

MAINE STATE LEGISLATURE

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Sixty-Second Legislature.

HOUSE.

No. 42.

STATE OF MAINE.

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

AN ACT to regulate the Practice of Medicine by Examination
and Registration.

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

SECTION 1. From and after the first day of January,
2 A. D. one thousand eight hundred and eighty-six, no
3 person or persons shall practice medicine or surgery or
4 any of the branches thereof in this state, or in any case
5 prescribe for the cure of disease or injury of any person
6 for fee or reward, unless he or they shall have complied
7 with the provisions herein enacted. Provided that noth-
8 ing in this act shall affect nurses in the discharge of their
9 ordinary duties, including midwifery, attendance by mid-
10 wives, not otherwise practicing, medical students attending
11 the sick under the direction and supervision of a registered
12 preceptor, dentists and veterinary surgeons in the pursuit
13 of their ordinary legitimate business, medical officers of

14 the United States army and navy or of the marine service
15 in the discharge of official duties, or physicians and sur-
16 geons residing in neighboring states or provinces and hold-
17 ing duly authenticated diplomas from a legally chartered
18 medical college and lawfully qualified to practice medicine
19 in the states or provinces where they reside, who may be
20 called to visit or attend patients in this state; but any
21 person who shall open an office in this state for any branch
22 or branches of medical or surgical practice, appoint any
23 place wherein to meet or receive patients for medical or
24 surgical treatment by any plan whatever, or who shall
25 travel from place to place to treat patients by any method
26 or means of whatever kind, shall be subject to the pro-
27 visions of this act.

SECT. 2. Any person shall be considered as practicing
2 medicine within the meaning of this act, who shall profess
3 or advertise to be a physician or surgeon or curer of dis-
4 ease by any method or means, or who shall prescribe or
5 direct treatment for sick or disabled persons by means of
6 any drugs, appliances or methods whatever, for fee or
7 reward; or who shall append to his name the letters
8 "M. D." or assume the title of "Doctor," meaning there-
9 by a doctor of medicine.

SECT. 3. A state board consisting of five members, to
2 be styled the Board of Medical Examination and Registra-
3 tion, shall be constituted as follows: On or before the
4 first day of May, A. D. one thousand eight hundred and
5 eighty-five, the governor, with the advice and consent of
6 the council, shall appoint five persons to be the members
7 of said board in the first instance, all of whom shall be
8 citizens of this state, and practicing physicians in good

9 standing, and graduates of a legally chartered medical
10 college, and annually thereafter, shall, in like manner,
11 appoint one such person. And all persons so appointed
12 shall be duly notified of their appointment by the secre-
13 tary of state, and duly sworn before entering upon the
14 discharge of official duties.

SECT. 4. The term of office of each member first ap-
2 pointed shall be decided by lot, by the said board, so that
3 the term of one member shall expire every year, and the
4 term of each member annually appointed thereafter shall
5 be five years; and any vacancy occurring in the board by
6 reason of death, resignation or other cause, shall be filled
7 by the governor and council on due notice thereof by the
8 secretary of the board.

SECT. 5. It shall be the duty of the members first ap-
2 pointed, as provided in section three, to organize as a
3 board of medical examination and registration immedi-
4 ately after receiving due notice of their appointment, and
5 proceed to elect from their number, by ballot, a presi-
6 dent, a secretary, a treasurer, and such other officers as
7 their organization shall require, and to adopt and publish
8 rules for procedure. The said board shall hold its meet-
9 ings as often as its business shall require, and shall de-
10 termine the time and place of the same, and cause to be
11 given due notice thereof; *except* that the time and place
12 of holding the first meeting shall be appointed by the
13 secretary of state. Three members of the said board
14 shall constitute a quorum, but in the absence of a quorum
15 a less number may adjourn its meetings.

SECT. 6. The said board shall procure and hold an offi-
2 cial seal, cause to be prepared and furnished blank forms

3 and books for registration, record and certification, and
4 such other blanks, circulars, instructions, &c., as may be
5 necessary to carry into full effect the provisions of this
6 act. The said board shall prescribe forms of application
7 for examination and registration, and furnish blanks to be
8 used therefor, which forms shall set forth the full name,
9 age, nativity, residence, post office address and place of
10 business of the applicant, also how long a resident of
11 this state next prior to the date of his application, the
12 source or sources of his academic and medical education ;
13 if a graduate in the arts and sciences or in medicine, the
14 names of the colleges or institutions conferring his degree
15 or degrees and the date thereof; the system of practice
16 pursued or intended to be pursued, and such other data
17 as may be necessary for identification and verification
18 under oath. The said board shall also determine and
19 prescribe the form or forms of registration and certifica-
20 tion, and it shall register and grant certificates of regis-
21 tration to any and all persons entitled to the same under
22 the provisions of this act, a majority vote of the board
23 being necessary thereto. It shall be the further duty of
24 the said board to keep on file all applications for regis-
25 tration, with their vouchers, all examination papers, all
26 orders, rules and regulations adopted by the board, and
27 all other papers and documents necessary to be preserved ;
28 and it shall keep books of examination and registration
29 in which shall be recorded the full name, the age,
30 nativity, post office address and place of business, source
31 or sources of academic and medical education,—if a
32 graduate in the arts and sciences or in medicine, the name
33 of the colleges or institutions that conferred his degree

34 or degrees,—the so called “system of practice” pursued
35 or intended to be pursued, and all other necessary data
36 of each and every person who shall be found entitled to
37 registration and certification by the provisions herein
38 enacted. It shall also keep a book account of all funds
39 received and disbursed, and a full record of its official
40 business; and all books, papers, rules and records as
41 herein provided shall be open to public inspection; and
42 the said board shall on or before the last day of Decem-
43 ber in each and every year cause to be prepared and sent
44 to the secretary of state an official statement of its busi-
45 ness and its finances, together with a full list of persons
46 examined and of persons registered and certificated pur-
48 suant to this act. It shall also annually forward a like
49 list to the clerk of courts for each and every county of
50 this state, to be kept on file for reference and inspection,
51 and whenever a state board of health shall have been
52 constituted it shall forward a like list to the secretary of
53 such board.

SECT. 7. From and after the first day of January, A.
2 D. one thousand eight hundred and eighty-six, it shall be
3 the duty of the said board herein provided to examine
4 each and every candidate for the practice of medicine in
5 any or all its branches or departments, who shall not have
6 been registered prior thereto, as to proficiency in the
7 English language, and in the sciences of anatomy, physi-
8 ology, hygiene, chemistry, toxicology, the elementary
9 principles of histology, surgery, obstetrics and in path-
10 ology and ætiology. All examinations shall be either
11 wholly written, or in part written and in part oral as the
12 said board shall determine. The said board shall like-

13 wise determine the standard of qualification, which shall
14 be equivalent to the standard required for graduation by
15 the medical school of Maine. And it shall be the duty of
16 the said board to cause to be registered and certificated in
17 the manner herein provided all candidates for the practice
18 of medicine who upon examination shall have been found
19 duly qualified, and who shall have paid the fees herein-
20 after provided, and filed with the said board an appli-
21 cation for registration and certification in due form as
22 provided in section six hereof. The said board shall not
23 cause to be registered or certificated any person failing to
24 pass satisfactorily the required examination, but shall re-
25 turn one-half the examination fee paid by such person.
26 *Provided*, always, that no person shall be denied regis-
27 tration and certification by reason of a purpose or inten-
28 tion to adopt a particular so called 'system of practice,'
29 or to engage in the practice of any so called 'specialty,'
30 that all examinations shall be fair and impartial, and that
31 a person having failed to pass at any examination shall
32 not therefor be debarred from again appearing for exami-
33 nation at any future regular meeting of the said board.
34 And *provided*, further, that the said board may in its
35 discretion, by affirmative vote of all its members, grant
36 registration and certification, without such formal exami-
37 nation, to any practitioner of medicine removing from
38 another state or country into this state after the first day
39 of January, A. D. one thousand eight hundred and
40 eighty-six, who shall present to the board a diploma
41 or license to practice medicine, under oath that the same
42 was lawfully granted him by a legally chartered medical
43 college or institution authorized by law to confer the same,

44 together with satisfactory evidence that he has been in
45 the continuous practice of medicine for a period of not
46 less than two years in the state or country from which he
47 removed, the fee in all such cases to be the same as for
48 examination and registration.

SECT. 8. The fees, in all cases, under the provisions of
2 this act, shall be ten dollars for examination and three
3 dollars for registration and certification, and shall be paid
4 when application for the same shall be made, *provided*,
5 that if any applicant shall fail to pass the required exam-
6 ination, one half the examination fee and the fee paid for
7 registration and certification shall be returned.

SECT. 9. From and after the passage of this act, but
2 prior to the first day of January, A. D. one thousand
3 eight hundred and eighty-six, all persons of the age of
4 not less than twenty-one years, who shall have been resi-
5 dents of this state for a time of not less than ninety days
6 next preceding the date of their application, and who
7 shall be actually engaged in the practice of medicine in
8 this state as defined in section two, shall be entitled to
9 registration and certification, and on payment of the reg-
10 istration fee and making application in due form, as pre-
11 scribed in section six hereof, shall be registered and cer-
12 tificated by the said board as herein authorized and
13 directed, and any person practicing medicine in this state
14 prior to the first day of January, A. D. one thousand
15 eight hundred and eighty-six, who shall thereafter con-
16 tinue in such practice in neglect or default of registration
17 shall be liable to the penalty hereinafter provided for such
18 neglect. *Provided*, that all applications shall be in writing
19 in form prescribed in section six, subscribed and verified

20 under oath, and accompanied with satisfactory evidence
21 of good moral character; and *provided*, further, that ap-
22 plications may be presented in person or sent by letter or
23 proxy.

SECT. 10. From and after the first day of January, A.
2 D. one thousand eight hundred and eighty-six, any and all
3 persons not previously registered as provided in section
4 nine hereof, who shall desire or purpose to enter upon or
5 engage in the practice of medicine in all or any of its
6 branches, shall, before entering upon or engaging in such
7 practice, appear before the board of medical examination
8 and registration and pass a satisfactory examination, and
9 be registered and certificated by said board in conformity
10 with the provisions of this act, *provided* that persons
11 specified in the proviso of section seven may by affirma-
12 tive vote of all the members of the said board, be regis-
13 tered as therein specified.

SECT. 11. From and after the first day of January, A.
2 D. one thousand eight hundred and eighty-six, practicing
3 physicians residing in a neighboring state or province,
4 and in towns near to or bordering on this state, and law-
5 fully qualified to practice in the state or province where
6 resident, may be registered and be certificated in this
7 state by the board of examination and registration in con-
8 formity with the provisions herein enacted for persons in
9 this state.

SECT. 12. The members of the said board of medical
2 examination and registration shall have authority to ad-
3 minister oaths and take sworn testimony in all matters
4 relating to the official duties of said board, and the said
5 board may by affirmative vote of all its members revoke

6 the registration and certificate of registration of any per-
7 son who, after registration and certification, shall have
8 been convicted in any court of competent jurisdiction of
9 crime or gross immorality, *provided* such person shall be
10 given reasonable notice and opportunity to be heard.

SECT. 13. All fees for examination, registration and
2 certification and one half of all fines hereinafter named
3 shall be paid into the treasury of the said board, which
4 shall be held in trust by its treasurer under the direction
5 of said board; and all bills authorized by the said board
6 shall be audited by a committee appointed by the same
7 for that purpose, and when approved by said committee
8 shall be paid out of its treasury, together with all fees
9 and necessary expense of travel and subsistence of mem-
10 bers of the said board. The treasurer shall give a bond
11 to the said board in such sum and with such sureties as
12 said board shall determine. The fees of members of the
13 said board shall not exceed five dollars per pay for the
14 time actually employed and necessary expense of travel
15 and subsistence.

SECT. 14. Any person practicing medicine or surgery
2 in any or all the branches of the same in this state, in
3 neglect or in default of registration and certification as
4 herein provided, after the first day of January, A. D. one
5 thousand eight hundred and eighty-six, or who shall neg-
6 lect or fail to comply with the provisions of this act, shall
7 for the first offence forfeit not less than fifty dollars nor
8 more than two hundred dollars, one-half to the county
9 and one-half to the treasury of the board of medical
10 examination and registration, or be imprisoned not less
11 than thirty days nor more than six months, or both, and

12 for each subsequent offense not less than two hundred
13 dollars nor more than five hundred dollars, one-half to
14 the county and one-half to the treasury of said board, or
15 be imprisoned for not less than six months, or both, to
16 be recovered in each case by indictment or action of debt
17 in the name of the informer. And no person shall main-
18 tain any action for medical or surgical services as herein
19 before defined who shall have failed to comply with the
20 provisions of this act.

SECT. 15. Any person who shall register with the board
2 of medical examination and registration, or practice medi-
3 cine under an assumed name, or falsely personate another
4 for the purpose of securing registration or certification,
5 or who shall file or attempt to file as his own the certificate
6 of another, or a forged affidavit of identification, or shall
7 offer to the said board false or forged evidence of any
8 kind, or who shall make and hold out any false instru-
9 ment as the certificate of registration hereinbefore pro-
10 vided, shall be deemed guilty of a felony, and, upon con-
11 viction, shall be subject to such fine and imprisonment as
12 are provided by the statutes of this state for the crime
13 of forgery.

SECT. 16. All acts or parts of acts inconsistent with
2 this act are hereby repealed.

SECT. 17. This act shall take effect when approved.

STATE OF MAINE.

IN HOUSE OF REPRESENTATIVES, }
January 29, 1885.

Presented by Mr. POWERS of Houlton, and on motion of Mr. HALE
of Portland, ordered printed.

NICHOLAS FESSENDEN, *Clerk.*