

# 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)

NEW DRAFT.

---

---

SEVENTY-FIFTH LEGISLATURE

---

---

SENATE

NO. 112

---

---

*In Senate, Feb. 17, 1911.*

*Reported by Mr. Starns from Committee on Judiciary and ordered printed under joint rules.*

*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  
10 of fifteen dollars, be entitled to examination, and if found  
11 qualified by a majority of the members of the board pres-  
12 ent shall be registered as a physician or surgeon, and shall  
13 receive a certificate thereof under the seal of the board, and  
14 signed by the chairman and secretary, which shall state the  
15 facts and must be publicly displayed at the person’s prin-  
16 cipal place of business as long as said person continues such  
17 practice for gain or hire. Any person refused registration  
18 may be re-examined at the regular meeting of said board,  
19 within two years of the time of such refusal, without addi-  
20 tional fee and thereafter may be examined as often as he  
21 may desire upon payment of the fee of fifteen dollars for  
22 each examination. All fees received by the board here-  
23 under shall be paid by the secretary thereof into the treas-  
24 ury of the 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 “of  
5 being” in said fourth line of said section, and inserting in  
6 lieu thereof the words ‘that said applicant is,’ and by strik-  
7 ing out the word “having,” and the words “of being” in the  
8 fifth line of said section, and by inserting after the word  
9 “college” in the sixth line of said section the words ‘in good  
10 standing,’ and by striking out the words “and in good stand-  
11 ing,” in the seventh line, and by striking out the period in

12 the ninth line of said section after the word "board," and  
13 by inserting a comma in lieu of the period and the words  
14 'which said standard shall at least require that the appli-  
15 cant for admission to said medical school or college shall  
16 present to said school or college, before beginning the study  
17 of medicine therein, the diploma of a high-school or equiva-  
18 lent school having a course of study requiring an attendance  
19 through four school years, or a certificate of having passed  
20 a satisfactory examination before the State Superintendent  
21 of Schools or like State officer, in the studies embraced in  
22 the curriculum of such high-school or other equivalent  
23 school.' And by striking out the words "an elementary"  
24 in the twelfth line of said section and inserting in lieu there-  
25 of the words 'a thorough;' and by inserting after the word  
26 "pathology" in the thirteenth line of said section the words  
27 'bacteriology, sanitation, chemistry,' and by striking out the  
28 word "or" in the fifteenth line of said section and inserting  
29 in lieu thereof the word 'and,' and by striking out the word  
30 "thereof" in the fifteenth line of said section; and by insert-  
31 ing in lieu thereof the words 'of medical science,' and by  
32 striking out the word "possess" in the sixteenth line of said  
33 section, and inserting the words 'be versed in,' so that said  
34 section as amended shall read as follows:

'Sect. 12. The board shall examine all applicants for reg-  
36 istration as licensed physicians or surgeons. Each appli-  
37 cant shall, at least seven days before the date of his exam-  
38 ination, present to the secretary of the board an application

39 under oath or affirmation, containing satisfactory proof that  
40 said applicant is twenty-one years of age, of good moral  
41 character and a graduate of some reputable medical school  
42 or college in good standing, having power to confer degrees  
43 in medicine, and maintaining a standard of preliminary edu-  
44 cation and of medical instruction approved by the board,  
45 which said standard shall at least require that the applicant  
46 for admission to said medical school or college shall present  
47 to said school or college, before beginning the study of  
48 medicine therein, the diploma of a high-school or equiva-  
49 lent school having a course of study requiring an attend-  
50 ance through four school years, or a certificate of having  
51 passed a satisfactory examination before the State Super-  
52 intendent of Schools, or like State officer, in the studies em-  
53 braced in the curriculum of such high-school or other equiv-  
54 alent school. He shall also present such other facts as the  
55 board in its blank application may require, and must pay  
56 the fees provided in the preceding section. Examinations  
57 shall be in whole or in part in writing and shall be of a thor-  
58 ough and practical character. They shall embrace the gen-  
59 eral subjects of anatomy, physiology, pathology, bacteri-  
60 ology, sanitation, chemistry, materia medica and therapeu-  
61 tics, surgery, the principles and practice of medicine, ob-  
62 stetrics, and such branches of medical science as the board  
63 may deem necessary for the applicant to be versed in. The  
64 board may make such rules and regulations as may be neces-  
65 sary for reciprocity of licensure with the boards of other

66 states which maintain a standard of education at least equal  
67 to their own; but no such rules shall become operative until  
68 they have been approved by a justice of the supreme judicial  
69 court.'

Sect. 3. Section 14 of Chapter 17 of the Revised Stat-  
2 utes is hereby amended by striking out the word "regard-  
3 ing" in the second line of said section and inserting in lieu  
4 thereof the words 'and all cases of,' and by striking out in  
5 the seventh and tenth lines of said section the word "unan-  
6 imous," 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 the  
16 registration of physicians and surgeons, and shall bring all  
17 such cases to the notice of the proper prosecuting officers.  
18 Said board, after a conviction before a proper court, for  
19 crime in the course of professional business, of any person  
20 to whom a certificate has been issued by them, and after  
21 hearing, may by vote of two-thirds of the entire board re-  
22 voke the certificate and cancel the registration of the person  
23 to whom the same was issued. Said board may also sus-

24 pend or revoke any certificate by a two-thirds vote of the  
25 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-  
utes is hereby amended so that said section as amended  
shall read as follows:

'Sect. 15. Unless duly registered by said board, no person  
shall practice medicine or surgery, or any branch thereof,  
or hold himself out to practice medicine or surgery or any  
branch thereof for gain or hire within the State, by diag-  
nosing, relieving in any degree, or curing, or professing or  
attempting, to diagnose, relieve or cure, any human disease,  
ailment, defect or complaint, whether physical or mental,  
or of physical or mental origin, by attendance, or by advice,  
or by prescribing, or furnishing any drug, medicine, appli-  
ance, manipulation, method, or any therapeutic agent what-  
soever or in any other manner, unless otherwise provided  
by statute of this State. Unless duly registered by said  
board, no person shall prefix the title "Doctor" or the let-  
ters "Dr.," or append the letters "M. D.," to his name, or  
use the title of doctor or physician in any way, excepting  
that any member of the Maine Osteopathic Association may  
prefix the title "Doctor" or the letters "Dr.," to his name,  
when accompanied by the word "Osteopath." Whoever not  
being duly registered by said board practices medicine or  
surgery, or any branch thereof, or holds himself out to prac-

24 tice medicine or surgery, or any branch thereof in any of  
25 the ways aforesaid, or who uses the title "Doctor" or the  
26 letters "Dr." or the letters "M. D." in connection with his  
27 name, contrary to the provisions of this section, shall be  
28 punished by a fine of not less than one hundred, nor more  
29 than five hundred dollars for each offense, or by imprison-  
30 ment for three months, or by both fine and imprisonment;  
31 the prefixing of the title "Doctor" or the letters "Dr." or  
32 the appending of the letters "M. D." by any person to his  
33 name, or the use of the title of doctor or physician in any  
34 way by any person not duly registered as hereinbefore de-  
35 scribed, shall be prima facie evidence that said person is  
36 holding himself out to practice medicine or surgery con-  
37 trary to the provisions of this section; provided, that noth-  
38 ing herein contained shall prevent any person who has re-  
39 ceived the doctor's degree from any reputable college or  
40 university, other than the degree of "Doctor of Medicine"  
41 from prefixing the letters "Dr." to his name, if he is not  
42 engaged, and does not engage, in the practice of medicine  
43 or surgery, or the treatment of any disease or human ail-  
44 ment.'

Sect. 5. Section 16 of Chapter 17 of the Revised Stat-  
utes is hereby amended so that said section as amended  
shall read as follows:

'Sect. 16. The seven preceding sections shall not apply to  
5 commissioned officers of the United States army, navy or  
6 marine hospital service, or to a physician or surgeon who



7 is called from another state to treat a particular case and  
8 who does not otherwise practice in this State, nor to pro-  
9 hibit gratuitous service or the rendering of assistance in  
10 emergency cases; nor to clairvoyants or persons practicing  
11 hypnotism, magnetic healing, mind cure, massage, Chris-  
12 tian Science, osteopathy, or any other method of healing  
13 or prescribing if no poisonous or dangerous drugs are em-  
14 ployed nor surgical operations performed; provided, such  
15 clairvoyants and other persons do not violate any of the  
16 provisions of the preceding section in relation to the use of  
17 "M. D.," "Dr.," or the title of doctor or physician.'

Sect. 6. Section 17 of Chapter 17 of the Revised Stat-  
2 utes is hereby amended by striking out the words "five dol-  
3 lars each for every day actually spent in the discharge of  
4 their duties and" in the third and fourth lines of said sec-  
5 tion, and by inserting in lieu thereof the words 'one hun-  
6 dred dollars per annum for each member of the board, ex-  
7 cept the secretary who shall receive three hundred dollars  
8 per annum, and in addition each member shall receive,' and  
9 by inserting after the word "paid" in the sixth line of said  
10 section the words 'for traveling expenses' and by inserting  
11 after the word "incurred" in the eighth line of said section  
12 the words 'and extra compensation of ten dollars per day  
13 in addition to the yearly compensation, for each day actu-  
14 ally spent in the investigation or prosecution of complaints  
15 and cases under section 14 of this chapter, shall be allowed

16 to each member of the board actually engaged therein,' so  
17 that said section as amended shall read as follows:

'Sect. 17. The compensation, incidental and traveling ex-  
19 penses of the board shall be paid from the treasury of the  
20 State. The compensation of members of the board shall  
21 be 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  
26 case shall any more be paid for traveling expenses than has  
27 actually been expended. The secretary shall be allowed  
28 extra compensation for books, stationery, postage and other  
29 necessary expenses actually incurred, and extra compensa-  
30 tion, for each day actually spent in the investigation or  
31 prosecution, of complaints and cases under section 14 of  
32 this chapter, shall be allowed to each member of the board  
33 actually engaged therein. Such compensation and the inci-  
34 dentals and traveling expenses shall be approved by the  
35 board and audited by the governor and council, and paid  
36 from the State treasury, provided, that the amounts so  
37 paid shall not exceed the amount received by the treasurer  
38 of State from the board in fees as herein specified, and so  
39 much of said receipts as may be necessary is hereby appro-  
40 priated for the compensation and expenses of the board as  
41 aforesaid.'