

MAINE STATE LEGISLATURE

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SEVENTY-SIXTH LEGISLATURE

SENATE

NO. 218

In Senate, Feb. 5, 1913.

Presented by Senator Mansfield of Washington and on motion by Senator Hersey of Aroostook laid on the table for printing pending reference to 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 Senate and House of Representatives in Legislature assembled, 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 exam-
2 iners shall be for a term of five years and all appoint-

3 ments to said board which may be in effect December 31,
4 1913, shall expire on that date and the governor with the
5 consent of the council shall fill the vacancies so caused on
6 said board, to take effect January 1st, 1914, by appointing
7 five members of the dental profession, one of whom shall
8 be appointed to serve five years, one to serve four years,
9 one to serve three years, one to serve two years and one
10 to serve one year; and thereafter in like manner one mem-
11 ber shall be appointed annually to serve five years from the
12 first day of January. The Governor shall fill such va-
13 ncancies as may occur by reason of death, resignation or
14 otherwise, for an unexpired term only, and under the same
15 conditions as for the original appointment. No more than
16 three of such appointments shall be from one political
17 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 in
5 this state at least ten years next prior to date on which said
6 appointment was made and shall have been a member in
7 good standing at least three years of an ethical dental society
8 in Maine or of the American Academy of Dental Science,
9 and after five years from the passage of this act no person
10 shall be eligible to appointment on said board who shall
11 have served ten years or over on a dental examining board
12 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 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
5 applicants to practice dentistry in this state, at which meet-
6 ings three members may constitute a quorum. It shall be
7 authorized to make such rules as are deemed necessary for
8 the conduct of the board which are not contrary to this
9 law or the laws of the state, and to conduct such theoretical
10 and practical examinations upon subjects pertaining to den-
11 tistry as they shall deem necessary. It shall annually make
12 a report of its proceedings to the governor and shall cause
13 a full list of names of those lawfully qualified to practice
14 dentistry in the state to be sent not later than February 1st
15 of each year to all persons who are engaged in said prac-
16 tice. A record of proceedings kept by the secretary shall
17 be at reasonable times open for public inspection.

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

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

Sect. 7. Not less than ten days prior to the date upon
2 which an examination is held each applicant for license to
3 practice dentistry shall file an application for examination
4 and pay to the secretary of said board a fee of twenty dol-
5 lars and present himself for examination at the first reg-
6 ular meeting of the board after such application is filed.
7 Such fee shall not be refunded unless, from sickness or
8 other good cause appearing to the satisfaction of the board,
9 such applicant was prevented from attending and complet-
10 ing such examination. The examination shall be practical
11 and theoretical. The theoretical examination may be
12 written, or oral, or both, at the option of said board, and
13 shall include subjects of anatomy, physiology, anaesthesia,
14 and anaesthetics, bacteriology, biology, chemistry, crown
15 and bridge work, dental ethics and jurisprudence, histology,
16 materia medica, orthodontia, pathology, prosthetic dentistry
17 and therapeutics. The board shall also require as part of
18 the examination a demonstration of the candidates' skill in
19 operative and mechanical dentistry. An applicant who fails
20 to pass the first examination to the satisfaction of the board
21 shall be entitled to one re-examination without charge
22 and the fee for any subsequent examination shall be ten
23 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 examination
5 to practice dentistry in any other state after full compliance
6 to the requirements of its dental laws: provided, however,
7 that his professional education shall not be less than that
8 required in this state and provided also that such applicant
9 shall have been at least five years in actual practice in the
10 state in which said license was granted. Every certificate
11 so given shall state upon its face the grounds upon which it
12 is granted and the applicant may be required to furnish his
13 proof upon affidavit. The fee for such a certificate shall be
14 twenty dollars. But the Board of Dental Examiners of this
15 state shall not enter into reciprocal agreement with a dental
16 examining board of another state for an exchange of cer-
17 tificates.

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

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

4 to prescribe drugs or medicines, perform such surgical op-
5 erations, administer such general and local anaesthetics as
6 may be necessary to the proper treatment of the special class
7 of diseases mentioned in this act, as is enjoyed by registered
8 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 actually incurred. The services and
4 expenses of the board shall be paid out of the treasury of
5 the state. All fees received for examinations before the
6 Board of Dental Examiners shall be paid out of the treas-
7 ury of the state. All fees received for examination before
8 the Board of Dental Examiners shall be paid by the secre-
9 tary 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 unpro-
5 fessional 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 place
4 of a hearing thereof. If upon such hearing the board finds
5 the charges are true it may revoke the certificate of the ac-
6 cused. Such revocation shall take from the person named
7 in the certificate all rights and privileges acquired thereby,
8 and said board shall not re-empower any one whose cer-

9 tificate has been revoked for any of the above causes to
10 practice dentistry within one year after such revocation, and
11 only then upon sufficient assurances and guarantees to said
12 board of correct future conduct. A second revocation of
13 any certificate shall be perpetual.

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 ernor and attorney-general the record of proceedings. Such
6 officers shall review the proceedings as disclosed by the rec-
7 ord and their decision affirming or over-ruling the action of
8 the board shall be final.

Sect. 16. Whoever engages in the practices of dentistry
2 in this state shall keep his certificate displayed in a con-
3 spicuous place in the operating room or rooms in which he
4 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,
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, at-
7 tempts to correct malpositions thereof, or who uses the
8 words dentist, dental surgeon, the letters D. D. S. or D.
9 M. D., or any other letters in connection with his name

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

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.

Sect. 19. Any person who practices dentistry without ob-
2 taining a certificate as required by law, or whoever, being
3 manager, proprietor, operator or conductor of a place for
4 performing dental operations, employs a person who is not
5 a lawful practitioner of dentistry in this state, to do dental
6 operations as defined in section 17 of this act, or permits
7 such person to practice dentistry in his office, or whoever
8 practices dentistry under a false name, or who assumes a
9 title or appends or prefixes to his name the letters which
10 falsely represent him as having a degree from a dental col-
11 lege, or who impersonates another at an examination held
12 by the Board of Dental Examiners, or who knowingly
13 makes a false application or a false representation in con-
14 nection with such examination shall be fined not less than
15 one hundred dollars nor more than three hundred dollars,
16 or be imprisoned not less than thirty days nor more than
17 ninety days, or both. A subsequent conviction shall be
18 punished by the maximum penalties prescribed in this sec-
19 tion and the offender be required to furnish a bond in suf-
20 ficient 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 of 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 such certificate or diploma was conferred, or
7 who with fraudulent intent alters such diploma or uses or
8 attempts to use the same when altered, or whoever attempts
9 to bribe a member of the Board of Dental Examiners in this
10 state by the offer or use of money or by other pecuniary re-
11 ward or by other undue influence, shall be fined not less than
12 one hundred dollars, nor more than two hundred dollars, or
13 be imprisoned not less than thirty days nor more than sixty
14 days or both. A subsequent conviction shall be punished
15 by the maximum penalties 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 member
3 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.