5 as hereinafter mentioned.

SECT. 4. The general council shall consist of seven  
2 persons, and be constituted in the following manner :  
3 two persons shall be chosen by the trustees of the  
4 Medical School of Maine, two by the Maine Medical

5 Association, and two shall be appointed by the gov-  
6 ernor and council, and these persons shall elect one  
7 person, who shall be the president of the general  
8 council.

SECT. 5. Members of the general council must be  
2 qualified to be registered under this act.

SECT. 6. The first general council shall be consti-  
2 tuted, by the election and appointment, by the several  
3 bodies hereinbefore mentioned, of one person for the  
4 term of two years and one person for the term of four  
5 years ; and the president shall be elected for the term  
6 of four years ; and thereafter members shall be elected  
7 and appointed for the term of four years, or to fill the  
8 unexpired term occasioned by the death or resignation  
9 of any member of said council ; and such vacancy shall  
10 be filled in manner hereinbefore provided ; but it shall  
11 be lawful for the council, during such vacancy, to  
12 exercise the powers hereinafter mentioned.

SECT. 7. The general council shall hold their first  
2 meeting within six months from the commencement of  
3 this act, in such place and at such time as the governor  
4 of the state shall appoint ; and shall make such rules  
5 and regulations as to the times and places of the meet-  
6 ings of the general council, and the mode of summon-  
7 ing the same as to them shall seem expedient ; which  
8 rules and regulations shall remain in force until altered

9 at any subsequent meeting ; and in the absence of any  
10 rule or regulation as to the summoning a meeting of  
11 the general council, it shall be lawful for the president  
12 to summon a meeting, at such time and place as to  
13 him shall seem expedient, by letter addressed to each  
14 member ; and at every meeting, in the absence of the  
15 president, some other member, to be chosen from the  
16 members present, shall act as president ; and all acts  
17 of the general council shall be decided by the votes of  
18 the majority of the members present at any meeting,  
19 the whole number present not being less than four ;  
20 and at all such meetings the president for the time  
21 shall, in addition to his vote as a member of the coun-  
22 cil, have a casting vote, in case of an equality of votes ;  
23 and the general council shall have power to appoint an  
24 executive committee out of their own body, and to  
25 delegate to such committee such of the powers and  
26 duties vested in the general council, as the council may  
27 see fit.

SECT. 8. The general council shall appoint a regis-  
2 trar, who shall act as secretary of the general council,  
3 and who may also act as treasurer, unless the council  
4 shall appoint another person as treasurer ; and every  
5 person so appointed by the council shall be removable  
6 at the pleasure of the council, and shall be paid such  
7 salary as the council shall think fit.

SECT. 9. There shall be paid to the members of the  
2 general council such fees for attendance and such rea-  
3 sonable traveling expenses as shall from time to time  
4 be allowed by the general council and approved by the  
5 governor.

SECT. 10. All moneys payable to the general coun-  
2 cil shall be paid to the treasurer of the council, and  
3 shall be applied to defray the expenses of carrying this  
4 act into execution.

SECT. 11. It shall be the duty of the registrar to  
2 keep his register correct in accordance with the pro-  
3 visions of this act, and the orders and regulations of  
4 the general council; and to erase the names of all  
5 registered persons who shall have died, and shall from  
6 time to time make the necessary alterations in the ad-  
7 dresses of the persons registered under this act; and  
8 to enable the registrar duly to fulfil the duties im-  
9 posed upon him, it shall be lawful for the registrar to  
10 write a letter to any registered person, addressed to  
11 him according to his address on the register, to inquire  
12 whether he has ceased to practice, or has changed his  
13 residence; and if no answer shall be returned to such  
14 letter, within the period of six months from the send-  
15 ing of the letter, it shall be lawful to erase the name  
16 of such person from the register; *provided always*,  
17 that the same may be restored by direction of the

18 general council should they think fit to make an order  
19 to that effect.

SECT. 12. Every person now possessed of a diploma  
2 from the Medical School of Maine or any other public  
3 medical institution in the United States where the  
4 course of study and requirements for graduation are  
5 not below what is required in the Medical School of  
6 Maine, and every person hereafter becoming possessed  
7 of similar qualifications; and every person who shall  
8 pass a satisfactory examination before the general  
9 council in all the branches of learning taught in the  
10 Medical School of Maine, or such an examination as  
11 shall in the judgment of the general council be equiva-  
12 lent to a full examination in all the aforesaid branches  
13 of learning; shall on payment of a fee of five dollars,  
14 be entitled to be registered, on producing to the general  
15 council such diploma or certificate of such satisfactory  
16 examination before the general council.

SECT. 13. It shall be unlawful for the general coun-  
2 cil to impose upon any person, proposing to register or  
3 offering himself for examination an obligation to adopt  
4 or refrain from adopting the practice of any particular  
5 theory of medicine, as a test or condition of admitting  
6 him to examination or of granting a certificate of quali-  
7 fications.



SECT. 14. The general council shall with all convenient speed after the passing of this act, and from time to time as occasion may require, make orders for regulating the register to be kept under the provisions of this act, in accordance with the forms which they shall prescribe.

SECT. 15. The registrar of the general council shall in every year, or from time to time, as the council shall direct, cause to be printed, published and sold, under the direction of such council, a correct register of the names, with the respective residences, medical titles, with the name of the medical institution conferring the same, with the date thereof, in form prescribed, of all persons appearing on the register as existing on the first day of January preceding such publication; and such register shall be called "The Medical Register;" and a copy of the medical register for the time being purporting to be so printed and published as aforesaid, shall be evidence in all courts and before all trial justices and others, that the persons therein specified are registered according to the provisions of this act; and the absence of the name of any person from such copy shall be evidence, until the contrary is made to appear, that such person is not registered according to the provisions of this act; *provided always*, that in the case of any person whose name does not appear in such

21 copy, a certified copy, under the hand of the registrar  
 22 of the general council, of the entry of the name of such  
 23 person on the register, shall be evidence that such per-  
 24 son is registered under the provisions of this act.

SECT. 16. If any registered medical practitioner  
 2 shall be convicted of any felony, crime or offence, or  
 3 shall after due inquiry be judged by the general coun-  
 4 cil to have been guilty of infamous conduct in any  
 5 professional respect, the general council may, if they  
 6 see fit, direct the registrar to erase the name of such  
 7 medical practitioner from the register.

SECT. 17. Every person registered under this act  
 2 shall be entitled to practice medicine or surgery, or  
 3 medicine and surgery, as the case may be, in any part  
 4 of the State of Maine, and to demand and recover in  
 5 any court of law, with full costs of suit, reasonable  
 6 charges for professional aid, advise and visits, and the  
 7 cost of any medicines or other medical or surgical  
 8 appliances rendered or supplied by him to his patients.

SECT. 18. After the first day of January, 1873, no  
 2 person shall be entitled to practice medicine or surgery  
 3 within the limits of the State of Maine, unless he is  
 4 registered under the provisions of this act; and any  
 5 person who shall practice medicine or surgery within  
 6 the limits of the State of Maine without being regis-

7 tered, shall forfeit all pay for professional aid, advise,  
8 visits, medicines or other medical or surgical appliances  
9 rendered or supplied by him to his patients; and shall  
10 on complaint before any trial justice, if found guilty,  
11 pay a fine of not less than ten dollars and costs, for  
12 every time he shall render any such aid, advise, visits,  
13 or other professional service as a practitioner of medi-  
14 cine: *provided always*, that medical practitioners living  
15 without the limits of the State of Maine, who may be  
16 called in consultation by any registered practitioner of  
17 this state, shall not be liable to the penalties of this  
18 act.

SECT. 19. Every person who shall be registered  
2 under the provisions of this act shall be entitled to  
3 charge reasonable professional compensation for giving  
4 evidence before any inquest, trial justice or court re-  
5 quiring professional knowledge, or an opinion based  
6 on such professional knowledge.

SECT. 20. After the first day of January, eighteen  
2 and seventy-three, no certificate required by any act  
3 now in force, or that may hereafter be passed, from  
4 any physician or surgeon, shall be valid, unless the  
5 person signing the same be registered under this act.

SECT. 21. Any registrar who shall willfully make,  
2 or cause to be made, any falsification in any matters  
3 relating to the register, shall be deemed guilty of a

4 misdemeanor, and shall, on conviction thereof, be im-  
5 prisoned for any term not exceeding twelve months.

SECT. 22. If any person shall willfully procure, or  
2 attempt to procure, himself to be registered under this  
3 act by making, or producing, or causing to be made  
4 or produced, any false or fraudulent representation or  
5 declaration, either verbally or in writing, every such  
6 person so offending, and every person aiding or assist-  
7 ing him therein, shall be deemed guilty of a misde-  
8 meanor, and shall, on conviction thereof, be sentenced  
9 to be imprisoned for any term not exceeding twelve  
10 months.

SECT. 23. Any person who shall willfully and false-  
2 ly pretend to be, or take or use the name or title of a  
3 physician, or any name, title or description implying  
4 that he is registered under this act, or that he is  
5 recognized by law as a physician or surgeon, shall be  
6 guilty of a misdemeanor, and shall, on conviction  
7 thereof, be sentenced to pay a sum not exceeding fifty  
8 dollars, or to be imprisoned for any term not exceed-  
9 ing six months.

SECT. 24. Any sum or sums of money arising from  
2 conviction and recovery of penalties, as aforesaid, shall  
3 be paid one-half to the person making the complaint,  
4 and the other half to the treasurer of the general  
5 council.

SECT. 25. All moneys received by the treasurer  
2 arising from fees to be paid on registration, from the  
3 sale of registers, from penalties, or otherwise, shall be  
4 applied for expenses of registration, and of the execu-  
5 tion of this act.

SECT. 26. Nothing in this act contained shall ex-  
2 tend, or be construed to extend, to prejudice or in  
3 any way affect the lawful occupation, trade, or busi-  
4 ness of chemists, and druggists, and dentists, so far as  
5 the same shall extend, to selling or compounding  
6 medicines, and to the legitimate practice of denistry.

SECT. 27. All acts and parts of acts inconsistent  
2 with this act are hereby repealed.