

MAINE STATE LEGISLATURE

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REVISED STATUTES
OF THE
STATE OF MAINE
1954

1959 CUMULATIVE SUPPLEMENT

ANNOTATED

IN FIVE VOLUMES

VOLUME 2

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

THE MICHIE COMPANY
CHARLOTTESVILLE, VIRGINIA
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acts and obligations upon which it has heretofore defaulted, and application to and approval by a majority vote of the board. (1957, c. 190.)

Sec. 2. Copies of chapter.—The secretary of state shall send authenticated copies of this chapter to the governor of each of the other 2 states party to this compact. (1957, c. 190.)

Sec. 3. Duty of governor.—The governor is authorized to take any action necessary to complete the exchange and filing of documents as between this state and any other state ratifying this compact. (1957, c. 190.)

Sec. 4. Duty of board members from Maine.—The members from this state shall obtain accurate accounts of all the board's receipts and disbursements and shall report to the governor on or before the 15th day of November, in even numbered years, the transactions of the board for the biennium ending on the preceding June 30th. They shall include in such report recommendations for any legislation which they consider necessary or desirable to carry out the intent and purposes of the compact. (1957, c. 190.)

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 hereinafter 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 meetings, 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 him-

self 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 within 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.

Commissioners of Pharmacy.

Sec. 1. Commissioners of the profession of pharmacy, nomination and appointment; tenure; vacancies; compensation; expenses.—A board of commissioners of the profession of pharmacy, as heretofore established and hereinafter in this chapter called the “board,” shall consist of 5 pharmacists all of whom shall be residents of the state and actually engaged in the practice of their profession, who shall be appointed and may be removed for cause by the governor with the advice and consent of the council. The terms of office of said commissioners shall be so arranged that one member of said board shall be appointed annually as the term of the present members expire, to hold office for 5 years from the 1st day of December in each year or until his successor is appointed and qualified. Vacancies shall be filled by appointment for the unexpired term. The board shall have power:

- I.** To make such rules and regulations, not inconsistent with the laws of the state, as may be necessary for the regulation and practice of the profession of pharmacy and the lawful performance of its duties;
- II.** To regulate the sale of poisons and to adopt schedules of those poisons of which a written record shall be kept by the retailer;
- III.** To inspect during business hours all apothecaries, dispensaries, stores or places in which drugs or medicines are manufactured, compounded, dispensed or retailed, and to regulate and control the sale, character and standard of all drugs, poison and medicines compounded or dispensed in this state; to secure samples and cause them to be analyzed; and to prevent the sale of such drugs, poisons or medicines as do not conform to the provisions of this chapter;
- IV.** To investigate all violations of this chapter; to enforce the provisions thereof; and to prosecute or institute prosecution in all instances of violations thereof.

The Maine pharmaceutical association may, at its annual meeting each year, nominate 6 members of said association, whose names shall be forthwith certified by the president and secretary of said association to the governor, and members of said board, appointed during any year, shall be selected from the persons whose names are so certified for said year, unless in the opinion of the governor said persons are manifestly unsuitable or incompetent.

The members of the board shall each receive as compensation for their services \$20 per day for the time actually spent and their necessary expenses incurred in the discharge of their duties. The secretary of the board shall certify to the accounts. The secretary of the board shall be the treasurer thereof and shall receive all fees, charges and assessments payable to the board, and account for and pay over the same according to law. (R. S. c. 62, § 1. 1947, c. 58. 1957, c. 304, § 1.)

Effect of amendment. — The 1957 amendment inserted “of the profession” following “board of commissioners” at the beginning of the first sentence, substituted “and practice of the profession of” for “of the business appertaining to the practice of” in subsection I, added all of the provisions relative to sale, charac-