

MAINE STATE LEGISLATURE

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SEVENTY-FIFTH LEGISLATURE

SENATE

NO. 4

In Senate, January 12, 1911.

Tabled for printing. Referred to Committee on Judiciary.

W. C. HANSON, Secretary.

STATE OF MAINE

IN THE YEAR OF OUR LORD ONE THOUSAND NINE
HUNDRED AND ELEVEN.

AN ACT to amend Sections 11, 12, 14, 15, 16 and 17 of Chapter 17 of the Revised Statutes relating to registration of physicians and surgeons.

Be it enacted by the People of the State of Maine, as follows:

Section 1. Section 11 of Chapter 17 of the Revised Statutes is hereby amended by striking out the word "ten" in the first and last lines of said section, and inserting in lieu thereof the word 'fifteen,' and by adding at the end of said section the following words 'all fees received by the board hereunder shall be paid by the secretary thereof into the treasury of the State once in each month,' so that said section as amended shall read as follows:

'Sect. 11. Any person shall, upon the payment of a fee of fifteen dollars, be entitled to examination, and if found qual-

11 ified by a majority of the members of the board present shall
12 be registered as a physician or surgeon, and shall receive
13 a certificate thereof under the seal of the board, and signed
14 by the chairman and secretary, which shall state the facts
15 and must be publicly displayed at the person's principal
16 place of business as long as said person continues such prac-
17 tice for gain or hire. Any person refused registration may
18 be re-examined at any regular meeting of said board, with-
19 in two years of the time of such refusal, without additional
20 fee and thereafter may be examined as often as he may de-
21 sire upon payment of the fee of fifteen dollars for each ex-
22 amination. All fees received by the board hereunder shall
23 be paid by the secretary thereof into the treasury of the
24 State once in each month.

Sect. 2. Section 12 of Chapter 17 of the Revised Stat-
2 utes is hereby amended by striking out the word "giving"
3 in the fourth line of said section, and inserting in lieu there-
4 of the word 'containing,' and by striking out the words
5 "of being" in said fourth line of said section, and inserting
6 in lieu thereof the words 'that said applicant is,' and by
7 striking out the word "having," and the words "of being"
8 in the fifth line of said section, and by inserting after the
9 word "college" in the sixth line of said section the words
10 'in good standing,' and by striking out the words "and
11 in good standing," in the seventh line, and by striking out
12 the period in the ninth line of said section after the word
13 "board," and by inserting a comma in lieu of the period,

14 and the words 'which said standard shall at least require
15 that the applicant for admission to said medical school or
16 college shall present to said school or college before begin-
17 ning the study of medicine therein, the diploma of a high-
18 school or equivalent school having a course of study re-
19 quiring an attendance through four school years, or a cer-
20 tificate of having passed a satisfactory examination before
21 the State Superintendent of schools or like State officer,
22 in the studies embraced in the curriculum of such high-
23 school or other equivalent school.' And by striking out
24 the word "an elementary" in the twelfth line of said section
25 and inserting in lieu thereof the words 'a thorough;' and
26 by inserting after the word "pathology" in the thirteenth
27 line of said section the words 'bacteriology, sanitation, chem-
28 istry,' and by striking out the word "or" in the fifteenth
29 line of said section and inserting in lieu thereof the word
30 'and,' and by striking out the word "thereof" in the fif-
31 teenth line of said section; and by inserting in lieu there-
32 of the words 'of medical science,' and by striking out the
33 word "possess" in the sixteenth line of said section, and
34 inserting the words 'be versed in,' so that said section as
35 amended shall read as follows:

'Sect. 12. The board shall examine all applicants for reg-
37 istration as licensed physicians or surgeons. Each applicant
38 shall, at least seven days before the date of his examination,
39 present to the secretary of the board an application under
40 oath or affirmation, containing satisfactory proof that said

41 applicant is twenty-one years of age, of good moral char-
42 acter and a graduate of some reputable medical school or
43 college in good standing, having power to confer degrees in
44 medicine, and maintaining a standard of preliminary educa-
45 tion and of medical instruction approved by the board, which
46 said standard shall at least require that the applicant for ad-
47 mission to said medical school or college shall present to
48 said school or college, before beginning the study of med-
49 icine therein, the diploma of a high-school or equivalent
50 school having a course of study requiring an attendance
51 through four school years, or a certificate of having passed
52 a satisfactory examination before the State Superintendent
53 of Schools, or like State officer, in the studies embraced in
54 the curriculum of such high-school or other equivalent
55 school. He shall also present such other facts as the board
56 in its blank application may require, and must pay the fees
57 provided in the preceding section. Examinations shall be
58 in whole or in part in writing and shall be of a thorough
59 and practical character. They shall embrace the general
60 subjects of anatomy, physiology, pathology, bacteriology,
61 sanitation, chemistry, materia medica and therapeutics, surg-
62 ery, the principles and practice of medicine, obstetrics, and
63 such branches of medical science as the board may deem
64 necessary for the applicant to be versed in. The board
65 may make such rules and regulations as may be necessary
66 for reciprocity of licensure with the boards of other States
67 which maintain a standard of education at least equal to

68 their own; but no such rules shall become operative until
69 they have been approved by a justice of the supreme judicial
70 court.'

Sect. 3. Section 14 of Chapter 17 of the Revised Statutes
2 is hereby amended by striking out the word "regarding" in
3 the second line of said section and inserting in lieu thereof
4 the words 'and all cases of,' and by striking out in the
5 seventh and tenth lines of said section the word "unani-
6 mous," and by inserting after the word "vote" in said sev-
7 enth and tenth lines the words 'of two-thirds of the entire
8 board;' and by striking out in the eleventh, twelfth and
9 thirteenth lines of said section the words "all fees received
10 by the board hereunder shall be paid by the secretary there-
11 of into the treasury of the State once in each month," so
12 that said section as amended shall read as follows:

'Sect. 14. The board, its members or agents shall investi-
14 gate all complaints, and all cases of non-compliance with
15 or violation of the provisions of this chapter relating to
16 the registration of physicians and surgeons, and shall bring
17 all such cases to the notice of the proper prosecuting offi-
18 cers. Said board, after a conviction before a proper court,
19 for crime in the course of professional business, of any per-
20 son to whom a certificate has been issued by them, and af-
21 ter hearing, may by vote of two-thirds of the entire board
22 revoke the certificate and cancel the registration of the
23 person to whom the same was issued. Said board may also
24 suspend or revoke any certificate by a two-thirds vote of

25 the entire board, in any case where such certificate has been
26 wrongfully obtained or for any fraud connected with the
27 said registration.'

Sect. 4. Section 15 of Chapter 17 of the Revised Stat-
2 utes is hereby amended so that said section as amended shall
3 read as follows:

'Sect. 15. Unless duly registered by said board, no per-
5 son shall practice medicine or surgery, or any branch there-
6 of, or hold himself out to practice medicine or surgery
7 or any branch thereof for gain or hire within the State,
8 by diagnosing, relieving in any degree, or curing, or pro-
9 fessing or attempting, to diagnose, relieve or cure, any hu-
10 man disease, ailment, defect or complaint, whether physical
11 or mental, or of physical or mental origin by attendance,
12 or by advice, or by prescribing or furnishing any drug,
13 medicine, appliance, manipulation, method, or any therea-
14 peutic agent whatsoever or in any other manner, unless
15 otherwise provided by statute of this State. Unless duly
16 registered by said board, no person shall prefix the title
17 "Doctor" or the letters "Dr.," or append the letters "M. D."
18 to his name, or use the title of doctor or physician in any
19 way. Whoever not being duly registered by said board
20 practices medicine or surgery, or any branch thereof, or
21 holds himself out to practice medicine or surgery, or any
22 branch thereof in any of the ways aforesaid, or who uses
23 the title "Doctor" or the letters "Dr." or the letters "M. D."
24 in connection with his name, contrary to the provisions of

25 this section, shall be punished by a fine of not less than one
26 hundred, nor more than five hundred dollars for each of-
27 fense, or by imprisonment for three months, or by both fine
28 and imprisonment; the prefixing of the title "Doctor" or
29 the letters "Dr." or the appending of the letters "M. D."
30 by any person to his name, or the use of the title of doctor
31 or physician in any way by any person not duly registered
32 as hereinbefore described, shall be prima facie evidence that
33 said person is holding himself out to practice medicine or
34 surgery, contrary to the provisions of this section; pro-
35 vided, that nothing herein contained shall prevent any per-
36 son who has received the doctor's degree from any reputable
37 college or university, other than the degree of "Doctor of
38 Medicine" from prefixing the letters "Dr." to his name, if
39 he is not engaged, and does not engage, in the practice
40 of medicine or surgery, or the treatment of any disease
41 or human ailment.'

Sect. 5. Section 16 of Chapter 17 of the Revised Stat-
2 utes is hereby amended by inserting after the letters "M.
3 D." in the last line of said section the letters 'D.,' and by
4 inserting after the word "so-called" in the eighth line of
5 said section the word 'osteopathy,' and by striking out the
6 words "poisonous and dangerous" in the ninth line of said
7 section; and by inserting after the word "drugs" in the
8 ninth line of said section the words 'or medicines;' and
9 by striking out the words "nor to midwives, who lay no
10 claim to the title of physician or doctor" in the fifth and

11 sixth lines of said section, and by inserting after the word
12 “physician” in the last line of said section the words ‘or
13 practice of medicine or surgery,’ so that said section as
14 amended shall read as follows:

‘Sect. 16. The seven preceding sections shall not apply
16 to commissioned officers of the United States Army, navy
17 or marine hospital service, or to a physician or surgeon who
18 is called from another State to treat a particular case and
19 who does not otherwise practice in this State, nor to pro-
20 hibit gratuitous service or the rendering of assistance in
21 emergency cases; nor to clairvoyants or persons practicing
22 hypnotism, magnetic healing, mind cure, massage, Christian
23 Science, so-called, osteopathy, or any other method of heal-
24 ing if no drugs or medicines are employed nor surgical
25 operations performed; provided, such clairvoyants and other
26 persons do not violate any of the provisions of the preced-
27 ing section in relation to the use of “M. D.,” “Dr.,” or the
28 title of doctor or physician, or practice of medicine or sur-
29 gery.’

Sect. 6. Section 17 of Chapter 17 of the Revised Stat-
2 utes is hereby amended by striking out the words “five
3 dollars each for every day actually spent in the discharge of
4 their duties and” in the third and fourth lines of said section,
5 and by inserting in lieu thereof the words ‘one hundred dol-
6 lars per annum for each member of the board, except the
7 secretary who shall receive three hundred dollars per annum,
8 and in addition each member shall receive,’ and by inserting

9 after the word "paid" in the sixth line of said section the
10 words 'for traveling expenses' and by inserting after the
11 word "incurred" in the eighth line of said section the words
12 'and extra compensation of ten dollars per day in addition
13 to the yearly compensation, for each day actually spent in the
14 investigation or prosecution of complaints and cases under
15 section 14 of this chapter, shall be allowed to each member
16 of the board actually engaged therein' so that said section as
17 amended shall read as follows:

'Sect. 17. The compensation, incidental and traveling
19 expenses of the board shall be paid from the treasury of the
20 State. The compensation of members of the board shall be
21 one hundred dollars per annum for each member of the
22 board, except the secretary who shall receive three hundred
23 dollars per annum, and in addition each member shall re-
24 ceive five cents a mile each way for necessary traveling ex-
25 penses in attending the meetings of the board, but in no case
26 shall any more be paid for traveling expenses than has ac-
27 tually been expended. The secretary shall be allowed extra
28 compensation for books, stationery, postage and other nec-
29 essary expenses actually incurred, and extra compensation
30 for each day actually spent in the investigation or prosecu-
31 tion of complaints and cases under section 14 of this chap-
32 ter, shall be allowed to each member of the board actually
33 engaged therein. Such compensation and the incidentals
34 and traveling expenses shall be approved by the board and
35 audited by the governor and council, and paid from the

36 State treasury, provided, that the amounts so paid shall not
37 exceed the amount received by the treasurer of State from
38 the board in fees as herein specified, and so much of said
39 receipts as may be necessary is hereby appropriated for the
40 compensation and expenses of the board as aforesaid.'