

MAINE STATE LEGISLATURE

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Sixty-Seventh Legislature.

SENATE.

No. 49.

STATE OF MAINE.

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

AN ACT to Regulate the Practice of Medicine, Surgery and
Midwifery.

*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, two, four, four, six and six years
10 respectively, beginning with the first day of July in the

11 present year, and until their successors are appointed, and
12 thereafter the governor, with the advice and consent of
13 the council, shall appoint on or before the first day of
14 July 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 immedi-
2 ately upon its organization to notify all persons practicing
3 medicine, surgery or midwifery for gain or hire as a live-
4 lihood in this state of the provisions of this act, by publi-
5 cation in one or more newspapers in each county and
6 every such person who is a graduate of a legally chartered
7 medical college or university having power to confer
8 degrees in medicine, and every person who has been a
9 practitioner of medicine, surgery or midwifery in this
10 state for a period of three years next prior to the passage
11 hereof, shall upon exhibition of satisfactory proof thereof
12 to said board and upon the payment of a fee of two dol-
13 lars be entitled to registration, and said board shall issue
14 to him a certificate signed by the chairman and secretary
15 and sealed, and said certificate shall state the facts and
16 the cause of said registration and must be publicly dis-
17 played at the person's principal place of business as long
18 as said person continues such practice 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, surgeon or midwife and shall
6 receive a certificate thereof as provided in section three.
7 Any person refused registration may be re-examined at
8 any regular meeting of said board, within two years of
9 the 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 used. Such
11 compensation and the incidentals and traveling expenses
12 shall be approved by the board and sent to the auditor of
13 the state, who shall certify to the governor and council
14 the amount due, as in case of other bills and accounts
15 approved by him under the provisions of law; provided,
16 that the amounts so paid shall not exceed the amount
17 received by the treasurer of the state from the board in
18 fees as herein specified, and so much of said receipts as
19 may be necessary is hereby appropriated for the compen-
20 sation and expenses of the board as aforesaid.

SECT. 6. The board shall keep a record of all persons
2 registered hereunder and a record of all moneys received
3 and disbursed by said board and said records or duplicates
4 thereof shall always be open to inspection in the office of
5 the secretary of state during regular office hours. Said
6 board shall annually report to the governor, on or before
7 the first day of January in each year, the report to contain
8 a full and complete account of all its official acts during
9 the year, also a statement of receipts and disbursement of
10 the board and such comments or suggestions as may be
11 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 or violation of the provisions of this act and to
4 bring all such cases to the notice of the proper prosecuting
5 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, surgeons or midwives. Applicants must give satis-
5 factory proof of being twenty-one years of age and of
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 objects of sur-
12 gery, physiology, pathology, obstetrics, pharmacy, thera-
13 peutics and the practice of medicine or such branches
14 thereof as the board may deem necessary for the appli-

15 cant to possess for the particular part he may wish to
16 practice.

SECT. 9. On, and after the first day of January, eight-
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 surgery or midwifery or any branch thereof for gain or
5 hire within this State. Whoever not being registered as
6 aforesaid shall so practice or shall advertise or hold him-
7 self out to the public as a physician, surgeon or midwife
8 in this State by appending to his name the letters "M.
9 D.," or using the title of doctor, meaning thereby a doctor
10 of medicine, shall be punished by a fine of not less than
11 one 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.

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.

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 hun-
5 dred and ninety-six.

SECT. 13. No person who has not been duly registered
2 by this board shall recover compensation for medical or
3 surgical service, after the passage of this act. Section 9,
4 chapter 13 of Public Statutes is hereby repealed.

SECT. 14. Any physician duly registered by this board
2 may act as apothecary without other registration and sec-
3 tion 4, chapter 379 of Public Statutes are hereby amended
4 to conform with this section.

STATE OF MAINE.

IN SENATE, February 6, 1895.

Pending reference to Committee on the Judiciary in concurrence, laid on table to be printed, on motion by Mr. SAVAGE of Androscoggin.

KENDALL M. DUNBAR, *Secretary.*