

MAINE STATE LEGISLATURE

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SEVENTY-SIXTH LEGISLATURE

SENATE

NO. 102

In Senate, Jan. 27, 1913.

Came from the House referred to the Committee on Judiciary, and on motion by Senator Boynton of Lincoln laid on the table for printing pending reference in concurrence.

W. E. LAWRY, Secretary.

STATE OF MAINE

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

AN ACT to amend Section nine of Chapter seventeen of the Revised Statutes, as amended by Chapter two hundred thirty-nine of the Public Laws of nineteen hundred nine; also to amend Sections eleven, twelve, fourteen, fifteen, sixteen and seventeen of said Chapter seventeen of the Revised Statutes as amended by Chapter thirty-one of the Public Laws of nineteen hundred eleven; also to amend sections ten and thirteen of said Chapter seventeen 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 nine of chapter seventeen of the Revised Statutes as amended by chapter two hundred thirty-

3 nine of the Public Laws of nineteen hundred nine is hereby
4 amended by striking out all of said section nine and insert-
5 ing in place thereof the following, so that said section nine
6 shall read as follows:

'Sect. 9. The governor with the advice and consent of
8 the council shall appoint a board of registration of medicine
9 and surgery consisting of six persons, residents in the state,
10 who shall be graduates of a legally chartered medical col-
11 lege or university, having the power to confer degrees in
12 medicine, and who shall have been actively employed in the
13 practice of their profession in this state for a period of at
14 least five years. Two persons qualified as aforesaid shall
15 be appointed members of said board on or before the first
16 day of July of every alternate year after July one, eighteen
17 hundred ninety-five (1895), to hold office for six years from
18 the first day of July following said appointment. On the
19 expiration of the term of any member, his successor shall
20 be a representative appointed from the same school of medi-
21 cine of which he is a member. Any vacancy in said board
22 shall be filled by the appointment of a person qualified as
23 aforesaid, to hold office during the unexpired term of the
24 member whose place he fills. No member of said board
25 shall belong to the faculty of any medical college or uni-
26 versity. Any member of said board may be removed from
27 office for cause by the governor with the advice and consent
28 of the council.'

Sect. 2. Sections eleven, twelve, fourteen, fifteen, sixteen

2 and seventeen of chapter seventeen of the Revised Statutes,
3 as amended by chapter thirty-one of the Public Laws of
4 nineteen hundred eleven, are hereby amended by striking
5 out all of the said sections eleven, twelve, fourteen, fifteen,
6 sixteen and seventeen and inserting in place of said sec-
7 tions the following, so that said sections eleven, twelve, four-
8 teen, fifteen, sixteen and seventeen shall read as follows:

‘Sect. 11. Any graduate of an accredited medical college
10 shall, upon the payment of a fee of fifteen dollars, be en-
11 titled to examination, and if found qualified by a majority
12 of the members of the board present, shall be registered as
13 a physician and surgeon, and shall receive a certificate there-
14 of under the seal of the board, and signed by the president
15 and the secretary-treasurer, which shall state the facts and
16 must be publicly displayed at the person’s principal place
17 of business as long as such person continues such practice
18 for gain or hire. Any person refused registration may be
19 re-examined at any regular meeting of said board, within
20 two years of the time of such refusal, without additional
21 fee, and thereafter may be examined as often as he may
22 desire at any regular meeting of the board upon the pay-
23 ment of the fee of fifteen dollars for each examination. All
24 the fees received by the board hereunder shall be paid to
25 the secretary-treasurer and disbursed by him by order of
26 the board.’

‘Sect. 12. The board shall examine all graduates of ac-
28 credited medical schools who may be applicants for regis-
29 tration as licensed physicians and surgeons. Each appli-

30 cant shall, at least seven days before the date of his exam-
31 ination, present to the secretary-treasurer of the board an
32 application under oath or affirmation containing satisfactory
33 proof that such applicant is twenty-one years of age, of good
34 moral character, and a graduate of some reputable medical
35 school or college in good standing, having power to confer
36 degrees in medicine, and maintaining a standard of pre-
37 liminary education and of medical instruction approved by
38 the board, which standard shall at least require that the
39 applicant for admission to said medical school or college
40 shall present to said school or college, before beginning the
41 study of medicine therein, the diploma of a high school or
42 equivalent school having a course requiring an attendance
43 through four school years, or a certificate of having passed
44 a satisfactory examination before the State Superintendent
45 of Schools, or like state officer, in the studies embraced in
46 the curriculum of such high school or other equivalent
47 school. He shall also present such other facts as the board
48 in its blank application may require, and must pay the fee
49 provided in the preceding section. Examinations shall be
50 in whole or in part in writing and shall be of a thorough
51 and practical character. They shall embrace the general
52 subjects of Anatomy, Physiology, Pathology, Bacteriology,
53 Sanitation, Chemistry, Materia-Medica and Therapeutics,
54 Surgery, the Principles and Practice of Medicine, Obstet-
55 rics, and such branches of medical science as the board may
56 deem necessary for the applicant to be served in. The board

57 may make such rules and regulations as may be necessary for
58 reciprocity of licensure with the boards of other states which
59 maintain a standard of education at least equal to its own ;
60 but no such rules shall become operative until they have been
61 approved by a justice of the supreme judicial court.'

'Sect. 14. The board, its members or agents, shall inves-
63 tigate all complaints and all cases of non-compliance with
64 or violations of the provisions of this chapter relating to
65 the registration of physicians and surgeons, and shall bring
66 all such cases to the notice of the proper prosecuting offi-
67 cer. Said board, after a conviction before a proper court
68 for crime in the course of professional business, of any per-
69 son to whom a certificate has been issued by them, and after
70 hearing, may by a unanimous vote revoke the certificate
71 and cancel the registration of the person to whom the same
72 was issued. Said board may also suspend or revoke any
73 certificate by a unanimous vote in any case where such cer-
74 tificate was wrongfully obtained or for any fraud connected
75 with the said registration.'

'Sect. 15. Unless duly registered by said board, no person
77 shall practice medicine and surgery, or any branch thereof, or
78 hold himself out to practice medicine and surgery, or any
79 branch thereof, for gain or hire within the state, by diagnos-
80 ing, relieving in any degree or curing, or professing or
81 attempting to diagnose, relieve or cure, any human dis-
82 ease, ailment, defect or complaint, whether physical or
83 mental, or of physical or mental origin, by attendance, or by

84 advice, or by prescribing or furnishing any drugs, medi-
85 cine, appliance, manipulation, method, or any therapeutic
86 agent whatsoever, or in any other manner, unless otherwise
87 provided by statute of this state. Unless duly registered
88 by said board no person shall prefix the title "Doctor," or
89 the letters "Dr.," or append the letters "M. D." to his name,
90 or use the title of doctor or physician in any way, excepting
91 that any member of the Maine Osteopathic Association may
92 prefix the title of "Doctor" or the letters "Dr.," to his name,
93 when accompanied by the word "Osteopath." Whoever not
94 being duly registered by said board practices medicine and
95 surgery, or any branch thereof, or holds himself out to
96 practice medicine and surgery, or any branch thereof in any
97 of the ways aforesaid, or who uses the title "Doctor" or
98 the letters "Dr." or the letters "M. D." in connection with
99 his name, contrary to the provisions of this section, shall
100 be punished by a fine of not less than one hundred nor
101 more than five hundred dollars for each offense, or by
102 imprisonment for three months, or by both fine and im-
103 prisonment; the prefixing of the title "Doctor" or the let-
104 ters "Dr." or the appending of the letters "M. D." by any
105 person to his name, or the use of the title "Doctor" or
106 "Physician" in any way by any person not duly registered
107 as hereinbefore described, shall be prima facie evidence
108 that said person is holding himself out to practice medi-
109 cine and surgery contrary to the provisions of this section;
110 provided that nothing herein contained shall prevent any
111 person who has received the doctor's degree from any

112 reputable college or university, other than the degree of
113 "Doctor of Medicine" from prefixing the letters "Dr." to
114 his name, if he is not engaged and does not engage in the
115 practice of medicine and surgery, or the treatment of any
116 disease or human ailment.'

'Sect. 16. The seven preceding sections shall not apply
118 to commissioned officers of the United States army, navy,
119 or marine hospital service, or to a physician or surgeon
120 who is called from another state to treat a particular case
121 and who does not otherwise practice in this state, nor to
122 prohibit gratuitous service or the rendering of assistance
123 in emergency cases; nor to clairvoyants or persons prac-
124 ticing hypnotism, magnetic healing, mind cure, massage,
125 Christian Science, osteopathy, or any other method of heal-
126 ing or prescribing if no drugs are employed nor surgical
127 operations performed; provided such clairvoyants and
128 other persons do not violate any of the provisions of the
129 preceding section in relation to the use of "M. D.," "Dr.,"
130 or the title of "Doctor," or "Physician."'

'Sect. 17. The compensation, incidental and traveling ex-
132 penses of the board shall be audited by the board, and when
133 approved, shall be paid by the secretary-treasurer. The
134 compensation of members of the board shall be five dol-
135 lars each for every day actually spent in the discharge of
136 the duties of the said board, except the secretary-treasurer,
137 who shall receive four hundred dollars per annum; and
138 in addition each member shall receive five cents per mile
139 each way for necessary traveling expenses in attending the

140 meetings of the board, together with necessary incidental
141 expenses, not to exceed the amount actually paid out for
142 such purpose. The secretary-treasurer shall be allowed
143 extra compensation for books, stationery, postage and other
144 necessary expenses actually incurred, and extra compen-
145 sation for each day actually spent in the investigation or
146 prosecution of complaints and cases under section four-
147 teen of this chapter shall be allowed to each member actu-
148 ally engaged therein. Such compensation and the inci-
149 dental and traveling expenses shall be audited by the board,
150 and, if approved, paid by the secretary-treasurer, provided
151 that the amount so paid shall not exceed the amount in the
152 hands of the secretary-treasurer. On the first Monday of
153 January of each year, the board shall convert any sum of
154 money in the hands of the secretary-treasurer, received for
155 fees in excess of the expenses of said board during the
156 preceding year, into a reserve fund, which shall be avail-
157 able when needed for the purpose of printing reports, pay-
158 ing the expenses of representatives of the board to the
159 meetings of the boards of examiners in other states, or
160 to any other convention when and where it is important
161 that this state board should be represented, and for such
162 other purposes as may from time to time become neces-
163 sary for the proper performance of its duties. Such ap-
164 propriations from the reserve fund shall be decided by a
165 majority vote of the board.'

Sect. 3. Sections ten and thirteen of chapter seventeen of
2 the Revised Statutes are hereby amended by striking out all

3 of said sections ten and thirteen and inserting in their stead
4 the following, so that said sections ten and thirteen shall
5 read as follows:

'Sect. 10. The members of said board shall meet on the
7 second Tuesday of July each alternate year after the year
8 1895 at such time and place as they may determine, and
9 shall elect a president and a secretary-treasurer, who shall
10 hold their respective offices for the term of two years. The
11 secretary-treasurer shall give to the president of the board
12 a bond in the penal sum of one thousand dollars, with suffi-
13 cient sureties to be approved by the board for the faithful
14 discharge of the duties of his office. The said board shall
15 hold regular meetings, one in March, one in July and one
16 in November of each year, and such additional meetings at
17 such times and places as it may determine. Said board shall
18 cause a seal to be engraved and shall keep correct records
19 of all its proceedings, and may make such minor rules and
20 regulations as it shall deem necessary for the successful en-
21 forcement of its authority and the performance of its du-
22 ties.'

'Sect. 13. The board shall keep a record of the names
24 and residences of all persons registered hereunder, and a
25 record of all moneys received and disbursed by said board,
26 and such records or duplicates thereof shall always be open
27 for inspection in the office of the secretary of state during
28 regular office hours. Said board shall annually on or be-
29 fore the first day of January of each year, make a report
30 to the governor containing a full and complete account of

31 all its official acts during the preceding year, also a state-
32 ment of its receipts and disbursements and such comments
33 or suggestions as it may deem essential.'

Sect. 4. All acts or parts of acts inconsistent herewith are
2 hereby repealed.