

MAINE STATE LEGISLATURE

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SEVENTY-SEVENTH LEGISLATURE

HOUSE

NO. 144

House of Representatives, Feb. 11, 1915.

Ordered, That five hundred copies be printed and that the same be referred to the Committee on Judiciary.

Committee on Reference.

Presented by Mr. Conners of Bangor.

STATE OF MAINE

IN THE YEAR OF OUR LORD ONE THOUSAND NINE
HUNDRED AND FIFTEEN

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 and sixteen and seventeen of 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
2 statutes as amended by chapter two hundred thirty-nine of

3 the public laws of nineteen hundred nine is hereby amended
4 by striking out all of said section nine and inserting in place
5 thereof the following, so that said section nine shall read as
6 follows:

‘Sect. 9. The Governor with the advice and consent of
8 the Council shall appoint a Board of Registration of medi-
9 cine and surgery consisting of six persons, residents in the
10 state, who shall be graduates of a legally chartered medical
11 college 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 be
20 a representative appointed from the same school of medicine
21 of which he is a member. Any vacancy in said board shall
22 be filled by the appointment of a person qualified as afore-
23 said, to hold office during the unexpired term of the mem-
24 ber whose place he fills. No member of said board shall
25 belong to the faculty of any medical college or university.
26 Any member of said board may be removed from office for
27 cause by the Governor, with the advice and consent of the
28 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 nine-
4 teen hundred eleven, are hereby amended by striking out all
5 of the said sections eleven, twelve, fourteen, fifteen, sixteen
6 and seventeen and inserting in place of said sections the fol-
7 lowing, so that said sections eleven, twelve, fourteen, fifteen,
8 sixteen and seventeen shall read as follows:

‘Sect. 11. Any graduate of a reputable medical college
10 shall, upon the payment of a fee of fifteen dollars, be entitled
11 to examination, and if found qualified by a majority of the
12 members of the board present shall be registered as a phy-
13 sician and surgeon and shall receive a certificate thereof un-
14 der the seal of the board and signed by the president and
15 secretary, which shall state the facts and must be publicly
16 displayed at the person’s principal place of business as long
17 as such person continues such practice for gain or hire. Any
18 person refused registration may be re-examined at any reg-
19 ular meeting of said board within two years of the time of
20 such refusal without additional fee and thereafter may be
21 examined as often as he may desire at any regular meet-
22 ing of the board upon the payment of the fee of fifteen dol-
23 lars for each examination. All the fees received by the
24 board hereunder shall be paid directly to the treasurer of
25 state, and so much of said fees as may be necessary are
26 hereby appropriated to pay the necessary expenses and com-
27 pensation of said board. All receipts and any appropriation

28 for said board shall constitute a carrying account for the
29 payment of the necessary expenditures of the board.'

'Sect. 12. The board shall examine all graduates of reput-
31 able medical schools who may be applicants for registration
32 as licensed physicians and surgeons. Each applicant shall at
33 least seven days before the date of his examination, present
34 to the secretary of the board an application under oath or
35 affirmation containing satisfactory proof that such applicant
36 is twenty-one years of age, of good moral character, and a
37 graduate of some reputable medical school or college in
38 good standing, having power to confer degrees in medicine,
39 and maintaining a standard of preliminary education and of
40 medical instruction approved by the board, which standard
41 shall at least require that the applicant for admission to said
42 medical school or college shall present to said school or col-
43 lege, before beginning the study of medicine therein, the
44 diploma of a high school or equivalent school having a course
45 requiring an attendance through four school years, or a cer-
46 tificate of having passed a satisfactory examination before
47 the State Superintendent of Schools, or like state officer, in
48 the studies embraced in the curriculum of such high school
49 or other equivalent school. He shall also present such other
50 facts as the board in its blank application may require, and
51 must pay the fee provided in the preceding section. Exam-
52 inations shall be in whole or in part in writing and shall be
53 of a thorough and practical character. They shall embrace
54 the general subjects of Anatomy, Physiology, Pathology,

55 Bacteriology, Sanitation, Chemistry, Materia-Medica and
56 Therapeutics, Surgery, the Principles and Practice of Medi-
57 cine, Obstetrics, and such branches of medical science as
58 the board may deem necessary for the applicant to be versed
59 in. The board may make such rules and regulations as may
60 be necessary for reciprocity of licensure with the boards of
61 other states which maintain a standard of education at least
62 equal to its own; but no such rules shall become operative
63 until they have been approved by a justice of the Supreme
64 Judicial Court.'

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

'Sect. 15. Unless duly registered by said board, no person
80 shall practice medicine or surgery, or any branch thereof,
81 or hold himself out to practice medicine or surgery, or any
82 branch thereof, for gain or hire within the state, by diagnos-

83 ing, relieving in any degree or curing, or professing or at-
84 tempting to diagnose, relieve or cure, any human disease,
85 ailment, defect or complaint, whether physical or mental,
86 or of physical or mental origin, by attendance, or by advice,
87 or by prescribing or furnishing any drugs, medicine, appli-
88 ance, manipulation, method, or any therapeutic agent what-
89 soever, or in any other manner, unless otherwise provided by
90 statute of this state. Unless duly registered by said board no
91 person shall prefix the title "Doctor," or the letters "Dr.,"
92 or append the letters "M. D." to his name, or use the title of
93 doctor or physician in any way, excepting that any member
94 of the Maine Osteopathic Association may prefix the title
95 of "Doctor" or the letters "Dr." to his name, when accom-
96 panied by the word "Osteopath." Whoever not being duly
97 registered by said board practices medicine or surgery, or
98 any branch thereof in any of the ways aforesaid, or who
99 uses the title "Doctor" or the letters "Dr." or the letters
100 "M. D." in connection with his name, contrary to the pro-
101 visions of this section, shall be punished by a fine of not
102 less than one hundred nor more than five hundred dollars
103 for each offense, or by imprisonment for three months, or
104 by both fine and imprisonment; the prefixing of the title
105 "Doctor" or the letters "Dr." or the appending of the let-
106 ters "M. D." by any person to his name, or the use of the
107 title "Doctor" or "Physician" in any way by any person not
108 duly registered as hereinbefore described, shall be prima
109 facie evidence that said person is holding himself out to

110 practice medicine or surgery contrary to the provisions of
111 this section; provided that nothing herein contained shall
112 prevent any person who has received the Doctor's degree
113 from any reputable college or university, other than the
114 degree of "Doctor of Medicine" from prefixing the letters
115 "Dr." to his name, if he is not engaged and does not en-
116 gage in the practice of medicine or surgery, or the treat-
117 ment of any disease of human ailment.

'Sect. 16. The seven preceding sections shall not apply to
119 commissioned officers of the United States Army, Navy, or
120 Marine Hospital Service, or to a physician or surgeon who
121 is called from another state to treat a particular case and
122 who does not otherwise practice in this state, nor to pro-
123 hibit gratuitous service or the rendering of assistance in
124 emergency cases; nor to clairvoyants or persons practicing
125 hypnotism, magnetic healing, mind cure, massage, Chris-
126 tian Science, osteopathy, or any other method of healing or
127 prescribing if no drugs are employed nor surgical opera-
128 tions performed, provided such clairvoyants and other per-
129 sons do not violate any of the provisions of the preceding
130 section in relation to the use of "M. D.," "Dr." or the title
131 of "Doctor" or "Physician."

'Sect. 17. The compensation, incidental and traveling ex-
133 penses of the board shall be paid from the treasury of the
134 state after being audited by the state auditor and upon war-
135 rant drawn by the Governor and Council. The compensa-
136 tion of the members of the board shall be five dollars for
137 each and every day actually spent in the discharge of the

138 duties of the said board, except the secretary, who shall
139 receive four hundred dollars per annum; and in addition
140 each member shall receive his necessary traveling expenses
141 in attending meetings of the board. All necessary books,
142 stationery and postage for the secretary or members of the
143 board shall be paid for by the state after the accounts are
144 audited by the state auditor in the usual way.'

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 sec-
7 ond Tuesday of July each alternate year after the year 1895
8 at such time and place as they may determine, and shall elect
9 a president and a secretary, who shall hold their respective
10 offices for the term of two years. The secretary shall give
11 to the president of the board a bond in the penal sum of one
12 thousand dollars, with sufficient sureties to be approved by
13 the Governor and Council, for the faithful discharge of the
14 duties of his office. The said board shall hold regular meet-
15 ings, one in March, one in July and one in November of each
16 year, and such additional meetings at such times and places
17 as it may determine. Said board shall cause a seal to be
18 engraved and shall keep correct records of all its proceed-
19 ings, and may make such minor rules and regulations as it

20 shall deem necessary for the successful enforcement of its
21 authority and the performance of its duties.'

'Sect. 13. The board shall keep a record of the names and
23 residences of all persons registered hereunder and a record
24 of all moneys received and all expenditures of said board,
25 and such records and duplicates thereof shall always be
26 open for inspection in the office of the state auditor during
27 regular office hours. Said board shall annually, on or before
28 the first day of January of each year, make a report to the
29 Governor containing a full and complete account of all its
30 official acts during the preceding year with such comments
31 or suggestions as it may deem essential.'

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