

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)

SEVENTY-SIXTH LEGISLATURE

SENATE

NO. 10

In Senate, Jan. 9, 1913.

Presented by Senator Hersey of Aroostook, and on motion by same Senator laid on the table for printing, pending reference to a Committee.

W. E. LAWRY, Secretary.

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 Reorganize 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 of
4 the passage of this act, and those who may hereafter receive
5 certificates as herein provided.

Sect. 2. All appointments to the Board of Dental Exami-
2 ners 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 consent
5 of the council, shall fill vacancies so caused on said Board,
6 to take effect January 1, 1914, by appointing five members
7 of the dental profession, one of whom shall be appointed
8 to serve five years, one to serve four years, one to serve
9 three years, one to serve two years, and one to serve one
10 year; and thereafter, in like manner, one member shall be
11 appointed annually to serve five years from the first day
12 of January. The governor shall fill such vacancies as may
13 occur by reason of death, resignation or otherwise, for the
14 unexpired term only, and under the same conditions as for
15 the original appointment.

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 College, and shall at the time of the appointment have
4 been in the actual practice of dentistry in this State at least
5 five years, immediately preceding said appointment, and
6 shall have been a member in good standing at least three
7 years of the Maine Dental Society. After five years from
8 the passage of this act, no person shall be eligible to appoint-
9 ment on said Board who shall have served ten years or more
10 on a dental examining board in this State.

Sect. 4 The governor, with the advice and consent of the
2 council, may remove any member of said Board on proven
3 charges of inefficiency, incompetence, immorality or unpro-
4 fessional conduct.

Sect. 5. The Board shall, at its annual meeting elect one
2 of its members, president and one secretary. It shall hold
3 at least one meeting annually at the State House between
4 the first of May and the first of August to examine appli-
5 cants to practice dentistry in this State, at which meeting
6 three members shall constitute a quorum. It shall be au-
7 thorized to make such rules as are deemed necessary for the
8 conduct of the board which are not contrary to this law or
9 the laws of this State, and conduct theoretical and practical
10 examinations upon such subjects pertaining to dentistry as
11 are hereinafter prescribed. It shall annually make a report
12 of its proceedings to the governor, and shall furnish to the
13 Secretary of State a list of persons to whom certificates
14 have been granted during the year. A record of proceed-
15 ings kept by the secretary of the Board, shall be at reasona-
16 ble times open for public inspection.

Sect. 6. All persons applying for examination and a cer-
2 tificate to practice dentistry in this State shall be twenty-one
3 years of age, of good moral character, and shall have re-
4 ceived a preliminary education equal to that required for
5 graduation from high schools of this State, and be graduated
6 from a dental college or dental department of a medical col-
7 lege or university duly authorized to grant degrees in dent-
8 istry.

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 shall file an application for examination

4 and pay to the secretary of this Board a fee of twenty
5 dollars and present himself for examination at the first reg-
6 ular meeting of the Board after such application is filed. Such
7 fee shall not be refunded unless from sickness or other good
8 cause appearing to the satisfaction of the Board, such appli-
9 cant was prevented from attending and completing such ex-
10 amination. The examination shall be practical and theoretical.
11 The theoretical examination may be written or oral or both, at
12 the option of said Board, and shall include the subjects of
13 anatomy, physiology, chemistry, histology, bacteriology, path-
14 ology, materia medica, therapeutics, anaesthetics, anaesthe-
15 sia, operative dentistry, crown and bridge work, prosthetic
16 dentistry, orthodontia and oral hygiene. The Board shall
17 also require as part of the examination a demonstration of
18 the candidates' skill in operative dentistry and mechanical
19 dentistry. An applicant who fails to pass the first examina-
20 tion to the satisfaction of the Board shall be entitled to one
21 re-examination without charge, and the fee for any subse-
22 quent 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 above provided, issue its certificate to
3 any applicant therefor who shall furnish proof, satisfactory
4 to said Board that he has been duly licensed to practice

5 dentistry in another state after full compliance with the re-
6 quirements of its dental laws: provided, however, that his
7 professional education shall not be less than that required in
8 this State, and provided also that such applicant shall have
9 been at least five years in actual practice in the State in
10 which said license was granted. Every certificate so given
11 shall state upon its face the grounds upon which it is granted
12 and the applicant may be required to furnish his proof upon
13 affidavit. The fee for such a certificate shall be Twenty
14 Dollars.

Sect. 10. An applicant for a duplicate certificate granted
2 under proof of loss of the original shall pay a fee of Five
3 Dollars.

Sect. 11. A dentist or a dental surgeon under the pro-
2 visions of this act is one whose practice is limited to diseases
3 of the teeth and adjacent parts. He shall have the same
4 right to prescribe drugs or medicines, perform such sur-
5 gical operations, administer general and local anaesthetics
6 and use such applicances as may be necessary to the proper
7 treatment of the special class of diseases mentioned in this
8 act, as is enjoyed by registered physicians in this State.

Sect. 12. The members of the Board of Dental Examiners
2 shall each receive Ten Dollars for each day of service and his
3 necessary expenses actually incurred. The services and ex-
4 penses of the Board of Dental Examiners shall be paid out of
5 the treasury of the State. All fees received for examination
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 him
4 unfit to practice dentistry, or is guilty of immoral or un-
5 professional 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 anyone whose
9 certificate has been revoked for any of the above causes to
10 practice dentistry within one year after such revocation, and
11 only then upon such sufficient assurances and guarantees to
12 said Board of correct future conduct. A second revocation
13 of any certificate shall be perpetual. The accused may be
14 present at the hearing in person or represented by counsel or
15 both. The statement of charges and notice may be served
16 personally upon such person or mailed to his last known ad-
17 dress at least twenty days prior to the hearing.

Sect. 15. A person whose certificate has been revoked may
2 file with the secretary within thirty days after the decision
3 of the Board, a written notice of appeal therefrom. Upon
4 filing such a notice the secretary shall transmit to the Gov-

5 error and attorney-general the record of such proceedings.
6 Such officers shall review the proceedings as disclosed by the
7 record, and their decision affirming or overruling the action
8 of the Board shall be final.

Sect. 16. Whoever engages in the practice of dentistry in
2 this State shall keep his certificate in a conspicuous place in
3 the operating room or rooms in which he practices.

Sect. 17. A person shall be regarded as practicing dentis-
2 try who is manager, proprietor, operator, or conductor of a
3 place for performing dental operations, or who for a fee, sala-
4 ry or other reward paid or to be paid either to himself or to
5 another person, performs dental operations of any kind,
6 treats diseases or lesions of human teeth or jaws, attempts
7 to correct malpositions thereof, or who uses the words dent-
8 ist, dental surgeon, the letters D. D. S. or D. M. D., or any
9 other letter or title in connection with his name which in any
10 way represents him as being engaged in the practice of dent-
11 tistry.

Sect. 18. Nothing in this act shall apply to a legally qual-
2 ified physician or surgeon, unless he is practicing dentistry
3 as a specialty or to a legal practitioner of dentistry of an-
4 other state making a clinical demonstration before a dental
5 society, convention or association of dentists, nor to a dental
6 nurse employed by a dentist for the so-called operation of
7 cleaning teeth only one such nurse shall be employed by a
8 registered dentist.

Sect. 19. Any person who practices dentistry without ob-

2 taining a certificate required by law, or whoever, being mana-
3 ger, proprietor, operator or conductor of a place for perform-
4 ing dental operations, employs a person who is not a lawful
5 practitioner of dentistry in this State to do dental operations
6 as defined in Section 11 of this act, or permits such persons to
7 practice dentistry under a false name, or assumes a
8 title or appends or prefixes to his name the letters which
9 falsely represent him as having a degree from a dental col-
10 lege, or who impersonates another at an examination held by
11 the Board of dental examiners or who knowingly makes a
12 false application or false representation in connection with
13 such examination shall be fined not less than one hundred
14 nor more than three hundred dollars, or be imprisoned not
15 less than thirty days, nor more than ninety days, or both. A
16 subsequent conviction shall be punished by the maximum
17 penalties prescribed in this section, and the offender be re-
18 quired to furnish a bond in sufficient amount to deter him
19 from further unlawful practice.

Sect. 20. Each member of the Board of Dental Examiners
2 shall be constituted an agent who shall investigate all com-
3 plaints, and all cases of non-compliance with or violation of
4 the provisions of this act relating to the registration of
5 dentists and shall bring all such cases to the notice of the
6 proper prosecuting officers.

Sect. 21. 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 of the
5 right to practice dentistry by a person other than the one
6 upon whom the diploma or certificate was conferred or who
7 with fraudulent intent alters such diploma or certificate or
8 uses or attempts to use the same when altered, or whoever
9 attempts to bribe a member of the Board of Dental Examiners
10 in this State by the offer or use of money or other pecuniary
11 reward or by other undue influence, shall be fined not less
12 than one hundred dollars nor more than two hundred dollars,
13 or be imprisoned not less than thirty days nor more than
14 sixty days, or both. A subsequent conviction shall be pun-
15 ished by the maximum penalties prescribed in this section.

Sect. 22. 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 hundred
4 dollars, or be imprisoned not less than ten nor more
5 than thirty ninety days, or both. A subsequent conviction
6 shall be punished by the maximum penalties prescribed in
7 this act.

Sect. 23. It shall be the duty of the several prosecuting
2 officers of this State to institute, on notice from any member
3 of the Board, prosecuting for offenses under this act.

Sect. 24. All acts and parts of acts inconsistent herewith
2 are hereby repealed.