

# 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)

---

---

EIGHTY-FOURTH LEGISLATURE

---

---

Senate Document

No. 30

S. P. 50

In Senate, January 24, 1929.

Referred to Committee on Judiciary and 1000 copies ordered printed. Sent down for concurrence.

ROYDEN V. BROWN, Secretary.

Presented by Senator Crosby of Penobscot.

---

---

STATE OF MAINE

---

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

---

AN ACT to Establish a Board of Examiners for the "Basic  
Sciences" and Regulations Therefor.

---

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

Section 1. The several sections of this act shall be known  
2 and may be cited and referred to as the basic science law.

The following words and phrases as used in this act shall  
2 have the following meaning:

"Treat the sick" is to examine into the fact, condition, or  
2 cause of human health or disease, or to treat, operate, pre-  
3 scribe, or advise for the same, or to undertake, offer, ad-  
4 vertise, announce, or hold out in any manner to do any of  
5 said acts, for compensation, direct or indirect, or in the ex-  
6 pectation thereof.

“Disease” includes any pain, injury, deformity, or physical  
2 or mental illness or departure from complete health and  
3 proper condition of the human body or any of its parts.

“Basic sciences” are anatomy, physiology, bacteriology, hy-  
2 giene, chemistry and pathology.

“Board” is the state board of examiners in the basic  
2 sciences.

Sect. 2. No person shall treat or attempt to treat the sick  
2 unless he shall have a certificate of registration in the basic  
3 sciences and shall have complied with all other requirements  
4 of law. The provisions of this act shall not apply to  
5 dentists, optometrists or nurses in the practice of their pro-  
6 fession nor to commissioned officers of the United States  
7 army, navy or marine hospital service, or to a physician or  
8 surgeon who is called from another state to treat a partic-  
9 ular case and who does not otherwise practice in this state,  
10 nor to prohibit gratuitous service or the rendering of assist-  
11 ance in emergency cases; nor to clairvoyants or persons  
12 practicing hypnotism, magnetic healing, mind cure, massage,  
13 or Christian science.

Sect. 3. The governor, with the advice and consent of  
2 the council, shall appoint the state board of examiners in  
3 the basic sciences. The board shall consist of three lay  
4 educators, none of whom shall be on the faculty of any  
5 institution teaching methods of treating the sick. The term  
6 of office shall be six years. A vacancy shall be filled for  
7 the unexpired term. The first appointments shall be for

8 terms expiring April first, nineteen hundred and thirty-one,  
9 nineteen hundred and thirty-three and nineteen hundred  
10 and thirty-five respectively. The board shall, within thirty  
11 days of appointment, organize by the election of a presi-  
12 dent, secretary and treasurer. The compensation of the  
13 members of the board shall be ten dollars for each day actu-  
14 ally spent and actual and necessary expenses.

Sect. 4. No examining board for any branch of treating  
2 the sick shall admit to its examinations or license or regis-  
3 ter any applicant unless such applicant first present a certifi-  
4 cate of registration in the basic sciences. Any such board  
5 may by rule accept such certificate in lieu of examination  
6 in this subject.

Sect. 5. Application for a certificate of registration in the  
2 basic sciences shall be made to the board of examiners in  
3 the basic sciences, accompanied by sufficient and satisfac-  
4 tory evidence of good moral character and preliminary edu-  
5 cation equivalent to graduation from an accredited high  
6 school of this state, and a fee of ten dollars. If the applicant  
7 during the year immediately prior to this act becoming ef-  
8 fective had been attending a professional school, high school  
9 education shall not be required.

Sect. 6. Examination shall be in the basic sciences only,  
2 shall be conducted not less than twice a year at such times  
3 and places as the board shall fix, and shall be both written  
4 and by demonstration or other practical test. No applicant  
5 shall be required to disclose the professional school he may

6 have attended or what system of treating the sick he intends  
7 to pursue.

Sect. 7. If the candidate attains a grade of seventy-five  
2 per cent. in each subject, he shall receive a certificate in  
3 the basic sciences, signed by the president and secretary.  
4 If he fails in one subject only, he may be re-examined in  
5 that subject at any examination within one year without  
6 further examination fee. If he fails in two or more sub-  
7 jects he shall not be again examined until after the lapse  
8 of one year, and then only upon application anew and in  
9 all subjects.

Sect. 8. The board may issue certificate to an applicant  
2 who presents sufficient and satisfactory evidence of having  
3 passed examinations in the basic sciences before a legal  
4 examining board or officer of another state, or of a foreign  
5 country, if the standards are as high as those of this state,  
6 upon payment of ten dollars.

Sect. 9. Any person who, at the time of this act becoming  
2 effective, was regularly licensed or registered in the state  
3 of Maine to treat the sick need not be registered under the  
4 basic science law. Any person who, at the time of this act  
5 becoming effective, was not registered or licensed in the  
6 state of Maine to treat the sick but nevertheless on that  
7 date was lawfully engaged in this state in treating the sick  
8 shall be registered upon presenting to the board, within  
9 sixty days after this section goes into effect, an application  
10 therefor, with sufficient and satisfactory evidence that he

11 was, on such date, lawfully engaged in this state in treating  
12 the sick, and is of good moral character, and upon the pay-  
13 ment of a registration fee of five dollars.

Sect. 10. Said board, after a conviction before a proper  
2 court, for crime in the course of professional business, of  
3 any person to whom a certificate has been issued by them  
4 and after hearing, may by vote of two-thirds of the entire  
5 board revoke the certificate and cancel the registration of  
6 the person to whom the same was issued. Said board may  
7 also suspend or revoke any certificate by a two-thirds vote  
8 of the entire board, in any case where such certificate has  
9 been wrongfully obtained or for any fraud connected with  
10 the said registration.

Sect. 11. The candidate affected or any state examining  
2 board for any branch of treating the sick may file a peti-  
3 tion for review with any justice of the supreme judicial  
4 court to set aside action of said board by granting or deny-  
5 ing a certificate of registration under the basic science law.  
6 In such case said petition shall be filed with the clerk of  
7 the supreme judicial court for the county of Kennebec in  
8 term time or vacation. Notice thereof shall be served upon  
9 the board and within twenty days after such service, the  
10 board shall answer and cause to be filed with the clerk of  
11 said court, the papers and records upon which it acted or  
12 certified copies thereof. The issues shall be tried by the  
13 court upon such papers and records, and additional evi-  
14 dence in the discretion of the court. The court may (1)

15 dismiss the action, or (2) remand the record to the board  
16 for (a) further examination or investigation, or (b) modifi-  
17 cation or reversal of its action. The attorney-general shall  
18 appear in such action for the board, and no costs shall be  
19 taxed by either party.

Sect. 12. The board shall keep a complete record in which  
2 shall be entered all applications, examinations, registrations,  
3 fees, decisions, orders and proceedings. It shall from time  
4 to time appoint such competent and recognized experts as  
5 shall be necessary to assist in the examinations, and neces-  
6 sary clerks. They shall receive such compensation as the  
7 board shall fix. Said board shall annually on or before the  
8 first day of July in each year, make a report to the governor  
9 containing a full and complete account of all its official acts  
10 during the preceding year, also a statement of its receipts  
11 and disbursements and such comments or suggestions as  
12 it may deem essential. The disbursements of the board  
13 shall not exceed the fees received.

Sect. 13. Whoever shall be found guilty of violation of  
2 the provisions of this act shall be punished by a fine of not  
3 less than one hundred dollars nor more than five hundred  
4 dollars for each offense or by imprisonment for not more  
5 than three months or by both fine and imprisonment.

Sect. 14. This act is supplementary to existing laws and  
2 not a repeal thereof except in so far as the provisions of  
3 existing laws may be inconsistent with the provisions here-  
4 of; provided, however, that this act shall not operate to

5 supplement, repeal, modify or in any way affect existing  
6 laws regulating the professions exempted.