

MAINE STATE LEGISLATURE

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November 6, 1957

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To Harry M. Burry, D. C., Secretary-Treasurer
Maine Board of Chiropractic Examination and Registration

. . . You ask two questions relating to Chapter 72 of the Revised Statutes of 1954:

1. "Can the State Board of Examiners enforce the two day attendance on lectures at the educational conventions? (A form letter recently sent to the membership is enclosed herewith.)"

Section 3 of Chapter 72 is that section relating to conditions required for the granting of licenses. In addition to the requirement that a fee of \$5. be paid annually, the statute further states: "provided that in addition to the payment of such renewal fee, each licensee so applying to for his renewal certificate shall furnish to said board satisfactory evidence that he has attended one of 2 educational programs conducted and supervised by the said board, in the year preceding."

This office approves the form letter which you enclosed with your memo.

Before any action is taken with respect to the revocation or suspension of a license because of failure to comply with the educational requirement, we would request that you consult this office.

2. "The recently enacted legislation (one year pre-professional by 1957 and two years by 1959) does not have a so called 'grandfather clause' and one man with some legal training told me that the common law - whatever that is - could rule the legislation unconstitutional for those who graduated prior to the enactment of the laws."

We do not attempt to set forth the statute relating to your second question, because we feel that it is not necessary in considering the guiding principles under which this office gives opinions. It is the custom of this office to consider all statutes constitutional until such statutes have been held unconstitutional by the courts.

We feel also that it is your duty to consider your statutes to be constitutional and to so consider them in administering the laws.

James Glynn Frost
Deputy Attorney General

jgf/c