

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

OF THE

SIXTY-SECOND LEGISLATURE

OF THE

STATE OF MAINE.

1885.

Published by the Secretary of State, agreeably to Resolves of June 28, 1820,
February 18, 1840, and March 16, 1842.

AUGUSTA :
SPRAGUE & SON, PRINTERS TO THE STATE.
1885.

PUBLIC LAWS
OF THE
STATE OF MAINE.

1885.

CHAP. 379

—if parties cannot agree, either may apply to R. R. commissioners.

—expenses, how paid.

of the person or corporation operating such railroad, but in case such company cannot agree with the parties operating such railroad, as to constructing lines along the same, or as to the manner in which lines may be constructed upon, along or across the same, either party may apply to the railroad commissioners, who, after notice to those interested, shall hear and determine the matter and make their award in relation thereto, which shall be binding upon the parties. The expenses of the hearing shall be paid by the company, person or association seeking to construct lines on the railroad, except that if the railroad commissioners shall find that parties operating the railroad, have unreasonably refused their consent, said parties shall pay the expenses.

Approved March 6, 1885.

Chapter 379.

An Act to prevent incompetent persons from conducting the business of Apothecaries.

Be it enacted by the Senate and House of Representatives in Legislature assembled, as follows :

Business of apothecaries regulated.

SECT. 1. From and after the passage of this act, it shall not be lawful for any person, within the limits of the state, to conduct the business of an apothecary, or any part thereof, except as hereinafter provided.

Commissioners of Pharmacy, appointment of.

SECT. 2. The governor, under the advice and consent of the council, shall appoint three suitable persons to be commissioners of pharmacy, one commissioner to be appointed as the term of each of those now holding office shall expire, to hold office for the term of three years, unless removed for cause, and until a successor is appointed and qualified. If a vacancy occurs in said commission, another shall be appointed as aforesaid to fill the unexpired term thereof. Before entering on the duties of their office, the commissioners shall be sworn to faithfully and impartially discharge the same, and a record shall be made thereof on their commission.

—tenure.

—vacancies.

—to be sworn.

Powers and duties.

SECT. 3. Said commissioners shall examine any person who desires to carry on the business of an apothecary, and if he is found skilled in pharmacy, shall give him a certificate of that fact, and that he is authorized to engage in the busi-

ness of an apothecary, and such certificate must be signed by at least two commissioners. They shall register in a suitable book to be kept in the office of the secretary of state, the name and place of residence of all to whom they issue certificates, and the date thereof.

SECT. 4. Every person not now registered, unless he was engaged in the business of an apothecary on the eleventh day of March, in the year of our Lord eighteen hundred and seventy-seven, continuing in or hereafter entering on the business of an apothecary, shall be examined by said commissioners, and shall present to them satisfactory evidence that he has been an apprentice, or employed in an apothecary store where physicians' prescriptions are compounded, at least three years; or has graduated from some regularly incorporated medical college or college of pharmacy, and is competent for the business; and the commissioners may then grant him a certificate and registry as hereinbefore provided; but only one of the partners in a firm need be a registered druggist, *provided*, the partner who compounds medicines be registered. And any physician who has a diploma as the graduate of a duly established medical college, and in active practice, may do the business of an apothecary without being registered.

To examine apothecaries entering business.

—qualifications.

—certificate.

—registry.

Physicians excepted.

SECT. 5. For each examination under the provisions of this act, the commissioners shall be entitled to receive from the persons examined ten dollars, except as hereinafter provided, which shall be in full for all services and expenses. In case the result of the examination is unsatisfactory, and no certificate is granted, the applicant shall have the right to another examination without charge after an interval of two months, and within twelve months after the date of his first examination.

Fees.

—rejected applicant may be re-examined.

SECT. 6. Certificates of two grades or kinds may be issued, whereof one shall declare that the holder is skilled in pharmacy as in section four of this act, and the other kind, which after the examination of the applicants therefor, may be issued to such as shall be not less than eighteen years of age and who have served two full years in an apothecary store where physicians' prescriptions are compounded, shall declare that the holder is a qualified assistant and is competent to take charge of the business of an apothecary, during

Certificates of two grades may be issued.

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the temporary absence of his employer, and the fee for such assistant's examination shall be five dollars.

Sale of medicines, etc., and compounding of prescriptions unlawful, unless under control of registered apothecary.

SECT. 7. It shall not be lawful for an apothecary store to be kept open for the sale of medicines or poisons, or for compounding physicians' prescriptions, unless the same is placed and kept under the personal control and supervision of a registered apothecary or qualified assistant who is satisfactory to the owners or heirs, may be employed to superintend the compounding of medicines.

Apothecaries already in business.

SECT. 8. Any person engaged in the business of an apothecary on the eleventh day of March, in the year of our Lord one thousand eight hundred and seventy-seven, may receive a certificate and be registered as aforesaid on application to said commissioners, with proof of his competency.

Penalty for violation of this act.

SECT. 9. If any person who was not engaged in the business of an apothecary on the eleventh day of March, in the year of our Lord eighteen hundred and seventy-seven, shall hereafter engage in, or carry on the business of an apothecary contrary to the provisions of this act, he shall be subject to a penalty of fifty dollars per month upon conviction of the first offense; and of one hundred dollars per month upon each and every subsequent conviction, whether of continuance in said business or for engaging anew therein in violation of the provisions of this act. And it shall be the duty of the commissioners to prosecute all such cases as may be brought to their notice accompanied by testimony; the penalty to be recovered by an action of debt in the name of the county attorney in any court of competent jurisdiction, to be paid into the county treasury.

—how recovered.

Applicable to women doing business as apothecaries.

SECT. 10. The provisions of this act shall apply in the cases of women who shall hereafter enter upon and carry on the business of apothecaries.

Not applicable to physicians.

SECT. 11. This act shall not apply in the case of physicians who prepare and dispense their own medicines, nor to the sale of proprietary preparations.

Inconsistent acts repealed.

SECT. 12. All acts and parts of acts inconsistent with this act are hereby repealed.

Any person may do business without certificate if he employs registered apothecary.

SECT. 13. Any person may enter upon the business of an apothecary without the certificate required by the foregoing act; *provided*, he does not personally do the duties of an apothecary but employs a duly registered apothecary who has

sole charge of compounding, putting up and dispensing CHAP. 379
 medicines and drugs under the provisions of this act.

SECT. 14. No action now pending by virtue of section six of chapter twenty-eight of the revised statutes shall be maintained, except as to costs, nor shall hereafter be commenced for any penalty or forfeiture incurred prior to the approval of this act.

Actions pending under sec. 6, ch. 28, not to be maintained. —costs excepted.

SECT. 15. The word apothecary as used in this act shall not include persons who do not compound medicines, put up prescriptions or sell poisons.

Apothecary defined.

SECT. 16. This act shall take effect when approved.

Approved March 6, 1885.