

# MAINE STATE LEGISLATURE

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EIGHTY-FOURTH LEGISLATURE

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House Document

No. 137

H. P. 426      In House of Representatives, Jan. 31, 1929.

Referred to Committee on Public Health and 1000 copies ordered printed. Sent up for concurrence.

CLYDE R. CHAPMAN, Clerk.

Presented by Mr. Bove of Naples.

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STATE OF MAINE

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

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

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

Section 1. Within thirty days after this act shall become effective, the governor, by and with the advice and consent of the council, shall appoint five persons who shall constitute a Board of Naturopathic Examination and Registration, hereinafter called the "Board." Said persons so appointed shall be residents of this state, holding diplomas from a legally chartered and recognized Naturopathic school,

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

Sect. 2. Said board shall meet on the first Tuesday of  
2 June in each year at such time and place as the chairman  
3 may designate, for the purpose of organization. They shall  
4 elect one of their members as chairman for the term of  
5 one year, and one of their members as secretary and treas-  
6 urer to hold office at the pleasure of the board; provided,  
7 however, that the first meeting for organization under this  
8 act shall be within thirty days after the appointment and

9 confirmation of said board and the officers elected at the  
10 first meeting shall continue as such until the annual meet-  
11 ing of the board in the year nineteen hundred and thirty.  
12 The person elected as secretary and treasurer may be re-  
13 quired to give a bond in the penal sum of one thousand  
14 dollars (\$1,000.00) with sureties to be approved by the  
15 board for the faithful discharge of the duties of said office.  
16 Said board shall hold regular meetings twice in each year  
17 for the purpose of considering applications, examining ap-  
18 plicants and such other business as may properly come be-  
19 fore the board, the time and place of such meeting to be  
20 determined by the board. Special meetings may be called  
21 at the pleasure of the chairman, or in case of death or in-  
22 ability of the chairman, the secretary may call special meet-  
23 ings. The board shall cause a suitable seal to be procured  
24 and be affixed to such documents as may require such seal.  
25 The chairman and secretary shall be empowered to admin-  
26 ister oaths in matters connected with the duties of said  
27 board. The records of the said board shall include, among  
28 other things, a record of moneys received and disbursed  
29 by said board, also a list of all applicants for certificates,  
30 giving the name and location of the institution granting a  
31 degree of Doctor of Naturopathy to the applicant, and the  
32 fact shall be recorded whether the applicant was granted  
33 or denied a certificate. Such records, or duplicates thereof,  
34 shall always be open to inspection in the office of the sec-  
35 retary of state during regular office hours and shall be prima

36 facie evidence of all matters recorded therein. Three mem-  
37 bers of the board shall constitute a quorum for the trans-  
38 action of business, and no certificate to practice Naturopathy  
39 shall be granted except on an affirmative vote of at least  
40 three members of the board.

Sect. 3. Any person before engaging in the practice of  
2 Naturopathy in this state, shall make application for a cer-  
3 tificate to practice Naturopathy to the Board of Natur-  
4 opathic Examination and Registration on a form prescribed  
5 by said board. Such application shall be filed with the sec-  
6 retary of said board at least fourteen days before the date  
7 of examination, together with a deposit of twenty-five dol-  
8 lars (\$25.00), which deposit shall be returned to the ap-  
9 plicant in case the application is rejected. Each applicant  
10 must be at least twenty-one (21) years of age and shall  
11 present a diploma from a high school, academy, state nor-  
12 mal school, college or university, or otherwise satisfy the  
13 members of the board of a sufficient prior academic edu-  
14 cation. The applicant shall also present a diploma granted  
15 by a legally chartered and recognized Naturopathic school,  
16 college or university having the power to confer degrees in  
17 Naturopathy, which diploma was granted on personal at-  
18 tendance of the applicant, and completion of a course of  
19 not less than four years of nine months each. All appli-  
20 cants shall present a certificate of good moral character,  
21 which certificate shall be signed by at least two reputable  
22 residents of the state of Maine, and also shall present such

23 other reasonable and proper facts as the board may require.

Sect. 4. The board shall then require the applicant to  
2 submit to an examination as to his or her qualifications to  
3 practice Naturopathy, which examination shall be either  
4 oral or in writing or both, as the board may deem most  
5 efficient and shall include the following subjects, namely:  
6 Anatomy, embryology, physiology, pathology, histology, bac-  
7 teriology, chemistry, toxicology, diagnosis, dietetics, hygiene,  
8 sanitation, psychotherapy, mechanotherapy, hydrotherapy,  
9 principles and practice of Naturopathy and such other sub-  
10 jects as the board may prescribe. If such an examination  
11 is passed in a manner satisfactory to the board and the  
12 applicant attains the grade as hereinafter provided, the board  
13 shall then issue to the said applicant a certificate to prac-  
14 tice Naturopathy in the state of Maine. Provided, how-  
15 ever, that any person who has been a practitioner of Natur-  
16 opathy in this state for a period of three years prior to the  
17 passage of this act, or any person holding a diploma from  
18 a legally chartered and recognized school, college or uni-  
19 versity of Naturopathy, which institution was in good stand-  
20 ing at the time of issuance of said diploma, shall upon ex-  
21 hibition of satisfactory proof to the said board and upon  
22 the payment of a fee of ten dollars (\$10.00), be entitled to  
23 make application for such certificate, which certificate shall  
24 be granted without examination if such application is made  
25 and filed within ninety (90) days after this act becomes  
26 effective.

Sect. 5. All applicants for examination for a certificate  
2 to practice Naturopathy in this state shall attain a grade  
3 of at least seventy-five (75) per cent in each subject, and  
4 if any applicant fails to attain a grade of at least seventy-  
5 five (75) per cent in each subject, he or she shall not be  
6 entitled to a certificate. The applicant shall be given credit  
7 for all subjects passed and shall be allowed to take exam-  
8 inations in the subjects in which he or she failed to attain  
9 the required percentage at any subsequent examination held  
10 by the board, upon the payment of a fee to be determined  
11 by the board which shall in no case exceed the original fee  
12 provided in section three of this act. The board may re-  
13 fuse to grant a certificate to a person convicted of a felony,  
14 or who has been guilty of grossly unprofessional conduct  
15 or who is addicted to any vice to such a degree as to ren-  
16 der such person unfit to practice Naturopathy, or where  
17 there is reasonable grounds to believe that the applicant's  
18 diploma was fraudulently or irregularly obtained, and may  
19 after due notice and hearing revoke a certificate already  
20 issued, for like cause.

Sect. 6. When the board shall have granted to a person  
2 a certificate as herein provided, such certificate shall desig-  
3 nate the holder as a Naturopathic doctor and shall be pub-  
4 licly displayed at the person's principal place of business  
5 so long as such person shall continue to practice Natur-  
6 opathy for gain or hire. Such certificate shall entitle the  
7 person to whom it is granted the right to practice Natur-

8 oopathy in all its branches in any county in this state, as  
9 taught and practiced by recognized schools and colleges of  
10 Naturopathy, but it shall not entitle the holder to admin-  
11 ister drugs, nor practice obstetrics so far as the same re-  
12 lates to parturition, nor to perform surgical operations with  
13 instruments except as already provided by statute. Any  
14 person to whom a certificate has been granted under this  
15 act may prefix the title "Doctor" or the letters "Dr." or  
16 append the letters "N. D." to his or her name when accom-  
17 panied by the word "Naturopath" or other words or words  
18 which shall clearly designate the person as a Naturopathic  
19 Doctor.

Sect. 7. Nothing in this act shall be construed to restrict  
2 or restrain any legally licensed physician, surgeon, dentist,  
3 osteopath or chiropractor in the practice of his or her pro-  
4 fession, nor shall this act apply to any commissioned med-  
5 ical officer in the United States army or navy or public  
6 health service in the performance of his duties as such, nor  
7 to masseurs, dieticians and hydrotherapists in their par-  
8 ticular sphere of labor and who publicly represent them-  
9 selves as such, nor to Christian Scientists or any other cult  
10 or sect which practices healing by prayer or spiritual means  
11 nor to prohibit gratuitous service or the rendering of assist-  
12 ance in emergency cases, providing such masseurs, dieti-  
13 cians, hydrotherapists and others do not violate any of the  
14 preceding section regarding the use of the word "Naturopathic



15 path” or the letters “N. D.” or otherwise hold themselves  
16 out as Naturopathic practitioners.

Sect. 8. Naturopathic practitioners licensed to practice  
2 Naturopathy under the laws of any other state, may upon  
3 submitting to the Naturopathic Board of Examination and  
4 Registration of this state the license or certificate which  
5 admits them to practice Naturopathy in any other state, to-  
6 gether with an affidavit of good moral character, be issued  
7 a license to practice Naturopathy in this state without ex-  
8 amination, upon the payment of a fee of twenty-five dol-  
9 lars (\$25.00), provided the state in which such person is  
10 licensed to practice Naturopathy shall also grant a like  
11 privilege to persons licensed to practice Naturopathy in this  
12 state.

Sect. 9. Any person who shall practice or attempt to  
2 practice or to use the science or system of Naturopathy in  
3 treating diseases of the human body, or who shall buy, sell  
4 or fraudulently obtain any diploma, license or registration  
5 to practice Naturopathy, or who shall aid or abet in such  
6 selling or fraudulently obtaining, or who shall practice  
7 Naturopathy under cover of any diploma, license or regis-  
8 tration to practice Naturopathy illegally obtained or signed  
9 or issued unlawfully or under fraudulent intentions, or who  
10 after the conviction of felony shall practice Naturopathy,  
11 or who shall use the word “Naturopath,” “Naturopathic  
12 Practitioner,” “Doctor of Naturopathy,” or the letters “N.  
13 D.,” “M. N.,” “D. N. Ph.,” or any other title or letters

14 either alone or with qualifying words or phrases under such  
15 circumstances as to induce the belief that the persons who  
16 use such terms are engaged in the practice of Naturopathy  
17 without having complied with the provisions of this act,  
18 shall be deemed guilty of a misdemeanor and upon con-  
19 viction thereof shall be fined not less than fifty dollars  
20 (\$50.00), nor more than three hundred dollars (\$300.00)  
21 or to be imprisoned in the county jail not less than thirty  
22 days nor more than one year, or by both fine and imprison-  
23 ment. Provided that nothing in this act shall be construed  
24 to prohibit any legally qualified Naturopathic physician in  
25 any other state, meeting a registered Naturopathic physi-  
26 cian in this state for consultation, provided further that  
27 this section shall not apply to the two classes of persons  
28 mentioned in section four hereof until ninety (90) days  
29 after the passage of this act, the time allowed within which  
30 they may secure the required certificate.

Sect. 10. The compensation of the members of the board  
2 shall be five dollars (\$5.00) per day for each day actually  
3 spent in the discharge of their duties, and in addition there-  
4 of they shall receive necessary travelling expenses. The  
5 secretary shall receive extra compensation for postage, sta-  
6 tionery and other expenses authorized by the board and  
7 actually incurred. The compensation of said board and the  
8 secretary, and all other expenses proper and necessary in  
9 the opinion of said board to discharge its duties herein-  
10 under, and to enforce the provisions of this act, shall be

11 paid by the treasurer out of the funds of the board upon  
12 a requisition signed by the chairman and secretary.

Sect. 11. The board, its members, or agents shall investigate all complaints and all cases of non-compliance with or violations of the provisions of this chapter relating to the registration of Naturopathic physicians and shall bring all such cases to the notice of the prosecuting officer, said board after a conviction before the proper court for crime in the course of professional business of any person to whom a certificate has been issued by them, and after hearing may, by a vote of four-fifths of the entire board, revoke the certificate and cancel the registration of the person to whom the same was issued. Said board may also revoke or suspend any certificate by a four-fifths vote of the entire board in any case where the said certificate has been wrongly obtained or for any fraud connected with such registration.

Sect. 12. Said board shall annually between the first and fifteenth days of January, make a report to the governor containing a full and complete account of its official acts during the preceding year, also a statement of its receipts and disbursements and such other statements as may be deemed essential.

Sect. 13. All laws, rules and regulations now in force in this state or which shall hereinafter be enacted for the purpose of regulating the reporting of contagious diseases and deaths to the proper authorities and to which the registered

5 practitioners of medicine are subject, shall apply equally  
6 to the practitioners of Naturopathy, and they shall observe  
7 and be subject to all such state, county and municipal laws  
8 and regulations relating to the public health.

Sect. 14. For the purpose of this act, the practice of  
2 Naturopathy shall be held to mean the practice of the psy-  
3 chological, mechanical and material sciences of healing as  
4 follows: The psychological sciences, such as psycho-therapy;  
5 the mechanical sciences, such as mechano-therapy, articular  
6 manipulation, massage, corrective and orthopedic gymnas-  
7 tics, neuro-therapy, physio-therapy, hydro-therapy, electro-  
8 therapy, thermo-therapy, photo-therapy, chromo-therapy,  
9 vibro-therapy, concussion, pneumato-therapy and zono-  
10 therapy; and the material sciences, such as dietetics, phyto-  
11 therapy, histolo-therapy and external applications. Natur-  
12 opathy is hereby declared not to be the practice of medicine,  
13 surgery, osteopathy or chiropractic.

Sect. 15. All acts and parts of acts conflicting with the  
2 provisions of this act are hereby repealed in so far as they  
3 are inconsistent herewith.