

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-SEVENTH LEGISLATURE

HOUSE

NO. 168

House of Representatives, Feb. 12, 1915.

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

Committee on Reference.

Presented by Mr. Bussey of Dixmont.

STATE OF MAINE

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

AN ACT to regulate the practice of chiropody, to license chiropodists and to punish persons violating the provisions thereof.

Be it enacted by the People of the State of Maine, as follows:

Section 1. That the State Board of Medical Examiners
2 as established by an act entitled "An Act to regulate the
3 practice of medicine and surgery, to license physicians and
4 surgeons and to punish persons violating the provisions
5 thereof," approved and the several supplements thereto and
6 acts amendatory thereof, shall, in addition to the examina-
7 tions therein provided for, hold meetings for examinations
8 of all applicants under this act for a license to practice chir-
9 opody in this state, at the capitol building of this state on

10 the third Tuesday of June and October of each year, and at
11 such other times and places as the board may deem expe-
12 dient; said board shall keep an official record of all its meet-
13 ings, and an official register of all applicants for a license to
14 practice chiropody in this state; said register shall show the
15 name, age, nativity, last and intended places of residence of
16 each candidate, the time he or she has spent in obtaining a
17 competent teaching common-school education, and in chir-
18 opody, in or out of a school teaching chiropody, and the
19 names and location of all chiropody schools or examining
20 and licensing boards which have granted said applicant any
21 examination concerning his qualifications, and may take tes-
22 opody or state examinations; said register shall also show
23 whether this act, and said register shall be prima facie evi-
24 dence of all matters therein contained.

Sect. 2. All persons hereafter desiring to commence the
2 practice of chiropody in this state shall apply to said board
3 for a license so to do; applicants for examinations shall pre-
4 sent the secretary of said board, at least ten days before the
5 commencement of the examination at which he or she is to
6 be examined, a written application on a form or forms pro-
7 vided by said board; together with satisfactory proof that
8 the applicant is more than twenty-one years of age, is of
9 good moral character, that he or she has received a prelim-
10 inary education equal to that furnished by the common
11 schools and high schools of standing of this state; has re-
12 ceived a diploma conferring the degree of Doctor Surgeon

13 Chiropody from some legally incorporated school of chirop-
14 ody (which in the opinion of said board was in good stand-
15 ing at the time of issuing said diploma) in the United States,
16 or a diploma conferring the full right to practice chiropody
17 in some foreign country; or shall present the written recom-
18 mendation of at least five licensed chiropodists of this state
19 certifying that he or she is qualified for such examinations;
20 any member of the board may inquire of any applicant for
21 examination concerning his qualifications, and may take tes-
22 timony of anyone in regard thereto, under oath, which he is
23 hereby empowered to administer. Each applicant shall pay
24 to the secretary of said board a fee of twenty dollars at the
25 time of filing said application and present himself or herself
26 for examination at the first regular meeting of the board
27 after such application; such fee shall not be refunded, unless
28 from sickness or other good cause appearing to the satis-
29 faction of the board such applicant was prevented from at-
30 tending and completing such examination; further or sub-
31 sequent examinations under such application may be given
32 to applicants, in the discretion of the board, without payment
33 of additional fee. Applicants from other states and coun-
34 tries, presenting credentials accepted as satisfactory by the
35 boards and showing they have been legally practicing chir-
36 opody for five years, may be admitted to a licensing exam-
37 ination in chiropody. If a candidate fails on first study, he
38 may, after not less than six months' further study, have a
39 second examination without fee. If the failure be from

40 illness or other cause satisfactory to the board, they may
41 waive the required six months' study.

Sect. 3. All examinations shall be written in the English
2 language, but the board, in its discretion, may use supple-
3 mentary oral examinations, either of the whole class or of
4 individuals; the examinations shall be in the following sub-
5 jects, namely, anatomy and physiology of the feet, thera-
6 peutics, chemistry, minor surgery and bandaging pertaining
7 to the ailments of the feet, not including, however, the am-
8 putation of such members or of any part thereof; all exam-
9 inations shall be both scientific and practical, and of suffi-
10 cient severity to test the candidate's fitness to practice chiroprp-
11 ody; if said examination is satisfactory, the board shall issue
12 a license, entitling the applicant and examination papers
13 shall be deposited in the state library in the capitol building,
14 and they shall be prima facie evidence of all matters therein
15 contained; all licenses shall be signed by the president of the
16 board, also secretary, and shall be attested by the seal
17 thereof.

Sect. 4. The board may refuse to grant or may revoke
2 license for the following causes, to wit: chronic and persist-
3 ent inebriety; conviction of crime involving moral turpi-
4 tude; or where any person shall present to this board any
5 diploma, license or certificate that shall have been illegally
6 obtained, or that shall have been signed or issued unlawfully
7 or under fraudulent representations; in complaints for vio-
8 lating the provisions of this section, the accused person shall

9 attempt or continue the practice of chiropody, shall be sub-
10 ject to the penalties hereinafter prescribed.

Sect. 5. The person so receiving said license shall file the
2 same or a certified copy thereof, with the clerk of the coun-
3 ty in which he or she resides, and said clerk shall file said
4 certificate or copy thereof and enter a memorandum thereof,
5 giving the date of said license, with the name of the person
6 to whom the same is issued, and the date of said filing, in
7 the book to be kept by them for that purpose, and for which
8 registry the said county clerk shall be entitled to demand
9 and receive from each person registering the sum of one
10 dollar; in case the person so licensed shall move into another
11 county of this state, he or she shall procure from the said
12 clerk a certificate copy of such registration, and then file the
13 same with the clerk of the county to which he or she shall
14 remove and the said clerk shall file and enter the same with
15 like effect as if the same was an original license, and for
16 which registry the said clerk shall be entitled to demand and
17 receive the sum of one dollar; and each county clerk in the
18 counties of this state shall, upon the last day of November
19 of each year, furnish to the secretary of said board filed in
20 his office during the previous year a list of all the certificates,
21 and upon notice to him of the change of location or death
22 of the person so licensed, or of the revocation of said license,
23 said county clerk shall enter at the appropriate place in the
24 records so kept by him a memorandum of said fact, and
25 said memoranda shall be furnished to the secretary of this
26 board in the annual report above required.

Sect. 6. Any person who, at the time of the passage of this act, shall have been actually engaged in the practice of chiropody in this state for the period of at least one year and who shall present to the state board an affidavit to that effect within three months after the passage of this act shall be entitled to receive from said board a license to practice chiropody, upon the payment to said board of a fee of five dollars; each person so licensed shall cause such license to be filed with the clerk of the county in which he or she resides as provided in the fifth section of this act.

Sect. 7. Nothing in this act shall be construed to prohibit a duly licensed physician from treating diseases or ailments of the feet or a lawfully qualified chiropodist residing in another state meeting registered chiropodists in this state in consultation, or to any legally qualified chiropodist of another state taking charge of the practice of a legally qualified chiropodist of this state temporarily during the latter's absence therefrom upon the written request of said registered chiropodist of this state.

Sect. 8. Any person, practicing or holding himself or herself out to the public as practicing chiropody, not being at the time of said practice or holding out legally licensed to practice as such in this state, shall be guilty of a misdemeanor or and punishable upon conviction of a subsequent offense by a fine of not less than fifty dollars, and upon conviction of a subsequent offense, by a fine not less than one hundred dollars, or by imprisonment of not less than two months, or by both fine and imprisonment.

Sect. 9. Any person, for failure to comply with each and
2 every provision and condition contained in the fourth, fifth
3 and sixth sections of this act, shall be guilty of a misde-
4 meanor, and upon conviction thereof shall be punished with
5 a fine of not less than fifty dollars, or by imprisonment of
6 not less than two months, or by fine and imprisonment.

Sect. 10. Any person shall be guilty of misdemeanor, and
2 upon every conviction thereof shall be punished with a fine
3 of not less than fifty dollars, or more than two hundred dol-
4 lars, or by imprisonment, for not less than thirty days, or
5 not more than six months, or by both fine and imprisonment,
6 who

(1) Shall sell or barter, or offer to sell or barter, any diplo-
8 ma or document, conferring or purporting to confer any
9 chiropodist degree, or any certificate or transcript, made or
10 purporting to be made, pursuant to the laws regulating the
11 license and registration of chiropodists; or

(2) Shall purchase or procure by barter any such diploma,
13 certificate or transcript with intent that the same shall be
14 used as evidence of the holder's qualifications to practice
15 chiropody, or in fraud of the laws regulating such prac-
16 tice; or

(3) Shall with fraudulent intent, alter in a material regard
18 any such diploma, certificate, or transcript; or

(4) Shall use or attempt to use any such diploma, certifi-
20 cate or transcript which has been purchased, fraudulently
21 issued, counterfeited or materially altered, either as a license

22 or color of license to practice chiropody, or in order to pro-
23 cure registration as a chiropodist; or

(5) Shall practice chiropody under a false or assumed
25 name; or

(6) Shall assume any title or append any letters to his
27 or her name with the intent to represent falsely that he has
28 received a chiropodist degree or license; or

(7) Any person who, in any affidavit or examination re-
30 quired of an applicant for examination, license or registra-
31 tion under the laws regulating the practice of chiropody,
32 shall wilfully make a false statement in a material regard,
33 shall be guilty of high misdemeanor, punishable upon con-
34 viction thereof by a fine not exceeding two hundred dollars,
35 or by imprisonment at hard labor not exceeding two years,
36 or both, at the discretion of the court.

Sect. 11. All fines, penalties or forfeitures imposed or col-
2 lected for the violation of any of the foregoing provisions
3 of this act, shall be paid as follows: One-half thereof to
4 the county collector of the county in which the prosecution is
5 had, and one-half thereof to the secretary of this board, to
6 be held, disposed and accounted for by him as hereafter di-
7 rected; and it shall be the duty of the county collector of
8 each county, upon receipt by him of any such fine, penalty
9 or forfeiture, to forthwith pay over to the secretary of this
10 board, one-half of the same; said board or any member or
11 officer thereof may prefer a complaint for violation of the
12 law regulating the practice of chiropody before any court,
13 tribunal or magistrate in any proceeding taken thereon; and

14 it shall be the duty of the prosecutor of the pleas of the
15 counties in this State to prosecute all violations of the afore-
16 said provisions of this act.

Sect. 12. In addition to all of the fines, forfeitures and
2 penalties hereinabove provided for, it shall be lawful for the
3 said board to institute civil proceedings in any court of com-
4 petent jurisdiction against any person for the violation of
5 any of the provisions of this act; such proceedings in any
6 court of competent jurisdiction against any person shall be
7 brought in an action of debt, and, upon conviction there-
8 under, the person so convicted shall be liable to a fine, which
9 shall be the same amount fixed in the section of this act, for
10 the violation of which the suit shall have been brought; and
11 all fines and penalties collected by any court under the pro-
12 visions of this section of this last act shall be paid over to
13 the secretary of this board, to be received and disbursed by
14 him in accordance with the provisions of this act.

Sect. 13. The expenses of said board and of the examina-
2 tions shall be paid from the license fees above provided for,
3 and if any surplus remain, the same may be distributed
4 among the members of said board as a compensation for
5 their services as members, but otherwise they shall receive
6 no compensation whatever.

Sect. 14. The term "board" when used in this act means
2 the State Board of Medical Examiners.

Sect. 15. This act shall take effect immediately.