

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

OF THE

SIXTY-NINTH LEGISLATURE

OF THE

STATE OF MAINE

1899.

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PUBLIC LAWS

OF THE

STATE OF MAINE.

1899.

persons so summoned appear and disclaim all right and title adverse to the petitioner, they recover their costs. If they claim title, they shall by answer show cause why they should not be required to bring an action and try such title; and the court shall make such decree respecting the bringing and prosecuting of such action as seems equitable and just.'

Approved March 16, 1899.

CHAP. 96

—if persons summoned disclaim title, they recover costs.
—claimant must show cause why he should not bring action to try title.

Chapter 96.

An Act to prevent Incompetent Persons from conducting the business of an Apothecary.

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

Section 1. From and after the passage of this act it shall not be lawful for any person within the limits of this state to conduct the business of an apothecary or any part thereof, or display any drugs, medicine, drug store fittings or furnishings or any sign recognized as peculiar to a drug store to give the appearance of any apothecary store or claim to be or represent himself to be an apothecary, except as hereinafter provided.

Business of apothecaries, regulated.

Section 2. The governor, with the advice and consent of the council shall appoint three suitable persons to compose the board of commissioners of pharmacy. The members of the present board shall continue to hold their offices during the terms for which they were appointed. At the expiration of their respective terms of office, appointments shall be so made that the term of each commissioner shall expire on the first day of December in each succeeding year, and thereafter the appointment to fill vacancies occurring from expiration of terms of office shall be three years from the first day of December in each year. The governor by and with the consent of the council may remove said commissioners for cause. If a vacancy occurs in said commission, another shall be appointed as aforesaid to fill the unexpired term thereof. Before entering upon the duties of their office, the commissioners shall be sworn to the faithful and impartial discharge of the same, and a record shall be made thereof on their commission.

Commissioners of pharmacy, appointment of.

—tenure.

—vacancies, how filled.

—may be removed.

—to be sworn.

Section 3. The members of said board shall meet on the second Wednesday of December in each year at such time and place as they may determine, and shall immediately proceed to organize by electing a president and secretary, who shall be members of the board, and who shall hold their respective offices

Meetings.

—election of president.

CHAP. 96

dent and
secretary.

—bond of
treasurer.

—regular
meetings,
when held.

Shall keep
record of
persons ex-
amined and
money re-
ceived.

—report.
annually.

Complaints
against reg-
istered
apothecar-
ies for
violation of
this act.

—notice
and hearing.

—oaths
may be
admin-
istered by
any mem-
ber.

Penalty if
person com-
plained of,
is guilty.

for the term of one year, shall give to the treasurer of the state a bond 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 three regular meetings in each year, one on the second Wednesday of December, one on the second Wednesday of April and one on the second Wednesday of August, and such additional meetings at such times and places as they shall determine.

Section 4. The board shall keep a record of the names of all persons examined and registered hereunder, and a record of all moneys received and disbursed by said board, a duplicate of which records shall always be open to inspection in the office of the secretary of state. Said board shall make to the governor and council on or before the first day of January in each year a report stating the condition of pharmacy in the state, with a full and complete record of all its official acts during the year, and the receipts and disbursements of the board. The governor and council are hereby authorized to have published as many copies of said report as may be deemed necessary.

Section 5. Said board shall hear all complaints against any person registered as an apothecary for the violation of any of the requirements of this act to be performed by a registered apothecary. Such complaints shall be made in writing under oath, shall set out the offense alleged, and shall be made within sixty days after the act complained of has been committed. Said board shall thereupon notify the person complained against of the charge made against him and of the time and place when and where the matter will be heard by them; but notice of hearing shall be given at least fourteen days prior to the same. He may then and there appear before the board with his witnesses and be heard by counsel. Either member of the board may administer oaths to the witnesses at such hearings, and any person so sworn who willfully swears or affirms falsely respecting any matter upon which his testimony is required shall be deemed guilty of perjury. Said board shall have the power to send for persons and compel the attendance of witnesses at said hearings by process duly served.

Section 6. If the full board sitting at such hearing shall find that the person complained against is guilty of the acts charged against him, said board may suspend his registration as a pharmacist and his certificate thereof, for such term as the board in their judgment, after due consideration of the facts, may deem for the best interest of the public, or may revoke it altogether, but the certificate of registration of a registered

pharmacist shall not be suspended or revoked for a cause punishable by law until after conviction by a court of competent jurisdiction.

Section 7. Every person not now registered, hereafter entering on the business of an apothecary, by the payment of the fee of ten dollars, to the secretary of said board, except as hereinafter provided 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; the commissioners may give him a certificate of that fact and that he is authorized to engage in the business of an apothecary, and such certificate must be signed by at least two commissioners. 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. Only one of the partners in a firm need be a registered druggist, provided, the partner who compounds medicines be registered. All certificates issued under the provisions of this act shall be constantly displayed, in a conspicuous place, in the store or shop of the persons to whom the same were issued.

Shall examine apothecaries entering business, and issue certificate.

—if applicant is rejected, may be again examined.

—certificates shall be displayed in shop.

Section 8. Certificates of two grades or kinds may be issued, whereof one shall declare that the holder is skilled in pharmacy as in section seven of this act, and the other kind which after the examination of the applicants therefor, may be issued to such as shall not be less than eighteen years of age and who have passed the junior year in a college of pharmacy or in a department of pharmacy in any incorporated college, or served two full years in an apothecary store where physicians' prescriptions are compounded, shall declare that the holder is a qualified assistant and is qualified to take charge of the business of an apothecary during the temporary absence of the registered apothecary, and the fee for such assistant's examination shall be five dollars.

Certificate of two grades may be issued.

—applicant must not be less than 18 years of age.

Section 9. Every registered apothecary or qualified assistant who desires to continue the business of an apothecary shall annually thereafter, during the time he shall continue such business on such date as said board may determine, pay to the secretary of said board a registration fee to be fixed by said board, but which shall in no case exceed, if a registered apothecary, one dollar, if a qualified assistant, fifty cents for which he shall receive a renewal of said registration; and he shall not

Shall pay an annual registration fee.

CHAP. 96

—penalty for failure to renew registration.

—fees, how disposed of.

No registered apothecary shall permit another to do business in his name.

Unlawful to keep for sale, or to compound physicians' prescriptions, unless by registered apothecary.

Penalty for falsely claiming to be an apothecary.

Act shall apply to women.

—shall not apply to physicians who dispense their own medicines.

Any person may conduct the business, by employing registered apothecary.

continue in such business after the date set by said board for said renewal unless he shall have complied with the requirements of this section. Any registered apothecary or qualified assistant, who shall fail to obtain a renewal of registration as herein provided within three years after the date set by said board for said renewal, shall forfeit the right thereto. The fees paid to said board by virtue of this section may be used by said board for the detection and prosecution of violations of this act.

Section 10. No registered apothecary shall suffer or permit the use of his name or certificate of registration in the conduct of business of pharmacy when he himself is not actively engaged in such business in the store where his certificate is displayed.

Section 11. It shall not be lawful for any store to be kept open for the sale of medicines or poisons, or for compounding physicians' prescriptions, nor shall drugs or medicines be exposed or displayed for sale in any store, except as otherwise provided herein, unless the same is placed and kept under the personal control and supervision of a registered apothecary or qualified assistant, but such store may be under the charge of a qualified assistant during the temporary absence of such registered apothecary.

Section 12. If any person hereafter engage in or be found in charge or carrying on a business, or displays any drugs, medicines, drug store fittings or furnishings, or any sign recognized as peculiar to a drug store to give the appearance of an apothecary store, or claim to be or represent himself to be an apothecary, contrary to the provisions of this act, he shall upon indictment and conviction be subject to a penalty of fifty dollars per month for the first offense, and one hundred dollars per month for each and every subsequent offense, whether for continuance in said business or for engaging anew therein in violation of the provisions of this act. The county attorney in each county upon complaint made by any one of said commissioners shall prosecute all violations of the provisions of this act.

Section 13. The provisions of this act shall apply in the cases of women who shall hereafter enter upon and carry on the business of apothecaries. This act shall not apply in the case of physicians who prepare and dispense their own medicines, nor to the sale of non-poisonous domestic remedies and patent or proprietary preparations usually sold by grocers and others.

Section 14. 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 medicines and drugs under the provisions of this act.

CHAP. 96

Section 15. If any person engaged in the business of an apothecary knowingly uses any drugs or ingredients in preparing or compounding a written prescription of any physician different from those named in the prescription, he shall upon conviction thereof be fined not less than five dollars nor more than one hundred dollars.

Penalty for using drugs not named in physicians' prescription.

Section 16. Whoever fraudulently adulterates, for the purpose of sale, any drug or medicine, or sells any fraudulently adulterated drug or medicine, knowing the same to be adulterated, shall be punished by imprisonment in a jail not exceeding one year, or by fine not exceeding four hundred dollars; and such adulterated drugs and medicine shall be forfeited, and destroyed under the direction of the court.

Penalty for adulterating drugs and selling the same.

Section 17. Whoever sells arsenic, arsenious acid, atropia or any of its salts, chloral hydrate, chloroform, cotton root and its fluid extract, Fowler's solution, corrosive sublimate, cyanide of potassium, Donovan's solution, ergot and its fluid extract, laudanum, McMunn's elixir, morphia or any of its salts, sugar of lead, oil of savin, oil of tansy, opium, Parson's vermin exterminator, phosphorus, prussic acid, rough on rats, strychnia or any of its salts, tartar emetic, tincture of aconite, tincture of belladonna, tincture of digitalis, tincture of nux vomica, tincture of veratrum viride, crystals of carbolic acid or a strong solution of carbolic acid, without the written prescription of a physician, shall keep a record of such sale, the name and quantity of the article sold, and the name and residence of the person or persons to whom it was delivered, which record shall be made before the article is delivered, and shall at all times be open to inspection by the police authorities and officers of cities and towns; but no sale of cocaine or its salts shall be made except to dentists or on the prescription of a physician. Whoever neglects to keep or refuses to show to said officers such record shall be punished by fine not exceeding fifty dollars. Whoever sells any of the poisonous articles named in this section without the written prescription of a physician, shall affix to the bottle, box or wrapper containing the article sold a label of red paper, upon which shall be printed in large letters the word 'poison,' and also the word 'antidote,' and the name and place of business of the vender. The name of an antidote, if there be any, for the poison sold, shall also be upon the label. Every neglect to affix such label to such poisonous article sold before the delivery thereof to the purchaser shall be punished by a fine not exceeding fifty dollars. Whoever purchases poisons as aforesaid and gives a false or

Sale of poisonous drugs prohibited, without prescription from a physician.

—shall keep record of such sales.

—penalty for not keeping record.

—label on poisonous articles, without prescription, must show the word "poison" and the antidote.

—penalty for neglect to affix label.

CHAP. 97

—act does not apply to wholesale dealers, chemists, or firm selling in unbroken packages, nor to sale of Paris green, London purple, etc.

—word poison, shall appear on every package.

—penalty.

Inconsistent acts, repealed.

fictitious name to the vender shall be punished by fine not exceeding fifty dollars. But nothing in this section shall be construed to apply to wholesale dealers or to manufacturing chemists in their sales to retail trade, nor to the general merchant, nor to a firm or corporation in trade, who may sell in unbroken packages prepared by the manufacturers, Paris green, London purple or other poisonous preparations or compounds used for the destruction of bugs, beetles, insects, slugs, grubs, caterpillars or worms. Upon each and every package so sold shall be printed in large letters the word 'poison.' Every neglect to affix such label with the word poison thereon to such poisonous article before the delivery thereof to the purchaser shall be punished by fine not exceeding fifty dollars.

Section 18. All acts and parts of acts, inconsistent herewith, are hereby repealed.

Approved March 16, 1899.

Chapter 97.

An Act relating to sums paid by officers and collectors for Internal Revenue Stamps affixed to deeds of real estate sold by them.

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

Section 1. All sums paid by any officer for internal revenue stamps to be affixed to any deed of real estate, or interest therein, sold by him on execution, may be taxed by such officer in his return on the execution, same as other fees and costs are taxed.

Section 2. All sums paid by any collector of taxes, or treasurer, for internal revenue stamps to be affixed to any deed of real estate, or interest therein, sold for non-payment of a tax, shall be deemed a part of the costs and charges for making such sale.

Approved March 16, 1899.

Chapter 98.

An Act authorizing Women to be admitted as attorneys to practice law in the Courts of this State.

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

Section 1. No person shall be denied admission or license to practice as an attorney at law on account of sex.

Section 2. This act shall take effect when approved.

Approved March 16, 1899.

Revenue stamps affixed to deeds by an officer, may be taxed as costs.

Stamps affixed to deed of real estate for non-payment of a tax, deemed a part of the costs.

Sex, no bar to practice as an attorney at law.