

MAINE STATE LEGISLATURE

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EIGHTH REVISION

THE
REVISED STATUTES

OF THE
STATE OF MAINE

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VOLUME I



By the Authority of the Legislature

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CHAPTER 70.

REGISTRATION OF VETERINARY SURGEONS.

Sec. 1. Board of veterinary examiners; appointment; vacancies; compensation; expenses; removals. R. S. c. 21, § 83; c. 125, § 53. 1941, c. 46, § 3; c. 230, § 1. The board of veterinary examiners, as heretofore established, and hereinafter in this chapter called the "board", shall consist of 3 members who shall be veterinary surgeons, appointed by the governor, with the advice and consent of the council. Said persons shall be residents in the state, graduates of a legally chartered veterinary college or university having authority to confer degrees in veterinary surgery, and shall have been actively engaged in the practice of their profession for a period of at least 5 years. One member shall be appointed annually, as the terms of the present members expire, and hold office for 3 years. Any vacancy in said board shall be filled by the appointment, within 30 days after such vacancy occurs, 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.

The members of the board shall each receive as compensation for their services \$10 a day for the time actually spent and their necessary expenses incurred in the discharge of their duties, to be certified by the secretary of the board.

Sec. 2. Organization and officers; president may administer oaths and take testimony; treasurer; expenses; annual report. R. S. c. 21, § 84; c. 125, §§ 55, 56. 1931, c. 216, Art. I, § 5; Art. II, § 15. 1943, c. 320. The board shall organize annually in the month of May by the election from its members of a president, and a secretary who shall be treasurer, and may adopt such rules, not in conflict with the laws of the state, as they may deem proper to carry into effect the provisions of this chapter. They shall adopt a seal which shall be affixed to all certificates issued by them in accordance with the provisions of section 5. The president of said board may administer oaths and take testimony for the proper enforcement of the provisions of this chapter and the rules established by said board. The treasurer shall receive all fees, charges, and assessments payable to the board, and account for and pay over the same according to law; and shall annually, on the 1st day of July, make written report to the governor and council of all receipts and expenditures of said board.

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

Sec. 3. Meetings of board; examination of applicants; fee. R. S. c. 21, § 86. 1941, c. 230, § 2. The board shall meet as a board of examiners in the city of Augusta, on the 2nd Monday of January and July of each and every year, when there are applicants for examination, and at such other times and places as they may find necessary for the performance of their duties. All persons not previously registered, who commence the practice of veterinary surgery, medicine, or any branch thereof within the state, shall pass an examination to the satisfaction of the board. Applicants for examination shall file with the secretary of the board their written request for such examination, and shall be graduates of colleges, approved by the American Veterinary Medical Association, granting degrees in veterinary medicine, and shall pay to the treasurer of said board a fee of \$10 before taking such examination.

Sec. 4. Practitioners to obtain certificate. R. S. c. 21, § 85. It shall be unlawful for any person not previously registered to practice veterinary surgery,

medicine, or dentistry, or any branch thereof within the state without having obtained a certificate from the board and being registered as provided in section 5. Any person shall be regarded as practicing veterinary surgery, medicine, or dentistry, or any branch thereof, within the meaning of this section, who has publicly professed to be a veterinary surgeon, or has prescribed for sick or injured animals and accepted fees for such services, or has attached to his name the title "V. S." or "Veterinary Surgeon" or any veterinary title ordinarily used. Nothing in this section shall be construed as prohibiting the performance of services rendered by anyone in the case of emergency, or prohibiting any person from practicing veterinary medicine, surgery, or dentistry on any animal belonging to himself; nor shall this section be construed as prohibiting castration of animals by any resident of this state.

Sec. 5. Board to issue certificates; certificates to be recorded. R. S. c. 21, § 87. The board shall issue certificates signed by the president and secretary to all persons passing the examination required under the provisions of section 3, authorizing the holder to practice veterinary surgery, medicine, or dentistry, or any branch thereof within the state. Said certificate shall be considered a license to practice veterinary surgery, medicine, or dentistry in this state, except that it shall be unlawful for any person to practice veterinary surgery, medicine, or dentistry in this state in any year after the year in which said certificate is issued to him unless he shall pay to the treasurer of the board on or before January 1st of said year a fee of \$1 for which he shall receive a registration card, which card shall be placed beside or attached to the certificate above mentioned. Said certificate shall be recorded in the office of the clerk of the superior court in the county wherein the holder resides at the time of passing said examination, and in the absence of the original certificate, an attested copy of such record shall be received as evidence in all courts within the state, of the right of the person therein named to practice veterinary surgery, medicine, or dentistry, or any branch thereof within the state. Any veterinarian, not a graduate of some legally chartered veterinary college or university, desiring to render professional service for the state in any of its departments shall, at the request of the commissioner of agriculture, submit himself to an examination before said board as to his fitness to perform the service.

See § 7, re revocation of license; c. 62, § 19, re prescribing opium to habitual users.

Sec. 6. Board to keep record. R. S. c. 21, § 88. The board shall keep a record of all practitioners who shall qualify under the provisions of the preceding section; and register therein the name, age, and time spent in the study and practice of veterinary surgery, medicine, and dentistry and, if a graduate, the name and location of the school or college granting his diploma. Such record shall be open to public inspection at all times, within reasonable hours, at the office of the secretary of the board.

Sec. 7. Revocation of license or registration; causes; penalty. R. S. c. 21, § 89. 1941, c. 230, § 3. Any person, who shall practice veterinary surgery, medicine, or dentistry, or any branch thereof in the state without complying with the provisions of this chapter, shall be deemed guilty of a misdemeanor, and shall be punished by a fine of not more than \$100, or by imprisonment for not more than 30 days. The license of a practitioner of veterinary medicine may be revoked or his registration annulled, or both, for any of the following causes:

I. Gross ignorance or inefficiency in connection with the practice of veterinary medicine;

- II. Fraud or deceit in procuring admission to such practice;
- III. Fraud or deceit in the practice of veterinary medicine;
- IV. Wilful violation of any of the provisions of this chapter;
- V. Gross malpractice;
- VI. Conviction of a felony or any crime; or
- VII. Being addicted to the use of drugs.

Proceedings for the revocation of a license or the annulment of registration may be brought by filing written verified charges against the accused. Such charges may be preferred by any person or corporation, or the board may direct one of its members to prefer such charges. Original charges shall be filed with the clerk of the superior court of the county in which the accused last resided.

The time and place for the hearings of said charges shall be fixed by the judge of the superior court before whom said hearings will be held. It shall be the duty of the prosecuting attorney of the said county to present the evidence before the court on said case.

A copy of the charges, together with a notice of the time and place when they will be heard, shall be served upon the accused or his counsel at least 10 days before the date actually set for the said hearing.

If the judge shall find that the charges or any of them are sustained, he shall cause the license of the accused to be revoked.

Any person who shall practice veterinary medicine after his registration has been marked annulled or his license revoked shall be deemed to have practiced veterinary medicine without registration.

After the expiration of 1 year from the date of revocation of license or annulment of registration, the board may entertain a new application for a new license and may exempt the applicant from the necessity of taking any examination.

CHAPTER 71.

BOARD OF SANITATION, LICENSING, AND INSPECTION.

Sec. 1. Board of sanitation, how constituted; duties. 1939, c. 200, § 1. The board of sanitation, licensing, and inspection, as heretofore established, shall consist of the commissioner of agriculture, attorney-general, and director of health. They shall serve as members of said board without additional compensation.

The board shall, as far as possible, eliminate needless duplication, travel, and other expense in examination, licensing, and inspection services carried on by the bureau of health in the department of health and welfare, and by the department of agriculture, and shall have full authority to perform all acts necessary to accomplish such purpose. Provided, however, that nothing contained in this chapter shall be deemed to give said board any authority to dispense with or