

# MAINE STATE LEGISLATURE

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THE  
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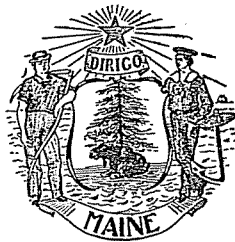
OF THE

STATE OF MAINE,

PASSED SEPTEMBER 1, 1903, AND TAKING EFFECT JANUARY 1, 1904.

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BY THE AUTHORITY OF THE LEGISLATURE.



AUGUSTA :  
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1904.

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of, by committee appointed by S. J. Court.  
R. S., c. 12, § 51.

been located in severalty prior to the incorporation of the same into a town, the supreme judicial court in the county where the land lies, on application of the assessors of the town, may appoint three disinterested persons of the county, and issue to them its warrant under seal of the court, requiring them, as soon as may be, to locate such reserved portion according to the terms of the grant, and if the use or purpose of the reservation is prescribed in the grant, they shall set off and locate the lots accordingly, designating the use or purpose for which each lot is so reserved and located.

Committee, to be sworn.  
R. S., c. 12, § 52.

SEC. 61. Said committee before acting under such warrant, shall be sworn to the faithful discharge of the duty assigned them, and a certificate thereof shall be indorsed on the warrant.

Notice of appointment and meeting.  
R. S., c. 12, § 53.

SEC. 62. They shall also give notice of their appointment, and of the time and place of their meeting to execute the same, by publishing the same in some newspaper in the state to be designated by the court, and by posting written notifications in two or more public places in the same town, at least thirty days before making such location.

Return of the doings of the committee.  
R. S., c. 12, § 54.

SEC. 63. They shall make return of said warrant and their doings thereon, to the next supreme judicial court in the county, after having completed the service; which, being accepted by the court and recorded in the registry of deeds of the same county, within six months, shall be a legal assignment and location of such reserved proportions, for the uses designated; and thereafter the lands so set off and located, shall be under the care and oversight of the trustees of the ministerial and school funds of the town, with all the powers and subject to the duties prescribed in this chapter, including the power to sell and convey the same.

## CHAPTER 17.

## PRACTICE OF MEDICINE, SURGERY AND DENTISTRY.

## PROMOTION OF MEDICAL EDUCATION.

A body may be delivered to physician, if person has consented.  
R. S., c. 13, § 1.

SEC. 1. If any resident of the state, requests or consents that after his death, his body may be delivered to a regular physician or surgeon, for the advancement of anatomical science, it may be used for that purpose, unless some kindred or family connection makes objection.

Board constituted for collection, distribution and delivery of dead human bodies.  
1897, c. 315, § 1.

SEC. 2. The professors of anatomy, the professors of surgery and the demonstrators of anatomy in the medical schools of the state, which are now or may hereafter become incorporated by act of the legislature, shall be and are hereby constituted a board for the collection, distribution and delivery of dead human bodies hereinafter described, to and among such persons as under the provisions of this chapter are entitled thereto. The said board shall have full power to establish rules and regulations for its government, and to appoint and remove officers, and shall keep full and complete minutes of its transactions, and records shall also be kept under its direction of all bodies received and distributed by said board, and of the persons to whom the same are distributed, which minutes and records shall be open at all times to the inspection of each member of said board, the attorney general and the county attorney of any county within the state.

—may establish rules, appoint and remove officers, keep record of bodies received and distributed.

—shall be open to inspection.

Board of distribution shall be notified of

SEC. 3. All public officers, agents and servants of any and every county, city, town and other municipality, and of any and every almshouse,

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prison, morgue, hospital or any other public institution having charge or control over dead human bodies required to be buried at the public expense, are hereby required to notify immediately the said board of distribution, or such person or persons as may from time to time be designated by said board, or its duly authorized officer or agent, whenever any such body or bodies come into his or their possession, charge or control, and shall, without fee or reward, deliver such body or bodies to said board, or its duly authorized officer or agent, and permit and suffer the said board or its agents, or the physicians and surgeons from time to time designated by it or them, who comply with the provisions of this chapter, to take and remove any and all such bodies to be used within the state for the advancement of medical education; but no such notice need be given and no such body shall be delivered, if any person, satisfying the authorities in charge of said body that he or she is a member of the family of or next of kin to the deceased, shall claim the body for burial, but it shall be surrendered to him or her for interment, and no notice shall be given and no body delivered to said board or its agents, if such deceased person was a traveler and not a vagabond, who died suddenly, in which case the said body shall be buried.

deaths occurring in almshouses, prisons, etc. 1901, c. 276.

—notice need not be given if body is claimed by family.

SEC. 4. Said board or its duly authorized agent may take and receive such bodies, so delivered as aforesaid, and shall upon receiving them after seven days from the date of decease distribute and deliver them to or among the schools, physicians and surgeons aforesaid in the following manner. Those schools needing bodies for lectures and demonstrations shall first be supplied as fast as practicable, the number assigned to each to be based upon the number of students in actual attendance, which number shall be returned to the board at such times as it shall direct. The board of distribution may from time to time designate physicians or surgeons who shall receive said bodies, applications to be considered in the order of their receipt by said board.

Board shall distribute bodies upon receiving them. 1897, c. 315, § 3.  
—to schools needing them.

—physicians and surgeons.

SEC. 5. The said board may employ a carrier or carriers for the conveyance of said bodies; and the said bodies shall be well enclosed within a suitable encasement, and carefully deposited free from public observation. Said carrier shall obtain receipts by name, or, if the deceased is unknown, by a description, for each body delivered by him, which receipt shall state the source from which said body was received, and shall deposit said receipts with the secretary of said board.

Bodies shall be enclosed from public view and conveyed by carriers. 1897, c. 315, § 4.  
—carriers shall obtain receipts.

SEC. 6. No school, physician or surgeon shall be allowed or permitted to receive any such body or bodies until a bond shall be given to the treasurer of state by such physician or surgeon, or by and in behalf of such school, to be approved by a justice of a court of record in and for the county in which such physician or surgeon resides, or in which such school is situated; such bond shall be in the penal sum of one thousand dollars, conditioned that all such bodies which the said physician or surgeon, or the said school shall receive thereafter shall be used only for the promotion of medical education within the state, and, when no longer needed for such educational purposes, shall be decently buried; said bond shall be examined annually in the month of December, by the treasurer of state, and he shall certify in writing upon each bond in his possession, his approval of the same; in case any bond is not approved by him, he shall immediately notify the party giving the same, who shall forthwith file a new bond as hereinbefore provided; whosoever shall sell or buy such body or bodies, or in any way traffic in the same, or shall transmit or convey such body or bodies to any place outside of the state, or cause the same to be done, shall be

School or persons receiving such bodies, shall give bond for proper disposal of same. 1897, c. 315, § 5.

—remains shall be decently buried when no longer needed.

—treasurer of state shall approve bond.

—penalty for trafficking in dead bodies outside of the state.

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Expenses, how paid.  
1897, c. 315, § 6.

Fine for neglect to discharge duties.  
1897, c. 315, § 7.

Appointment of board of registration of medicine.  
1895 c. 170, § 1.

—vacancies, how filled.

—removal of members.

Meetings for choice of officers.  
1895, c. 170, § 2.

—chairman and secretary shall be elected.

—secretary shall give bond.

—regular meetings.

—seal.

Persons may, upon passing examination, be registered.  
1895, c. 170, § 4.

liable to a fine not exceeding two hundred dollars, or to imprisonment for not more than one year.

SEC. 7. Neither the state nor any county or municipality, nor any officer, agent or servant thereof, shall be at any expense by reason of the delivery or distribution of any such body, but all the expenses thereof, and of said board of distribution, shall be paid by those receiving the bodies, in such manner as shall be specified by said board of distribution.

SEC. 8. Any person having duties enjoined upon him by the provisions of the six preceding sections, who shall neglect, refuse or omit to perform the same as required by the provisions of said sections, shall, on conviction thereof, be liable to a fine of not less than one hundred, nor more than five hundred dollars for each offense.

## REGISTRATION OF PHYSICIANS AND SURGEONS.

SEC. 9. The governor with the advice and consent of the council, shall appoint a board of registration of medicine consisting of six persons, residents in the state, who shall be graduates of a legally chartered medical college or university having the power to confer degrees in medicine, and who shall have been actively employed in the practice of their profession for a period of five years. Two persons qualified as aforesaid, shall be appointed members of said board on or before the first day of July of every alternate year after July one, eighteen hundred and ninety-five, to hold office for six years from the first day of July following said appointment. No member of said board shall belong to the faculty of any medical college or university. Any vacancy in said board shall be filled by the appointment of a person, qualified as aforesaid, to hold office during the unexpired term of the member whose place he fills. Any member of said board may be removed from office for cause by the governor, with the advice and consent of the council, and not more than two members of said board shall at one time be members of any one chartered state medical society.

SEC. 10. The members of said board shall meet on the second Tuesday of July of each alternate year after the year eighteen hundred and ninety-five, at such time and place as they may determine, and shall elect a chairman and secretary who shall hold their respective offices for the term of two years. The secretary shall give to the treasurer of state a bond in the penal sum of one thousand dollars, with sufficient sureties to be approved by the governor and council, for the faithful discharge of the duties of his office. The said board shall hold regular meetings, one in March, one in July and one in November of each year, and such additional meetings at such times and places as it may determine. Said board shall cause a seal to be engraved and shall keep correct records of all its proceedings, and may make such minor rules and regulations as it shall deem necessary for the successful enforcement of its authority and the performance of its duties.

SEC. 11. Any person shall, upon the payment of a fee of ten 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 any 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 ten dollars for each examination.

SEC. 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 or affirmation, giving satisfactory proof of being twenty-one years of age, of having good moral character and of being a graduate of some reputable medical school or college having power to confer degrees in medicine, and in good standing, and maintaining a standard of preliminary education and of medical instruction approved by the board. 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 an elementary and practical character. They shall embrace the general subjects of anatomy, physiology, pathology, materia medica and therapeutics, surgery, the principles and practice of medicine, and obstetrics, or such branches thereof as the board may deem necessary for the applicant to possess. 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.

SEC. 13. The board shall keep a record of the names and residences of all persons registered hereunder and a record of all moneys received and disbursed by said board, and said records or duplicates thereof shall always be open to inspection in the office of the secretary of state during regular office hours. 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 and disbursements and such comments or suggestions as it may deem essential.

SEC. 14. The board, its members or agents shall investigate all complaints regarding 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 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 unanimous vote 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 unanimous vote, in any case where such certificate has been wrongfully obtained or any fraud connected with the said registration. All fees received by the board hereunder shall be paid by the secretary thereof into the treasury of the state once in each month.

SEC. 15. No person shall practice medicine or surgery, or any branch thereof for gain or hire within the state unless duly registered by said board. Whoever not being registered as aforesaid shall so practice or shall advertise or hold himself out to the public as a physician or surgeon in the state, who appends to his name the letters "M. D.," or who uses the title of a doctor or physician, meaning thereby a doctor of medicine, 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 both.

All applicants shall be examined for registration. 1901, c. 275, § 1.

—qualifications of applicants.

—how examinations shall be made, and what they shall embrace.

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

Shall keep record which shall be open to inspection. 1895, c. 170, § 6. See § 20.

—shall report annually to governor.

Shall investigate complaints of violation. 1895, c. 170, § 7.

—certificates may be revoked, and registration canceled. 1895, c. 170, § 4.

—fees shall be paid into the state treasury.

No person shall practice medicine who has not been registered. 1895, c. 170, § 9. 77 Me., 334. 86 Me., 257.

—penalty if person holds himself out a physician, or appends "M. D.," to his name.

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Certain officers, physicians, exempt from provisions. 1901, c. 275, § 2. 1906 Me., 259.

—and certain other persons exempt from provisions. 1895, c. 170, § 11.

—proviso.

Compensation and traveling expenses. 1895, c. 170, § 5.

—expenses of the secretary.

—compensation shall not exceed amount of fees.

SEC. 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 midwives who lay no claim to the title of physician or doctor; nor to clairvoyants or persons practicing hypnotism, magnetic healing, mind cure, massage, Christian science, so called, or any other method of healing 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." or the title of doctor or physician.

SEC. 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 five dollars each for every day actually spent in the discharge of their duties and 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 than has actually been expended. The secretary shall be allowed extra compensation for books, stationery, postage and other necessary expenses actually incurred. 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.

REGISTRATION OF DENTISTS.

Practice of dentistry by incompetent persons, prohibited. 1891, c. 43, § 1.

—penalty.

Board of examiners created. 1891, c. 43, § 2.

—appointment and tenure.

—vacancies, how filled.

SEC. 18. No person shall practice, attempt to practice, or hold himself out to be a practitioner of dentistry or dental surgery until he or she shall have first received a certificate as hereinafter provided; whoever violates the provisions of this section, shall be fined not less than twenty-five, nor more than one hundred dollars for each offense.

SEC. 19. A board of examiners, to consist of five dentists of good standing, who have been in the practice of dentistry in the state not less than five years, shall be appointed by the governor, with advice and consent of the council, to hold office for the term of three years and until their successors are qualified, and the terms of office of said members shall be so arranged that two members shall be appointed annually except in every third year after eighteen hundred and ninety-one, when one member only shall be appointed. Vacancies in said board at any time occurring shall be filled by the governor in accordance with the provisions of this section.

Annual meeting. 1891, c. 43, § 3. See Const. of Me., Art. ix, § 1.

—organization.

—quorum.

—duties of secretary. See § 12.

SEC. 20. The members of said board shall meet annually at a time and place to be determined by said board at its previous annual meeting, and shall choose from their number a president and a secretary who shall hold their respective offices for the ensuing year and until their successors are chosen; and may meet at such other times and places as said board may deem necessary. A majority of the members of said board shall constitute a quorum; a true record of their proceedings shall be kept by the secretary and shall be open at all reasonable times to public inspection. The secretary under direction of the board, shall further keep a register in which shall be entered the name, residence and place of business of every person

authorized under this chapter to practice dentistry, and shall certify a copy of the same to the secretary of state, who shall enter the same in a book to be kept for the purpose.

SEC. 21. Any person desiring to practice dentistry or dental surgery in the state, upon first passing a satisfactory examination before said board, in anatomy, physiology, pathology, therapeutics, chemistry and the theory and practice of dentistry, and on payment of the fee provided in the following section, shall be entitled to registration and shall receive a certificate in due form, signed by the president and attested by the secretary authorizing such person to practice dentistry in the state.

Persons passing satisfactory examination shall be entitled to register. 1891, c. 43, § 5.

—shall receive certificate.

SEC. 22. The board shall receive from the applicant for examination under the provisions of the preceding section, twenty dollars, which shall in no case be returned, but shall entitle the applicant to another examination without payment of additional fees, and shall be in full for all services and expenses.

Fee for examination. 1891, c. 43, § 7.

SEC. 23. Nothing in the five preceding sections shall be so construed as to restrict or interfere with the physicians and surgeons in the discharge of their professional duties, or with any citizen in the extraction of teeth in cases of emergency.

Physicians and surgeons shall not be restricted. 1891, c. 43, § 8.

## CHAPTER 18.

### THE PUBLIC HEALTH AND THE PREVENTION OF CONTAGIOUS DISEASES.

#### THE STATE BOARD OF HEALTH.

SEC. 1. The state board of health as heretofore established shall consist of six members, appointed by the governor, with the advice and consent of the council, and a secretary elected as hereinafter provided. The governor, with the advice and consent of the council, shall annually appoint a member of said board to hold office for six years from the thirty-first day of January of each year; any vacancy occurring during a term among the members so appointed shall be filled in like manner for the remainder of the term. The members so appointed by the governor shall elect a secretary, who shall, by virtue of such election, become a member of the board, and its executive officer. The board may elect one of their own number secretary, in which case his term of office as a member by appointment of the governor shall expire, and the governor, with the advice and consent of the council, shall appoint another member to complete the full number of the board.

State board of health. 1885, c. 286, § 1.

—members of, how appointed.

—secretary, how chosen.

SEC. 2. The state board of health shall have the general supervision of the interests of health and life of the citizens of the state. They shall study the vital statistics of the state, and endeavor to make intelligent and profitable use of the collected records of deaths and of sickness among the people; they shall make sanitary investigations and inquiries respecting the causes of disease and especially of communicable diseases and epidemics, the causes of mortality, and the effects of localities, employments, conditions, ingesta, habits and circumstances on the health of the people; they shall investigate the causes of disease occurring among the stock and domestic animals in the state, and the methods of remedying the same; they shall gather such information in respect to all these matters as they may deem proper for diffusion among the people; they shall, when required

Duties of board. 1885, c. 286, § 2.

—study vital statistics.

—make sanitary investigations.

—investigate disease among animals.