

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

OF THE

SIXTY-SEVENTH LEGISLATURE

OF THE

STATE OF MAINE

1895.

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

AUGUSTA:
BURLEIGH & FLYNT, PRINTERS TO THE STATE.
1895.

PUBLIC LAWS
OF THE
STATE OF MAINE.

1895.

Chapter 170.

An Act to Regulate the Practice of Medicine and Surgery.

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

SECT. 1. The governor with the advice and consent of the council, shall appoint six persons, residents in this state, who shall be graduates of a legally chartered medical college or university having the power to confer degrees in medicine, and who shall have been actively employed in the practice of their profession for a period of five years, who shall constitute a board of registration of medicine. Such persons shall be appointed and hold office for terms of two, four, and six years respectively, beginning with the first day of July in the present year, and until their successors are appointed, and thereafter the governor, with the advice and consent of the council, shall appoint on or before the first day of July every other year, two persons qualified as aforesaid, to hold office for six years from the last named day. No member of said board shall belong to the faculty of any medical college or university. Vacancies in said board shall be filled in accordance with the provisions of this act for the establishment of the original board and the person appointed to fill a vacancy shall hold office during the unexpired term of the member whose place he fills. Any member of said board may be removed from office for cause by the governor, with the advice and consent of the council and not more than two members of said board shall at one time be members of any one chartered state medical society.

Appointment of board of registration of medicine.

—term of office.

—vacancies, how filled.

Any member may be removed.

SECT. 2. The members of said board shall meet on the second Tuesday of July next, at such time and place as they may determine, and shall immediately proceed to organize by electing a chairman and secretary who shall hold their respective] offices for the term of two years. The secretary shall give to the state treasurer a bond in the penal sum of one thousand dollars, with sufficient sureties to be approved by the governor and council, for the faithful discharge of the duties of his office. The said board shall hold regular meetings, one in March, one in July and one in November of each year, and such additional meetings at such times and places as it may determine. Said board shall cause a seal to

First meeting, for organization.

Chairman and secretary shall be elected.

Secretary shall give bond.

Regular meetings.

Seal.

CHAP. 170 be engraved and shall keep correct records of all its proceedings, and is hereby authorized to make such minor rules and regulations as shall be deemed necessary for the successful enforcement of this act.

Board shall notify all persons practicing medicine, of provisions of this act.

Persons who have been practicing three years, prior to passage of this act, entitled to registration.

—fee.

SECT. 3. It shall be the duty of said board immediately upon its organization, to notify all persons practicing medicine or surgery for gain or hire as a livelihood in this state, of the provisions of this act, by publication in one or more newspapers in each county and every such person who is a graduate of a legally chartered medical college or university having power to confer degrees in medicine, and every person who has been a practitioner of medicine or surgery in this state for a period of three years next prior to the passage hereof, shall upon exhibition of satisfactory proof thereof to said board and upon the payment of a fee of two dollars be entitled to registration, and said board shall issue to him a certificate signed by the chairman and secretary and sealed, and said certificate shall state the facts and the cause of said registration, and must be publicly displayed at the person's principal place of business as long as said person continues such practice for gain or hire.

Persons not entitled to registration may, upon passing examination, be registered.

—may be re-examined.

Certificates may be revoked, and registration canceled

—fees shall be paid into the state treasury.

SECT. 4. Any person not entitled to registration as aforesaid shall, upon the payment of a fee of ten dollars, be entitled to examination and if found qualified by a majority of the members of the board present shall be registered as a physician or surgeon, and shall receive a certificate thereof as provided in section three. Any person refused registration may be re-examined at any regular meeting of said board, within two years of the time of such refusal, without additional fee, and thereafter may be examined as often as he may desire upon the payment of the fee of ten dollars for each examination. Said board, after a conviction before a proper court, for crime in the course of professional business, and after hearing, may by unanimous vote revoke any certificate issued by them and cancel the registration of the person to whom the same was issued. Said board has also power to suspend or revoke any certificate by unanimous vote, in any case where same certificate has been wrongfully obtained or any fraud connected with the said registration. All fees received by the board under this act shall be paid by the secretary thereof into the treasury of the state once in each month.

SECT. 5. The compensation, incidental and traveling expenses of the board shall be paid from the treasury of the state. The compensation of members of the board shall be five dollars each for every day actually spent in the discharge of their duties and five cents per mile each way for necessary traveling expenses in attending the meetings of the board, but in no case shall any more be paid than has actually been expended. The secretary shall be allowed extra compensation for books, stationery, postage and other necessary expenses actually incurred. Such compensation and the incidentals and traveling expenses shall be approved by the board and sent to the auditor of the state, who shall certify to the governor and council the amount due, as in case of other bills and accounts approved by him under the provisions of law; provided, that the amounts so paid shall not exceed the amount received by the treasurer of the state from the board in fees as herein specified, and so much of said receipts as may be necessary is hereby appropriated for the compensation and expenses of the board as aforesaid.

—compensation and traveling expenses.

—expenses of secretary.

—compensation shall not exceed amount of fees.

SECT. 6. The board shall keep a record, the names and residences of all persons registered hereunder and a record of all moneys received and disbursed by said board, and said records or duplicates thereof shall always be open to inspection in the office of the secretary of state during regular office hours. Said board shall annually report to the governor, on or before the first day of January in each year, the report to contain a full and complete account of all its official acts during the year, also a statement of receipts and disbursements of the board and such comments or suggestions as may be deemed essential.

Shall keep record, which shall be open to inspection.

Shall report annually to governor.

SECT. 7. It shall be the duty of the board, its members or agents to investigate all complaints regarding non-compliance with or violation of the provisions of this act and to bring all such cases to the notice of the proper prosecuting officers.

Shall investigate complaints of violation of this act.

SECT. 8. On and after the first day of January in the year eighteen hundred and ninety-six, the board shall examine all applicants for registration as licensed physicians or surgeons. Each applicant must give satisfactory proof of being twenty-one years of age and of having good moral character, and possessing a reasonable amount of average knowledge in the branches of science he desires to practice in, and must pay

After January, 1896, shall examine all applicants for registration.

CHAP. 170

—how examinations shall be made, and what they shall embrace.

the fees herein provided. Examinations shall be, in whole or in part in writing and shall be of an elementary and practical character. They shall embrace the general subjects of anatomy, physiology, pathology, materia medica, therapeutics, surgery, the principles and practice of medicine, obstetrics, or such branches thereof as the board may deem necessary for the applicant to possess.

After January, 1896, it shall be illegal for any person to practice medicine, who has not been registered.

—penalty if person holds himself out a physician, or appends "M. D." to his name.

SECT. 9. On and after the first day of January, eighteen hundred and ninety-six it shall be illegal for any person not duly registered by this board to practice medicine or surgery, or any branch thereof for gain or hire within this state. Whoever not being registered as aforesaid shall so practice or shall advertise or hold himself out to the public as a physician or surgeon in this state who appends to his name the letters "M. D.," or who uses the title of a doctor or physician, meaning thereby a doctor of medicine, shall be punished by a fine of not less than one hundred nor more than five hundred dollars for each offense, or by imprisonment in jail for three months or both.

Act shall not apply to certain officers and physicians.

SECT. 10. This act shall not apply to the commissioned officers of the United States army, navy or marine hospital service, or to a physician or surgeon who is called from another state to treat a particular case and who does not otherwise practice in this state, nor to prohibit gratuitous service or the rendering of assistance in emergency cases, nor to medical students who prescribe or operate under the direction of some registered physician or physicians, nor to midwives who lay no claim to the title of physician or doctor.

Certain persons exempt from provisions of this act.

SECT. 11. Neither shall this act apply to clairvoyants or to persons practicing hypnotism, magnetic healing, mind cure, massage, Christian science, so called, or any other method of healing if no poisonous or dangerous drugs are employed nor surgical operations performed; provided, such persons do not violate any of the provisions of section nine of this act in relation to the use of "M. D." or the title of doctor or physician.

—proviso.

When act shall take effect.

SECT. 12. For the purposes of the appointment of said board and of registration of persons by it hereunder, this act shall take effect upon its passage and shall take full effect on the first day of January, in the year eighteen hundred and ninety-six.