

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

AS PASSED BY THE

Eighty-first Legislature

OF THE

STATE OF MAINE

1923

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PUBLIC LAWS
OF THE
STATE OF MAINE

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license; the applicant for license to build or extend a fish weir or trap as aforesaid shall first give bond to the town, without sureties, in the sum of one hundred dollars, conditioned that upon the termination of such license he shall remove all stakes and brush from the location therein described. Should the said applicant or his assignee fail to remove such stakes and brush within a period of one year after the termination of his license as provided in section one hundred twenty-two of chapter four of the revised statutes it shall then be legal for any person so to remove them, but without charge against said owner or assignee. Any person aggrieved by the decision of the municipal officers in either granting or refusing to grant a license as hereinbefore provided may appeal to the commission of sea and shore fisheries. On receiving such an appeal said commission shall set a time and place for a hearing and give notice thereof in the same manner as is hereinbefore provided for a hearing before municipal officers. At least two members of the commission shall be present at the hearing and no member of the commission shall act on any appeal in any town of which he may be a resident or the owner of a weir. The party appealing from the decision of the municipal officers shall at the time of entering his appeal file a bond without sureties in the sum of twenty-five dollars with the treasurer of the state and such bond shall be forfeited to the state if the appellant fails to prosecute his appeal or if the decision of the commission of sea and shore fisheries sustains that of the municipal officers. The decision of the said commission shall be communicated within three days after the date of the hearing to the appellant and to the municipal officers of the town in which the proposed weir is located; and this decision shall be binding on said municipal officers, who shall issue a license, if so directed by the decision of the commission, within three days after said decision has been communicated to them.

Approved March 22, 1923.

Chapter 86.

An Act to Regulate the Practice of the System, Method or Science of Healing Known as Chiropractic, 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 chiropractic examination and registration created; qualifications; tenure; vacancies; removal. 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 chiropractic examination and registration. Said persons shall be residents of this state, shall be graduates of a legally chartered chiropractic school,

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college or university having the power to confer degrees in chiropractic; 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 in the State of Maine. 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 purposes 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 of secretary and treasurer; seal; powers and duties. Said board shall meet on the second Tuesday of June of each year at such time and place as its 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 thirty days after the appointment and confirmation of the 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-four. 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 chiropractic 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 chiropractic shall be granted except on an affirmative vote of at least three members of the board.

Sec. 3. Chiropractors to be examined and registered. Any person, before engaging in the practice of chiropractic in this state, shall make application for a certificate to practice chiropractic to the board of chiropractic examiners 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 chiropractic college, school or university in good standing and having the power to confer degrees in chiropractic, which diploma shall show that it was granted on personal attendance of the applicant and completion of a course of three school years of not less than six months each, and of a total of two thousand sixty-minute school hours. 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 of applicants; subjects included; board to issue certificate; certificate without examination, in certain cases; board may refuse a certificate. The board shall then require the applicant to submit to an examination as to his or her qualifications for the practice of chiropractic, which examination shall include the subjects of anatomy, physiology, symptomatology, hygiene, sanitation, chemistry, histology, pathology, chiropractic analysis and the principles and practice of chiropractic as taught in reputable chiropractic schools and colleges. 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

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chiropractic in the State of Maine, provided, however, that any person who has been a practitioner of chiropractic 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 chiropractic college, school or university having the power to confer degrees in chiropractic, which institution was in good standing at the time of the issuance of such diploma, who was in active practice in the State of Maine one year prior to 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. Any person of good moral character, licensed by a chiropractic board of any other state or territory having a standard equal to the State of Maine, shall be licensed without examination, 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, in 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 chiropractic, 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 in section four hereof, such certificate shall designate the holder as a doctor of chiropractic, and shall be publicly displayed at the person's principal place of business so long as such person shall continue to practice chiropractic for gain or hire. Such certificate shall entitle the person to whom it is granted to practice chiropractic in any county in this state, in all its branches as taught and practiced by the recognized schools and colleges of chiropractic, but it shall not authorize its holder to practice obstetrics so far as the same relates to parturition, nor to administer drugs or perform surgical operations with the use of instruments except as now allowed by statute, provided, however, that nothing in this act shall be construed to prohibit any legally registered doctor of chiropractic in this state from practicing surgery after having passed a satisfactory examination therein before the state board of medical examiners.

Sec. 6. Legally licensed practitioners of other schools or professions not affected. Nothing in this act shall be construed to restrain or restrict any legally licensed physician, surgeon, dentist, osteopath, 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, or public health service, in the performance of his duties as such; nor to prohibit gratuitous service or the rendering of assistance to emergency cases.

Sec. 7. Penalty for practicing without certificate; fraudulent licenses and certificates. Any person, who shall practice or attempt to practice, or use the science or system of chiropractic 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 chiropractic, or who shall aid or abet in such selling or fraudulent obtaining; or who shall practice chiropractic under cover of any diploma, license, record or registration to practice chiropractic, illegally obtained, or signed or issued unlawfully or under fraudulent representations; or who after conviction of felony shall practice chiropractic, or who shall use any of the forms of letters, "Chiropractic," "Chiropractor," "Chiropractic Practitioner," "Doctor of Chiropractic," "D. C." or any other titles 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 chiropractic 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 chiropractor in any other state meeting a registered chiropractic 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. Disposition of fees; compensation of members of board; compensation and expenses, how paid. 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 ten dollars per day for each day actually spent in the discharge of their duty, 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 expense 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

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be paid out of the state treasury, after the approval of the state auditor, upon the 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 investigate complaints; may revoke or suspend certificates. 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 doctors of chiropractic, and shall bring all such cases to the notice of the proper prosecuting officer. 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 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 cases where such certificate has been wrongfully obtained or for any fraud connected with the said registration.

Sec. 10. Annual report. Said board shall annually on 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 or suggestions as it may deem essential.

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

Sec. 12. Definition of chiropractic; other methods excluded. The system, method or science commonly known as chiropractic, or the practice of chiropractic, is defined to be the science of palpating and adjusting the segments and articulations of the human spinal column by hand only. This definition is inclusive and any and all other methods are hereby declared not to be chiropractic, and chiropractic is hereby declared not to be the practice of medicine, surgery, dentistry and osteopathy within the meaning of sections nine, ten, eleven, twelve, thirteen, fourteen, fifteen, twenty-four, twenty-five, thirty-two, thirty-six and thirty-seven of chapter eighteen of the revised statutes of Maine, passed September twenty-ninth,

nineteen hundred and sixteen, and sections one, two, three, seven and eleven of chapter one hundred and eighty-eight of the public laws of nineteen hundred and nineteen, and all acts additional thereto and amendatory thereof.

Sec. 13. 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 March 24, 1923.

Chapter 87.

An Act to Amend Section Eighteen of Chapter Forty-five of the Revised Statutes as Amended by Section Two of Chapter Ninety-eight of the Public Laws of Nineteen Hundred and Twenty-one, Relating to the Issuing of Lobster Licenses.

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

R. S., c. 45, sec. 18; 1921, c. 98, sec. 2; relating to applications for lobster licenses and issuance thereof; fees, and report of commissioner, amended. Section eighteen of chapter forty-five of the revised statutes as amended by section two of chapter ninety-eight of the public laws of nineteen hundred twenty-one, is hereby amended by striking out after the word "license" in the eighth line all of the remainder of said sentence so that said section, as amended, shall read as follows:

'Sec. 18. Discrimination against summer residents and state and United States employees, eliminated. The director of sea and shore fisheries shall grant and issue licenses in the lobster industry. Such licenses shall be divided into four classes, namely: First class, Fishermen's Licenses; second class, Selling Licenses; third class, Shipping Licenses; and fourth class, Smackmen's Licenses. Licenses of the first class, Fishermen's Licenses, shall be issued only to citizens of this state or to any person who has resided within the state continuously for one year, immediately preceding the date of application for license. Licenses of the second class, Selling Licenses, shall be issued only to persons, firms, or corporations conducting hotels, restaurants, or boarding houses, or to persons, firms or corporations engaged in the business of buying and selling lobsters. Licenses of the third class, Shipper's Licenses, shall be issued only to persons, firms or corporations engaged in the lobster business in this state or other states to buy, sell and ship lobsters. Licenses of the fourth class, Smackmen's Licenses, shall be issued only to smackmen to buy, sell and transport lobsters by smack or boat. All licenses now outstanding shall become void on the passage of this act and new licenses must be obtained under the conditions herein set forth. Applications for licenses shall be made upon special