

MAINE STATE LEGISLATURE

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EIGHTY-FIRST LEGISLATURE

SENATE

NO. 117

In Senate, Feb. 20, 1923.

Referred to Committee on Judiciary and five hundred copies ordered printed. Sent down for concurrence.

L. ERNEST THORNTON, Secretary.

Presented by Senator Buzzell of Waldo.

STATE OF MAINE

IN THE YEAR OF OUR LORD ONE THOUSAND NINE HUNDRED AND TWENTY-THREE

AN ACT to Create a State Board of Preliminary Examination and Prescribing Its Powers and Duties.

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

Section 1. The governor with the advice and consent of
2 the council shall appoint prior to the first day of August,
3 1923, a board of preliminary examination consisting of five
4 educators of recognized standing, residents in the state, to
5 be selected from the faculties of the colleges in the state.
6 The members of said board shall hold office, one for the
7 period of one year, one for two years, one for three years,
8 one for four years, and one for five years, and all members
9 shall continue in office until their successors are appointed

10 and qualified. Any vacancy in said board shall be filled by
11 the appointment of a person, qualified as aforesaid, to hold
12 office during the unexpired term of the member whose
13 place he fills. Any member of said board may be removed
14 from office for cause by the governor with the advice and
15 consent of the council.

Sect. 2. The members of said board shall meet on the
2 first Tuesday of June of each alternate year after the year
3 1923, at such time and place as they may determine and
4 shall elect a chairman and secretary who shall hold their
5 respective offices for the term of two years. The board
6 shall hold regular meetings, one in March and one in July
7 and one in November of each year and such additional
8 meetings at such times and places as it may determine. Said
9 board shall cause a seal to be engraved and shall keep correct
10 records of all its proceedings and may make rules and
11 regulations as it shall deem necessary for the successful en-
12 forcement of its authority and performance of its duties.

Sect. 3. Any person shall upon the payment of a fee of
2 five dollars be entitled to examination as hereinafter pro-
3 vided and if found to possess the qualifications hereinafter
4 provided shall receive a certificate thereof under the seal of
5 the board. Any person refused certification may be ex-
6 amined at a regular meeting of said board within two years
7 of the time of such refusal, without additional fee and
8 thereafter may be examined as often as he may desire upon
9 payment of the fee of five dollars for each examination.

10 All fees received by the board hereunder shall be paid by
11 the secretary thereof into the treasury of the state once in
12 each month.

Sect. 4. Except as in section six hereof provided no per-
2 son shall hereafter practice any form of the healing art in
3 the state of Maine, or shall treat for compensation by any
4 means whatsoever any disease of the body or mind or any
5 ailment, injury or malformation of the human body until
6 he has passed to the satisfaction of this board its examina-
7 tion and test herein provided and shall have received the
8 certificate provided in the preceding section. Said exami-
9 nation and test shall be as follows: the applicant shall sub-
10 mit to the said board his general educational credentials
11 and shall satisfy such board that he is a person of good
12 moral character, that he has received a diploma or its equiv-
13 alent from some reputable and recognized high school, and
14 that he has received a diploma from some school teaching
15 the healing art which was, in the judgment of the board,
16 reputable and in good standing at the time of the applicant's
17 graduation therefrom; that the course in said school is of
18 at least thirty-two months extending over a period of four
19 years and embracing the study of anatomy, physiology,
20 pathology, chemistry, bacteriology, symptomatology, diag-
21 nosis, hygiene and sanitation, and that the applicant pos-
22 sesses sufficient general educational qualifications; provided,
23 however, that any person shall be entitled, prior to entering
24 a school teaching the healing art, or during his attendance

25 therein to register with said board the high school diploma
26 or its equivalent as by this section required; provided fur-
27 ther if for any reason said board is not satisfied that the
28 applicant possesses the qualifications required it may cause
29 such applicant to be examined as to his general educational
30 qualifications by a committee to be appointed by said board
31 and this examination may be held and required even though
32 such applicant possesses the diploma or equivalent thereof
33 heretofore provided.

Sect. 5. No professional examination shall be given by
2 any state board of registration or examination of the heal-
3 ing art unless the applicant shall have first presented to such
4 board the certificate of the state board of preliminary exami-
5 nation as prescribed by section three of this act. Any appli-
6 cant who shall undertake to stand such examination before
7 the above-named boards without said certificate so issued to
8 him prior to such examination shall be guilty of a mis-
9 demeanor and upon conviction thereof shall be fined not
10 less than fifty dollars nor more than five hundred dollars
11 for such offense and the license of the above-named boards
12 for professional examination shall be null and void if issued
13 to any person who has not, before taking such examination,
14 submitted himself to the state board of preliminary exami-
15 nation and received the certificate of such board as is by
16 this act provided. This act shall not affect or limit the
17 requirements and standards set by any state board of regis-
18 tration or examination of the healing art in its examination,

19 the examination and test by this act provided being pre-
20 requisite thereto.

Sect. 6. The five preceding sections shall not apply to any
2 person practicing the healing art who is called from another
3 state to treat a particular case and who does not otherwise
4 practice in this state, nor to prohibit gratuitous service or
5 the rendering of assistance in emergency cases, nor to clair-
6 voyants or persons practicing hypnotism, magnetic healing,
7 mind cure or Christian Science, nor shall it apply to any
8 person practicing the healing art the time of the passage of
9 this act for at least three years in the state of Maine.

Sect. 7. The compensation of members of the board shall
2 be five dollars per day for each day actually spent in the
3 discharge of their duty. The compensation, incidental and
4 traveling expenses of the board shall be approved by the
5 board, audited by the state auditor, and paid from the state
6 treasury out of the receipts from examination fees as herein
7 provided, and so much of said receipts as may be necessary
8 are hereby appropriated for the compensation and expenses
9 of the board as aforesaid.