

# MAINE STATE LEGISLATURE

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# Acts and Resolves

As Passed by the

## Seventy-Ninth Legislature

OF THE

# STATE OF MAINE

1919

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**PUBLIC LAWS**  
OF THE  
**STATE OF MAINE**

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pass to or for the use of any others than members of Class A, Class B and the institutions excepted in the first sentence of this section, shall be subject to a tax upon the value of each bequest, devise or distributive share in excess of five hundred dollars, and the tax of this class shall be five per cent of its value for the use of the state if such value does not exceed fifty thousand dollars, six per cent if its value exceeds fifty thousand and does not exceed one hundred thousand dollars and seven per cent if its value exceeds one hundred thousand dollars. Administrators, executors and trustees, and any grantees under such conveyances made during the grantor's life shall be liable for such taxes, with interest, until the same have been paid.'

Approved April 4, 1919.

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## Chapter 188.

An Act to Regulate the Practice of the System, Method or Science of Healing Known as Osteopathy, Creating a Board of Examination and Registration for those Desiring to Practice the same, and Providing Penalties for Violation of this Act.

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

**Sec. 1. Board of osteopathic examination and registration created; qualification, tenure, vacancies.** Within thirty days after this act shall take effect, the governor, by and with the advice and consent of the council, shall appoint five persons who shall constitute a board of osteopathic examination and registration. Said persons shall be residents of this state, shall be graduates of a legally chartered osteopathic college or university having the power to confer degrees in osteopathy, shall have been at the time of their appointment actively engaged in the practice of their profession for a period of at least three years. One of said persons appointed as aforesaid shall be designated to hold office for five years, one for four years, one for three years, one for two years, and one for one year. At the expiration of the term of service thus designated each appointment thereafter shall be for the period of five years. Any vacancy in said board caused by death, resignation or for any other cause except completion of a full term of service shall be filled by the like appointment of a person qualified as aforesaid to hold office during the unexpired term of the member whose place he fills. The person designated to hold office for one year shall be deemed chairman of the board for the purpose of designating the time and place of holding the first meeting of the board for the purpose of organization. Any member of said board may be removed from office, for cause, by the governor, with the advice and consent of the council.

**Sec. 2. Meetings; organization; bond; duties and powers.** Said board shall meet on the second Tuesday of June of each year at such time and

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place as the chairman may designate for the purpose of organization. They shall elect one of their members as chairman for a term of one year, and one of their members as secretary and treasurer, to hold such office at the pleasure of the board: provided, however, that the first meeting for organization under the provisions of this act shall be within fourteen days after the appointment and confirmation of said board, and the officers elected at the first meeting shall continue as such until the annual meeting of the board in the year nineteen hundred and twenty. The person elected as secretary and treasurer shall give a bond to the treasurer of state in the penal sum of one thousand dollars with sureties to be approved by the governor and council for the faithful discharge of the duties of his office. Said board shall hold regular meetings at least twice in each year for the purpose of considering applications, examining applicants and such other business as may properly come before the board, the time and place of such meeting to be determined by the board. Special meetings may be called at the pleasure of the chairman, and in case of the death or inability of the chairman the secretary may call special meetings. Said board shall cause a seal of suitable inscription to be procured and to be affixed to such papers as may require such seal, shall keep a correct record of all its proceedings, and shall have power to make such rules and regulations, not inconsistent with law, as it may deem necessary for the successful enforcement of its authority and the performance of its duties. The chairman and secretary shall be empowered to administer oaths in matters connected with the duties of said board. The records of the said board shall include, among other things, a record of all moneys received and disbursed by said board, also a list of all applicants for certificates, giving the name and location of the institution granting a degree of doctor of osteopathy to the applicant, and the fact shall be recorded whether the applicant was granted or denied a certificate. Said records, or duplicates thereof, shall always be open to inspection in the office of the secretary of state during regular office hours, and shall be prima facie evidence of all matters recorded therein. Three members of the board shall constitute a quorum for the transaction of business but no certificate to practice osteopathy shall be granted except on an affirmative vote of at least three members of the board.

**Sec. 3. Osteopaths to be registered; exceptions.** Any person, before engaging in the practice of osteopathy in this state, shall make application for a certificate to practice osteopathy to the board of osteopathic examination and registration, on a form prescribed by said board. Said application shall be filed with the secretary of the board, at least seven days before the date of examination, together with a deposit of twenty-five dollars, which said deposit shall be returned to applicant in case the application is rejected. Each applicant must be at least twenty-one years of age and shall present

a diploma from a high school, academy, state normal school, college or university; or otherwise satisfy the members of the board of sufficient prior academic education. The applicant shall also present a diploma granted by a legally chartered osteopathic college or university in good standing and have the power to confer degrees in osteopathy which good diploma shall show that it was granted on personal attendance of the applicant and completion of a course of not less than eight months in a year for four separate years. All applicants must also present a certificate of good moral character, signed by some reputable resident of the State of Maine, and such other reasonable and proper facts as the board in its blank application may require.

**Sec. 4. Examination; board may refuse to grant license.** The board shall then require the applicant to submit to an examination as to his or her other qualifications for the practice of osteopathy, which examination shall include the subjects of anatomy, physiology, chemistry, bacteriology, toxicology, pathology, dietetics, diagnosis, hygiene, obstetrics, gynecology, and principles and practice of osteopathy. If such examination is passed in a manner satisfactory to the board, then the board shall issue to the said applicant a certificate granting him or her the right to practice osteopathy in the State of Maine; provided, however, that any person who has been a practitioner of osteopathy in this state for a period of three years next prior to the passage of this act, or any person having a diploma from a legally chartered osteopathic college or university having the power to confer degrees in osteopathy, which institution was in good standing at the time of the issuance of said diploma, who was in active practice in the State of Maine at the time of the passage of this act, shall upon exhibition of satisfactory proof thereof to said board and upon the payment of a fee of ten dollars, be entitled to make application for such certificate, which certificate shall be granted, without examination, if such application is made and filed within ninety days after this act becomes effective. Every graduate of a reputable school of osteopathy who has been strictly examined and thereafter licensed to practice osteopathy in another state, may be licensed to practice osteopathy in this state upon the payment of twenty-five dollars and the production to the board of his or her diploma, the license obtained in such other state, and satisfactory evidence of good moral character; but the board may, at its discretion, require an examination of any such applicant. The board may refuse to grant a certificate to any person convicted of a felony or who has been guilty of grossly unprofessional conduct, or who is addicted to any vice to such a degree as to render such person unfit to practice osteopathy, and may, after due notice and hearing, revoke a certificate already issued for like cause.

**Sec. 5. Certificate to be publicly displayed; rights under certificate.** When the board shall have granted to a person the certificate mentioned

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in section four, hereof, such certificate shall designate the holder as an osteopathic physician, and shall be publicly displayed at the person's principal place of business as such person shall continue to practice osteopathy for gain or hire. Such certificate shall entitle the person to whom it is granted to practice osteopathy in any county in this state, in all its branches as taught and practiced by the recognized schools and colleges of osteopathy, but it shall not authorize its holder to practice obstetrics, nor to administer drugs or perform surgical operations with the use of instruments except as now allowed by statute. Any person to whom a certificate has been granted under this act may prefix the title "Doctor", or the letters "Dr." to his name, when accompanied by the word "osteopath."

**Sec. 6. Additional exceptions.** Nothing in this act shall be construed to restrain or restrict any legally licensed physician, surgeon, dentist or nurse in the practice of his or her profession, nor shall this act apply to masseurs in their particular sphere of labor who publicly represent themselves as such, nor to any commissioned medical officer in the United States Army, Navy or Public Health Service, in the performance of his duties as such; nor to prohibit gratuitous service or the rendering of assistance in emergency cases.

**Sec. 7. Penalties for practicing without certificate; exceptions.** Any person who shall practice or attempt to practice, or use the science or system of osteopathy in treating diseases of the human body, or any person who shall buy, sell or fraudulently obtain any diploma, license, record, or registration to practice osteopathy or who shall aid or abet in such selling, or fraudulent obtaining; or who shall practice osteopathy under cover of any diploma, license, record, or registration to practice osteopathy, illegally obtained, or signed or issued unlawfully or under fraudulent representations; or who after conviction of felony shall practice osteopathy, or who shall use any of the forms of letters, "Osteopath," "Osteopathist," "Osteopathy," "Osteopathic Practitioner," "Doctor of Osteopathy," "Diplomate in Osteopathy," "D. O.," "D. Sc. O.," or any other title or letters, either alone or with qualifying words or phrases, under such circumstances as to induce the belief that the person who uses such terms is engaged in the practice of osteopathy without having complied with the provisions of this act, shall be deemed guilty of a misdemeanor and upon conviction thereof, shall be fined not less than fifty dollars, nor more than five hundred dollars, or be imprisoned in the county jail not less than thirty days, nor more than one year, or both; provided, that nothing in this act shall be construed to prohibit any lawfully qualified osteopathic physician in any other state meeting a registered osteopathic practitioner in this state for consultation; provided, further, that this section shall not apply to the two classes of persons mentioned in the proviso in section

four hereof until ninety days after the passage of this act, the time allowed within which they may secure the required certificate.

**Sec. 8. Fees to be remitted to state treasurer monthly; compensation and expense of board.** All fees received by the secretary and not returned to the applicant shall be paid monthly to the state treasurer. The compensation of members of the board shall be five dollars per day for each day actually spent in the discharge of their duties, and, in addition thereto, they shall receive necessary traveling expenses. The secretary shall be allowed extra compensation for books, stationery, postage and other necessary expenses authorized by the board and actually incurred. The compensation and expenses of said board and its secretary and all other expenses proper and necessary in the opinion of said board to discharge its duties hereunder and to enforce the provisions of this act shall be paid out of the state treasury after the approval of the state auditor upon a requisition signed by the president and secretary of said board, provided that the amounts so paid shall in no case exceed the total amount received for the current year by the treasurer of state from the board as fees; and so much of said receipts as may be necessary is hereby appropriated for the compensation and expenses of the board as aforesaid.

**Sec. 9. Board to revoke or suspend license after investigation and hearing.** The board, its members or agents, shall investigate all complaints and all cases of non-compliance with, or violations of the provisions of this chapter relating to the registration of osteopathic physicians and shall bring all such cases to the notice of the proper prosecuting officer. Said board, after a conviction before the 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 a vote of four-fifths 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 four-fifths vote of the entire board, in any case where such certificate has been wrongly obtained or for any fraud connected with the said registration.

**Sec. 10. Board to make annual report to governor.** Said board shall annually or before the first day of January in each year, make a report to the governor containing a full and complete account of all its official acts during the preceding year. Also a statement of its receipts and disbursements and such comments or suggestions as it may deem essential.

**Sec. 11. Certain laws applicable to osteopaths.** All laws, rules, or regulations now in force in this state, or which shall hereafter be enacted, for the purpose of regulating the reporting of contagious diseases, deaths, or births, to the proper authorities, and to which the registered practitioner of medicine is subject, shall apply equally to the practitioner of osteopathy.



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**Sec. 12. Inconsistent statutes repealed.** All acts and parts of acts conflicting with the provisions of this act are repealed in so far as they are inconsistent herewith.

Approved April 4, 1919.

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## Chapter 189.

An Act Providing for Cooperation with the United States in the Settlement of Returned Soldiers, Sailors, and Marines, on State Lands and Lands Acquired under this Act; Creating a Soldier Settlement Board, Defining its Powers and Duties, and Making an Appropriation Therefor.

**Emergency preamble.** Whereas, our soldiers, sailors and marines daily are returning in increasing numbers, many of whom are now without homes, occupation or means or support, and

Whereas, it is the plan of the Federal Government to cooperate with the several states in providing for the settlement of returned soldiers, sailors and marines on state and other lands in the states, and

Whereas, in the opinion of this legislature these facts constitute this act an emergency measure, which is immediately necessary for the preservation of the public peace, health or safety, now therefore,

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

**Sec. 1. Denomination.** This act may be known and cited as "The Soldier Settlement Act."

**Sec. 2. Object to supply rural homes.** The object of this act, is, in recognition of military service, to provide employment and rural homes for soldiers, sailors, marines, and others who have served with the armed forces of the United States in the European War or other wars of the United States, including former American citizens who served in allied armies against the Central Powers and have been repatriated, and who have been honorably discharged, hereafter referred to generally as "soldiers"; and to accomplish such purpose by cooperation with the agencies of the United States engaged in work of a similar character.

**Sec. 3. Soldiers' Settlement Board created; expenses; secretary and legal adviser; may employ assistants.** Two alternative plans for such cooperation are embodied herein, one in section seven and the other in section eight, all other sections in this act contained being equally applicable to both said plans. In order to carry out the provisions hereof there is hereby established a fund to be known as the Soldiers' Settlement Fund, by appropriation herein and hereafter made. For cooperation with the agencies of the United States there is hereby created a Soldiers' Settlement Board hereafter referred to as the board, composed of the governor, the state auditor, the land agent and forest commissioner, the commissioner