

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-SIXTH LEGISLATURE

SENATE

NO. 381

In Senate, Feb. 26, 1913.

*Reported by Senator Hersey from Committee on Judiciary,
and ordered printed under joint rules.*

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 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
5 receive 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 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 to
8 serve five years, one to serve four years, one to serve three
9 years, one to serve two years, and one to serve one year;
10 and thereafter, in like manner, one member shall be ap-
11 pointed annually to serve five years from the first day of
12 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. After
6 five years from the passage of this act, no person shall be
7 eligible to appointment on said board who shall have served
8 ten years or more on a dental examining 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
3 proven charges of inefficiency, incompetence, immorality
4 or unprofessional 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
8 the conduct of the board which are not contrary to this law
9 or the laws of this state, and conduct theoretical and prac-
10 tical examinations upon such subjects pertaining to dentistry
11 as are hereinafter prescribed. It shall annually make a
12 report of its proceedings to the governor, and shall furnish
13 to the secretary of state a list of persons to whom certifi-
14 cates have been granted during the year. A record of pro-
15 ceedings kept by the secretary of the board, shall be at rea-
16 sonable 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-
3 one years of age, of good moral character, and shall have
4 received 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
7 college or university duly authorized to grant degrees in
8 dentistry.

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 examina-
4 tion and pay to the secretary of this board a fee of twenty
5 dollars and present himself for examination at the first
6 regular 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 writ-
12 ten or oral or both, at the option of said board, and shall
13 include the subjects of anatomy, physiology, chemistry, his-
14 tology, bacteriology, pathology, materia medica, therapeu-
15 tics, anaesthetics, anaesthesia, operative dentistry, crown and
16 bridge work, prosthetic dentistry, orthodontia and oral hy-
17 giene. The board shall also require as part of the exam-
18 ination a demonstration of the candidates' skill in operative
19 dentistry 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, and
22 the 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 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

8 in this state, and provided also that such applicant shall
9 have been at least five years in actual practice in the state
10 in which said license was granted. Every certificate so
11 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
14 be twenty 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 shall have the
2 same rights to prescribe drugs or medicines, perform such
3 surgical operations, administer general and local anaesthetics
4 and use such appliances as may be necessary to the proper
5 treatment of the special class of diseases mentioned in this
6 act, as is enjoyed 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 actually incurred. The services and
4 expenses of the Board of Dental Examiners shall be paid
5 out of the treasury of the state. All fees received for ex-
6 amination before the Board of Dental Examiners shall be
7 paid by the secretary of said board into the treasury of the
8 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 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
6 accused. 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 anyone whose certifi-
9 cate has been revoked for any of the above causes to prac-
10 tice 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
15 or both. The statement of charges and notice may be served
16 personally upon such person or mailed to his last known
17 address at least twenty days prior to the hearing.

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 such proceed-
6 ings. Such officers shall review the proceedings as dis-
7 closed by the record, and their decision affirming or over-
8 ruling the action of the board shall be final.

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

Sect. 17. A person shall be regarded as practicing den-
2 tistry who is manager, proprietor, operator, or conductor
3 of a place for performing dental operations, or who for a
4 fee, salary or other reward paid or to be paid either to him-
5 self 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 dentist, dental surgeon, the letters D. D. S. or D. M.
9 D., or any other letter or title 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 required by law, or whoever, being man-
3 ager, proprietor, operator or conductor of a place for per-
4 forming dental operations, employs a person who is not a
5 lawful practitioner of dentistry in this state to do dental
6 operations as defined in section 11 of this act, or permits
7 such persons to practice dentistry under a false name, or
8 assumes a title or appends or prefixes to his name the letters

9 which falsely represent him as having a degree from a
10 dental college, or who impersonates another at an examina-
11 tion held by the Board of Dental Examiners or who know-
12 ingly makes a false application or false representation in con-
13 nection with such examination, shall be fined not less than
14 one hundred nor more than three hundred dollars, or be
15 imprisoned not less than thirty days, or both. A subsequent
16 conviction shall be punished by the maximum penalties pre-
17 scribed in this section, and the offender be required to fur-
18 nish a bond in sufficient amount to deter him from further
19 unlawful practice.

Sect. 20. Each member of the Board of Dental Exam-
2 iners shall be constituted an agent who shall investigate all
3 complaints, and all cases of non-compliance with or viola-
4 tion of the provisions of this act relating to the registration
5 of 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 Exam-
10 iners in this state by the offer or use of money or other

11 pecuniary reward or by other undue influence, shall be fined
12 not less than one hundred dollars nor more than two hun-
13 dred dollars, or be imprisoned not less than thirty days nor
14 more than sixty days, or both. A subsequent conviction
15 shall be punished by the maximum penalties prescribed in
16 this section.

Sect. 22. Whoever violates a provision of this act for
2 the violation of which no penalty has been prescribed, shall
3 be 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 thirty days. A subsequent conviction shall be pun-
6 ished by the maximum penalties prescribed in 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.