

MAINE STATE LEGISLATURE

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no

November 6, 1953

To George W. Worster, Secretary, Board of Chiropractic Registration
Re: Suspension of License

On September 30, 1953, you wrote to this office stating that LeRoy Greenlaw, D.C., plead guilty to criminal abortion, was convicted of a misdemeanor and as a result of such conviction your Board revoked his license to practise chiropractic. You then asked if he could be legally reinstated.

In answer to your question you were advised that, the license having been revoked rather than suspended, there was no authority to reinstate it, but that Mr. Greenlaw might apply for admission and follow the customary procedure for securing a license.

Subsequently you wrote stating that at the time of the hearing it was not the intention of your Board that revocation should be permanent; in other words, you meant to revoke for a time certain, i.e. suspend, the license, and you ask again if you can lawfully restore his license at this time.

It has been stated that your Board took action which resulted in the revocation of this license because you were advised, or otherwise thought, that you could not suspend it, but were compelled to revoke or let Mr. Greenlaw retain it.

We have examined the sections of law relating to suspension or revocation of licenses in Chapter 65 of the Revised Statutes and they appear to be none too clear. In addition to Section 9, which provides for the revocation of the license of any person convicted of crime in the course of professional business, there is also another section, Section 5, which states that the Board may revoke a certificate for the same causes for which it may refuse to grant one - conviction of a felony, grossly unprofessional conduct, vice addiction, etc.

We are of the opinion that the right to revoke a license necessarily contains the right to impose a lesser penalty, that of suspension, and we feel that with respect to the action of the Board against Mr. Greenlaw, the Board could at the time of hearing have either revoked or suspended his license. If, as indicated in your letter of October 20th, it was clearly not the intention of the Board to revoke permanently but to suspend the license for a time certain, then we feel that the Board may properly amend its action, so that the license will have been suspended and not revoked.

It is clear that the statutes under consideration should be clarified at the next legislature, so that it can be unequivocally ascertained for what activities a license may be suspended and for what activities it may be revoked, or so that alternative action can be taken in any case. Your Board should attend to this matter.

James Glynn Frost
Deputy Attorney General