

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

OF THE

SEVENTY-FOURTH LEGISLATURE

OF THE

STATE OF MAINE

1909

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PUBLIC LAWS

OF THE

STATE OF MAINE

As Passed by the Seventy-fourth
Legislature

1909

fied, the state auditor, before ordering the bounty paid as provided by law, shall have received from the commissioners of inland fisheries and game a certificate that said commissioners have received the tail of the bob cat, loup-cervier or Canada lynx from the treasurer sent as aforesaid, whereupon the state auditor shall audit the claim for bounty and the same shall be paid forthwith by the state treasurer to the claimant from any money in the treasury not otherwise appropriated.

The town treasurer for making oath to a claimant's certificate as above, and for forwarding the tail of the animal to the commissioners of inland fisheries and game, shall be paid by the claimant the sum of twenty-five cents.

—fee payable to town treasurer.

Approved April 1, 1909.

Chapter 200.

An Act to amend Section thirteen of Chapter four of the Revised Statutes, relating to choice of Road Commissioner in Towns.

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

Section thirteen of chapter four of the revised statutes is hereby amended by inserting after the word "elect" in the first line thereof the words 'and all towns with over sixty-five hundred inhabitants shall elect,' so that said section as amended shall read as follows:

Sec. 13, ch. 4, R. S., amended.

'Section 13. Each town at its annual meeting may elect and all towns with over sixty-five hundred inhabitants shall elect by major vote a road commissioner, who shall hold his office for the term of one year from the date of his election. Any town may, at its option, elect not more than three commissioners, whose powers and duties shall be the same as prescribed for a single commissioner. No person shall, at the same time, hold the office of road commissioner and selectman.'

Election of road commissioner.

—selectman not to be road commissioner.

Approved April 1, 1909.

Chapter 201.

An Act to amend Chapter thirty of the Revised Statutes, relating to Apothecaries and the Sale of Poisons.

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

Section 1. Section seven of chapter thirty of the revised statutes is hereby amended by striking out in the sixth line of section seven and by inserting in place thereof the word 'four,' also by inserting after the word "pharmacy" in the

Sec. 7, ch. 30, R. S., amended.

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eighth line thereof the words 'and has been employed in such an apothecary store for at least one year,' so that said section as amended shall read as follows:

Commissioners shall examine apothecaries entering business, and issue certificate.

'Section 7. Every person not already registered, entering on the business of an apothecary, upon 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 four years; or has graduated from some regularly incorporated medical college or college of pharmacy and has been employed in such an apothecary store for at least one year, 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 chapter shall be constantly displayed in a conspicuous place, in the store or shop of the persons to whom the same were issued.'

—if applicant is rejected, may be again examined.

—certificates shall be displayed in shop.

Section 8, chapter 30, R. S., amended.

Section 2. Section eight of said chapter is hereby amended by striking out after the word "have" in the fifth line thereof the words "past the junior year in a college of pharmacy or in a department of pharmacy in any incorporated college, or," so that said section as amended, shall read as follows:

Certificates of two grades may be issued.

'Section 8. Certificates of two grades or kinds may be issued, whereof one shall declare that the holder is skilled in pharmacy as in the preceding section, 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 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.'

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

Section 9, chapter 30, R. S., amended.

Section 3. Section nine of said chapter is hereby amended by adding after the word "thereto" in the twelfth line thereof

the words 'and shall forfeit the sum of twenty-five dollars for every month he continues the business of an apothecary without obtaining said renewal,' so that said section as amended shall read as follows:

'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 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 chapter.'

Shall pay an annual registration fee.

—penalty for failure to renew registration.

—fees, how disposed of.

Section 4. Section ten of said chapter is hereby amended by adding thereto the following words, 'for at least six hours in each business day,' so that said section as amended shall read as follows:

Section 10, chapter 30, R. S., amended.

'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 actually in charge of such business in the store where his certificate is displayed.'

No registered apothecary shall permit use of his name.

Section 5. Section twelve of said chapter is hereby amended by striking out after the words "a penalty of" in the sixth line thereof the words "fifty dollars a month for the first offense, and one hundred dollars a month," and inserting in place thereof the words, 'two dollars a day for the first offense and four dollars a day.' Said section is further amended by adding thereto the following words, 'All fines and forfeitures collected under this section shall be paid to the treasurer of state and shall be considered funds of the board of commissioners of pharmacy, to be expended by them for the enforcement of laws relating to apothecaries and the sale of poisons and for expenses incurred in their official work,' so that said section as amended shall read as follows:

Section 12, chapter 30, R. S., amended.

'Section 12. Whoever engages in or is found in charge of or carrying on a business, or displays any drugs, medicines,

Penalty for falsely claiming

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to be an
apothecary.

drug store fittings or furnishings, or any sign recognized as peculiar to a drug store to give the appearance of an apothecary store, or claims to be or represents himself to be an apothecary, contrary to the provisions of this chapter, shall be subject to a penalty of two dollars a day for the first offense and four dollars a day for each and every subsequent offense, whether for continuance in said business or for engaging anew therein in violation of the provisions of this chapter. The county attorney in each county upon complaint made by any one of said commissioners shall prosecute all violations of the provisions of this chapter. All fines and forfeitures collected under this section shall be paid to the treasurer of state and shall be considered funds of the board of commissioners of pharmacy, to be expended by them for the enforcement of laws relating to apothecaries and the sale of poisons, and for expenses incurred in their official work.'

—fines and
forfeitures
collected,
how dis-
posed of.

Section 17,
chapter 30,
R. S.,
amended.

Section 6. Section seventeen of said chapter is hereby amended by inserting after the word "by" in the fourteenth line thereof the words 'any member of the board of commissioners of pharmacy or by,' so that said section as amended shall read as follows:

Sale of
poisonous
drugs with-
out pre-
scription
from a
physician,
regulated.

'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, morphine 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, strychnine 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 any member of the board of commissioners of pharmacy or 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,

—shall
keep record
of such
sales.

—penalty
for not
keeping
record.

—label on
poisonous
articles,

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 vendor. 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 fictitious name to the vendor 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.'

without prescription, must show the word "poison," and the antidote.

—penalty for neglect to affix label.

—section 17 does not apply to wholesale dealers, chemists, or firms selling in unbroken packages, Paris green, London purple, etc.

—word "poison" shall appear on every package.

—penalty for neglect to affix label.

Inconsistent acts repealed.

Section 7. All acts and parts of acts inconsistent herewith are hereby repealed.

Approved April 1, 1909.

Chapter 202.

An Act to provide for Competitive Bids in the award of State Contracts for Construction and Repair of Buildings and Bridges.

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

Section 1. On and after August first, nineteen hundred nine, all contracts for construction or repairs of buildings at the expense of the state involving a total cost of more than three thousand dollars, shall be awarded by a system of competitive bids in accordance with the provisions of this act and such other conditions and restrictions as the governor and council may from time to time provide.

Competitive bids for contracts for state work.

Section 2. The trustees, commissioners, or other persons in charge of such construction shall advertise for sealed proposals not less than two weeks in such papers as the governor and council may direct. The last advertisement to be at least one week before the time named therein for the closing of such bids. Sealed proposals submitted in accordance with such

Persons in charge of construction shall advertise for sealed proposals.