

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

OF THE

SEVENTY-SIXTH LEGISLATURE

OF THE

STATE OF MAINE

1913

Including Acts and Resolves of the Special Session held
in 1912.

Published by the Secretary of State, agreeably to Resolves of
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PUBLIC LAWS

OF THE

STATE OF MAINE

As Passed by the Seventy-Sixth
Legislature

1913

Chapter 52.

CHAP. 52

An Act to Amend Section Seventeen of Chapter Sixty-five of the Revised Statutes, Relating to the Administering of the Oaths Required by the Courts of Probate.

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

Section seventeen of chapter sixty-five of the revised statutes is hereby amended by striking out the words "and recorded" in the eleventh line of said section so that it shall read as follows:

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

'Section 17. All oaths required to be taken by executors, administrators, trustees or guardians, and all oaths required of commissioners of insolvency, appraisers and dividers of estates, or of any other persons in relation to any proceeding in the probate court, or to perpetuate the evidence of the publication of any order of notice, or of any notice of the time and place of sale of real estate by license of a judicial or probate court, may be administered by the judge or register of probate, by any justice of the peace, or by any woman appointed by the governor, with the advice and consent of the council, to administer oaths in the state; and a certificate thereof, when taken out of court, shall be returned into the registry of probate, and there filed. When executors, administrators, guardians and trustees reside without the state, they may make oath to the truth of accounts, before a notary public, a commissioner for the State of Maine or a United States consul.'

Oaths re-
quired, be-
fore whom
to be taken.

—how non-
resident
executors,
etc., may
make oath
to accounts.

Approved March 12, 1913.

Chapter 53.

An Act for the Better Regulation of the Practice of Dentistry in the State of Maine, and to Re-organize the Board of Dental Examiners.

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

Section 1. The following persons only shall be deemed lawful practitioners of dentistry in the state of Maine: those who are in lawful practice of dentistry at the time of the passage of this act, and those who may hereafter receive certificates as herein provided.

What per-
sons may be
lawful prac-
titioners of
dentistry.

Section 2. All appointments to the Board of Dental Examiners shall be for a term of five years, and all appointments to said board which may be in effect December thirty-first, nineteen hundred thirteen, shall expire on that date, and the governor, with the consent of the council, shall fill vacancies

Tenure of
members of
board of
dental ex-
aminers.

—vacan-
cies.

CHAP. 53

so caused on said board, to take effect January first, nineteen hundred fourteen, by appointing five members of the dental profession, one of whom shall be appointed to serve five years, one to serve four years, one to serve three years, one to serve two years, and one to serve one year; and thereafter, in like manner, one member shall be appointed annually to serve five years from the first day of January. The governor shall fill such vacancies as may occur by reason of death, resignation or otherwise, for the unexpired term only, and under the same conditions as for the original appointment.

Members of board shall be graduates of reputable dental college.
 —shall have practiced dentistry five years.
 —tenure limited.
 Governor with advice and consent of the council, may remove members of the board.
 Board shall elect president and secretary annually.
 —shall hold one meeting annually at state house.
 —three members shall constitute a quorum.
 —shall conduct examinations.
 —shall make annual reports.
 —shall furnish to secretary of state a list of persons certified.
 —records of board shall be open for public inspection.
 Qualifications necessary for applicant.

Section 3. No person shall be appointed to serve on said board unless such person shall be a graduate of a reputable dental college, and shall at the time of the appointment have been in the actual practice of dentistry in this state at least five years, immediately preceding said appointment. After five years from the passage of this act, no person shall be eligible to appointment on said board who shall have served ten years or more on a dental examining board in this state.

Section 4. The governor, with the advice and consent of the council, may remove any member of said board on proven charges of inefficiency, incompetence, immorality or unprofessional conduct.

Section 5. The board shall, at its annual meeting, elect one of its members, president and one secretary. It shall hold at least one meeting annually at the state house between the first of May and the first of August to examine applicants to practice dentistry in this state, at which meeting three members shall constitute a quorum. It shall be authorized to make such rules as are deemed necessary for the conduct of the board which are not contrary to this law or the laws of this state, and conduct theoretical and practical examinations upon such subjects pertaining to dentistry as are hereinafter prescribed. It shall annually make a report of its proceedings to the governor, and shall furnish to the secretary of state a list of persons to whom certificates have been granted during the year. A record of proceedings kept by the secretary of the board, shall be at reasonable times open for public inspection.

Section 6. All persons applying for examination and a certificate to practice dentistry in this state shall be twenty-one years of age, of good moral character, and shall have received a preliminary education equal to that required for graduation from high schools of this state, and be graduated from a dental college or dental department of a medical college or university duly authorized to grant degrees in dentistry.

Section 7. Not less than ten days prior to the date upon which an examination is held, each applicant for certificate to practice dentistry shall file an application for examination and pay to the secretary of this board a fee of twenty dollars and present himself for examination at the first regular meeting of the board after such application is filed. Such fee shall not be refunded unless from sickness or other good cause appearing to the satisfaction of the board, such applicant was prevented from attending and completing such examination. The examination shall be practical and theoretical. The theoretical examination may be written or oral or both, at the option of said board, and shall include the subjects of anatomy, physiology, chemistry, histology, bacteriology, pathology, materia medica, therapeutics, anaesthetics, anaesthesia, operative dentistry, crown and bridge work, prosthetic dentistry, orthodontia and oral hygiene. The board shall also require as part of the examination a demonstration of the candidates' skill in operative dentistry and mechanical dentistry. An applicant who fails to pass the first examination to the satisfaction of the board shall be entitled to one re-examination without charge, and the fee for any subsequent examination shall be ten dollars.

Section 8. Said board shall, under its seal and the hands of its president and secretary, issue to all persons who shall successfully pass said examination its certificate to practice dentistry in this state.

Section 9. The board may at its discretion without the examination as herein above provided, issue its certificate to any applicant therefor who shall furnish proof, satisfactory to said board that he has been duly licensed to practice dentistry in another state after full compliance with the requirements of its dental laws: provided, however, that his professional education shall not be less than that required in this state, and provided also that such applicant shall have been at least five years in actual practice in the state in which said license was granted. Every certificate so given shall state upon its face the grounds upon which it is granted and the applicant may be required to furnish his proof upon affidavit. The fee for such a certificate shall be twenty dollars.

Section 10. An applicant for a duplicate certificate granted under proof of loss of the original shall pay a fee of five dollars.

Section 11. A dentist or a dental surgeon shall have the same rights to prescribe drugs or medicines, perform such surgical operations, administer general and local anaesthetics and use such appliances as may be necessary to the proper treat-

CHAP. 53

Application for examination shall be filed.

—fee to accompany application.

—subjects on which examination shall be had.

—re-examinations.

Certificate shall be under seal.

Certificate may be issued to practitioners from other states.

—proviso.

—fee.

Fee for a duplicate certificate.

Dentist may prescribe drugs or medicines, etc.

CHAP. 53 ment of the special class of diseases mentioned in this act, as is enjoyed by registered physicians in this state.

Compensation of members of board.

—expenses, how paid.

—fees, how disposed of.

Board may revoke certificate obtained by fraud.

No certificate shall be revoked without hearing.

Appeal from decree of revocation, how filed.

Certificate shall be kept in a conspicuous place in operating room.

Term "practicing dentist" defined.

Section 12. The members of the Board of Dental Examiners shall each receive five dollars for each day of service and his necessary expenses actually incurred. The services and expenses of the Board of Dental Examiners shall be paid out of the treasury of the state. All fees received for examination before the Board of Dental Examiners shall be paid by the secretary of said board into the treasury of the state.

Section 13. Said board may revoke a certificate obtained by fraud or misrepresentation, or if the person named therein uses intoxicants or drugs to such an extent as to render him unfit to practice dentistry, or is guilty of immoral or unprofessional conduct, or convicted of felony.

Section 14. No action to revoke a certificate shall be taken until the accused shall be furnished a statement in writing of the charges against him and notice of the time and place of a hearing thereof. If upon such hearing the board finds the charges are true, it may revoke the certificate of the accused. Such revocation shall take from the person named in the certificate all rights and privileges acquired thereby, and said board shall not re-empower anyone whose certificate has been revoked for any of the above causes to practice dentistry within one year after such revocation, and only then upon such sufficient assurances and guarantees to said board of correct future conduct. A second revocation of any certificate shall be perpetual. The accused may be present at the hearing in person or represented by counsel or both. The statement of charges and notice may be served personally upon such person or mailed to his last known address at least twenty days prior to the hearing.

Section 15. A person whose certificate has been revoked may file with the secretary within thirty days after the decision of the board, a written notice of appeal therefrom. Upon filing such a notice the secretary shall transmit to the governor and attorney general the record of such proceedings. Such officers shall review the proceedings as disclosed by the record, and their decision affirming or over-ruling the action of the board shall be final.

Section 16. Whoever engages in the practice of dentistry in this state shall keep his certificate in a conspicuous place in the operating room or rooms in which he practices.

Section 17. A person shall be regarded as practicing dentistry who is manager, proprietor, operator, or conductor of a place for performing dental operations, or who for a fee, salary

or other reward paid or to be paid either to himself or to another person, performs dental operations of any kind, treats diseases or lesions of human teeth or jaws, attempts to correct malpositions thereof, or who uses the words dentist, dental surgeon, the letters, D. D. S. or D. M. D., or any other letter or title in connection with his name which in any way represents him as being engaged in the practice of dentistry.

Section 18. Nothing in this act shall apply to a legally qualified physician or surgeon, unless he is practicing dentistry as a specialty or to a legal practitioner of dentistry of another state making a clinical demonstration before a dental society, convention or association of dentist.

Persons to whom this act shall not apply.

Section 19. Any person who practices dentistry without obtaining a certificate required by law, or whoever, being manager, proprietor, operator or conductor of a place for performing dental operations, employs a person who is not a lawful practitioner of dentistry in this state to do dental operations as defined in section eleven of this act, or permits such persons to practice dentistry under a false name, or assumes a title or appends or prefixes to his name the letters which falsely represent him as having a degree from a dental college, or who impersonates another at an examination held by the Board of Dental Examiners or who knowingly makes a false application or false representation in connection with such examination, shall be fined not less than one hundred nor more than three hundred dollars, or be imprisoned not less than thirty days, or both. A subsequent conviction shall be punished by the maximum penalties prescribed in this section, and the offender be required to furnish a bond in sufficient amount to deter him from further unlawful practice.

Penalty for practicing dentistry without certificate.

—or under a false name.

—or who makes false representations.

—subsequent convictions, penalties for.

Section 20. Each member of the Board of Dental Examiners shall be constituted an agent who shall investigate all complaints, and all cases of non-compliance with or violation of the provisions of this act relating to the registration of dentists and shall bring all such cases to the notice of the proper prosecuting officers.

Members of board shall investigate complaints of violation of this act.

Section 21. Whoever sells or offers to sell a diploma conferring a dental degree or a certificate granted pursuant to the laws of this state, or who procures such certificate or diploma with intent that it shall be used as evidence of the right to practice dentistry by a person other than the one upon whom the diploma or certificate was conferred or who with fraudulent intent alters such diploma or certificate or uses or attempts to use the same when altered, or whoever attempts to bribe a mem-

Diplomas shall not be transferred.

—or fraudulently altered.

CHAP. 54

—fine for attempts to bribe.

ber of the Board of Dental Examiners in this state by the offer or use of money or other pecuniary reward or by other undue influence, shall be fined not less than one hundred dollars nor more than two hundred dollars, or be imprisoned not less than thirty days nor more than sixty days, or both. A subsequent conviction shall be punished by the maximum penalties prescribed in this section.

Penalty for violation of provision of this act.

Section 22. Whoever violates a provision of this act for the violation of which no penalty has been prescribed, shall be fined not less than fifty dollars nor more than three hundred dollars, or be imprisoned not less than ten nor more than thirty days. A subsequent conviction shall be punished by the maximum penalties prescribed in this act.

Prosecuting officers shall institute proceedings.

Section 23. It shall be the duty of the several prosecuting officers of this state on notice from any member of the board, to institute prosecutions for offenses under this act.

Inconsistent acts repealed.

Section 24. All acts and parts of acts inconsistent herewith are hereby repealed.

Approved March 13, 1913.

Chapter 54.

An Act to Authorize a Union of Towns in Maintaining Town Farms.

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

Two or more adjoining towns may maintain union town farm.

Section 1. Two or more adjoining towns, by vote thereof at an annual town meeting, may purchase or maintain a union town farm in any one of the towns, upon such terms and regulations, not inconsistent with the general laws of the state, as may be agreed upon by vote of the towns, or by contract of the municipal officers thereof after the votes of the towns have authorized such purchase or maintenance. Existing town farms may be used as union town farms when the towns so agree and contract.

Paupers may be removed to union farm.

Section 2. In cases where such union town farms are maintained, the rights of any town composing a part of such union to remove its paupers to the town farm shall be the same whether said town farm is located in the limits of said town or within the limits of some other town which has united for such purpose with said town.

Overseers of towns composing union shall have authority over such union.

Section 3. The overseers of the poor of the towns composing such a union shall be a joint board to hold the same authority over such union town farms and the inmates thereof as the overseers of the poor of a single town do over the separate