

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES
OF THE
SEVENTY-FIFTH LEGISLATURE

OF THE
STATE OF MAINE.

1911

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PUBLIC LAWS

OF THE

STATE OF MAINE

As Passed by the Seventy-fifth
Legislature

1911

CHAP. 30

Chapter 30.

An Act to amend Section thirteen of Chapter one hundred and seventeen of the Revised Statutes, relating to Fees of Witnesses.

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

Section 13,
chapter 117,
R. S.,
amended.

Section thirteen of chapter one hundred and seventeen of the revised statutes is hereby amended by striking out the words "one dollar and fifty cents," in the second line thereof, and substituting therefor the words 'two dollars' so that said section as amended shall read as follows:

Fees of wit-
nesses fixed.

'Section 13. Witnesses in the supreme judicial or superior courts, and in the probate court shall receive two dollars, or before the county commissioners one dollar for each day's attendance, and six cents for each mile's travel going out and returning home; and before a justice of the peace, a trial justice, a judge of a municipal or police court, referees, auditors or commissioners specially appointed to take testimony, fifty cents a day for attendance, and for travel, the same as at the courts aforesaid.'

Approved March 11, 1911.

Chapter 31.

An Act to amend Sections eleven, twelve, fourteen, fifteen, sixteen and seventeen of Chapter seventeen of the Revised Statutes, relating to registration of Physicians and Surgeons.

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

Section 11,
chapter 17,
R. S.,
amended.

Section I. Section eleven of chapter seventeen of the revised statutes is hereby amended by striking out the word "ten" in the first and last lines of said section, and inserting in lieu thereof the word 'fifteen,' and by adding at the end of said section the following words: 'all fees received by the board hereunder shall be paid by the secretary thereof into the treasury of the state once in each month,' so that said section as amended shall read as follows:

Registration
of physicians
and surgeons.

'Section II. Any person shall, upon the payment of a fee of fifteen 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 under the seal of the board, and signed by the chairman and secretary, which shall state the facts 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. Any person refused registration may be re-examined

at the 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 payment of the fee of fifteen dollars for each examination. All fees received by the board hereunder shall be paid by the secretary thereof into the treasury of the state once in each month.'

— fees, how disposed of.

Section 2. Section twelve of chapter seventeen of the revised statutes is hereby amended by striking out the word "giving" in the fourth line of said section, and inserting in lieu thereof the word 'containing,' and by striking out the words "of being" in said fourth line of said section, and inserting in lieu thereof the words 'that said applicant is,' and by striking out the word "having," and the words "of being" in the fifth line of said section, and by inserting after the word "college" in the sixth line of said section the words 'in good standing,' and by striking out the words "and in good standing," in the seventh line, and by striking out the period in the ninth line of said section after the word "board," and by inserting a comma in lieu of the period and the words 'which said standard shall at least require that the applicant for admission to said medical school or college shall present to said school or college, before beginning the study of medicine therein, the diploma of a high school or equivalent school having a course of study requiring an attendance through four school years, or a certificate of having passed a satisfactory examination before the state superintendent of schools or like state officer, in the studies embraced in the curriculum of such high school or other equivalent school.' And by striking out the words "an elementary" in the twelfth line of said section and inserting in lieu thereof the words 'a thorough;' and by inserting after the word "pathology" in the thirteenth line of said section the words 'bacteriology, sanitation, chemistry,' and by striking out the word "or" in the fifteenth line of said section and inserting in lieu thereof the word 'and,' and by striking out the word "thereof" in the fifteenth line of said section; and by inserting in lieu thereof the words 'of medical science,' and by striking out the word "possess" in the sixteenth line of said section, and inserting the words 'be versed in,' so that said section as amended shall read as follows:

Section 12, chapter 17, R. S., amended

'Section 12. The board shall examine all applicants for registration as licensed physicians or surgeons. Each applicant shall, at least seven days before the date of his examination, present to the secretary of the board an application under oath of affirmation, containing satisfactory proof that said appli-

All applicants shall be examined for registration.

— qualifications of applicants.

CHAP. 31

cant is twenty-one years of age, of good moral character and a graduate of some reputable medical school or college in good standing, having power to confer degrees in medicine, and maintaining a standard of preliminary education and of medical instruction approved by the board, which said standard shall at least require that the applicant for admission to said medical school or college shall present to said school or college, before beginning the study of medicine therein, the diploma of a high school or equivalent school having a course of study requiring an attendance through four school years, or a certificate of having passed a satisfactory examination before the state superintendent of schools, or like state officer, in the studies embraced in the curriculum of such high school or other equivalent school. He shall also present such other facts as the board in its blank application may require, and must pay the fees provided in the preceding section. Examinations shall be in whole or in part in writing and shall be of a thorough and practical character. They shall embrace the general subjects of anatomy, physiology, pathology, bacteriology, sanitation, chemistry, materia medica and therapeutics, surgery, the principles and practice of medicine, obstetrics, and such branches of medical science as the board may deem necessary for the applicant to be versed in. The board may make such rules and regulations as may be necessary for reciprocity of licensure with the boards of other states which maintain a standard of education at least equal to their own; but no such rules shall become operative until they have been approved by a justice of the supreme judicial court.

—how examinations shall be made and what they shall contain.

—board may make rules for reciprocity of licensure, with boards of other states.

Section 14, chapter 17, R. S., amended.

Section 3. Section fourteen of chapter seventeen of the revised statutes is hereby amended by striking out the word "regarding" in the second line of said section and inserting in lieu thereof the words 'and all cases of', and by striking out in the seventh and tenth lines of said section the word "unanimous," and by inserting after the word "vote" in said seventh and tenth lines the words 'of two-thirds of the entire board'; and by striking out in the eleventh, twelfth and thirteenth lines of said section the words "all fees received by the board hereunder shall be paid by the secretary thereof into the treasury of the state once in each month," so that said section as amended shall read as follows:

'Section 14. The board, its members or agents shall investigate all complaints, and all cases of non-compliance with or violation of the provisions of this chapter relating to the registration of physicians and surgeons, and shall bring all such cases

Shall investigate all complaints of violation.

CHAP. 31

to the notice of the proper prosecuting officers. Said board, after a conviction before a proper court, for crime in the course of professional business, of any person to whom a certificate has been issued by them, and after hearing, may by vote of two-thirds of the entire board revoke the certificate and cancel the registration of the person to whom the same was issued. Said board may also suspend or revoke any certificate by a two-thirds vote of the entire board, in any case where such certificate has been wrongfully obtained or for any fraud connected with the said registration.'

—certificates may be revoked.

Section 4. Section fifteen of chapter seventeen of the revised statutes is hereby amended so that said section as amended shall read as follows:

Section 15, chapter 17, R. S., amended.

'Section 15. Unless duly registered by said board, no person shall practice medicine or surgery, or any branch thereof, or hold himself out to practice medicine or surgery or any branch thereof for gain or hire within the state, by diagnosing, relieving in any degree, or curing, or professing or attempting, to diagnose, relieve or cure, any human disease, ailment, defect or complaint, whether physical or mental, or of physical or mental origin, by attendance, or by advice, or by prescribing, or furnishing any drug, medicine, appliance, manipulation, method, or any therapeutic agent whatsoever or in any other manner, unless otherwise provided by statute of this state. Unless duly registered by said board, no person shall prefix the title "Doctor" or the letters "Dr.," or append the letters "M. D.," to his name, or use the title of doctor or physician in any way, excepting that any member of the Maine Osteopathic Association may prefix the title "Doctor" or the letters "Dr.," to his name, when accompanied by the word "Osteopath." Whoever not being duly registered by said board practices medicine or surgery, or any branch thereof, or holds himself out to practice medicine or surgery, or any branch thereof in any of the ways aforesaid, or who uses the title "Doctor" or the letters "Dr." or the letters "M. D." in connection with his name, contrary to the provisions of this section, shall be punished by a fine of not less than one hundred, nor more than five hundred dollars for each offense, or by imprisonment for three months, or by both fine and imprisonment; the prefixing of the title "Doctor" or the letters "Dr." or the appending of the letters "M. D." by any person to his name, or the use of the title of doctor or physician in any way by any person not duly registered as hereinbefore described, shall be prima facie evidence that said person is holding himself out to practice medicine or surgery con-

No person shall practice medicine who has not been registered.

—unless registered shall not use title.

—exception.

—penalty for violation of this section.

—prima facie evidence.

CHAP. 31

—proviso.

trary to the provisions of this section; provided, that nothing herein contained shall prevent any person who has received the doctor's degree from any reputable college or university, other than the degree of "Doctor of Medicine" from prefixing the letters "Dr." to his name, if he is not engaged, and does not engage, in the practice of medicine or surgery, or the treatment of any disease or human ailment.'

Section 16,
chapter 17,
R. S.,
amended.

Section 5. Section sixteen of chapter seventeen of the revised statutes is hereby amended so that said section as amended shall read as follows:

Certain off-
icers, phy-
sicians
exempt.

'Section 16. The seven preceding sections shall not apply to 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 clairvoyants or persons practicing hypnotism, magnetic healing, mind cure, massage, christian science, osteopathy, or any other method of healing or prescribing if no poisonous or dangerous drugs are employed nor surgical operations performed; provided, such clairvoyants and other persons do not violate any of the provisions of the preceding section in relation to the use of "M. D.," "Dr.," or the title of doctor or physician.'

—proviso.

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

Section 6. Section seventeen of chapter seventeen of the revised statutes is hereby amended by striking out the words "five dollars each for every day actually spent in the discharge of their duties and" in the third and fourth lines of said section, and by inserting in lieu thereof the words 'one hundred dollars per annum for each member of the board, except the secretary who shall receive three hundred dollars per annum, and in addition each member shall receive,' and by inserting after the word "paid" in the sixth line of said section the words 'for traveling expenses' and by inserting after the word "incurred" in the eighth line of said section the words 'and extra compensation of ten dollars per day in addition to the yearly compensation, for each day actually spent in the investigation or prosecution of complaints and cases under section fourteen of this chapter, shall be allowed to each member of the board actually engaged therein,' so that said section as amended shall read as follows:

Compensation
and travelling
expenses of
Board.

'Section 17. 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 one hundred dollars per annum for each member of the board, except

CHAP. 32

the secretary who shall receive three hundred dollars per annum, and in addition each member shall receive five cents a mile each way for necessary traveling expenses in attending the meetings of the board, but in no case shall any more be paid for traveling expenses than has actually been expended. The secretary shall be allowed extra compensation for books, stationery, postage and other necessary expenses actually incurred, and extra compensation, for each day actually spent in the investigation or prosecution, of complaints and cases under section fourteen of this chapter, shall be allowed to each member of the board actually engaged therein. Such compensation and the incidentals and traveling expenses shall be approved by the board and audited by the governor and council, and paid from the state treasury, provided, that the amounts so paid shall not exceed the amount received by the treasurer of 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 of secretary.

—extra compensation of secretary.

—accounts to be audited by governor and council.

Approved March 13, 1911.

Chapter 32.

An Act to regulate the investment of deposits in Banks and Trust Companies.

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

Section 1. On and after January first, nineteen hundred and twelve, every trust company soliciting or receiving savings deposits which may be withdrawn only on presentation of the pass-book or other similar form of receipt which permits successive deposits or withdrawals to be entered thereon; or which at the option of the trust company may be withdrawn only at the expiration of a stated period after notice of intention to withdraw has been given; or in any other way which might lead the public to believe that such deposits are received or invested in the same manner as deposits in savings banks; or which advertises or holds itself out as maintaining a savings department, or uses the term "savings" in connection with any part of its business, shall segregate and set apart and at all times keep on hand so segregated and set apart, assets at least equal to the aggregate amount of such deposits, and the bank commissioner shall require all such assets as appear to him to be carried in excess of their true value to be charged down to such value.

Banks and trust companies, investments of deposits in, regulated.

—sums shall be set apart equal to amount of deposits.