

# MAINE STATE LEGISLATURE

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October 6, 1953

To George W. Worster, Secretary, Chiropractic Board  
Re: Re-instatement of Revoked License.

We have your memorandum relative to the question of the legality of re-instating the license of LeRoy Greenlaw, whose license was revoked without condition or time limitation.

Please be advised that the Board has no authority to re-instate the license where it has been revoked without condition. The statutes governing the revocation here in question fail to provide for any mode of re-instatement. As the licensing is clearly a creature of statute, there must be a clear grant of power to the Board to allow re-instatement. Ex parte Mitchell, 123 W. Va. 283; 14 S.E. 2d, 771.

In a case of similar import, the licensing board was about to re-instate the revoked license of a physician. The medical society sought to prohibit the re-instatement of the license. The court held that where there was no specific authority, the board was powerless to re-instate. West Virginia State Medical Ass'n v. Public Health Council of West Virginia, 125 W. Va. 152; 23 S.E. 2d, 609. The Court said:

"License to practice medicine and surgery, having been finally and completely revoked, licensee had the same status with respect to the practice of medicine and surgery as if no license had been issued to him."

This is not to say that Mr. Greenlaw is barred from applying for admission; but he must be treated as though he were never licensed. He must show that he had the statutory qualifications as set out in Section 4 of Chapter 65 and take the examination required in Section 5.

Roger A. Putnam  
Assistant Attorney General

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Noted in Mr. Frost's hand:

"See also:

Hanson v. St. Bd. Medical Examiners, 220 Iowa 357, 361  
State v. Otterholt, 234 Iowa, 1286, 1291  
State Dental Ex'rs v. Savelle, 82 ALR 1176, 1183