

MAINE STATE LEGISLATURE

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REVISED STATUTES
OF THE
STATE OF MAINE
1954

1955 SUPPLEMENT

ANNOTATED

IN FIVE VOLUMES

VOLUME 2

**Place in Pocket of Corresponding
Volume of Main Set**

THE MICHIE COMPANY
CHARLOTTESVILLE, VIRGINIA
1955

fix the title "Doctor" or the letters "Dr." or append the letters "M.D." to his name or use the title of doctor or physician in any way, excepting that any member of the Maine osteopathic association may prefix the title "Doctor" or the letters "Dr." to his name when accompanied by the word "Osteopath," or any member of the Maine state chiropractors' association or any chiropractor duly licensed by this state may prefix the title "Doctor" or the letters "Dr." to his name when accompanied by the word "Chiropractor," or any dentist duly licensed by this state may prefix the title "Doctor" or the letters "Dr." to his name, or any optometrists duly licensed under the laws of this state may prefix the title "Doctor" or the letters "Dr." to his name when accompanied by the word "Optometrist," or any podiatrist duly licensed under the laws of this state may prefix the title "Doctor" or the letters "Dr." to his name when accompanied by the word "Podiatrist" or "Chiropodist," when permitted such right by the laws governing the practice of podiatry. Whoever not being duly registered by said board practices medicine or surgery or any branch thereof, or holds himself out to practice medicine or surgery or any branch thereof in any of the ways aforesaid, or who uses the title "Doctor" or the letters "Dr." or the letters "M. D." in connection with his name, contrary to the provisions of this section, shall be punished by a fine of not less than \$100 nor more than \$500 for each offense, or by imprisonment for 3 months, or by both such fine and imprisonment; the prefixing of the title "Doctor" or the letters "Dr." or the appending of the letters "M. D." by any person to his name, or the use of the title of doctor or physician in any way by any person not duly registered as hereinbefore described shall be prima facie evidence that said person is holding himself out to practice medicine or surgery contrary to the provisions of this section; provided that nothing herein contained shall prevent any person who has received the doctor's degree from any reputable college or university, other than the degree of "Doctor of Medicine," from prefixing the letters "Dr." to his name, if he is not engaged, and does not engage, in the practice of medicine or surgery or the treatment of any disease or human ailment. (R. S. c. 61, § 7. 1945, c. 17. 1949, c. 265. 1953, c. 44. 1955, c. 261, § 5.)

Effect of amendment.—The 1955 amendment added to the second sentence the provision as to the use of the title "Doctor" or "Dr." by a podiatrist.

Chapter 67-A.

Board of Examiners in Physical Therapy.

Sec. 1. Definitions.—In this chapter, unless the context otherwise requires: "Board of examiners in physical therapy", as herein established and herein-after in this chapter called the "board", shall consist of the members of the board of registration in medicine together with 2 physical therapists appointed by the governor from a list of 6 physical therapists nominated by the Maine physical therapy association; one as designated by the governor shall serve for a term of 2 years; the other for a term of 4 years. Thereafter, the physical therapist so appointed by the governor shall be appointed from a list of 3 physical therapists, submitted by the Maine physical therapy association, for a term of 4 years.

"Physical therapist" means a person who practices physical therapy.

"Physical therapy" means the treatment of any bodily or mental condition of any person by the use of physical, chemical and other properties of heat or cold, light, water, electricity, massage, therapeutic exercise and physical rehabilitation procedures. The use of roentgen rays and radium for diagnostic and therapeutic purposes, and the use of electricity for surgical purposes, including cauterization, are not authorized under the term "physical therapy" as used in this chapter.

Words importing the masculine gender may be applied to females. (1955, c. 271, § 1.)

Sec. 2. Powers and duties of board.—The board shall hold regular meet-

ings, one in March, one in July and one in November, upon the same dates and at the same places as are held the regular meetings of the board of registration in medicine, for the purpose of considering applicants, examining applicants and such other business as may properly come before the board. The chairman of the board of registration in medicine shall act as chairman of the board. The secretary and treasurer of the board of registration in medicine shall act as secretary and treasurer of the board. Special meetings may be called at the pleasure of the chairman and in case of death or inability of the chairman, the secretary may call special meetings. Said board 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. Said board shall keep a record of all its proceedings. The records of 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 licenses, giving the name, location of business and residence, record of professional education, date and number of license, and whether the applicant was granted or denied license. Said records or duplicates thereof shall be filed in the office of the secretary of state and shall always be open to inspection during regular office hours and shall be prima facie evidence of all matters recorded therein. Four members of the board shall constitute a quorum for the transaction of business but no license to practice physical therapy shall be granted except on an affirmative vote of at least 4 members of the board. (1955, c. 271, § 1.)

Sec. 3. Compensation and expenses.—The treasurer of the board shall receive all fees, charges and assessments payable to said board and account for and pay over the same according to law. Members of the board shall each receive \$5 for every day actually spent in the performance of the duties imposed upon them by the provisions of this chapter, and in addition thereto necessary traveling and hotel expenses actually incurred, to be certified by the chairman and secretary of the board. (1955, c. 271, § 1.)

Sec. 4. Applicants; qualifications; examinations.—Except as otherwise provided in this chapter, any person before engaging in the practice of physical therapy shall be examined as to his qualifications. An applicant for a license to practice as a licensed physical therapist shall submit to the board, at least 10 days before the date of his examination, an application for a license to practice physical therapy, on a form prescribed by the examiners, together with the payment of the required fee of \$15; evidence verified by oath, that the applicant is at least 21 years of age, is of good moral character, is in good physical and mental health, is a high school graduate and is graduated from a school of physical therapy approved for training physical therapists by the appropriate subcommittee of the American medical association or if graduated prior to 1936, the school or course was approved by the American physical therapy association at the time of his graduation. An applicant for a license to practice as a licensed physical therapist shall be required to pass an examination to the satisfaction of the board, conducted by it, to determine the applicant's fitness as a physical therapist. (1955, c. 271, § 1.)

Sec. 5. License without examination.—The board may license as a physical therapist without examination on payment of the fee of \$15 any applicant who makes application for licensure on or before January 1, 1956 and on the effective date of this chapter meets the qualifications set forth in section 4.

Notwithstanding the provisions of this chapter, the board shall register as a physical therapist any person who applies for such registration on or after the effective date of this chapter, who is a member of the American physical therapy association or the American registry of physical therapists, or who is practicing physical therapy in this state and was so practicing for 3 years immediately prior

to said effective date under the direction or prescription of a duly licensed physician or surgeon licensed to practice medicine or surgery in Maine. Such applicant shall pay the board a fee of \$15 and be entitled to a license as a physical therapist, without examination. (1955, c. 271, § 1.)

Sec. 6. Applicant with license in another state.—The board may, upon application made to it by any physical therapist of good moral character, licensed to practice physical therapy in a state maintaining a standard equal to that maintained in this state, issue a license to practice physical therapy in this state without examination, upon payment of the required fee of \$15 and presentation of satisfactory evidence of his license to practice physical therapy in such other state. (1955, c. 271, § 1.)

Sec. 7. Unlawful practice.—No person unless he is duly licensed to practice physical therapy under the terms of this chapter shall practice or hold himself out as authorized to practice, nor use the title "physical therapist" or the abbreviations "P.T." nor other words, letters, signs or figures to indicate that the person using the same is a licensed physical therapist. (1955, c. 271, § 1.)

Sec. 8. Fees for examination; re-examination.—Every applicant for an examination for a license to practice physical therapy shall, at the time of filing his application, pay to the treasurer of the board a fee of \$15. In case the application is denied and examination refused, said fee shall be returned to the applicant. Any applicant who fails to pass an examination shall be entitled to a re-examination within 6 months upon the payment of an additional fee of \$5; but only two such re-examinations shall be permitted. (1955, c. 271, § 1.)

Sec. 9. Certificate to practice.—Every applicant who shall satisfactorily meet the requirements for license to practice physical therapy, as provided in this chapter, shall be granted a certificate signed by the chairman and secretary of the board, which certificate shall entitle the person to whom it is granted to practice physical therapy anywhere in this state. Every such certificate shall be conspicuously displayed at the place of practice of such person; and every renewal certificate for the current year shall be displayed in connection with the original certificate. (1955, c. 271, § 1.)

Sec. 10. Annual fee.—Every licensed physical therapist shall, during January 1956 and annually thereafter, apply to the board for an extension of his license and pay a fee of \$5. Licensure that is not so extended, in the first instance, before April 1, 1956 and annually thereafter before April 1st shall automatically lapse. The board may in its discretion reinstate a lapsed licensure upon payment of current extension fees. (1955, c. 271, § 1.)

Sec. 11. Limitations to practice.—A license to practice physical therapy shall not permit the holder thereof to administer drugs, nor shall it permit the holder thereof to treat any human ailments by physical therapy, or otherwise, except upon the prescription, supervision, direction or referral of a duly licensed physician or surgeon, nor shall it permit the licensee to use the title "Doctor." Nothing in this chapter shall be construed as authorizing a physical therapist, licensed or not, to practice medicine, osteopathy, chiropractic or any other form of healing. Any person violating the provisions of this section shall be guilty of a misdemeanor. This chapter shall not prevent the administration of physical therapy by a duly licensed physical therapist upon the oral prescription of a duly licensed physician or surgeon. Neither shall this chapter prevent the administration of physical therapy modalities by any person employed and under the control of a duly licensed physician or surgeon or licensed physical therapist in his office, or in the civil service of the state or employed in a duly incorporated hospital, clinic or infirmary maintained by a person, firm or corporation employing one or

more full-time duly licensed physicians or surgeons, providing that person does not refer to himself as a physical therapist. (1955, c. 271, § 1.)

Sec. 12. Refusal, suspension and revocation of license.—The board may refuse to license an applicant convicted of violating any state or federal narcotic law. Said board shall investigate and may refuse license to, or revoke license of, a physical therapist who has treated or undertaken to treat ailments of human beings otherwise than by physical therapy as authorized by this chapter, or who has undertaken to practice independent of the prescription, direction or supervision of a duly licensed physician or surgeon. Said board may revoke a license, after due notice and hearing, after a conviction before a proper court, either with-in or without the state, of any crime involving moral turpitude, or of any crime in the practice of his profession or of a felony; or on proof, to its satisfaction, of fraudulent or unprofessional conduct in the practice of his profession, or is addicted to the use of morphine, cocaine or other drugs having similar effect, or if the person named therein uses intoxicants to such an extent as to render him unfit to practice physical therapy. Said board may also revoke or suspend any license where such license has been obtained by fraud or misrepresentation. Said board may suspend the license of any physical therapist who has been declared insane by a court of competent jurisdiction and has not thereafter been lawfully declared sane. (1955, c. 271, § 1.)

Chapter 68.

Registration of Apothecaries. Drugs, Poisons and Narcotics.

Use or Sale of Narcotic Drugs.

Sec. 38. Sales by apothecaries.—

I. An apothecary, in good faith, may sell and dispense narcotic drugs to any person upon a written prescription, or an oral prescription in pursuance to regulations promulgated by the United States commissioner of narcotics under federal narcotic laws in effect on the effective date of this act, of a physician, dentist or veterinarian, dated and signed by the person prescribing on the day when issued and bearing the full name and address of the patient for whom, or of the owner of the animal for which, the drug is dispensed, and the full name, address and registry number under the federal narcotic laws of the person prescribing, if he is required by those laws to be so registered. If the prescription be for an animal, it shall state the species of animal for which the drug is prescribed. The person filling the prescription shall write the date of filling and his own signature on the face of the prescription. The prescription shall be retained on file by the proprietor of the pharmacy in which it is filled for a period of 2 years, so as to be readily accessible for inspection by any public officer or employee engaged in the enforcement of the provisions of this chapter. The prescription shall not be refilled. (1955, c. 292)

Effect of amendment.—The 1955 amendment inserted the provision as to an oral prescription in the first sentence of sub-section I. As subsections II and III were not changed by the amendment, they are not set out.

Chapter 70.

Licensed Practical Nurses.

Sec. 1. Licensed practical nurses.—

I. Definition. As used in this chapter, "board" means the "board of registration of nurses."