

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

REVISED STATUTES
OF THE
STATE OF MAINE
1954

1963 CUMULATIVE SUPPLEMENT

ANNOTATED

IN FIVE VOLUMES

VOLUME 2

Discard Previous Supplement

THE MICHIE COMPANY
CHARLOTTESVILLE, VIRGINIA
1963

Chapter 73.

Registration of Dentists. Dental Hygienists.

Board of Dental Examiners.

Sec. 1. Board of dental examiners; appointment; vacancies; removal; nominations; compensation.

The members of the board shall each receive as compensation for their services \$15 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. (R. S. c. 66, § 1. 1951, c. 336, § 1. 1957, c. 275.)

Effect of amendment. — The 1957 amendment increased the compensation of the members from \$10 to \$15 a day in amendment. — The 1957 amendment increased the compensation of the members from \$10 to \$15 a day in amendment. As the first paragraph was not changed by the amendment, it is not set out.

Dentists.

Sec. 10. Revocation of certificates; misrepresentation.—The hearing officer as designated in chapter 20-A may revoke a certificate obtained by fraud or misrepresentation, or if the person named therein uses intoxicants or drugs to such an extent as to render him unfit to practice dentistry, or is guilty of immoral or unprofessional conduct, or convicted of a felony, or is afflicted with one or more of the specific infections, or is convicted in a court of competent jurisdiction of violating any of the provisions of this chapter.

No registered dentist, dental hygienist, dental technician or dental laboratory shall include in any newspaper, radio, display sign or other advertisement any statement of a character tending to deceive or mislead the public, or any statement claiming professional superiority or the performance of professional services in a superior manner, or the performance of painless operations of a dental or oral surgical nature, or advertising fixed prices for professional services or materials or the use of any drug, nostrum, patent or proprietary medicine of any unknown formula, or advertising to use any system of anesthetics without truly and accurately naming the same, or to use any such system unless such system is in fact used, or shall advertise with signs or printed advertisements which contain the representation of a tooth, teeth, dental restoration of any kind or of whatsoever design or description or any portion of the human head or neck or photograph of any person. The hearing officer may suspend or revoke a dental license now in force or that shall be hereafter given for dishonorable conduct on the part of any licensee under this chapter, whether such conduct is similar or dissimilar to any acts herein expressly named, but which is detrimental to the public health, safety or welfare. The board may by rules define dishonorable conduct. Any person who violates any of the provisions of this paragraph shall be deemed guilty of a misdemeanor and shall be punished by a fine of not more than \$200. (R. S. c. 66, § 10. 1951, c. 336, § 6. 1961, c. 394, §§ 32, 33.)

Effect of amendment.—The 1961 amendment substituted “hearing officer as designated in chapter 20-A” for “board” near the beginning of this section and substituted “hearing officer” for “board” near the beginning of the second sentence of the second paragraph.

Sec. 11. Hearings.—No action to revoke a certificate shall be taken until the accused shall be furnished with a statement in writing of the charges against him and notice of the time and place of a hearing thereon. The accused may be present at the hearing in person and may be represented by counsel. If upon such hearing the hearing officer finds the charges are true, he may revoke the certificate of the accused. Such revocation shall deprive the person named in the certificate of all rights and privileges required thereby, and said board shall not

re-empower anyone whose certificate has been revoked for any of the above causes to practice dentistry within 1 year after such revocation, and then only upon sufficient assurances and guarantees to said board, of correct future conduct. A 2nd revocation of any certificate shall be perpetual. (R. S. c. 66, § 11. 1961, c. 394, § 34.)

Effect of amendment.—The 1961 amendment deleted the former second sentence, substituted “hearing officer” for “board” in the present third sentence and substituted “he” for “it” in that sentence.

Sec. 12. Repealed by Public Laws, 1961, c. 394, § 35.

Sec. 13. Conviction certified.—The clerk of a court in which a registered dentist or dental hygienist is convicted under section 10 shall forthwith certify such conviction to the board and the hearing officer may, after a hearing, revoke or suspend the certificate of the convicted registrant. The hearing officer may revoke or suspend the certificate of a dentist or dental hygienist for conviction in any court of the state of a crime involving moral turpitude. (R. S. c. 66, § 13. 1961, c. 394, § 36.)

Effect of amendment.—The 1961 amendment substituted “hearing officer” for “board” in two places in this section and made other minor changes.

General Provisions.

Sec. 22. Power to issue subpoenas, etc.—In all matters pending before it, the board shall have the power to issue subpoenas and compel the attendance of witnesses and the production of all necessary papers, books and records, documentary evidence and materials. Any person failing or refusing to appear or testify regarding any matter about which he may be lawfully questioned or to produce any papers, books, records, documentary evidence or materials in the matter to be heard, after having been required by order of the board or by a subpoena of the board to do so may, upon application to any district court, be ordered to comply therewith, and upon failure to comply with the order of said district court, the court may compel obedience by attachment as for contempt as in case of disobedience of a similar order or subpoena issued by said court. Every member of the board shall have authority to issue subpoenas, to administer oaths to witnesses or to take their affirmation. A subpoena may be served upon any person named therein, anywhere within the state with the same fees and mileage by any officer authorized to serve subpoenas in civil actions, in the same manner as is prescribed in the revised statutes for subpoenas issued out of the courts of this state. (1951, c. 336, § 13. 1963, c. 402, § 106.)

Effect of amendment.—The 1963 amendment substituted “any district court” for “any municipal court of the state” and substituted “said district court” for “said municipal court” in the second sentence.

Application of amending act.—Section 280 of c. 402, P. L. 1963, provides that the act shall apply only to the district court when established in a district and that the laws in effect prior to the effective date of the act shall apply to all municipal and trial justice courts.

Dental Hygienists.

Sec. 23. Dental hygienists; use of former employers' lists.—The hearing officer under chapter 20-A shall revoke or suspend the license of any registered and licensed dental hygienist who is found guilty of using or attempting to use in any manner whatsoever any prophylactic lists, call lists, records, reprints or copies of same, or information gathered therefrom, of the names of patients whom he might have served in the office of a prior employer, unless such names appear upon the bona fide call or prophylactic list of his present employer and were caused to so appear through the legitimate practice of dentistry as provided for in this chapter. The hearing officer shall also suspend or revoke

the license of any licensed dentist who is found guilty of aiding or abetting or encouraging a dental hygienist employed by him to make use of a so-called prophylactic call list, or the calling by telephone or by use of written letters transmitted through the mails to solicit patronage from patients formerly served in the office of any dentist formerly employing such hygienist. No order or suspension or revocation provided in this section shall be made or entered except after hearing by the hearing officer as provided in chapter 20-A. (1951, c. 336, § 14. 1961, c. 417, § 162.)

Effect of amendment.—The 1961 amendment substituted “hearing officer under chapter 20-A” for “board” in the first sentence and “hearing officer” for “board” in the second and third sentences. It also

substituted “chapter 20-A” for “this chapter” and deleted “and such order shall be subject to appeal as provided by section 12” in the third sentence.

Sec. 25. Dental hygienists; powers; duties; license of registered dentist revoked for violation.—Any registered or licensed dentist may employ women assistants who shall be known as dental hygienists. Such dental hygienists may operate x-ray machines for the purpose of dental diagnosis, and make oral examinations by mouth mirror and explorer for the detection of cavities, and remove lime deposits, accretions and stains from the exposed surfaces of the teeth and directly beneath the free margin of the gum and make local applications of medicaments to the surfaces of the teeth and gums, but shall not perform any other operation on the teeth or mouth or on any diseased tissues of the mouth. They may operate in the office of any registered or licensed dentist or in any public or private institution or for the department of health and welfare, division of dental health, under the general supervision of a registered or licensed dentist. The hearing officer may revoke the license of any registered or licensed dentist who shall permit any dental hygienists operating under his supervision to perform any operation other than that permitted under this section. (R. S. c. 66, § 20. 1947, c. 139, § 2. 1949, c. 349, § 112. 1951, c. 336, § 14. 1961, c. 417, § 163.)

Effect of amendment.—The 1961 amendment substituted “hearing officer” for “board” near the beginning of the last

sentence and deleted “the provisions of” preceding “this section” at the end of the section.

Sec. 26. Examination; qualification; fees.

Nothing in this section shall prohibit a student of dental hygiene enrolled in a school for dental hygienists from practicing dental hygiene in the school or in any clinic affiliated with such school when such practice is under the direct supervision of a qualified instructor. (R. S. c. 66, § 21. 1949, c. 347, § 2. 1951, c. 336, § 14. 1961, c. 240.)

Effect of amendment.—The 1961 amendment added the second paragraph of this section.

As the first paragraph was not affected by the amendment, it is not set out.

Chapter 74.

Registration of Podiatrists.

Sec. 1. Examiners of podiatrists. — The examiners of podiatrists, as heretofore appointed and hereinafter in this chapter called the “examiners,” shall be 2 members of the board of registration in medicine together with 2 podiatrists appointed by the governor with the advice and consent of the council. The chairman of the board of registration in medicine shall act as chairman of the examiners and the secretary-treasurer of the board of registration in medicine shall act as secretary-treasurer of the examiners. The podiatrists appointed by the governor shall be appointed for a term of 4 years from a list submitted by the Podiatry