

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-Eighth Legislature.

HOUSE.

No. 259.

STATE OF MAINE.

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

AN ACT to prevent incompetent persons from conducting the
business of Apothecaries.

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

Section 1. From and after the passage of this act, it shall
2 not be lawful for any person, within the limits of this State,
3 to conduct the business of an apothecary, or any part thereof,
4 except as hereinafter provided.

Sect. 2. The Governor, with the advise and consent of the
2 Council, shall appoint three suitable persons to be commis-
3 sioners of pharmacy, one commissioner to be appointed as
4 the term of each of those now holding office shall expire,
5 to hold office for the term of three years, unless removed for
6 cause, and until a successor is appointed and qualified. If

7 a vacancy occurs in said commission another shall be
8 appointed as aforesaid, to fill the unexpired term thereof.
9 Before entering on the duties of their office, the commis-
10 sioners shall be sworn to faithfully and impartially discharge
11 the same, and a record shall be made thereof on their com-
12 mission. Said commissioners shall make a report of their
13 proceedings annually to the Governor and Council, who
14 shall cause such a number of said reports to be printed as
15 they deem necessary.

Sect. 3. Said commissioners shall examine any person
2 who desires to carry on the business of an apothecary, and
3 if he be found skilled in pharmacy, shall give him a certifi-
4 cate of that fact and that he is authorized to engage in the
5 business of an apothecary, and such certificate must be
6 signed by at least two commissioners. They shall register
7 in a suitable book, to be kept in the office of the secretary
8 of state, the name and place of residence of all to whom
9 they issue certificates, and the date thereof. All certificates
10 issued under the provisions of this act shall be kept con-
11 stantly displayed, in a conspicuous place, in the store or
12 shop of the persons to whom the same were issued.

Sect. 4. Every person not now registered, hereafter enter-
2 ing on the business of an apothecary, shall be examined by
3 said commissioners, and shall present to them satisfactory
4 evidence that he has been an apprentice, or employed in an
5 apothecary store where physicians' prescriptions are com-
6 pounded, at least three years; or has graduated from some
7 regularly incorporated medical college or college of phar-
8 macy, and is competent for the business; and the commis-
9 sioners may then grant him a certificate and registry as
10 hereinbefore provided; but only one of the partners in a

11 firm need be a registered druggist, provided, the partner
12 who compounds medicines be registered.

Sect. 5. For each examination under the provisions of this
2 act, the commissioners shall be entitled to receive from the
3 person examined ten dollars, except as hereinafter provided,
4 which shall be in full for all services and expenses. In
5 case the result of the examination is unsatisfactory, and no
6 certificate is granted, the applicant shall have the right to
7 another examination without charge after an interval of
8 two months, and within twelve months after the date of his
9 first examination.

Sect. 6. Certificates of two grades or kinds may be issued,
2 whereof one shall declare that the holder is skilled in phar-
3 macy as in section four of this act, and the other kind which
4 after the examination of the applicants therefor, may be
5 issued to such as shall not be less than eighteen years of age
6 and who have served full two years in an apothecary store
7 where physicians' prescriptions are compounded, shall
8 declare that the holder is a qualified assistant and is qualified
9 to take charge of the business of an apothecary, during the
10 temporary absence of the registered apothecary, and the fee
11 for such assistant's examination shall be five dollars.

Sect. 7. It shall not be lawful for any store to be kept open
2 for the sale of medicines or poisons, or for compounding
3 physicians' prescriptions, nor shall drugs or such medicines
4 be exposed or displayed for sale in any such store, unless the
5 same is placed and kept under the personal control and
6 supervision of a registered apothecary or qualified assistant,
7 but such store may be under the charge of a qualified assist-
8 ant during the temporary absence of such registered
9 apothecary.

Sect. 8. If any person shall hereafter engage in or be
2 found in charge of or carrying on the business of apothecary
3 contrary to the provisions of this act, he shall upon indict-
4 ment and conviction be subject to a penalty of fifty dollars
5 per month for the first offense, and one hundred dollars per
6 month for each and every subsequent offense whether for
7 continuance in said business or for engaging anew therein
8 in violation of the provisions of this act. It is hereby made
9 the duty of the county attorney in each county, upon com-
10 plaint made by any one of said commissioners, to prose-
11 cute all violations of the provisions of this act. The treas-
12 urer of each county shall pay to the treasurer of the law
13 library association of his county for the use and benefit of
14 the county law library, twenty per cent. of all fines actually
15 paid into the county treasury for the violation of the pro-
16 visions of this act.

Sect. 9. The provisions of this act shall apply in the cases
2 of women who shall hereafter enter upon and carry on the
3 business of apothecaries.

Sect. 10. This act shall not apply in the case of physicians
2 who prepare and dispense their own medicines, nor to the
3 sale of proprietary preparations.

Sect. 11. All acts and parts of acts inconsistent with this
2 act are hereby repealed.

Sect. 12. Any person may enter upon the business of an
2 apothecary without the certificate required by the foregoing
3 act; provided he does not personally do the duties of an
4 apothecary, but employs a duly registered apothecary who
5 has sole charge of compounding, putting up and dispensing
6 medicines and drugs under the provisions of this act.

Sect. 13. The word apothecary as used in this act shall not
2 include persons who do not compound medicines, put up
3 prescriptions or sell poisons.

Sect. 14. This act shall take effect when approved.

STATE OF MAINE.

IN HOUSE OF REPRESENTATIVES,

March 10, 1897.

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

W. S. COTTON, *Clerk.*