

in this State including those organized and operating under a home rule charter adopted under the provisions of Section 36, Article 4 of the State Constitution and the state laws relating thereto.

Sec. 2. This Act shall take effect and be in force from and after its passage.

Approved March 31, 1927.

CHAPTER 97—S. F. No. 3

An act to amend Section 5931, General Statutes 1923, relating to the use and operation of miniature motion picture apparatus.

Be it enacted by the Legislature of the State of Minnesota:

Section 1. **Application.**—That Section 5931, General Statutes, 1923, be and the same hereby is amended so as to read as follows:

"5931. The foregoing sections of this act shall not apply to the use and operation of any miniature motion picture apparatus which uses only an enclosed incandescent electric lamp and approved acetate of cellulose or slow burning films, and is of such construction that films ordinarily used on full sized commercial picture apparatus, cannot be used therewith, and provided, that the foregoing provisions of this act shall not apply to miniature motion picture apparatus approved by the state fire marshal, when used only for purposes not for private gain."

Approved April 1, 1927.

CHAPTER 98—S. F. No. 390

An act to amend Sections 5757, 5758, 5759, 5760, 5762, 5763, General Statutes 1923, relating to the powers and duties of the State Board of Dental Examiners and the licensing of dentists and the practicing of dentistry; making it unlawful for any dentist to divide fees with or to promise to pay any part of his fee to or to pay a commission to any other dentist calling him in consultation or sending patients to him for treatment or operation; fixing the fees to be charged therefor; providing for the display of the annual registration certificate by the dental operating chair or chairs of any and all licensed dentists, dental nurses and hygienists; repealing Section 5761, General Statutes 1923, and all other inconsistent acts; and providing for penalties for the violation thereof.

Be it enacted by the Legislature of the State of Minnesota:

Section 1. Board of dental examiners—appointment.—That Section 5757, General Statutes 1923, be amended so as to read as follows:

"5757. The Board of Dental Examiners shall consist of *five* practicing dentists of the state appointed by the Governor, each for the term of *five* years and until his successor qualifies, and no member shall serve more than two consecutive terms. The board shall at all times include *three* members who shall have been appointed on the recommendation of the Minnesota State Dental Association, if such recommendation be made at least *90* days before the term of the member of that class expires; otherwise the Governor may appoint without such recommendation. Every vacancy caused otherwise than by the expiration of a term shall be filled in the same manner and from the class to which the retiring member belongs. If the Association is entitled to and fails to recommend a candidate for such unexpired term within thirty days after the vacancy occurs the Governor may appoint without such recommendation. If a member shall be absent from two consecutive regular meetings, the board shall declare a vacancy to exist. The Association shall recommend not less than two candidates for each appointment."

Sec. 2. Officers—meetings—compensation—report.—That Section 5758, General Statutes 1923, be amended so as to read as follows:

"5758. The board shall elect from its members a president and secretary-treasurer, and shall have a common seal. It shall hold *at least two regular meetings each year at times to be fixed by the board, and may hold special meetings as occasion demands.* All meetings shall be held at the College of Dentistry of the State University. Out of the funds coming into the possession of said board, the members thereof shall receive as compensation the sum of *\$10.00* per day and necessary traveling expenses for each day actually engaged in the duties of their offices as examiners. The secretary shall in addition *thereto* be paid a salary to be fixed by resolution by the board, not to exceed *\$1,200.00 per year.*

All fees received by the State Board of Dental Examiners under this act shall be paid to the secretary-treasurer thereof, who shall forthwith deposit the same with the State Treasurer, to be kept in a separate fund for the use of said Board, and payments out of said fund shall be made only upon written orders issued and signed by the secretary-treasurer of said Board. No expense shall be incurred by said Board in excess of the revenue derived from such fees. The secretary of the Board shall give a bond in an amount to be fixed by resolution of the Board, and in form

to be approved by the attorney general and conditioned for the faithful discharge of his official duties.

Before January 15th in each year the Board shall report its proceedings and the items of its receipts and disbursements to the Governor of the State of Minnesota."

Sec. 3. Dentistry defined—inhibition and exception.—That Section 5759, General Statutes 1923, be amended so as to read as follows:

"5759. All persons shall be said to be practicing dentistry within the meaning of this act who shall do any of the acts comprehended within any or all of the following subdivisions:

1. Using or permitting to be used, the word or letters "Dentist" or "D.D.S.," "D.M.D.," or any other words or letters in connection with his name which in any manner represents him as engaged in the practice of dentistry.

2. By himself, or his servants or agents, operating or conducting a place wherein dental examinations, operations or acts prescribed in clause 4 hereof, are performed or attempted to be performed or advertised as a place where they are performed or attempted to be performed.

3. By himself, or his servants or agents, advertising or permitting to be advertised by sign, circular, or hand bill, newspaper, telephone book, or otherwise, that he will perform or attempt to perform any of the dental examinations, operations or act prescribed in clause 4 hereof.

4. By himself, his servants or agents, and for a fee, salary or other reward paid or to be paid either to himself or to any other person for him, diagnose, treat, operate or prescribe for, or attempt to diagnose, treat, operate or prescribe for any disease, lesion, pain, injury, defect, deformity, or physical condition of the human teeth, alveolar process, gums, or jaws, or extract teeth or replace teeth by artificial ones, or correct malpositions thereof.

Provided, however, that this section:

A. Shall not prohibit non-licensed persons from doing mechanical work upon inert matter in dental offices or laboratories.

B. Shall not apply to students enrolled in and regularly attending any dental college recognized as such by the State Board of Dental Examiners, provided their acts are done in said dental college and under the direct supervision of their instructor.

C. Shall not apply to a legally qualified and licensed physician or surgeon in the performance of surgical operations or who in emergency cases extracts teeth or relieves pain or prescribes for the relief of pain.

D. Shall not apply to licensed or registered dentists of another state temporarily operating a clinic under the auspices of a duly organized and reputable dental college, or reputable dental society.

or to one lecturing before a reputable society composed exclusively of dentists.

E. Shall not apply to licensed dental nurses or hygienists in the performance of their duties as provided by law.

In the construction of this section, the word "person" shall be deemed to include all individuals, corporations, or associations. The word "himself" shall be construed to include "herself," "themselves" or "itself." The word "his" shall be construed to include "her," "them," or "it." The singular shall include the plural.

F. Shall not apply to any person who ministers to or treats the sick or suffering or who treats for the purpose of preventing sickness or suffering by mental or spiritual means, whether gratuitously or for compensation, without the use of any drug or material remedy."

Sec. 4. Examinations—license—revocation.—That Section 5760, General Statutes 1923, be amended so as to read as follows:

"5760. A person not already a licensed dentist of the state desiring to practice dentistry therein, shall apply to the secretary of the Board for examination and pay a fee of \$25.00 for the first examination and \$25.00 for each subsequent examination which in no case shall be refunded. At the next regular meeting he shall present himself for examination and produce his diploma from some dental college of good standing, of which standing the Board shall be the judges, also satisfactory evidence showing that the applicant is of good moral character. The Board shall give the applicant such an elementary, practical examination as to thoroughly test his fitness for the practice and include therein the subjects of anatomy, physiology, chemistry, materia-medica, therapeutics, metallurgy, histology, pathology, and operative, surgical and mechanical dentistry; and the applicant shall be required to demonstrate his skill in operative and mechanical dentistry. If the applicant successfully passes the examination, he shall be registered by the board as a licensed dentist, and supplied with a license signed by all members of the board of dental examiners.

Provided, that any dentist who has for five years or more been in legal practice in another state having and maintaining an equal standard of laws regulating the practice of dentistry with this state, including reciprocity provisions, and is a reputable dentist of good moral character and is desirous of removing to this state and deposits in person with the board of dental examiners a certificate from the examining board of the state in which he is registered, certifying to the fact of his registration and that he is of good moral character, and professional attainments, and upon payment of a fee of \$50.00 may, at the discretion of the board, be

granted a license to practice in this state without further theoretical examination.

The board of dental examiners may upon written charges filed and after hearing had thereon after 20 days' written notice thereof to the accused, served either personally or by registered mail, addressed to the accused at his last address as known to the Board of Dental Examiners, and in the event of service by registered mail also by publishing a copy of the notice once a week for two consecutive weeks in a legal newspaper published in the village, town or city wherein the accused last resided to the knowledge of the board of dental examiners, suspend or revoke a license obtained by fraud, or misrepresentation, or the license of any dentist found guilty of violating this act by a court of competent jurisdiction, or convicted of a misdemeanor involving moral turpitude or of a felony, or who becomes habitually intemperate or addicted to drugs, or is guilty of gross immorality, or who advertises with a view of deceiving or defrauding the public, or is not otherwise a good moral and upright character.

Provided, however, if any person is aggrieved by any order of said board, he may appeal from any such order to the district court of the county in which he resides within 30 days after notice from the board of the filing of said order mailed to his last known address. The notice of appeal shall state that he appeals to the district court of the county wherein he resides and said notice shall be signed by the person appealing or his attorney, a copy of which notice shall be mailed to the Secretary of the said board by registered mail at the usual postoffice of the person appealing or his attorney. Said notice of appeal, with proof of mailing a copy thereof to the Secretary of said board, registered as aforesaid, shall be filed in the office of the clerk of the district court of said county within ten days after mailing thereof, and such appeal shall suspend operation of the order appealed from until the appeal is finally determined. The trial of all issues on such appeal shall be de novo by the court and such appeal shall be heard and tried in the same manner as other issues of law and fact are heard and tried in such court, and the order appealed from shall have no force or effect in the determination of such appeal. The district court shall hear and determine the appeal within ten days or as soon thereafter as possible from the date of the filing of the notice of appeal and the proof of mailing of said notice of appeal, at any place in the judicial district to be designated by any of the judges of said court. Upon the trial of said appeal the court may confirm, reverse or modify any order of said Board appealed from. A stenographic record shall be kept of all such proceedings.

In such proceedings the Board of Dental examiners shall have power to compel the attendance of witnesses by subpoena and to compel the giving of testimony under oath.

Any dentist whose license has been suspended or revoked may be reinstated and a new license issued to him when in the judgment of the board of dental examiners such action is warranted, provided such reinstated dentist shall pay all costs of the proceedings resulting in his suspension or the revocation of his license and reinstatement and in addition thereto a fee of \$25.00.

Within 90 days after the passage of this act, the secretary of the state board of dental examiners shall file with the Secretary of State, a complete list of all licenses heretofore issued and remaining unrevoked by the state board of dental examiners. The secretary of said board of dental examiners shall likewise notify the Secretary of State of any licenses subsequently issued or revoked or suspended within ten days after issuance or revocation, or suspension by the state board of dental examiners. Said names so filed with the Secretary of State shall be listed by the latter in a book kept for that purpose."

Sec. 5. Annual fee.—That Section 5762, General Statutes 1923, be amended so as to read as follows:

"5762. Before the first of May in each year every licensed registered dentist and dental hygienist or nurse shall pay to the board of dental examiners an annual registration fee of three dollars, and in default of such payment the board may, upon hearing and upon 30 days' notice revoke the license of the dentist or hygienist or nurse in default; provided that 30 days before said May 1st written notice duly signed by the president or secretary of the board stating the amount and due date of said fee shall be sent by registered mail to each such licensed dentist or hygienist or nurse; but the payment of such fee on or before the time of hearing, with such additional sum not exceeding five dollars, as may be fixed by the board, shall excuse the default. The Board may collect such fee by suit.

Every licensed dentist and dental hygienist or nurse upon changing his place of business shall, within ten days thereafter, furnish the Secretary of the Board of Dental Examiners with his new address. He shall not act as a dentist or dental hygienist or nurse for more than ten days after so notifying the Secretary unless he shall have received notice, which the Secretary shall send him, that the change is noted on the records of the Board.

In case of a lost license, and satisfactory proof of the loss or destruction thereof being furnished to the board, the latter may issue a duplicate license, charging a fee therefor of three dollars."

Sec. 6. Prohibition—penalties—disposition of fines.—That Section 5763, General Statutes 1923, be amended so as to read as follows:

"5763. Any person, firm, association, or corporation, found guilty of any of the following acts, shall be deemed guilty of a misdemeanor, and in this connection all officers, employees, or agents

of a corporation or association participating therein shall be likewise guilty of a misdemeanor.

1. Practicing dentistry as in this law defined without being first duly licensed.

2. Owning, running, operating, or conducting any room or rooms, office or dental parlors, where dentistry is practiced as defined in this act, or where dental work of any kind is done or performed or contracted for, wherein an unlicensed person is practicing dentistry contrary to the provisions of this law.

3. Falsely pretending that he holds a license to practice dentistry in this or any other state or country.

4. Practicing or offering to practice, or holding one self out as practicing dentistry under any name except his or her own proper name which shall be the name used in his or her license granted to him or her as a dentist as provided for in this article, provided further that nothing herein shall be construed to prohibit corporations or persons employing duly licensed dentists from practicing as such under a trade name.

5. Making any wilfully false statement in any affidavit or other statement required by the board of dental examiners of any applicant for a license.

It shall be no defense for a person prosecuted for practicing under one name, without a license, that he shall have been licensed under a different name, unless it shall be shown that such practice was without intent to defraud or deceive.

Every practitioner of dentistry and dental hygienist or nurse must display conspicuously in the dental office wherein they are practicing, their annual registration certificate. If there are more dental chairs than one, in any dental office the annual registration of the practitioner or hygienist or nurse practicing at each chair must be displayed conspicuously by said chair in plain view of the patient. Any person who shall practice personally or by hiring or procuring another to practice and shall fail to display or cause to be displayed the annual registration certificate of himself and any person practicing or employed to practice as a dentist or dental hygienist or nurse in his dental office or any dental office under his control, shall be guilty of a misdemeanor, and punishable upon a first conviction by a fine of not more than \$100.00 or by imprisonment or not more than 90 days. Any person who shall hire, procure, or employ or induce one who is not duly licensed and registered as a dentist or dental hygienist or nurse shall aid or abet one who is not so licensed and registered in such practice shall be guilty of a misdemeanor.

Whoever shall be convicted of a misdemeanor for a violation of any of the provisions of this act, shall be punished for the first offense by imprisonment in the county jail for not more than three months, or by a fine of not more than \$100.00. For each contin-

tion subsequent to the first; as to any corporation by a fine of \$100.00, and as to any individual by imprisonment in the county jail for not less than 30 days nor more than three months.

All fines collected under the provisions hercof, shall be paid into the general fund of the county in which the conviction occurred.

The board of dental examiners may, when it deems best for the enforcement of this law, employ such attorney as the attorney general shall appoint, the compensation of such attorney to be paid out of the funds of the board of dental examiners.

Sec. 7. Division of fees prohibited.—It shall be unlawful for any dentist to divide fees with or to promise to pay a part of his fee to, or to pay a commission to any other dentist who calls him in consultation or sends patients to him for treatment or operation, but nothing herein shall prevent licensed dentists forming a partnership for the practice of dentistry, nor to the regular employment of a licensed dentist by another licensed dentist. Any dentist violating this section shall be guilty of a misdemeanor and shall be punished by a fine of not to exceed \$100.00, or imprisonment in the county jail not to exceed 90 days.

Sec. 8. Inconsistent acts repealed.—Section 5761, and all acts and parts of acts, in so far as the same are inconsistent herewith, are hereby repealed.

Sec. 9. Effective January 1, 1928.—This act shall take effect and be in force from and after January 1, 1928.

Approved April 1, 1927.

CHAPTER 99—S. F. No. 707

An act validating and confirming the charge and levy against the lands affected of costs and expenses incurred in proceedings for the establishment of judicial ditches in certain cases, creating a lien therefor, and providing for the collection thereof.

Be it enacted by the Legislature of the State of Minnesota :

Section 1. Charges and levies legalized in certain cases.—In every case where heretofore and more than three years prior to the passage of this act there has been a petition filed for the establishment of a judicial ditch located wholly within one county and no contract for the construction of such ditch has been let by reason of the impossibility of constructing an effective drainage system or by reason of the insufficiency of the benefits to be derived from such construction to cover the cost thereof, or both, and where the costs and expenses heretofore incurred in such ditch proceedings have been paid by