

MAINE STATE LEGISLATURE

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SEVENTY-SIXTH LEGISLATURE

HOUSE

NO. 149

House of Representatives, Feb. 5, 1913.

*Tabled pending reference to a committee by Mr. Dunbar of
Jonesport and ordered printed.*

W. R. ROIX, Clerk.

STATE OF MAINE

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

AN ACT for the Better Regulation of the Practice of Dentistry
in the State of Maine and to Re-organize the Board of Dental
Examiners.

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

Section 1. The following persons only shall be deemed
2 lawful practitioners of dentistry in the State of Maine:
3 Those who are in lawful practice of dentistry at the time
4 of the passage of this act and those who may hereafter re-
5 ceive certificates as herein provided.

Sect. 2. All appointments to the board of dental exam-

2 iners shall be for a term of five years and all appointments
3 to said board which may be in effect December 31, 1913.
4 shall expire on that date and the Governor with the con-
5 sent of the Council shall fill the vacancies so caused on said
6 board, to take effect January 1st, 1914, by appointing five
7 members of the dental profession, one of whom shall be
8 appointed to serve five years, one to serve four years, one to
9 serve three years, one to serve two years and one to serve
10 one year; and thereafter in like manner one member shall
11 be appointed to serve five years from the first day of Janu-
12 ary of each year. The Governor shall fill such vacancies as
13 may occur by reason of death, resignation or otherwise, for
14 an unexpired term only, and under the same conditions as
15 for the original appointment. No more than three of such
16 appointments shall be from one political party.

Sect. 3. No person shall be appointed to serve on said
2 board unless such person shall be a graduate of a reputable
3 dental or medical college and shall at the time of the ap-
4 pointment have been in the actual practice of dentistry at
5 least ten years next prior to date on which said appointment
6 was made and shall have been a member in good standing
7 at least five years of an ethical dental society in Maine or of
8 the American Academy of Dental Science, next prior to said
9 appointment, and after five years from the passage of this
10 act no person shall be eligible to appointment on said board
11 who shall have served ten years or more on a dental exam-
12 ining board in this State.

Sect. 4. The Governor with the advice and consent of
2 the Council may remove any member of said board on prov-
3 en charges of inefficiency, incompetence, immorality or un-
4 professional conduct.

Sect. 5. The board shall, at its annual meeting, elect one
2 of its members a president and one a secretary. It shall
3 hold at least one meeting annually at the State House be-
4 tween the first of May and the 10th of July to examine ap-
5 plicants to practice dentistry in this State, at which meetings
6 three members may constitute a quorum. It shall be author-
7 ized to make such rules as are deemed necessary for the con-
8 duct of the board which are not contrary to this law or the
9 laws of the State, and to conduct such theoretical and
10 practical examinations upon subjects as they shall deem
11 necessary. It shall annually make a report of its proceed-
12 ings to the Governor and shall cause a full list of names of
13 those lawfully qualified to practice dentistry in this State to
14 be sent not later than February 1st of each year to all per-
15 sons who are engaged in said practice. A record of pro-
16 ceedings kept by the secretary shall be at reasonable times
17 open for public inspection.

Sect. 6. All persons applying for examinations and a
2 certificate to practice dentistry in this state must be twenty-
3 one years of age, of good moral character and have a pre-
4 liminary education equal to that required for graduation
5 from the high schools of this state and be graduated from
6 a dental college or dental department of a medical college

7 or university duly authorized to grant degrees in dentistry,
8 or from a reputable medical college, or shall have received
9 four years' instruction in a dental office under a competent
10 instructor.

Sect. 7. Not less than ten days prior to the date upon
2 which an examination is held each applicant for certificate
3 to practice dentistry in this state shall file an application
4 for examination and pay to the secretary of said board a
5 fee of twenty dollars and present himself for examination
6 at the first regular meeting of the board after such appli-
7 cation is filed. Such fee shall not be refunded unless, from
8 sickness or other good cause appearing to the satisfaction
9 of the board, such applicant was prevented from attending
10 and completing such examination. The examination shall
11 be practical and theoretical. The theoretical examination
12 may be written or oral, or both, at the option of the said
13 board, and shall include the subjects of anatomy, physiol-
14 ogy, anaesthesia, and anaesthetics, bacteriology, biology,
15 chemistry, operative dentistry, crown and bridge work,
16 dental ethics and jurisprudence, histology, materia medica,
17 orthodontia, pathology, prosthetic dentistry and therapeu-
18 tics. The board shall also require as part of the examina-
19 tion a demonstration of the candidate's skill in operative
20 and mechanical dentistry. An applicant who fails to pass
21 the first examination to the satisfaction of the board shall
22 be entitled to one re-examination without charge and the
23 fee for any subsequent examination shall be ten dollars.

Sect. 8. Said board shall under its seal and the hands of
2 its president and secretary, issue to all persons who shall
3 successfully pass said examination its certificate to practice
4 dentistry in this state.

Sect. 9. The board may at its discretion without the ex-
2 amination as herein provided, issue its certificates to any
3 applicant therefore who shall furnish proof satisfactory to
4 said board that he has been duly licensed after examina-
5 tion to practice dentistry in another state after full com-
6 pliance to the requirements of its dental laws: provided,
7 however, that his professional education shall not be less
8 than that required in this state and provided also that such
9 applicant shall have been at least five years in actual prac-
10 tice of dentistry in the state in which said license was
11 granted. Every certificate so given shall state upon its
12 face the grounds upon which it is granted and the applicant
13 may be required to furnish his proof upon affidavit. The
14 fee for such a certificate shall be twenty dollars. But the
15 board of dental examiners of this state shall not enter into
16 reciprocal agreements with a dental examining board of
17 another state for an exchange of certificates.

Sect. 10. An applicant for a duplicate certificate, to be
2 granted upon proof of loss of the original, shall pay a fee
3 of five dollars.

Sect. 11. A dentist or a dental surgeon under the provi-
2 sion of this act is one whose practice is limited to diseases
3 of the teeth and adjacent parts, and shall have the same

4 right to prescribe drugs or medicines, perform such surgical
5 operations, administer such general and local anaesthetics
6 as may be necessary to proper treatment of the special class
7 of diseases or accidents mentioned in this act, as is enjoyed
8 by registered physicians in this state.

Sect. 12. The members of the board of dental examiners
2 shall each receive five dollars for each day of service and
3 his necessary expenses incurred by such service. The ser-
4 vices and expenses of the board shall be paid out of the
5 treasury of the state. All fees received for examinations
6 before the board of dental examiners shall be paid by the
7 secretary of said board into the treasury of the state.

Sect. 13. Said board may revoke a certificate obtained by
2 fraud or misrepresentation, or if the person named therein
3 uses intoxicants or drugs to such an extent as to render
4 him unfit to practice dentistry, or is guilty of immoral or
5 unprofessional conduct, or convicted of felony.

Sect. 14. No action to revoke a certificate shall be taken
2 until the accused shall be furnished a statement in writing
3 of the charges against him and notice of the time and
4 place of a hearing thereof. If upon such hearing the board
5 finds the charges are true it may revoke the certificate of
6 the accused. Such revocation shall take from the person
7 named in the certificate all rights and privileges acquired
8 thereby, and said board shall not re-empower any one
9 whose certificate had been revoked for any of the above
10 causes to practice dentistry within one year after such re-

11 vocation, and only then upon sufficient assurances and
12 guarantees to said board of correct future conduct. A
13 second revocation of any certificate shall be perpetual. Any
14 person accused as provided in this section may appear in
15 his own defense or be represented by council, or both.

Sect. 15. A person whose certificate has been revoked
2 may file with the secretary within thirty days after the
3 decision of the board, a written notice of appeal therefrom.
4 Upon filing such a notice the secretary shall transmit to the
5 governor and attorney-general the record of proceedings.
6 Such officers shall review the proceedings as disclosed by
7 the record and their decision affirming or over-ruling the
8 action of the board shall be final.

Sect. 16. Whoever engages in the practice of dentistry
2 in this state shall keep his certificate displayed in a conspic-
3 uous place in the operating room or rooms in which he
4 practices.

Sect. 17. A person shall be regarded as practicing den-
2 tistry who is manager, proprietor, operator, or conductor
3 of a place performing dental operations, or who for a fee,
4 salary or other reward paid or to be paid either to himself
5 or to another person, performs dental operations of any
6 kind, treats diseases or lesions of human teeth or jaws,
7 attempts to correct malpositions thereof, or who uses the
8 words dentists, dental surgeon, the letters D. D. S., or
9 D. M. D., or any other letters or title in connection with

10 his name which in any way represents him as being engaged
11 in the practice of dentistry.

Sect. 18. Nothing in this act shall apply to a legally
2 qualified physician or surgeon, unless he is practicing den-
3 tistry as a specialty or to a legal practitioner of another
4 state making a clinical demonstration before a dental
5 society, convention, or association of dentists in this state.

Sect. 19. Any person who practices dentistry without
2 obtaining a certificate as required by the law of this state,
3 or whoever, being manager, proprietor, operator or con-
4 ductor of a place for performing dental operations, employs
5 a person who is not a lawful practitioner of dentistry in
6 this state, to do dental operations as defined in section 11
7 of this act, or permits such persons to practice dentistry in
8 his office, or whoever practices dentistry under a false
9 name, or who assumes a title or appends or prefixes to his
10 name the letters which falsely represent his having a degree
11 from a dental college, or who impersonates another at an
12 examination held by the board of dental examiners, or who
13 knowingly makes a false application or a false representa-
14 tion in connection with such examination shall be fined not
15 less than one hundred dollars nor more than three hundred
16 dollars, or be imprisoned not less than thirty days nor more
17 than ninety days, or both. A subsequent conviction shall
18 be punished by the maximum penalties prescribed in this
19 section and the offender be required to furnish a bond in

20 sufficient amount to deter him from further unlawful prac-
21 tice.

Sect. 20. Whoever sells or offers to sell a diploma con-
2 ferring a dental degree or a certificate granted pursuant to
3 the laws of this state, or who, procures such certificate or
4 diploma with intent that it shall be used as evidence on the
5 right or fitness to practice dentistry by a person other than
6 the one upon whom such certificate or diploma was con-
7 ferred, or who with fraudulent intent alters such diploma
8 or certificate, or uses or attempts to use the same when
9 altered, or whoever attempts to use the same when altered,
10 or whoever attempts to bribe a member of the board of
11 dental examiners in this state by the offer or use of money
12 or by other pecuniary reward or by other undue influence,
13 shall be fined not less than one hundred dollars, nor more
14 than two hundred dollars, or be imprisoned not less than
15 thirty days nor more than sixty days or both. A subse-
16 quent conviction shall be punished by the maximum penal-
17 ties prescribed in this section.

Sect. 21. Whoever violates a provision of this act for the
2 violation of which no penalty has been prescribed, shall be
3 fined not less than fifty dollars nor more than three hun-
4 dred dollars, or be imprisoned not less than ten nor more
5 than ninety days, or both. A subsequent conviction shall
6 be punished by the maximum penalties prescribed in this
7 act.

Sect. 22. It shall be the duty of the several prosecuting
2 officers of this state to institute, on notice from any mem-
3 ber of this board, prosecution for offences under this act.

Sect. 23. All acts and parts of acts inconsistent herewith
2 are hereby repealed.

Sect. 24. This act shall take effect when approved.