

MAINE STATE LEGISLATURE

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EIGHTH REVISION

THE
REVISED STATUTES

OF THE
STATE OF MAINE

PASSED SEPTEMBER 20, 1944, AND TAKING EFFECT
DECEMBER 30, 1944

VOLUME I



By the Authority of the Legislature

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II. Information communicated to a physician in an effort unlawfully to procure a narcotic drug, or unlawfully to procure the administration of any such drug, shall not be deemed a privileged communication.

III. No person shall wilfully make a false statement in any prescription, order, report, or record required by sections 34 to 52, inclusive.

IV. No person shall, for the purpose of obtaining a narcotic drug, falsely assume the title of, or represent himself to be, a manufacturer, wholesaler, apothecary, physician, dentist, veterinarian, or other authorized person.

V. No person shall make or utter any false or forged prescription or false or forged written order.

VI. No person shall affix any false or forged label to a package or receptacle containing narcotic drugs.

VII. The provisions of this section shall apply to all transactions relating to narcotic drugs under the provisions of section 41, in the same way as they apply to transactions under the provisions of all other sections of this chapter.

Sec. 51. Enforcement and cooperation. 1941, c. 251, § 18. The bureau of health, its officers, agents, inspectors, and representatives, and all peace officers within the state, and all county attorneys shall enforce all provisions of sections 34 to 52, inclusive, except those specifically delegated, and shall cooperate with all agencies charged with the enforcement of the laws of the United States, of this state, and of all other states relating to narcotic drugs.

Sec. 52. Penalties. 1941, c. 251, § 19. Any person violating any provision of sections 34 to 52, inclusive, shall upon conviction be punished, for the 1st offense, by a fine of not more than \$500, or by imprisonment for not more than 6 months, or by both such fine and imprisonment; and upon conviction for any subsequent offense, by a fine not exceeding \$5,000, or by imprisonment for not more than 5 years, or by both such fine and imprisonment.

CHAPTER 63.

REGISTRATION OF NURSES.

Sec. 1. Board of registration of nurses; qualifications; tenure; vacancies; removals. R. S. c. 21, § 18. The board of registration of nurses, as heretofore established, and hereinafter in this chapter called the "board", shall consist of 5 nurses, all of whom shall be residents of the state and engaged in professional work. They shall be appointed by the governor, with the advice and consent of the council, shall have been graduated each from a different school of nursing, and shall have had after graduation at least 3 years' experience in nursing and in addition thereto at least 2 years' experience in teaching nurses, the periods of time not to run concurrently. They shall have been registered by the board of registration of nurses of this state and shall be citizens of the United States.

Upon the expiration of the term of office of any member of said board, the governor shall appoint a successor who shall hold office for 3 years. Said appointments shall be made from a list of 6 eligible candidates, selected at a

meeting of the executive committee of the Maine state nurses association and submitted to the governor not less than 30 days before the time of appointment. Any vacancy occurring on said board shall be filled for the unexpired term by appointment to be made by the governor from like nominations to be furnished by the said association. If said nominations in either case are not submitted within 30 days after the vacancy occurs, the governor may appoint to fill such vacancy such person, qualified as aforesaid, as to him seems best. Any member of said board may be removed from office for cause by the governor with the advice and consent of the council. On request of said board the superintendent of public buildings shall provide a suitable room in the state house for its meetings.

Sec. 2. Organization; inspector of training schools; compensation; expenses; records; certificates; renewals; reports. R. S. c. 21, § 19; c. 125, §§ 54, 55, 56. 1931, c. 216, Art. II, § 15. 1943, c. 320. The board shall, at each annual meeting, elect from its number a president, and a secretary who shall also be treasurer. It shall elect one of its members as inspector of schools of nursing who shall annually or oftener inspect all schools of nursing in the state and make report thereof to the board. The board may adopt a seal and pin, which shall be placed in the care of the secretary, and may adopt such by-laws, rules, and regulations for the transaction of the business of the board and the government and management of its affairs, not inconsistent with the laws of this state and of the United States, as it may deem expedient. Three members of said board shall constitute a quorum; special meetings shall be called by the secretary upon request of any 2 members. The secretary shall keep a record of all meetings of the board, including a register of the names of all nurses duly registered under the provisions of sections 3 and 4, which shall be open to the public at all reasonable times; he or she shall furnish a certificate of registration to each of such nurses, said certificate to be in force from the date of issue thereof until 1 year from and after the 1st day of the following January, and may be renewed annually thereafter upon the payment of \$1 to the secretary of the board. On or before the 1st day of November of each year the secretary of the board shall mail to every nurse registered in this state under the provisions of this chapter, a notice stating the date of expiration of said certificate, said notice to be addressed in accordance with the post-office address given at the last previous registration. Any nurse failing to renew registration on or before December 31st of any year shall by such failure (and without any act on the part of the board to be performed) forfeit the right to practice as a registered nurse. The board may, for reason satisfactory to it, renew registrations after said December 31st, provided a fee of \$1 shall have been paid for each year during which said nurse has not been registered.

The board shall annually make a report to the governor and council for each fiscal year showing its receipts and disbursements in detail, the names of persons to whom certificates have been issued, and the names of persons whose certificates have been revoked with the reason therefor.

The members of the board shall receive their actual necessary expenses incurred in the discharge of their official duties, and the secretary shall receive a salary to be fixed by the board, not exceeding \$300 a year. The other members of the board shall each receive \$5 a day while actually engaged in attendance upon meetings of said board. The inspector of schools for nurses shall also receive \$5 a day while actually engaged in his or her duties as such inspector.

The treasurer shall receive all fees, charges, and assessments payable to the board, and account for and pay over the same according to law.

See c. 15, § 27, re fees, fund for payment of expenses of board, etc.; c. 14, §§ 2-4, re bond of treasurer; c. 14, § 5, re fiscal year.

Sec. 3. Examinations; time; notice; eligibility; subjects. R. S. c. 21, § 20. 1935, c. 127, § 1. 1939, c. 87. At each annual meeting and at such special meetings as said board may deem necessary to hold for that purpose, the board shall examine all applicants for registration, to determine their qualifications for the efficient nursing of the sick, and shall decide upon the qualifications of every such applicant and give notice of their decision within 3 months from the date of such examination. Notice of each meeting, whether annual or special, shall be given by publication at least 1 month previous to each meeting in such newspapers and nursing journals as the board may determine. Application for registration shall be made upon blanks furnished by the board and shall be signed and sworn to by applicant.

The board shall admit to examination for registration any applicant who shall pay a fee of \$10 and submit satisfactory evidence that he or she:

I. Is more than 21 years of age and of good moral character;

II. Has had at least 2 years of high school education or its equivalent; provided, however, that any applicant beginning training in an approved school as hereinafter provided after September 1, 1935 shall submit satisfactory evidence that he or she has graduated from a class A secondary school, or has had education equivalent thereto.

III. Has taken a full course of not less than 2 years in the same school of nursing from which he or she has graduated and received a diploma, said school of nursing to be one approved by the board of registration, and presided over by a nurse registered in accordance with the requirements of this chapter; provided, however, in case of transfer of a student nurse from an accredited school of nursing because of closing of the school of nursing, the minimum time that the candidate shall spend in the school of nursing from which she receives her diploma shall be 1 year.

The examination to be given shall be such as will determine the fitness of the applicant to practice professional nursing and shall include the subjects of practical nursing, anatomy, physiology, bacteriology, materia medica, dietetics, pediatrics, hygiene, medical, surgical, and obstetrical nursing, or in case of male nurses, genito-urinary, and any other subjects deemed by the board necessary to maintain proper standards. Any applicant passing said examination to the satisfaction of the board shall receive a certificate of registration within 3 months of said examination.

Sec. 4. Registration of nurses registered by other states without examination; fee. R. S. c. 21, § 21. The board may register without examination, upon payment of a fee of \$10, any person who has been registered by examination as a professional nurse in another state under laws which in the opinion of the board maintain a standard not lower than that maintained in this state.

Sec. 5. Cancellation or suspension of registration. R. S. c. 21, § 22. The board, by a majority vote of all of its members, may cancel or suspend the registration of any person as a nurse who may be found guilty of neglect of duty, or of inefficiency, or of any act derogatory to the standing and morals of professional nursing, but before any certificate of registration shall be revoked, the

holder thereof shall be entitled to 30 days' notice of the charges against him or her, and to a full and fair hearing thereon.

Sec. 6. Credential committee to determine qualifications of registered nurses for public health nursing; definition of public health nursing. R. S. c. 21, § 23. 1931, c. 216, Art. III. A credential committee, which shall be a subcommittee of the board, shall be appointed annually to act upon the applications and qualifications of nurses employed in public health work. This committee shall be composed of 3 registered nurses, one from the board, one from the public health section of the Maine state nurses' association, and one from the division of public health nursing of the state bureau of health. These members shall be appointed by their respective organizations.

No graduate nurse shall be employed in public health nursing unless registered by the board, and unless her qualifications for such work shall have been determined and approved by said credential committee.

Public health nursing within the meaning of this section shall be deemed to include nursing done by any graduate nurse in any form of social work in which the health of the public is concerned.

Sec. 7. Unlawful practice; penalty. R. S. c. 21, § 24. 1935, c. 127, § 2. Nurses who have not been registered as hereinbefore provided shall be known as practical nurses. No person shall practice professional nursing in this state as a registered nurse without having a certificate of registration. No nurse shall continue to practice as a registered nurse without renewing his or her certificate, or after his or her certificate shall have been revoked. A nurse who has received such certificate and pin shall be styled and known as a "Registered Nurse," and no other person shall assume such title, use the pin, the abbreviation "R. N.," or any other words, letters, or figures to indicate that the person using the same is a registered nurse. Whoever violates any provision of this chapter or wilfully makes a false representation to said board in applying for a certificate of registration shall be punished by fine of not more than \$100, and shall have his or her certificate revoked; provided that nothing in this chapter shall apply to the acts of any person nursing the sick, who does not represent himself or herself to be a registered nurse. The board shall cause to be presented to the proper prosecuting officer evidence of any violation of the provisions of this chapter, and may incur any necessary expenses in the performance of this duty, which expenses shall be paid out of the receipts of said board.

CHAPTER 64.

REGISTRATION OF OSTEOPATHS.

Sec. 1. Board of osteopathic examination and registration; qualification; tenure; vacancies. R. S. c. 21, § 60. The board of osteopathic examination and registration, as heretofore established, and hereinafter in this chapter called the "board", shall consist of 5 persons appointed by the governor, with the advice and consent of the council. Said persons shall be residents of this state, shall be graduates of a legally chartered osteopathic college or university having