

MAINE STATE LEGISLATURE

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NEW DRAFT

EIGHTY-FIRST LEGISLATURE

SENATE

NO. 212

In Senate, March 6, 1923.

Reported by Majority of Committee on Judiciary and laid on table to be printed under joint rules.

L. ERNEST THORNTON, Secretary.

STATE OF MAINE

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

AN ACT to Regulate the Practice of the System, Method or Science of Healing Known as Chiropractic, Creating a Board of Examination and Registration for Those Desiring to Practice the Same, and Providing Penalties for Violation of This Act.

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

Section 1. Within thirty days after this act shall take effect, the governor, by and with the advice and consent of the council, shall appoint five persons who shall constitute a board of chiropractic examination and registration. Said persons shall be residents of this state, shall be graduates of a legally chartered chiropractic school, col-

7 lege or university having the power to confer degrees in
8 chiropractic; shall have been at the time of their appoint-
9 ment actively engaged in the practice of their profession
10 for a period of at least three years in the state of Maine.
11 One of said persons appointed as aforesaid shall be desig-
12 nated to hold office for five years, one for four years, one
13 for three years, one for two years and one for one year.
14 At the expiration of the term of service thus designated
15 each appointment thereafter shall be for the period of five
16 years. Any vacancy in said board caused by death, resig-
17 nation or for any other cause except completion of a full
18 term of service shall be filled by the like appointment of
19 a person qualified as aforesaid to hold office during the
20 unexpired term of the member whose place he fills. The
21 person designated to hold office for one year shall be deemed
22 chairman of the board for the purpose of designating the
23 time and place of holding the first meeting of the board for
24 the purposes of organization. Any member of said board
25 may be removed from office, for cause, by the governor,
26 with the advice and consent of the council.

Sect. 2. Said board shall meet on the second Tuesday
2 of June of each year at such times and place as its chair-
3 man may designate for the purpose of organization. They
4 shall elect one of their members as chairman for a term
5 of one year, and one of their members as secretary and
6 treasurer, to hold such office at the pleasure of the board;
7 provided, however, that the first meeting for organization

8 under the provisions of this act shall be within thirty days
9 after the appointment and confirmation of the board, and
10 the officers elected at the first meeting shall continue as
11 such until the annual meeting of the board in the year nine-
12 teen hundred and twenty-four. The person elected as sec-
13 retary and treasurer shall give a bond to the treasurer of
14 state in the penal sum of one thousand dollars with sure-
15 ties to be approved by the governor and council for the
16 faithful discharge of the duties of his office. Said board
17 shall hold regular meetings at least twice in each year for
18 the purpose of considering applications, examining appli-
19 cants and such other business as may properly come before
20 the board, the time and place of such meeting to be de-
21 termined by the board. Special meetings may be called at
22 the pleasure of the chairman, and in case of the death or
23 inability of the chairman the secretary may call special
24 meetings. Said board shall cause a seal of suitable inscrip-
25 tion to be procured and to be fixed to such papers as may
26 require such seal, shall keep a correct record of all its pro-
27 ceedings and shall have power to make such rules and reg-
28 ulations, not inconsistent with law, as it may deem neces-
29 sary for the successful enforcement of its authority and
30 the performance of its duties. The chairman and secre-
31 tary shall be empowered to administer oaths in matters con-
32 nected with the duties of said board. The records of the
33 said board shall include, among other things, a record of
34 all moneys received and disbursed by said board, also a

35 list of all applicants for certificates, giving the name and
36 location of the institution granting a degree of doctor of
37 chiropractic to the applicant, and the fact shall be recorded
38 whether the applicant was granted or denied a certificate.
39 Said records, or duplicates thereof, shall always be open
40 to inspection in the office of secretary of state during
41 regular office hours, and shall be prima facie evidence of
42 all matters recorded therein. Three members of the board
43 shall constitute a quorum for the transaction of business
44 but no certificate to practice chiropractic shall be granted
45 except on an affirmative vote of at least three members of
46 the board.

Sect. 3. Any person, before engaging in the practice of
2 chiropractic in this state, shall make application for a cer-
3 tificate to practice chiropractic to the board of chiropractic
4 examiners and registration, on a form prescribed by said
5 board. Said application shall be filed with the secretary
6 of the board, at least seven days before the date of exam-
7 ination, together with a deposit of twenty-five dollars, which
8 said deposit shall be returned to applicant in case the appli-
9 cation is rejected. Each applicant must be at least twenty-
10 one years of age, and shall present a diploma from a high
11 school, academy, state normal school, college or university,
12 or otherwise satisfy the members of the board of sufficient
13 prior academic education. The applicant shall also present
14 a diploma granted by a legally chartered chiropractic col-
15 lege, school or university in good standing and having the

16 power to confer degrees in chiropractic, which diploma
17 shall show that it was granted on personal attendance of
18 the applicant and completion of a course of three school
19 years of not less than six months each, and of a total of
20 two thousand sixty-minute school hours. All applicants
21 must also present a certificate of good moral character
22 signed by some reputable resident of the state of Maine,
23 and such other reasonable and proper facts as the board
24 in its blank application may require.

Sect. 4. The board shall then require the applicant to
2 submit to an examination as to his or her qualifications for
3 the practice of chiropractic, which examination shall in-
4 clude the subjects of anatomy, physiology, symptomatology,
5 hygiene, sanitation, chemistry, histology, pathology, chiro-
6 practic analysis and the principles and practice of chiro-
7 practic as taught in reputable chiropractic schools and col-
8 leges. If such examination is passed in a manner satis-
9 factory to the board, then the board shall issue to the said
10 applicant a certificate granting him or her the right to prac-
11 tice chiropractic in the state of Maine, provided, however,
12 that any person who has been a practitioner of chiropractic
13 in this state for a period of three years next prior to the
14 passage of this act, or any person having a diploma from
15 a legally chartered chiropractic college, school or univer-
16 sity having the power to confer degrees in chiropractic,
17 which institution was in good standing at the time of the
18 issuance of such diploma, who was in active practice in

19. the state of Maine one year prior to the passage of this
20 act, shall, upon exhibition of satisfactory proof thereof to
21 said board and upon the payment of a fee of ten dollars,
22 be entitled to make application for such certificate, which
23 certificate shall be granted, without examination, if such
24 application is made and filed within ninety days after this
25 act becomes effective. Any person of good moral char-
26 acter, licensed by a chiropractic board of any other state
27 or territory having a standard equal to the state of Maine,
28 shall be licensed without examination, upon the payment of
29 twenty-five dollars and the production to the board of his
30 or her diploma, the license obtained in such other state, and
31 satisfactory evidence of good moral character; but the board
32 may, in its discretion, require an examination of any such
33 applicant. The board may refuse to grant a certificate to
34 any person convicted of a felony, or who has been guilty
35 of grossly unprofessional conduct, or who is addicted to
36 any vice to such a degree as to render such person unfit
37 to practice chiropractic, and may, after due notice and hear-
38 ing, revoke a certificate already issued, for like cause.

Sect. 5. When the board shall have granted to a person
2 the certificate mentioned in section four hereof, such cer-
3 tificate shall designate the holder as a doctor of chiroprac-
4 tic, and shall be publicly displayed at the person's principal
5 place of business so long as such person shall continue to
6 practice chiropractic for gain or hire. Such certificate shall
7 entitle the person to whom it is granted to practice chiro-

8 practiс in any county in this state, in all its branches as
9 taught and practiced by the recognized schools and colleges
10 of chiropractic, but it shall not authorize its holder to
11 practice obstetrics so far as the same relates to parturition,
12 nor to administer drugs or perform surgical operations with
13 the use of instruments except as now allowed by statute,
14 provided, however, that nothing in this act shall be con-
15 strued to prohibit any legally registered doctor of chiro-
16 practiс in this state from practicing surgery after having
17 passed a satisfactory examination therein before the state
18 board of medical examiners.

Sect. 6. Nothing in this act shall be construed to restrain
2 or restrict any legally licensed physician, surgeon, dentist,
3 osteopath, or nurse in the practice of his or her profession;
4 nor shall this act apply to masseurs in their particular sphere
5 of labor; who publicly represent themselves as such; nor
6 to any commissioned medical officer in the United States
7 army; or public health services, in the performance of his
8 duties as such; nor to prohibit gratuitous service or the ren-
9 dering of assistance to emergency cases.

Sect. 7. Any person, who shall practice or attempt to
2 practice, or use the science or system of chiropractic in
3 treating diseases of the human body, or any person who
4 shall buy, sell or fraudulently obtain any diploma, license,
5 record or registration to practice chiropractic, or who shall
6 aid or abet in such selling or fraudulent obtaining; or who
7 shall practice chiropractic under cover of any diploma, li-

8 cense, record or registration to practice chiropractic, illegally
9 obtained, or signed or issued unlawfully or under fraudulent
10 representations; or who after conviction of felony shall prac-
11 tice chiropractic, or who shall use any of the forms of letters,
12 "Chiropractic," "Chiropractor," "Chiropractic Practitioner,"
13 "Doctor of Chiropractic," "D. C." or any other titles or let-
14 ters, either alone or with qualifying words or phrases, under
15 such circumstances as to induce the belief that the person
16 who uses such terms is engaged in the practice of chiroprac-
17 tic without having complied with the provisions of this act,
18 shall be deemed guilty of a misdemeanor, and upon convic-
19 tion thereof shall be fined not less than fifty dollars, nor more
20 than five hundred dollars, or be imprisoned in the county jail
21 not less than thirty days nor more than one year, or both;
22 provided, that nothing in this act shall be construed to pro-
23 hibit any lawfully qualified chiropractor in any other state
24 meeting a registered chiropractic practitioner in this state for
25 consultation, provided, further, that this section shall not
26 apply to the two classes of persons mentioned in the proviso
27 in section four hereof until ninety days after the passage of
28 this act, the time allowed within which they may secure
29 the required certificate.

Sect. 8. All fees received by the secretary and not re-
2 turned to the applicant shall be paid monthly to the state
3 treasurer. The compensation of members of the board shall
4 be ten dollars per day for each day actually spent in the
5 discharge of their duty, and, in addition thereto, they shall

6 receive necessary traveling expenses. The secretary shall
7 be allowed extra compensation for books, stationery, post-
8 age and other necessary expenses authorized by the board
9 and actually incurred. The compensation and expense of
10 said board and its secretary and all other expenses proper
11 and necessary in the opinion of said board to discharge its
12 duties hereunder and to enforce the provisions of this act
13 shall be paid out of the state treasury, after the approval
14 of the state auditor, upon the requisition signed by the pres-
15 ident and secretary of said board, provided that the amounts
16 so paid shall in no case exceed the total amount received
17 for the current year by the treasurer of state from the board
18 as fees; and so much of said receipts as may be necessary
19 is hereby appropriated for the compensation and expenses
20 of the board as aforesaid.

Sect. 9. The board, its members or agents, shall investi-
2 gate all complaints, and all cases of non-compliance with,
3 or violation of the provisions of this chapter relating to
4 the registration of doctors of chiropractic, and shall bring
5 all such cases to the notice of the proper prosecuting offi-
6 cer. Said board, after a conviction before a proper court
7 for crime in the course of professional business of any per-
8 son to whom a certificate has been issued by them and after
9 hearing, may, by vote of four-fifths of the entire board,
10 revoke the certificate and cancel the registration of the
11 person to whom the same was issued. Said board may also
12 suspend or revoke any certificate by a four-fifths vote of

13 the entire board, in any cases where such certificate has
14 been wrongfully obtained or for any fraud connected with
15 the said registration.

Sect. 10. Said board shall annually on or before the first
2 day of January in each year make a report to the governor
3 containing a full and complete account of all its official acts
4 during the preceding year. Also a statement of its receipts
5 or suggestions as it may deem essential.

Sect. 11. All laws, rules and regulations now in force in
2 this state, or which shall hereafter be enacted, for the pur-
3 pose of regulating the reporting of contagious diseases and
4 deaths to the proper authorities, and to which the regis-
5 tered practitioner of medicine is subject, shall apply equally
6 to the practitioner of chiropractic.

Sect. 12. The system, method or science commonly known
2 as chiropractic, or the practice of chiropractic, is defined
3 to be the science of palpating and adjusting the segments
4 and articulations of the human spinal column by hand only.
5 This definition is inclusive and any and all other methods
6 are hereby declared not to be chiropractic, and chiropractic
7 is hereby declared not to be the practice of medicine, sur-
8 gery, dentistry and osteopathy within the meaning of sec-
9 tions nine, ten, eleven, twelve, thirteen, fourteen, fifteen,
10 twenty-four, twenty-five, thirty-two, thirty-six and thirty-
11 seven of chapter eighteen of the revised statutes of Maine,
12 passed September twenty-ninth, nineteen hundred and six-
13 teen, and sections one, two, three, seven and eleven of chap-

14 ter one hundred and eighty-eight of the public laws of nine-
15 teen hundred and nineteen, and all acts additional thereto
16 and amendatory thereof.

Sect. 13. All acts and parts of acts conflicting with the
2 provisions of this act are repealed in so far as they are
3 inconsistent herewith.