

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

OF THE

SIXTY-THIRD LEGISLATURE

OF THE

STATE OF MAINE.

1887.

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.
1887.

We are entrusted with the Government of a State whose affairs in the past have been wisely and prudently administered. Cherishing a spirit of devotion to public duty, and invoking the blessing of God, without whose aid all human effort is vain, let us turn to the work that is set before us to do.

JOSEPH R. BODWELL.

GOVERNOR'S VETO MESSAGE.

EXECUTIVE DEPARTMENT, }
 AUGUSTA, March 17, 1887. }

To the Senate of the Sixty-Third Legislature.

I herewith return, with my objections, to the branch in which it originated, "An Act to regulate the practice of medicine."

The objections to the Act are numerous, the most serious of which are contained in the fourteenth section. After providing that physicians already in practice shall be compelled to register and pay a fee of three dollars for the privilege, the section declares that in default of registration and certification, a physician, regardless of the years of his practice or his professional rank, may be heavily fined and sent to prison; and even after that ignominious punishment, he shall have no right to collect his fees for medical services.

The meaning of the section is somewhat confused and obscure, but enough is plain to show that it is in open conflict with the ninth section in the Declaration of Rights in the Maine Constitution, which declares that "all penalties and punishments shall be proportioned to the offense," that "excessive fines shall not be imposed," that "cruel and unusual punishments shall not be inflicted."

To require a merely perfunctory duty from a physician already in practice, and then to enact that if he fails or neglects to perform it he shall be made the prey of the informer,

may be fined five hundred dollars, imprisoned six months, and actually deprived of the emoluments and gains of his profession, would seem to be repugnant, not only to the letter, but to the entire spirit of the organic law of the State.

The Third section of the Act provides for a permanent Board of Medical Examination and Registration, to be composed of five members with terms of five years each. The members of the Board shall meet as often as in their discretion they may choose, and the pay of each member shall be five dollars per day and traveling expenses.

With all the duties devolved upon the Board by the Act, they would probably be in session a large proportion of the year. Their pay, in the aggregate, would amount to a large sum, and according to the Act, the whole of it is to be taken from the pockets of the medical profession of the State by a series of fees, exactions and fines, for the levying of which there is, in my judgment, no justification whatever.

If there be an evil in the State of the magnitude which the Act presumes and premises, then it should be extirpated at the expense of the Public Treasury, and not be made a charge upon the medical profession. It would certainly be unjust to exact fees and charges from physicians of established professional character, in order that the State may be freed from improper practitioners.

The powers of the Board of Examination and Registration are widely extended and enlarged in the Seventh section of the Act. In effect, the members of the Board appear to be authorized to lay the foundation of a new medical school in Maine, in which persons who are not graduates of an existing institution, and yet aspire to the practice of medicine, shall be compelled to go before the "Board of Registration and be examined as to proficiency in the English language, and in the sciences of Anatomy, Physiology, Medicine, Hygiene, Chemistry, Toxicology, the elementary principles of Histology, Surgery, Obstetrics, and in Pathology and Aetiology. All examinations shall be either wholly written, or in part written and in part oral, as the said Board shall determine."

This enlarged provision might not improbably in time lead to a school of medicine in Maine which would impose upon the State, a class of practitioners as little qualified for their important duties as those against whom this Act is directed.

Next to the Constitutional objection to which I have already adverted, the most serious objection to the Act is the hasty mode of its passage. If for no other reason than to give the Legislature the opportunity to reconsider the measure, I would feel constrained to return it as I now do. If it be urged that there is no time for reconsideration, I answer that that fact of itself is good reason for the interposition of my objection. An Act involving so many grave consequences to the medical profession, touching at so many points the interests, the feelings, and even the prejudices of the people, should not be enacted under the pressure of haste during the closing hours of the session.

JOSEPH R. BODWELL.

STATE OF MAINE.

EXECUTIVE DEPARTMENT, }
 AUGUSTA, March 17, 1887. }

To the Senate and House of Representatives :

I transmit herewith a list of the Acts and Resolves passed during the present session of the Legislature, and approved by me, numbering 435 Acts and 123 Resolves.

I have no further communication to make.

JOSEPH R. BODWELL.