

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

Sixty - Third Legislature.

SENATE.

No. 92.

STATE OF MAINE.

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

AN ACT to regulate the Practice of Medicine.

*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-eight, no
3 person or persons shall practice medicine or surgery or
4 any of their branches in this State, or in any case pre-
5 scribe for the cure of disease or injury of any person for
6 fee or reward, unless he or they shall have complied with
7 the provisions herein enacted. *Provided* that nothing in
8 this act shall affect nurses in the discharge of their ordin-
9 ary duties, including midwifery attendance by midwives
10 not otherwise practicing, medical students attending the
11 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 provinces and holding duly
17 authenticated diplomas from a legally chartered medical
18 college and lawfully qualified to practice medicine in the
19 States or provinces where they reside, who may be called
20 to visit or attend patients in this State; but any person
21 who shall open an office in this State for any branch or
22 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 who shall
4 prescribe or direct treatment for sick or disabled persons
5 by means of any drugs, or other methods, for fee or re-
6 ward; or who shall append to his name the letters "M. D."
7 or assume the title of "Doctor," meaning thereby a doctor
8 of medicine.

SECT. 3. A State board consisting of five members, to
2 be styled the Board of Medical Examination and Regis-
3 tration, shall be constituted as follows: On or before the
4 first day of May, A. D. one thousand eight hundred and
5 eighty-seven, the governor, with the advice and consent
6 of the council; shall appoint five persons, not all of whom
7 shall be practitioners of the same system of medicine, to
8 be members of said board in the first instance, all of whom

9 shall be citizens of this State, and practicing physicians
10 in good standing, and graduates of a legally chartered
11 medical college, and annually thereafter, shall, in like
12 manner, appoint one such person. And all persons so
13 appointed shall be duly notified of their appointment by
14 the Secretary of State, and duly sworn before entering
15 upon the 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 president,
6 a secretary, a treasurer, and such other officers as their
7 organization shall require, and to adopt and publish rules
8 for procedure. The said board shall hold its meetings as
9 often as its business shall require, and shall determine the
10 time and place of the same, and cause to be given due
11 notice thereof; *except* that the time and place of holding
12 the first meeting shall be appointed by the Secretary of
13 State. Three members of the said board shall constitute
14 a quorum, but in the absence of a quorum a less number
15 may adjourn its meetings.

SECT. 6. The said board shall procure and hold an official seal, cause to be prepared and furnished blank forms and books for registration, record and certification, and such other blanks, circulars, instructions, &c., as may be necessary to carry into full effect the provisions of this act. The said board shall prescribe forms of application for examination and registration, and furnish blanks to be used therefor, which forms shall set forth the full name, age, nativity, residence, post office address and place of business of the applicant, also how long a resident of this State next prior to the date of his application, the source or sources of his academic and medical education; if a graduate in the arts and sciences or in medicine, the names of the colleges or institutions conferring his degree or degrees and the date thereof; the system of practice pursued, or intended to be pursued; and such other data as may be necessary for identification and verification under oath. The said board shall also determine and prescribe the form or forms of registration and certification, and it shall register and grant certificates of registration to any and all persons entitled to the same under the provisions of this act, a majority vote of the board being necessary thereto. It shall be the further duty of the said board to keep on file all applications for registration, with their vouchers, all examination papers, all orders, rules and regulations adopted by the board, and all other papers and documents necessary to be preserved; and it shall keep books of examination and registration in which shall be recorded the full name, the age, nativity, post office address and place of business, source or sources of academic and medical education,—if a graduate in the arts

32 and sciences or in medicine, the name of the colleges or
33 institutions that conferred his degree or degrees,—the so-
34 called “system of practice” pursued or intended to be
35 pursued, and all other necessary data of each and every
36 person who shall be found entitled to registration and cer-
37 tification by the provisions herein enacted. It shall also
38 keep a book account of all funds received and disbursed,
39 and a full record of its official business; and all books,
40 papers, rules and records as herein provided shall be open
41 to public inspection; and the said board shall on or before
42 the last day of December in each and every year cause to
43 be prepared and sent to the Secretary of State an official
44 statement of its business and its finances, together with a
45 full list of persons examined and of persons registered
46 and certificated pursuant to this act. It shall also annu-
47 ally forward a like list to the State Board of Health and
48 to the clerk of courts for each and every county of this
49 State, to be kept on file for reference and inspection.

SECT. 7. From and after the first day of January, A. D.
2 one thousand eight hundred and eighty-eight, it shall
3 be 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 of its branches or departments, who shall
6 not have been registered prior thereto, and who is not a
7 graduate in medicine, as to proficiency in the English
8 language, and in the sciences of anatomy, physiology,
9 medicine, hygiene, chemistry, toxicology, the elementary
10 principles of histology, surgery, obstetrics, and in pathol-
11 ogy and ætiology. All examinations shall be either
12 wholly written, or in part written and in part oral as
13 the board shall determine. The said board shall likewise

14 determine the standard of qualification, which shall be
15 equivalent to the standard required for graduation by the
16 medical school of Maine. And it shall be the duty of
17 the said board to cause to be registered and certificated
18 in the manner herein provided all candidates for the prac-
19 tice of medicine who upon examination shall have been
20 found duly qualified, and who shall have paid the fees
21 hereinafter provided, and filed with the said board an ap-
22 plication for registration and certification in due form as
23 provided in section six hereof. The said board shall not
24 cause to be registered or certificated any person failing
25 to pass satisfactorily the required examination. *Provided,*
26 always, that no person shall be denied registration and
27 certification by reason of a purpose or intention to adopt
28 a particular so called 'system of practice,' or to engage
29 in the practice of any so called 'specialty,' that all exam-
30 inations shall be fair and impartial, and that a person hav-
31 ing failed to pass at any examination shall not therefor be
32 debarred from again appearing for examination at any
33 future regular meeting of said board. If a graduate in
34 medicine, he shall present his diploma to the board for
35 verification as to its genuineness. If the diploma is found
36 genuine and from a reputable medical institution, the board
37 shall issue its certificate of registration on payment of the
38 registration fee and after application in due form.

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 exami-

6 nation, the fee paid for registration and certification shall
7 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 eight
3 hundred and eighty-eight, all persons of the age of not
4 less than twenty-one years, who shall be actually engaged
5 in the practice of medicine in this State at the time of the
6 passage of this act, shall be entitled to registration and cer-
7 tification and on payment of the registration fee and making
8 application in due form, as prescribed in section six here-
9 of, shall be registered and certificated by the said board
10 as herein authorized and directed, and any person prac-
11 ticing medicine in this State prior to the first day of Jan-
12 uary, A. D. one thousand eight hundred and eighty-eight,
13 who shall thereafter continue in such practice in neglect
14 or default of registration, shall be liable to the penalty
15 hereinafter provided for such neglect. *Provided*, that all
16 such applications shall be in writing in form prescribed
17 in section six, subscribed and verified under oath, and ac-
18 companied with satisfactory evidence of good moral char-
19 acter; and *provided, further*, that applications may be
20 presented in person or sent by letter or proxy.

SECT. 10. From and after the first day of January, A.
2 D. one thousand eight hundred and eighty-eight, any and
3 all persons not previously registered as provided in sec-
4 tion nine hereof, who shall desire or purpose to enter upon
5 or 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.

SECT. 11. From and after the first day of January, A.
2 D. one thousand eight hundred and eighty-eight, practicing
3 physicians residing in a neighboring State or province, and
4 in towns near to or bordering on this State, and lawfully
5 qualified to practice in the State or province where resi-
6 dent, may be registered and certificated in this State by
7 the board of examination and registration in conformity
8 with the provisions herein enacted for persons resident 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 re-
4 lating 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 and
9 necessary expense of travel and subsistence of members
10 of the said board. The treasurer shall give a bond to the

11 said board in such sum and with such sureties as said board
12 shall determine. The fees of the members of the said
13 board shall not exceed five dollars per day for the time
14 actually employed and necessary expense of travel and
15 subsistence.

SECT. 14. Any person practicing medicine or surgery
2 in any or all branches of the same in this State, in neglect
3 or in default of registration and certification as herein pro-
4 vided, after the first day of January, A. D. one thousand
5 eight hundred and eighty-eight, who shall neglect or fail
6 to comply with the provisions of this act, shall for the
7 first offence forfeit not less than fifty dollars nor more than
8 two hundred dollars, one-half to the county and one-half
9 to the treasury of the board of medical examination and
10 registration, or be imprisoned not less than thirty days
11 nor more than six months, or both, and for each subse-
12 quent offence not less than two hundred dollars nor more
13 than five hundred dollars, one-half to the county and one-
14 half to the treasury of said board, or be imprisoned for
15 not less than six months, or both, to be recovered in each
16 case by indictment or action of debt in the name of the
17 former. And no person shall maintain any action for
18 medical or surgical services as herein before defined who
19 shall have failed to comply with the provisions of this act.

SECT. 15. Any person who shall hereby procure regis-
2 tration or who shall practice medicine under an assumed
3 name, or falsely personate another for the purpose of se-
4 curing registration or certification, or who shall file or
5 attempt to file as his own the certificate of another, or a

6 forged affidavit of identification, or shall offer to the said
7 board false or forged evidence of any kind, or who shall
8 make and hold out any false instrument as the certificate
9 of registration hereinbefore provided, shall be deemed
10 guilty of a felony, and, upon conviction, shall be subject
11 to such fine and imprisonment as are provided by the
12 statutes of this State for the crime of forgery.

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

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

STATE OF MAINE.

IN SENATE, March 12, 1887.

Reported by Mr. COLE, from Committee on Legal Affairs; and laid on the table to be printed under joint rules.

C. W. TILDEN, *Secretary.*