

MAINE STATE LEGISLATURE

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ONE HUNDRED AND EIGHTH LEGISLATURE

Legislative Document

No. 572

S. P. 167

In Senate, February 22, 1977

Taken from table by President and on motion by Senator Conley of Cumberland, failed. Referred to Committee on Business Legislation. Sent down for concurrence and 2,000 ordered printed.

MAY M. ROSS, Clerk

Presented by Senator Conley of Cumberland.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-SEVEN

**AN ACT Concerning Professional Conduct of Chiropractors, Optometrists,
Podiatrists and Dentists.**

Be it enacted by the People of the State of Maine, as follows:

Sec. 1. 32 MRSA § 502, sub-§ 3, as enacted by PL 1973, c. 405, § 3, is repealed.

Sec. 2. 32 MRSA § 502, sub-§ 4, as enacted by PL 1973, c. 405, § 3, is repealed and the following enacted in its place:

4. **Advertising.** Advertising in a false, misleading or deceptive manner;

Sec. 3-A. 32 MRSA § 109I, sub-§ 1, ¶ H, sub-¶ (2), as enacted by PL 1967, c. 544, § 80, is repealed and the following enacted in its place:

(1) Making use of any advertising statements of a character tending to deceive or mislead the public; advertising to use drugs, patents, nostrums or proprietary medicines; or advertising to perform any dental operation or act painlessly;

Sec. 3-A. 32 MRSA § 109I, sub-§ 1, ¶ H, sub-¶ (2), as enacted by PL 1967, c. 544, § 80, is repealed.

Sec. 4. 32 MRSA § 2433, sub-§ 3, as enacted by PL 1973, c. 788, § 156, is repealed.

Sec. 4-A. 32 MRSA § 2433, sub-§ 4, as enacted by PL 1973, c. 788, § 156 is repealed and the following enacted in its place:

4. Advertising. Advertising in a false, misleading or deceptive manner;

Sec. 5. 32 MRSA § 2445, as enacted by PL 1973, c. 788, § 156, is repealed.

Sec. 6. 32 MRSA § 3655, 1st ¶, as last amended by PL 1973, c. 303, § 3, is repealed and the following enacted in its place:

Any license to practice podiatry may be suspended or revoked by the Administrative Court Judge under Title 5, chapters 301 to 307, when the licensee has been convicted of an act involving moral turpitude; and may be suspended or revoked when, after a hearing, it shall be found that the licensee used fraud in procuring his license or has used untruthful or improbable statements to patients or in advertisements; or that the licensee is incompetent to practice podiatry.

Sec. 7. 32 MRSA § 3655, sub-§§ 2, 6 and 7, are repealed.

Sec. 8. 32 MRSA § 3655, sub-§ 8, is repealed and the following enacted in its place:

8. Advertising. A podiatrist shall not engage in false, misleading or deceptive advertising.

Sec. 9. 32 MRSA § 3655, sub-§§ 9 and 11 are repealed.

STATEMENT OF FACT

The purpose of this bill is to bring Maine statutes into conformity with recent U. S. Supreme Court decisions regarding professional advertising and the First Amendment to the U. S. Constitution. Enactment of this bill will also maintain prohibitions against untruthful or deceptive advertising.