

MAINE STATE LEGISLATURE

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NEW DRAFT.

Sixty-Seventh Legislature.

HOUSE.

No. 357.

STATE OF MAINE.

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

AN ACT to Regulate the Practice of Medicine and Surgery.

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

SECTION 1. The governor, with the advice and consent
2 of the council, shall appoint six persons, residents in this
3 state, who shall be graduates of a legally chartered medi-
4 cal college or university having the power to confer
5 degrees in medicine, and who shall have been actively
6 employed in the practice of their profession for a period
7 of five years, who shall constitute a board of registration
8 of medicine. Such persons shall be appointed and hold
9 office for terms of two, four, and six years respectively,
10 beginning with the first day of July in the present
11 year, and until their successors are appointed, and there-
12 after the governor, with the advice and consent of the

13 council, shall appoint on or before the first day of July
14 every other year, two persons qualified as aforesaid,
15 to hold office for six years from the last named day. No
16 member of said board shall belong to the faculty of any
17 medical college or university. Vacancies in said board
18 shall be filled in accordance with the provisions of this
19 act for the establishment of the original board and the per-
20 son appointed to fill a vacancy shall hold office during the
21 unexpired term of the member whose place he fills. Any
22 member of said board may be removed from office for
23 cause by the governor, with the advice and consent of the
24 council, and not more than three members of said board
25 shall at one time be members of any one chartered state
26 medical society.

SECT. 2. The members of said board shall meet on the
2 second Tuesday of July next, at such time and place as
3 they may determine, and shall immediately proceed to
4 organize by electing a chairman and secretary who shall
5 hold their respective offices for the term of two years.
6 The secretary shall give to the State treasurer a bond in
7 the penal sum of one thousand dollars, with sufficient
8 sureties to be approved by the governor and council, for
9 the faithful discharge of the duties of his office. The said
10 board shall hold regular meetings, one in March, one in
11 July and one in November of each year, and such addi-
12 tional meetings at such times and places as it may deter-
13 mine. Said board shall cause a seal to be engraved and
14 shall keep correct records of all its proceedings, and is
15 hereby authorized to make such minor rules and regula-
16 tions as shall be deemed necessary for the successful
17 enforcement of this act.

SECT. 3. It shall be the duty of said board immediately
2 upon its organization to notify all persons practicing med-
3 icine or surgery for gain or hire as a livelihood in this
4 state of the provisions of this act, by publication in one or
5 more newspapers in each county, and every such person
6 who is a graduate of a legally chartered medical college
7 or university having power to confer degrees in medicine,
8 and every person who has been a practitioner of medicine
9 or surgery in this state for a period of three years next
10 prior to the passage hereof, shall upon exhibition of satis-
11 factory proof thereof to said board and upon the payment
12 of a fee of two dollars be entitled to registration, and said
13 board shall issue to him a certificate signed by the chair-
14 man and secretary and sealed, and said certificate shall
15 state the facts and the cause of said registration and must
16 be publicly displayed at the person's principal place of
17 business as long as said person continues such practice
18 for gain or hire.

SECT. 4. Any person not entitled to registration as
2 aforesaid shall, upon the payment of a fee of ten dollars,
3 be entitled to examination and if found qualified by a
4 majority of the members of the board present shall be
5 registered as a physician or surgeon and shall receive
6 a certificate thereof as provided in section three. Any
7 person refused registration may be re-examined at any
8 regular meeting of said board, within two years of the
9 time of such refusal, without additional fee, and there-
10 after may be examined as often as he may desire upon the
11 payment of the fee of ten dollars for each examination.
12 Said board after a conviction before a proper court, for
13 crime in the course of professional business, and after

14 hearing, may by unanimous vote revoke any certificate
15 issued by them and cancel the registration of the person
16 to whom the same was issued. Said board has also power
17 to suspend or revoke any certificate by unanimous vote,
18 after due hearing, in any case where same certificate has
19 been wrongfully obtained or any fraud connected with the
20 said registration. All fees received by the board under
21 this act shall be paid by the secretary thereof into the
22 treasury of the state once in each month.

SECT. 5. The compensation, incidental and traveling
2 expenses of the board shall be paid from the treasury of
3 the state. The compensation of members of the board
4 shall be five dollars each for every day actually spent in
5 the discharge of their duties and five cents per mile each
6 way for necessary traveling expenses in attending the
7 meetings of the board, but in no case shall any more be
8 paid than has actually been expended. The secretary
9 shall be allowed extra compensation for books, stationery,
10 postage and other necessary expenses actually incurred.
11 Such compensation and the incidentals and traveling
12 expenses shall be approved by the board and sent to the
13 auditor of the state, who shall certify to the governor and
14 council the amount due, as in case of other bills and
15 accounts approved by him under the provisions of law;
16 provided, that the amounts so paid shall not exceed the
17 amount received by the treasurer of the state from the
18 board in fees as herein specified, and so much of said
19 receipts as may be necessary is hereby appropriated for
20 the compensation and expenses of the board as aforesaid.

SECT. 6. The board shall keep a record, the names and
2 residences of all persons registered hereunder and a record

3 of all moneys received and disbursed by said board and
4 said records or duplicates thereof shall always be open to
5 inspection in the office of the secretary of state during
6 regular office hours. Said board shall annually report to
7 the governor, on or before the first day of January in each
8 year, the report to contain a full and complete account of
9 all its official acts during the year, also a statement of
10 receipts and disbursement of the board and such comments
11 or suggestions as may be deemed essential.

SECT. 7. It shall be the duty of the board, its mem-
2 bers or agents to investigate all complaints regarding non-
3 compliance with or violation of the provisions of this act
4 and to bring all such cases to the notice of the proper prose-
5 cuting officers.

SECT. 8. On and after the first day of January in the
2 year eighteen hundred and ninety-six the board shall
3 examine all applicants for registration as licensed physi-
4 cians or surgeons. Each applicant must give satisfactory
5 proof of being twenty-one years of age and of having
6 good moral character and possessing a reasonable amount
7 of average knowledge in the branches of science he
8 desires to practice in, and must pay the fees herein pro-
9 vided. Examinations shall be, in whole or in part in
10 writing and shall be of an elementary and practical char-
11 acter. They shall embrace the general subjects of anatomy,
12 physiology, pathology, materia medica, therapeutics, sur-
13 gery, the principles and practice of medicine, obstetrics,
14 or such branches thereof as the board may deem necessary
15 for the applicant to possess.

SECT. 9. On and after the first day of January, eigh-
2 teen hundred and ninety-six it shall be illegal for any per-

3 son not duly registered by this board to practice medicine,
4 or surgery, or any branch thereof for gain or hire within
5 this state. Whoever not being registered as aforesaid
6 shall so practice or shall advertise or hold himself out to
7 the public as a physician or surgeon in this state by
8 appending to his name the letters "M. D.," or using the
9 title of doctor or physician, meaning thereby a doctor of
10 medicine, shall be punished by a fine of not less than one
11 hundred nor more than five hundred dollars for each
12 offence, or by imprisonment in jail for three months or
13 both.

SECT. 10. This act shall not apply to the commissioned
2 officers of the United States army, navy or marine hospital
3 service or to a physician or surgeon who is called from
4 another state to treat a particular case and who does not
5 otherwise practise in this state nor to prohibit gratuitous
6 service or the rendering of assistance in emergency cases
7 nor to medical students who prescribe or operate under the
8 direction of some registered physician or physicians—nor
9 to midwives who lay no claim to the title of physician or
10 doctor.

SECT. 11. Neither shall this act apply to clairvoyants
2 or to persons practising hypnotism, magnetic healing, mind
3 cure, massage, Christian science, so called, or any other
4 method of healing if no poisonous or dangerous drugs are
5 employed nor surgical operations performed; provided such
6 persons do not violate any of the provisions of section nine
7 of this act in relation to the use of "M. D." or the title of
8 doctor or physician.

SECT. 12. For the purposes of the appointment of said
2 board and of registration of persons by it hereunder, this

3 act shall take effect upon its passage and shall take full
4 effect on the first day of January, in the year eighteen
5 hundred and ninety six.

SECT. 13. No person who has not been duly registered
2 by this board shall be entitled to recover compensation for
3 medical or surgical service, after this act shall take full
4 effect. Section nine, chapter thirteen of Revised Statutes
5 is hereby repealed.

STATE OF MAINE.

HOUSE OF REPRESENTATIVES, }
March 13, 1895. }

Reported by Mr. LARRABEE of Portland, from Committee on Judiciary, and ordered printed under joint rules.

W. S. COTTON, *Clerk.*