

MAINE STATE LEGISLATURE

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ONE HUNDRED AND FIRST LEGISLATURE

Legislative Document

No. 1317

H. P. 910

House of Representatives, February 13, 1963

Referred to Committee on Judiciary. Sent up for concurrence and ordered printed.

HARVEY R. PEASE, Clerk

Presented by Mr. Berry of Cape Elizabeth.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SIXTY-THREE

AN ACT Repealing the Administrative Code.

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

Sec. 1. R. S., c. 20-A, repealed. Chapter 20-A of the Revised Statutes, as enacted by section 1 of chapter 394 of the public laws of 1961 and as amended by sections 30, 31 and 32 of chapter 417 of the public laws of 1961, is repealed.

Sec. 2. R. S., c. 25, § 5, amended. The first paragraph of section 5 of chapter 25 of the Revised Statutes, as amended by section 2 of chapter 394 of the public laws of 1961, is further amended to read as follows:

'No person, firm, corporation or association shall operate an institution or agency for the care and treatment of defectives, dependents and delinquents or conduct and maintain a boardinghouse or home for the aged, blind or other persons 16 years of age or over without having in full force, subject to the rules and regulations of the department, a written license therefor from the department. The term of such license shall be for one year and the ~~license department~~ may ~~be suspended or revoked for just cause~~ **revoke such license at any time.** ~~When the department believes a license should be suspended or revoked it shall file a statement of complaint with the Hearing Officer designated in chapter 20-A.~~ **A person aggrieved by the refusal of the department to issue a license may file a statement of complaint with said Hearing Officer.** It shall give written notice of such revocation by delivering the notice in hand to the licensee. If the licensee cannot be reached for personal service the notice may be left at the licensed premises. No such license shall be issued until the applicant has furnished the department with a written statement signed by the insurance commissioner or the proper municipal official designated in chapter 97 to make fire safety inspections that the home and premises comply with said chapter 97 relating to

fire safety. The department shall establish and pay reasonable fees to the municipal official of the insurance commissioner for each such inspection. Said written statement shall be furnished annually thereafter.'

Sec. 3. R. S., c. 25, § 22, amended. Section 22 of chapter 25 of the Revised Statutes, as amended by section 3 of chapter 394 of the public laws of 1961, is further amended to read as follows :

'Sec. 22. Private hospitals to be licensed; subject to visitation. The department may license any suitable person to establish and keep a private hospital or private house for the reception and treatment of patients who are mentally deranged, and may revoke such license at any time. Such hospital or private house shall be subject to visitation by the department or any member thereof.'

Sec. 4. R. S., c. 25, § 29, repealed and replaced. Section 29 of chapter 25 of the Revised Statutes, as last repealed and replaced by section 47 of chapter 417 of the public laws of 1961, is repealed and the following enacted in place thereof :

'Sec. 29. License revoked after hearing. Upon the failure of any superintendent or manager of such licensed hospital or house to comply with any of the provisions of sections 22, 23 and 28 and chapter 27, sections 169 to 176 and sections 181 to 194, the commissioner may order a hearing to be held and notify in writing said superintendent or manager of said hearing, by 7 days' notice, to be held at the State House at Augusta, and if it shall appear to the commissioner that said sections have not been complied with, he may revoke the license of said hospital or house.'

Sec. 5. R. S., c. 25, § 165, repealed and replaced. Section 165 of chapter 25 of the Revised Statutes, as last repealed and replaced by section 52 of chapter 417 of the public laws of 1961, is repealed and the following enacted in place thereof :

'Sec. 165. Revocation of licenses; appeal. The Bureau of Health shall have the power to issue, renew, suspend and revoke such licenses and to hold hearings on violations of sections 160 to 166 and regulations adopted under said sections. The Director of Health, or his duly authorized representative in charge of the hearings, may administer oaths and issue subpoenas for witnesses.

Whenever the Commissioner of Agriculture informs the Bureau of Health that a licensee holding a license to operate an eating place in a hotel, restaurant, lunch cart or lunch counter, or any eating place is not complying with the laws and regulations governing the sale of food, the Bureau of Health shall revoke the license of the licensee.

The licensee shall have notice in writing of the charge or charges against him and shall have reasonable opportunity to be heard in his defense. Any license suspended or revoked shall be delivered to any agent of the Bureau of Health upon demand. Any person whose license has been suspended or revoked may apply to have same reissued and it shall be reissued upon satisfactory evidence that the violations no longer exist. Any person operating an eating or lodging place after such license shall have been revoked shall be considered as operating without a license and liable to all the penalties therefor.

Any person aggrieved by the decision of the Bureau of Health in revoking

or suspending a license or by the refusal of said Bureau of Health to issue a license may within 30 days thereafter appeal to the Superior Court, by filing a complaint. The court shall fix a time and place for hearing and cause notice thereof to be given to the Bureau of Health. After hearing, the court may affirm or reverse the decision of the Bureau of Health, and the decision of the court shall be final. Pending judgment of the court, the decision of the Bureau of Health in revoking or suspending any license shall remain in full force and effect. The bureau shall, within 3 days after notice of such appeal, forward to the said court a certified copy of the proceedings.'

Sec. 6. R. S., c. 25, § 190, amended. Section 190 of chapter 25 of the Revised Statutes, as amended by section 7 of chapter 394 of the public laws of 1961, is further amended to read as follows:

'Sec. 190. Investigation of complaints; revocation of licenses. The board shall investigate all complaints made to it and all cases of noncompliance with or violation of sections 178 to 193 and shall bring all such cases to the notice of the proper prosecuting officers. The board, after a conviction for crime in the course of plumbing business, of any person, firm or corporation to whom a license has been issued by them ~~or for any just cause and after hearing~~ may by vote of majority of the board ~~file a statement or complaint with the Hearing Officer designated in chapter 20-A asking to have the license or registration suspended or revoked~~ **revoke the license and cancel the registration of the person, firm or corporation to whom the same was issued.** Said board may also suspend or revoke any license by a majority vote of the board, in any case where such license has been wrongfully obtained or for any fraud connected with the said registration.'

Sec. 7. R. S., c. 25, § 197, amended. Section 197 of chapter 25 of the Revised Statutes, as amended, is further amended by inserting after the 3rd paragraph, a new paragraph, as follows:

'The board may revoke for cause any license issued by it and failure to comply with the law and the regulations of the department shall be deemed sufficient cause for the revocation of a license.'

Sec. 8. R. S., c. 25, § 205, amended. The first 4 paragraphs of section 205 of chapter 25 of the Revised Statutes, as amended by section 37 of chapter 317, section 9 of chapter 394 and section 53 of chapter 417, all of the public laws of 1961, are repealed and the following enacted in place thereof:

'Whenever the board shall have reason to believe that any person to whom a license has been issued has become unfitted to practice funeral directing, embalming and disinfecting, as the case may be, or has violated any of the provisions of sections 195 to 205, or any rule or regulation prescribed, or whenever written complaint, charging the holder of a funeral director's or an embalmer's license with the violation of any provision of sections 195 to 205 is filed with the board, it shall be the duty of said board to conduct an investigation, and if from such investigation it shall appear to the board that there is reasonable ground for belief that the accused may have been guilty of the violation or violations

charged, a time and place shall be set by the board for a hearing to determine whether or not the license of the accused shall be revoked. Any member of said board shall have the right to administer oaths to witnesses.

No action to suspend, revoke or cancel any license shall be taken by the board until the accused has been furnished with a statement of charges against him and a notice of the time and place of hearing thereof, such notices shall be given to the accused at least 15 days prior to the hearing. The accused may be present at such hearing in person or by counsel or both to disprove the charges made against him. If upon such hearing the board finds the charges are true, it may revoke or suspend the license of the accused. A stenographic report of each proceeding to revoke or suspend a license shall be made at the expense of the board, and a transcript thereof kept in its files.

Any person who has been refused a renewal of his license or whose license has been revoked or suspended may, within 30 days after the decision of the board, file with the secretary of said board a written notice setting forth that he feels himself aggrieved by such decision and appeals therefrom to the Superior Court of the county within which such person resides and said court shall hear and determine as to whether the action of the board was in accord or consistent with sections 195 to 205, or the Constitution of this State or that said decision of the board was arbitrary, unwarranted or in abuse of discretion. Upon the filing of such notice the secretary of the board shall transmit forthwith to the clerk of said Superior Court a copy of the records and findings of such proceedings. An appeal may be taken from the decision of the Superior Court to the Supreme Judicial Court in the same manner as is provided in civil actions.

The board may also refuse to issue or may refuse to renew, or may suspend or may revoke any license, or may place the holder thereof on a term of probation after proper hearing upon finding the holder of such license to be guilty of any of the following acts or omissions:

Sec. 9. R. S., c. 25, § 206, amended. The last paragraph of section 206 of chapter 25 of the Revised Statutes, as amended by section 10 of chapter 394 of the public laws of 1961, is further amended to read as follows:

'From the refusal of the department to issue a certificate of registration for any cosmetic preparation, ~~the person so aggrieved may file a statement or complaint with the Hearing Officer designated in chapter 20-A~~ an appeal shall lie to the Superior Court in the County of Kennebec or any other county in the State from which the same was offered for registration.'

Sec. 10. R. S., c. 25, § 215, amended. The first and 2nd paragraphs of section 215 of chapter 25 of the Revised Statutes, as repealed and replaced by section 1 of chapter 359 and amended by section 55 of chapter 417, both of the public laws of 1961, are further amended to read as follows:

'The board shall make rules and regulations not contrary to law, ~~subject to chapter 20-A and the approval of the Department of Health and Welfare~~ same to be submitted to the Bureau of Health for its approval concerning the proper use of appliances, apparatus and electrical machines used in any establishment for or in connection with any of the practices defined in section 214,

and prescribing the sanitary requirements to be observed by proprietors of shops and other establishments where hairdressing or beauty culture are practiced and by persons engaged in such practice and shall make rules and regulations not contrary to law relative to the applications for licenses and certificates of registration. The board shall cause such rules and regulations to be printed in suitable form and a copy thereof to be sent to the proprietors of such shops and establishments, which shall be kept posted in a conspicuous place in such shops so as to be easily read by customers.

The board shall make rules and regulations not contrary to law, ~~subject to chapter 20-A and the approval of the Department of Health and Welfare~~ **same to be submitted to the Bureau of Health for its approval**, prescribing the requirements for the construction, operation, maintenance and sanitary requirements of any school of hairdressing and beauty culture, subject to a license under sections 213 to 230.'

Sec. 11. R. S., c. 25, § 215, amended. The 5th paragraph of section 215 of chapter 25 of the Revised Statutes, as last repealed and replaced by section 56 of chapter 417 of the public laws of 1961, is repealed and the following enacted in place thereof :

'The failure of any person to observe the requirements of any rule or regulation made by said board shall be cause for the suspension or revocation of such license but no license shall be suspended or revoked without a reasonable opportunity being offered to such person to show cause to said board why such license shall not be suspended or revoked. Any such license suspended or revoked shall be delivered to any agent of the board upon demand.'

Sec. 12. R. S., c. 25, § 213, amended. The 3rd sentence of the 4th paragraph of section 213 of chapter 25 of the Revised Statutes, as repealed and replaced by section 1 of chapter 359 of the public laws of 1961, and amended by section 54 of chapter 417 of the public laws of 1961, is further amended to read as follows :

'The executive secretary of said board shall keep a record of all proceedings, issue all notices, ~~except those required to be issued by the Hearing Officer under chapter 20-A~~ certificates of regulation and licenses, attest all such papers and orders as said board shall direct, make sanitary inspections at least twice a year of shops and other establishments subject to license under sections 213 to 230 and sections 230-A to 230-P, as directed by said board, and shall report annually to the Governor and Council giving a full statement of all receipts and expenditures and a statement of the work performed by the Board of Hairdressers during the year, together with such recommendations as deemed necessary.'

Sec. 13. R. S., c. 25, § 222, repealed and replaced. Section 222 of chapter 25 of the Revised Statutes, as last repealed and replaced by section 57 of chapter 417 of the public laws of 1961, is repealed and the following enacted in place thereof :

'Sec. 222. Schools of hairdressing and beauty culture; fees. No school of hairdressing and beauty culture shall be approved by said board until it shall attach to its staff a physician duly licensed to practice medicine in the state where the school is located, and familiar with the installation and use of elec-

trical appliances adapted to hairdressing and beauty culture, nor unless it has a minimum requirement of a continuous course of study of 1,500 hours distributed over a term of not less than 9 months, including practical demonstrations, written or oral tests and theoretical and practical instruction in sanitation, sterilization and the use of antiseptics, cosmetics and electrical appliances, which course of study and instruction shall be subject to the approval of said board. Time spent in any out-of-state school of hairdressing and beauty culture may be credited in full or in part against said 1,500 hours, subject to the decision and approval of the board. No school of hairdressing and beauty culture shall be an approved school until approval shall be recorded in the records of said board and until it shall receive a certificate of approval issued by said board. The fee for such certificate shall be \$25 and it shall be good for one year from the date when issued, unless sooner suspended. Said certificate may, so long as such school continues to meet the approval of said board, be renewed from year to year upon payment of a fee of \$25 for each renewal. The board may revoke any such certificate at any time for cause. Notice shall be given to such school of said proposed action in order that said school may have an opportunity to be heard. No person shall be engaged to instruct in any of the branches of hairdressing and beauty culture as defined in section 214 unless said instructor has a certificate to practice hairdressing and beauty culture under sections 213 to 230, excepting physicians as specified.'

Sec. 14. R. S., c. 25, § 227, repealed and replaced. Section 227 of chapter 25 of the Revised Statutes, as last repealed and replaced by section 60 of chapter 417 of the public laws of 1961, is repealed and the following enacted in place thereof:

'Sec. 227. Suspension or revocation of certificates of registration; appeal. The board may either refuse to issue or renew or may suspend or revoke any certificate of registration granted by it under sections 213 to 230 for:

- I. Felony. Conviction of a felony shown by a certified copy of the record of the court of conviction;
- II. Malpractice or incompetency. Gross malpractice or gross incompetency;
- III. Disease. Continued practice by a person knowingly having an infectious or contagious disease;
- IV. Drunkenness or drug addiction. Habitual drunkenness or habitual addiction to the use of morphine, cocaine or other habit forming drugs;
- V. Conduct. Immoral or unprofessional conduct;
- VI. Unclean shop. The keeping of a shop or other establishment, or the tools, appliances or furnishings thereof in an unclean or insanitary condition;
- VII. Requirements of law. Failure to comply with any of the prescribed requirements of sections 213 to 230;
- VIII. Misrepresentation of qualifications. For misrepresentation of qualifications. Before any certificate shall be suspended or revoked, the holder thereof shall have notice in writing of the charge or charges against him, and shall have reasonable opportunity to be heard in his defense. Any person

whose certificate has been so suspended or revoked may apply to have the same reissued, and the same shall be reissued upon satisfactory evidence that the disqualifications have ceased.

Any such certificate of registration suspended or revoked shall be delivered to any agent of the board upon demand.'

Sec. 15. R. S., c. 25, § 228, additional. Chapter 25 of the Revised Statutes is amended by adding a new section 228, to read as follows:

'Sec. 228. Hearings. The board may neither refuse to issue nor refuse to renew, nor suspend nor revoke any certificate of registration for any of the causes enumerated in section 227, unless the person accused has been given at least 10 days' notice in writing of the charge against him and an opportunity to be heard at a public hearing held by the board.

It shall be deemed that the board has duly notified the person accused of such hearing when the notice has been sent to the last known address of accused by registered letter.

Upon hearing of any such proceeding, the board may administer oaths and may procure by its subpoena, the attendance of witnesses and the production of relevant books and papers.

Any Justice of the Superior Court or of the Supreme Judicial Court, either in term time or in vacation, upon application either of the accused or of the board may, by order duly entered, require the attendance of witnesses and the production of relevant books and papers before the board in any hearing relating to the refusal, suspension or revocation of certificates of registration.'

Sec. 16. R. S., c. 25, § 230-A, amended. The 3rd sentence of the 2nd paragraph of section 230-A of chapter 25 of the Revised Statutes, as enacted by section 4 of chapter 359 of the public laws of 1961 and as amended by section 62 of chapter 417 of the public laws of 1961, is further amended to read as follows:

'The executive secretary of said board shall keep a record of all proceedings, issue all notices ~~except those required to be issued by the Hearing Officer under chapter 20-A~~, certificates of registration and licenses, attest all such papers and orders as said board shall direct, make sanitary inspections at least twice a year of shops and other establishments subject to license under sections 230-A to 230-P as directed by said board, and shall report annually to the Governor and Council giving a full statement of all receipts and expenditures and a statement of the work performed by the Board of Barbers during the year, together with such recommendations as deemed necessary.'

Sec. 17. R. S., c. 25, § 230-C, amended. The first, 2nd and 5th paragraphs of section 230-C of chapter 25 of the Revised Statutes, as enacted by section 4 of chapter 359 of the public laws of 1961 and as amended by section 63 of chapter 417 of the public laws of 1961, are further amended to read as follows:

'The board shall make rules and regulations not contrary to law, ~~subject to chapter 20-A and the approval of the Department of Health and Welfare~~ same to be submitted to the Bureau of Health for approval, concerning the proper

use of appliances, apparatus and electrical machines used in any establishment for or in connection with any of the practices defined in section 230-B, and prescribing the sanitary requirements to be observed by proprietors of shops and other establishments where barbering is practiced and by persons engaged in such practice and shall make rules and regulations not contrary to law relative to the applications for licenses and certificates of registration. The board shall cause such rules and regulations to be printed in suitable form and a copy thereof to be sent to the proprietors of such shops and establishments, which will be kept posted in a conspicuous place in such shops so as to be easily read by customers.

The board shall make rules and regulations not contrary to law, ~~subject to chapter 20-A and the approval of the Department of Health and Welfare~~ **same to be submitted to the Bureau of Health for approval**, prescribing the requirements for the construction, operation, maintenance and sanitary requirements of any school of barbering subject to a license under sections 230-A to 230-P.'

'The failure of any person to observe the requirements of any rule or regulation made by said board shall be cause for the suspension or revocation of such license ~~by the Hearing Officer under chapter 20-A, but no license shall be suspended or revoked without a reasonable opportunity being offered to such person to show cause to said board why such license shall not be suspended or revoked.~~ Any such license suspended or revoked shall be delivered to any agent of the board upon demand.'

Sec. 18. R. S., c. 25, § 230-H, amended. The first paragraph of section 230-H of chapter 25 of the Revised Statutes, as enacted by section 4 of chapter 359 of the public laws of 1961 and as amended by section 64 of chapter 417 of the public laws of 1961, is further amended to read as follows:

'No school of barbering shall be approved by the board until it shall attach to its staff a physician duly licensed to practice medicine in the state where the school is located, who shall instruct the students by lectures or demonstrations at least twice but not more than 4 times during the course on subjects of sanitation, sterilization, general anatomy and diseases, nor unless it has a minimum requirement of a continuous course of study of 1,000 hours distributed over a term of not less than 6 months, including practical demonstrations, written or oral tests and theoretical and practical instruction in sanitation, fundamentals for barbering, hygiene, histology of the hair, skin, face and neck, diseases of the skin, hair, glands and nails, massaging and manipulating the muscles of the upper body, hair cutting, shaving and arranging, dressing, coloring, bleaching, tinting the hair, sterilization and the use of antiseptics, cosmetics and electrical appliances customarily used in the practice of barbering, which course of study and instruction shall be subject to the approval of said board. No school of barbering shall be an approved school until approval shall be recorded in the records of said board and until it shall receive a certificate of approval issued by said board. The fee for such certificate shall be \$25 and it shall be good for one year from date when issued, unless sooner suspended. Said certificate may, so long as such school continues to meet the approval of said board, be renewed

from year to year upon payment of a fee of \$25 for each renewal. ~~When the board believes a license should be suspended or revoked it shall file a statement or complaint with the Hearing Officer designated in chapter 20-A.~~ The board may revoke any such certificate at any time for cause. Notice shall be given to such school of said proposed action in order that said school may have an opportunity to be heard.'

Sec. 19. R. S., c. 25, § 230-M, repealed and replaced. Section 230-M of chapter 25 of the Revised Statutes, as enacted by section 4 of chapter 359 of the public laws of 1961 and as repealed and replaced by section 65 of chapter 417 of the public laws of 1961, is repealed and the following enacted in place thereof:

'Sec. 230-M. Suspension or revocation of certificates of registration; appeal. The board may either refuse to issue or renew or may suspend or revoke any certificate of registration granted by it under sections 230-A to 230-P for:

- I. **Felony.** Conviction of a felony shown by a certified copy of the record of the court of conviction;
- II. **Malpractice or incompetency.** Gross malpractice or gross incompetency;
- III. **Disease.** Continued practice by a person knowingly having an infectious or contagious disease;
- IV. **Drunkenness or drug addiction.** Habitual drunkenness or habitual addiction to use of morphine, cocaine or other habit forming drugs;
- V. **Conduct.** Immoral or unprofessional conduct;
- VI. **Unclean shop.** The keeping of a shop or other establishment, or the tools, appliances or furnishings thereof in an unclean or insanitary condition;
- VII. **Requirements of law.** Failure to comply with any of the prescribed requirements of sections 230-A to 230-P;
- VIII. **Misrepresentation of qualifications.** For misrepresentation of qualifications, provided that before any certificate shall be suspended or revoked, the holder thereof shall have notice in writing of the charge or charges against him, and shall have reasonable opportunity to be heard in his defense. Any person whose certificate has been so suspended or revoked may apply to have the same reissued, and the same shall be reissued upon satisfactory evidence that the disqualifications have ceased.

Any such certificate of registration suspended or revoked shall be delivered to any agent of the board upon demand.'

Sec. 20. R. S., c. 25, § 230-N, additional. Chapter 25 of the Revised Statutes is amended by adding a new section 230-N, to read as follows:

'Sec. 230-N. Hearings. The board may neither refuse to issue nor refuse to renew, nor suspend nor revoke any certificate of registration for any of the causes enumerated in section 230-M, unless the person accused has been given at least 10 days' notice in writing of the charge against him and given an opportunity to be heard at a public hearing held by the board.

It shall be deemed that the board has duly notified the person accused of such hearing when the notice has been sent to the last known address of accused by registered letter.

Upon hearing of any such proceeding, the board may administer oaths and may procure by its subpoena, the attendance of witnesses and the production of relevant books and papers.

Any Justice of the Superior Court or of the Supreme Judicial Court, either in term time or in vacation, upon application either of the accused or of the board may, by order duly entered, require the attendance of witnesses and the production of relevant books and papers before the board in any hearing relating to the refusal, suspension or revocation of certificates of registration.'

Sec. 21. R. S., c. 25, § 254, amended. The 5th, 6th and 7th sentences of section 254 of chapter 25 of the Revised Statutes, as amended by section 16 of chapter 394 of the public laws of 1961, is further amended to read as follows:

'The term of such license shall be for one year and the ~~license department~~ may ~~be suspended or revoked~~ **revoke such license at any time** for failure to comply with this section or the rules and regulations pertaining thereto. ~~When the department believes a license should be suspended or revoked it shall file a statement or complaint with the Hearing Officer designated in chapter 20 A.~~ A person aggrieved by the refusal of the department to issue a license may file a statement or complaint with said Hearing Officer. It shall give written notice of such revocation by delivering the notice in hand to the licensee. If the licensee cannot be reached for personal service the notice may be left at the licensed premises. Whoever violates this section shall be punished by a fine of not more than \$500 or by imprisonment for not more than 11 months, or by both.'

Sec. 22. R. S., c. 25, § 271, amended. Section 271 of chapter 25 of the Revised Statutes, as amended by section 18 of chapter 378 of the public laws of 1959 and by section 17 of chapter 394 of the public laws of 1961, is further amended to read as follows:

'**Sec. 271. Licenses issued.** The department is authorized to issue licenses to operate hospitals, maternity homes or hospitals, sanatoriums, convalescent homes, rest homes, nursing homes or other related institutions, which, after inspection, are found to comply with sections 265 to 273-A and any reasonable regulations adopted by said department. The department ~~may file a statement or complaint with the Hearing Officer designated in chapter 20 A requesting suspension or revocation of any license~~ is authorized to suspend or revoke a license issued on any of the following grounds: Violation of any of sections 265 to 273-A or the rules or regulations issued pursuant thereto; permitting, aiding or abetting the commission of any illegal act in such institution; conduct of practices detrimental to the welfare of the patient. **Before any such license is suspended or revoked, 30 days' written notice shall be given the holder thereof.** If a license is ~~revoked or suspended~~, a new application for license may be considered by the department if, when and after the conditions upon which revocation was based have been corrected and evidence of this fact has been satisfactorily furnished. A new license may then be granted after proper inspection has been made and

sections 265 to 273-A and rules and regulations thereunder have been complied with and recommendation has been made therefor by the hospital inspector as an agent of the department.'

Sec. 23. R. S., c. 25, § 272, amended. Section 272 of chapter 25 of the Revised Statutes, as amended by section 19 of chapter 378 of the public laws of 1959 and by section 18 of chapter 394 of the public laws of 1961, is further amended to read as follows :

'Sec. 272. Appeal. Any person who is aggrieved by the decision of the department ~~in refusing to issue a license or the renewal of a license may file a statement or complaint with the Hearing Officer designated in chapter 20-A~~ under sections 265 to 273-A shall have a right of appeal to the commissioner who shall provide the appellant with reasonable notice and opportunity for a fair hearing; or to the Superior Court within and for the county in which such person resides or in which any such hospital, maternity home or hospital, sanatorium, convalescent home, rest home, nursing home or related institution is situated.'

Sec. 24. R. S., c. 33, § 5, amended. The 4th and 5th paragraphs of section 5 of chapter 33 of the Revised Statutes, as amended by section 19 of chapter 394 of the public laws of 1961, are further amended to read as follows :

~~'The Hearing Officer as designated in chapter 20-A~~ commission may, upon proper evidence, decline to grant a license or may suspend or revoke a license already granted upon due notice and after hearing.

No appeal taken from an order of the commission shall suspend the operation of such order, except as herein provided. The Justice of the Superior Court before whom such appeal is pending, when in his opinion justice may so require, may order a suspension of or compliance with such order, or with such order as modified by the commission, pending the determination of such appeal. Violation of this chapter or of any order, rule or regulation made hereunder, or conviction of violating any other law or regulation of the State relating to the production, distribution and sale of milk, shall be sufficient cause to suspend, revoke or withhold such license.'

Sec. 25. R. S., c. 33, § 5, amended. Section 5 of chapter 33 of the Revised Statutes, as amended, is further amended by inserting after the 4th paragraph, a new paragraph, as follows :

'No order of the commission suspending, revoking or withholding a license, or refusing to renew an existing license shall be effective until 10 days after the same has been issued and a copy thereof mailed to the holder of or applicant for such license. Within said period of 10 days any party believing himself aggrieved by the order of the commission may appeal to the Superior Court in the county in which he resides or is engaged in business, in term time or vacation, and cause notice of such appeal to be served on the commission. Such court, after hearing, in term time or vacation, shall affirm or reverse the order of the commission, or any modification thereof by the commission.'

Sec. 26. R. S., c. 33, § 4, amended. The 5th paragraph from the end of section 4 of chapter 33 of the Revised Statutes, as last amended by section 102 of chapter 417 of the public laws of 1961, is further amended to read as follows :

'Upon fixing said minimum prices in any market which shall apply to the various classifications of milk and which may vary in the several market areas of the State, the commission shall furnish all dealers registered in said market with a schedule of such prices, and shall publish a schedule thereof in appropriate newspapers in said market. ~~Such order shall become effective in accordance with chapter 20-A~~ **publication shall constitute an official order with respect to minimum prices** and thereafter no dealer, store or other person handling milk in such market shall buy or offer to buy, sell or offer to sell milk for prices less than the scheduled minimum prices established for that market.'

Sec. 27. R. S., c. 35-A, § 12, repealed and replaced. Section 12 of chapter 35-A of the Revised Statutes, as enacted by chapter 325 of the public laws of 1961 and repealed and replaced by section 108 of chapter 417 of the public laws of 1961, is repealed and the following enacted in place thereof:

'Sec. 12. Complaints. Any person may make written complaint to the board setting forth any thing or act claimed to be done or omitted to be done by any registered operator which is alleged to be in violation of any rule, regulation or code adopted by the board, or setting forth any condition in passenger tramway construction, operation or maintenance which is alleged to endanger the safety of the public. Thereupon, the board shall cause a copy of said complaint to be forwarded to the registered operator complained of, which may be accompanied by an order requiring that the matter complained of be answered in writing within a time to be specified by the board. The board may investigate the matter complained of if it shall appear to the board that there are reasonable grounds therefor.'

Sec. 28. R. S., c. 35-A, § 19, repealed and replaced. Section 19 of chapter 35-A of the Revised Statutes, as enacted by chapter 325 of the public laws of 1961 and as repealed and replaced by section 109 of chapter 417 of the public laws of 1961, is repealed and the following enacted in place thereof:

'Sec. 19. Orders. If, after investigation, the board finds that a violation of any of its rules, regulations or code exists, or that there is a condition in passenger tramway construction, operation or maintenance endangering the safety of the public, it shall forthwith issue its written order setting forth its findings, the corrective action to be taken and fixing a reasonable time for compliance therewith. Such order shall be served upon the operator involved by registered mail, and shall become final, unless the operator shall apply to the board for hearing in the manner provided.'

Sec. 29. R. S., c. 35-A, § 20, amended. Section 20 of chapter 35-A of the Revised Statutes, as enacted by chapter 325 of the public laws of 1961 and as amended by section 110 of chapter 417 of the public laws of 1961, is further amended to read as follows:

'Sec. 20. Operation forbidden. If in any such case the board is of the opinion that the public safety would be unduly endangered by the use of the tramway for the transportation of passengers prior to the taking of some or all of such corrective action, it shall so state in said order, and shall require in said order that the tramway shall not be so used until specified corrective action shall have

been taken. From and after receipt of said order by the operator, said tramway shall not be used for the transportation of passengers without the approval of the board. Application for a hearing before the ~~Hearing Officer under chapter 20-A~~ board shall not have the effect of suspending said order. Operation of the tramway following receipt of such order may be enjoined by the Superior Court.'

Sec. 30. R. S., c. 35-A, § 21, repealed and replaced. Section 21 of chapter 35-A of the Revised Statutes, as enacted by chapter 325 of the public laws of 1961 and repealed and replaced by section 111 of chapter 417 of the public laws of 1961, is repealed and the following enacted in place thereof:

'**Sec. 21. Hearing.** Any such operator, who is aggrieved by any such order, may, within 10 days after the service of such order upon him, apply to the board for a review of such order. It shall be the duty of the board to hear the same at the earliest convenient day. At such hearing the operator shall have the right to be heard personally or by counsel, to cross-examine witnesses appearing against him and to produce evidence in his own behalf. After such hearing, the board shall report its findings in writing and make such order as the facts may require.'

Sec. 31. R. S., c. 35-A, § 22, additional. Chapter 35-A of the Revised Statutes, as enacted by chapter 325 of the public laws of 1961, is amended by adding a new section 22, as follows:

'**Sec. 22. Appeal.** Any such operator, who is aggrieved by any such post-hearing order of the board may, within 14 days after the entry thereof, appeal therefrom to the Superior Court. No such appeal shall suspend the operation of the order made by the board; provided that the Superior Court may suspend the order of the board pending the determination of such appeal whenever, in the opinion of the court, justice may require such suspension. The Superior Court shall hear such appeal at the earliest convenient day and shall make such decree as justice may require.'

Sec. 32. R. S., c. 35-A, § 23, amended. Section 23 of chapter 35-A of the Revised Statutes, as enacted by chapter 325 of the public laws of 1961 and as amended by section 113 of chapter 417 of the public laws of 1961, is further amended to read as follows:

'**Sec. 23. Suspension of registration.** If any such operator fails to comply with the lawful order of the ~~board or the Hearing Officer under chapter 20-A~~ board issued under sections 19 and 20 and within the time fixed thereby, the board may suspend the registration of such operator for such time as it may consider necessary for the protection of the safety of the public.'

Sec. 33. R. S., c. 39-B, § 11, repealed and replaced. Section 11 of chapter 39-B of the Revised Statutes, as enacted by section 2 of chapter 293 of the public laws of 1957 and as last repealed and replaced by section 119 of chapter 417 of the public laws of 1961, is repealed and the following enacted in place thereof:

'**Sec. 11. Forfeiture.** In the event that any prospector, claimant, licensee or

lessee violates any of the provisions of this chapter or any rule or regulation of the Mining Bureau, the bureau shall notify such prospector, claimant, licensee or lessee, as the case may be, of such alleged violation, and of the nature of such alleged violation, by sending such notice by registered or certified mail to him at his last known address. If such violation is not remedied within 30 days after the date of mailing such notice, the permit, claim, license or lease of such violator in existence at the time of such violation shall be liable to forfeiture. For cause, the bureau may extend such further time for compliance as it may determine. No forfeiture shall be valid until a second notice in writing shall have been served upon the person, firm or corporation holding the prospector's permit, claim, mining lease or license to mine, setting forth the alleged violations of law or rules and regulations, or both, 30 days prior to the date set for hearing. The hearing shall be held before the Mining Bureau. At such hearing the party so charged shall have the right to appear personally and by counsel to cross-examine the witnesses appearing against him and to produce evidence and witnesses in his own defense. A copy of the decision of the Mining Bureau shall be forthwith sent by registered or certified mail to the alleged violator. If the forfeiture relates to a claim or mining lease, an appropriate entry shall be made on the records of the State Land Agent, after the time for appeal has expired or the appeal finally determined.

The Mining Bureau shall have the power to compel the attendance of witnesses and the production of any books, records, papers, accounts or documents from any person believed to have information pertinent to any matter to be heard before the Mining Bureau.

The fees of witnesses required to attend any hearing shall be the same as those allowed to witnesses appearing in the Superior Court.

Any Justice of the Superior Court upon application of the Mining Bureau may compel the attendance of witnesses and the giving of testimony before the Mining Bureau in the same manner, to the same extent and subject to the same penalties as if before said court.

If any person is aggrieved by the decision of the bureau, he may within 30 days thereafter appeal on matters of law, to the Superior Court, by filing a complaint therefor. The court shall forthwith fix a time and place for hearing and cause notice thereof to be given to the bureau; and after hearing, the court may affirm, modify or reverse the decision of the bureau. Upon such appeal the law court may, after consideration, reverse or modify any decree of the Superior Court based upon an erroneous ruling or finding of law.'

Sec. 34. R. S., c. 66, § 4, amended. The last sentence of section 4 of chapter 66 of the Revised Statutes, as amended by section 21 of chapter 394 of the public laws of 1961, is further amended to read as follows:

'The board may make such rules and regulations as may be necessary in connection with this section; but no such rule shall become operative until it has been approved by a Justice of the Superior Court.'

Sec. 35. R. S., c. 66, § 6, amended. Section 6 of chapter 66 of the Revised Statutes, as amended by section 22 of chapter 394 of the public laws of 1961, is further amended to read as follows:

'Sec. 6. Investigation of complaints; certificates revoked. The board, its members or agents shall investigate all complaints and all cases of noncompliance with or violation of this chapter relating to the registration and activities of physicians and surgeons, and shall bring all such cases to the notice of the proper prosecuting officers. ~~The Hearing Officer as designated in chapter 20-~~ **A Said board**, after a conviction before a proper court, either within or without the State, of any crime involving moral turpitude or of any crime in the practice of his profession or of a felony; or on ~~satisfactory~~ **proof to its satisfaction** of fraudulent or unprofessional conduct in the practice of his profession, or addiction to the use of morphine, cocaine or other drugs having similar effect; or on ~~satisfactory~~ **proof to its satisfaction** of the use of advertising which may be considered **by the board** to be deceptive, misleading, extravagant, improbable or unethical, of or by any person to whom a certificate has been issued by them, and after hearing, may **by vote of 2/3 of the entire board** suspend or revoke the certificate and suspend or cancel the registration of the person to whom the same was issued. The board may suspend or revoke any certificate by a 2/3 vote of the entire board in any case where such certificate has been wrongfully obtained or for any fraud connected with the said registration.'

Sec. 36. R. S., c. 67, § 6, amended. The first sentence of section 6 of chapter 67 of the Revised Statutes, as amended by section 23 of chapter 394 of the public laws of 1961, is further amended to read as follows:

~~'The Hearing Officer as designated in chapter 20-~~ **A board** shall revoke any certificate if the certificate holder is convicted of a crime involving moral turpitude or is found **by the board** to have employed fraud or deceit in obtaining his certificate or is guilty of professional misconduct.'

Sec. 37. R. S., c. 68, § 4, repealed and replaced. Section 4 of chapter 68 of the Revised Statutes, as amended by section 3 of chapter 304 of the public laws of 1957 and as repealed and replaced by section 24 of chapter 394 of the public laws of 1961, is repealed and the following enacted in place thereof:

'Sec. 4. Complaints against registered apothecaries; notice and hearing. The board shall hear all complaints against any person registered as an apothecary for the violation of any of the requirements of this chapter to be performed by a registered apothecary. Such complaints shall be made in writing and shall set out the offense alleged. The person against whom complaint is made shall be notified of the charge made against him and of the time and place when and where the matter will be heard, at least 14 days before the date fixed for the hearing. He may then and there appear before the board with his witnesses and be heard by counsel. Any member of the board may administer oaths to the witnesses at such hearings, and any person so sworn who willfully swears or affirms falsely respecting any matter upon which his testimony is required shall be deemed guilty of perjury. Such board may send for persons and compel the attendance of witnesses at said hearings by process duly served.'

Sec. 38. R. S., c. 68, § 5, amended. Section 5 of chapter 68 of the Revised Statutes, as amended by section 4 of chapter 304 of the public laws of 1957 and by section 25 of chapter 394 of the public laws of 1961, is further amended to read as follows:

'Sec. 5. Certificate suspended or revoked. If the ~~Hearing Officer as designated in chapter 20-A~~ **full board sitting at such hearing** shall find that the person so complained against is guilty of the act charged against him, ~~said board~~ **he** may suspend his registration as a pharmacist and his certificate thereof, for such term as **the board in their judgment, after due consideration of the facts,** may ~~be deemed deem~~ for the best interest of the public, or may revoke it altogether.'

Sec. 39. R. S., c. 68, § 9, amended. The last paragraph of section 9 of chapter 68 of the Revised Statutes, as amended by section 26 of chapter 394 of the public laws of 1961, is further amended to read as follows:

'The said board shall make such rules and regulations not inconsistent with the law as may be necessary to carry out the purposes and enforce this section, and is authorized, after **due** notice and opportunity for hearing in the county in which the apothecary store is located, to revoke any permit when examination or inspection of the apothecary store shall disclose that such apothecary store is not being conducted according to law or is being conducted so as to endanger the public health or safety.'

Sec. 40. R. S., c. 69-A, § 3, sub-§ III, §§ H and I, additional. Subsection III of section 3 of chapter 69-A of the Revised Statutes, as enacted by section 1 of chapter 303 of the public laws of 1959 and as amended by section 27 of chapter 394 of the public laws of 1961, is further amended by adding 2 new paragraphs H and I, to read as follows:

'H. Conduct hearings upon charges calling for discipline of a licensee or revocation of a license;

I. Issue subpoenas, compel the attendance of witnesses, compel the production of records, books, papers and documents and administer oaths to persons giving testimony at hearings;'

Sec. 41. R. S., c. 69-A, § 8, sub-§ I, amended. The first paragraph of subsection I of section 8 of chapter 69-A of the Revised Statutes, as enacted by section 1 of chapter 303 of the public laws of 1959 and as amended by section 28 of chapter 394 of the public laws of 1961, is further amended to read as follows:

'The ~~Hearing Officer as designated by chapter 20-A~~ **board** shall have power to deny, revoke or suspend any license to practice nursing issued by the board or applied for in accordance with this chapter, or to otherwise discipline a licensee upon proof that the person:'

Sec. 42. R. S., c. 69-A, § 8, sub-§ II, additional. Section 8 of chapter 69-A of the Revised Statutes, as enacted by section 1 of chapter 303 of the public laws of 1959, and as amended, is further amended by adding a new subsection II, to read as follows:

'II. Proceedings. Upon filing of a sworn complaint with the board, charging a person with having been guilty of any of the actions specified as a ground

for disciplinary action, the executive director of the board shall fix a time and place for a hearing and shall cause a copy of the charges, together with a notice of the time and place fixed for the hearing, to be served on the accused at least 30 days prior thereto. When personal service cannot be effected and such fact is certified on oath by any person duly authorized to make legal service, the executive director of the board shall cause to be published, once a week for 4 successive weeks, a notice of the hearing in a newspaper published in the county in which the accused last practiced according to the records of the board and shall mail a copy of the charges and of such notice to the accused at the last address of said accused appearing in the board's records. When publication of the notice is necessary, the date of the hearing shall not be less than 10 days after the last publication thereof, and said published notice need give notice only of the time and place of hearing by the board, the name of the accused and that the hearing involves proceedings under this section. If any person served with a subpoena, to appear and testify, or to produce books, papers, accounts and documents, issued by the board in the course of an inquiry or hearing conducted under this chapter, shall, in disobedience of such subpoena, refuse, neglect or fail to appear or to testify, or to produce such books, papers, accounts or documents, then the board may apply to the Superior Court. Thereupon the said court shall issue a subpoena requiring such person to appear and to testify and to produce such books, papers, accounts and documents before the board. Any person failing or refusing to obey a subpoena of such justice shall be liable for proceedings as for contempt. The board shall not be bound by strict rules of procedure in the conduct of its proceedings, but the determination shall be based upon sufficient legal evidence to sustain it. At the hearing the accused shall have the right to appear either personally or by counsel, or both, to produce witnesses or evidence on his or her own behalf, to cross-examine witnesses and to have subpoenas issued by the board. If the accused is found guilty of the charges, the board may refuse to issue a license to the applicant or may revoke, suspend or otherwise discipline a licensee. A revoked or suspended license may be reissued thereafter by the board in its discretion. A person whose license has been revoked or suspended may obtain judicial review in the manner provided by chapter 76, section 13.

Sec. 43. R. S., c. 71, § 10, amended. Section 10 of chapter 71 of the Revised Statutes, as amended by section 30 of chapter 394 of the public laws of 1961, is further amended to read as follows:

'Sec. 10. License suspended or revoked. The board, its members or agents shall investigate all complaints and all cases of noncompliance with or violations of this chapter relating to the registration of osteopathic physicians and shall bring all such cases to the notice of the proper prosecuting officer. ~~The Hearing Officer designated in chapter 20.~~ A Said board, after a conviction before the proper court for crime in the course of professional business of any person to whom a certificate has been issued by them and after hearing may by a vote of 4/5 of the entire board revoke the certificate and cancel the registration of the person to whom the same was issued. The board may suspend or revoke any certificate by a 4/5 vote of the entire board in any case where such certificate

has been wrongly obtained or for any fraud connected with the said registration.'

Sec. 44. R. S., c. 72, § 9, amended. Section 9 of chapter 72 of the Revised Statutes, as amended by section 31 of chapter 394 of the public laws of 1961, is further amended to read as follows:

'Sec. 9. Complaints; certificates suspended or revoked. The board, its members or agents shall investigate all complaints and all cases of noncompliance with or violation of this chapter relating to the registration of doctors of chiropractic, and shall bring all such cases to the notice of the proper prosecuting officer. ~~The Hearing Officer as designated in chapter 20 A~~ **Said board**, after a conviction before a proper court for crime in the course of professional business of any person to whom a certificate has been issued **by them** and after hearing may, **by vote of 4/5 of the entire board**, revoke the certificate and cancel the registration of the person to whom the same was issued. The board may suspend or revoke any certificate by a 4/5 vote of the entire board in any cases where such certificate has been wrongfully obtained or for any fraud connected with the said registration.'

Sec. 45. R. S., c. 73, § 10, amended. The first paragraph of section 10 of chapter 73 of the Revised Statutes, as amended by section 32 of chapter 394 of the public laws of 1961, is further amended to read as follows:

~~'The Hearing Officer as designated in chapter 20 A~~ **The board** may revoke a certificate obtained by fraud or misrepresentation, or if the person named therein uses intoxicants or drugs to such an extent as to render him unfit to practice dentistry, or is guilty of immoral or unprofessional conduct, or convicted of a felony, or is afflicted with one or more of the specific infections, or is convicted in a court of competent jurisdiction of violating any of the provisions of this chapter.'

Sec. 46. R. S., c. 73, § 10, amended. The 2nd sentence of the 2nd paragraph of section 10 of chapter 73 of the Revised Statutes, as amended by section 33 of chapter 394 of the public laws of 1961, is further amended to read as follows:

~~'The Hearing Officer board~~ may suspend or revoke a dental license now in force or that shall be hereafter given for dishonorable conduct on the part of any licensee under this chapter, whether such conduct is similar or dissimilar to any acts herein expressly named, but which is detrimental to the public health, safety or welfare.'

Sec. 47. R. S., c. 73, § 11, amended. Section 11 of chapter 73 of the Revised Statutes, as amended, is further amended by inserting after the first sentence, a new sentence, as follows:

'The statement of charges and notice shall be served personally upon the accused or mailed to his last known address at least 20 days prior to the hearing.'

Sec. 48. R. S., c. 73, § 11, amended. The 3rd sentence of section 11 of chapter 73 of the Revised Statutes, as amended by section 34 of chapter 394 of the public laws of 1961, is further amended to read as follows:

'If upon such hearing the ~~Hearing Officer~~ board finds the charges are true, he it may revoke the certificate of the accused.'

Sec. 49. R. S., c. 73, § 12, additional. Chapter 73 of the Revised Statutes is amended by adding a new section 12, to read as follows:

'Sec. 12. Appeal. A person whose certificate has been revoked may file with the secretary, within 30 days after the decision of the board, a written notice of appeal therefrom. Upon receiving such notice the secretary shall transmit the record of the proceedings to the Governor and Attorney General; and they shall review the proceedings as disclosed by the record, and their decision affirming or overruling the action of the board shall be final.'

Sec. 50. R. S., c. 73, § 13, amended. Section 13 of chapter 73 of the Revised Statutes, as amended by section 36 of chapter 394 of the public laws of 1961, is further amended to read as follows:

'Sec. 13. Conviction certified. The clerk of a court in which a registered dentist or dental hygienist is convicted under section 10 shall forthwith certify such conviction to the board and the ~~Hearing Officer~~ board may, after a hearing, revoke or suspend the certificate of the convicted registrant. The ~~Hearing Officer~~ board may revoke or suspend the certificate of a dentist or dental hygienist for conviction in any court of the State of a crime involving moral turpitude.'

Sec. 51. R. S., c. 73, § 23, amended. Section 23 of chapter 73 of the Revised Statutes, as amended by section 162 of chapter 417 of the public laws of 1961, is further amended to read as follows:

'Sec. 23. Dental hygienists; use of former employers' lists. The ~~Hearing Officer under chapter 20-A~~ board shall revoke or suspend the license of any registered and licensed dental hygienist who is found guilty of using or attempting to use in any manner whatsoever any prophylactic lists, call lists, records, reprints or copies of same, or information gathered therefrom, of the names of patients whom he might have served in the office of a prior employer, unless such names appear upon the bona fide call or prophylactic list of his present employer and were caused to so appear through the legitimate practice of dentistry as provided for in this chapter. The ~~Hearing Officer~~ board shall also suspend or revoke the license of any licensed dentist who is found guilty of aiding or abetting or encouraging a dental hygienist employed by him to make use of a so-called prophylactic call list, or the calling by telephone or by use of written letters transmitted through the mails to solicit patronage from patients formerly served in the office of any dentist formerly employing such hygienist. No order of suspension or revocation provided in this section shall be made or entered except after hearing by the ~~Hearing Officer~~ board as provided in this chapter ~~20-A~~ and such order shall be subject to appeal as provided by section 12.'

Sec. 52. R. S., c. 73, § 25, amended. The last sentence of section 25 of chapter 73 of the Revised Statutes, as amended by section 163 of chapter 417 of the public laws of 1961, is further amended to read as follows:

'The ~~Hearing Officer~~ board may revoke the license of any registered or licensed dentist who shall permit any dental hygienists operating under his supervision to perform any operation other than that permitted under this section.'

Sec. 53. R. S., c. 74, § 8, amended. The first sentence of section 8 of chapter 74 of the Revised Statutes, as last amended by section 37 of chapter 394 and section 164 of chapter 417, both of the public laws of 1961, is further amended to read as follows:

'Any license to practice podiatry may be suspended or revoked by the ~~Hearing Officer under chapter 20-A~~ **examiners** when the licensee has been convicted of an act involving moral turpitude; and may be suspended or revoked when, after a hearing **by the examiners, of which the licensee shall have had notice at least 10 days before the date of such hearing,** it shall be found **by the vote of at least 3 members of said examiners** that the licensee used fraud in procuring his license or has used untruthful or improbable statements to patients or in advertisements; or **by unanimous vote** that the licensee is incompetent to practice podiatry; or that the licensee is flagrantly advertising himself or his work, whether through newspapers or other periodicals, or by circular, postcard or over the radio, television or otherwise.'

Sec. 54. R. S., c. 76, § 10, amended. The first paragraph of section 10 of chapter 76 of the Revised Statutes, as amended by section 38 of chapter 394 of the public laws of 1961, is further amended to read as follows:

'The board may refuse to issue or refuse to renew, or ~~the Hearing Officer as designated by chapter 20-A~~ may suspend or revoke any certificate of registration for any one or more of the following causes:'

Sec. 55. R. S., c. 76, § 10, amended. The last paragraph of section 10 of chapter 76 of the Revised Statutes, as amended by section 39 of chapter 394 of the public laws of 1961, is further amended to read as follows:

'No certificate shall be suspended or revoked for any of the foregoing causes unless the person accused has been given at least 10 days' notice in writing of the charge against him and afforded a public hearing before the ~~Hearing Officer board.~~'

Sec. 56. R. S., c. 76, § 13, additional. Chapter 76 of the Revised Statutes is amended by adding a new section 13, to read as follows:

'Sec. 13. Appeal. A person whose certificate has been suspended or revoked may secure judicial review thereof by commencing, within 30 days after the decision of the board, an action in the Superior Court of Kennebec County against the board for the review of its decision. In such action a petition, which need not be verified but which shall state the grounds upon which a review is sought, shall be served upon the board or upon such person as the board may designate together with as many copies of the petition as there are members of the board and the party so served shall forthwith mail one such copy to each such board member. With its answer, the board shall certify and file with said court the original or a certified copy of all documents and papers and transcript of all testimony taken in the matter, together with its findings of fact and decision therein. In any judicial proceeding under this section, the findings of the board as to the facts, if supported by evidence and in the absence of fraud, shall be conclusive and the jurisdiction of said court shall be confined to questions of law. An appeal may be taken from the decision of the Superior Court of Kennebec

County to the Supreme Judicial Court in the same manner, but not inconsistent with the provisions hereof, as is provided in civil cases. It shall not be necessary, in any judicial proceedings under this section, to enter exceptions to the rulings of the board and no bond shall be required for entering such an appeal. Upon the final determination of such judicial proceedings, the board shall enter an order in accordance with such determination. Pending such final determination and the entry of such order in accordance therewith, the action of the board in suspending or revoking the certificate of the petitioner shall be stayed by such an appeal.'

Sec. 57. R. S., c. 77-A, § 8, amended. The last 6 paragraphs of section 8 of chapter 77-A of the Revised Statutes, as enacted by section 1 of chapter 254 of the public laws of 1961 and amended by section 166 of chapter 417 of the public laws of 1961, are further amended to read as follows:

'Proceedings for the revocation or suspension of a license or the annulment of registration may be brought by filing written verified charges against the accused with the Hearing Officer under chapter 20-A. Such charges may be preferred by the board or one of its members. Original charges shall be filed with the clerk of the Superior Court of the county in which the accused last resided.

The time and place for the hearings of said charges shall be fixed by the Superior Court before which said hearings will be held. It shall be the duty of the county attorney of said county to present the evidence before the court on said case.

A copy of the charges, together with a notice of the time and place when they will be heard, shall be served upon the accused or his counsel at least 10 days before the date actually set for said hearing.

If the Hearing Officer court shall find that all or any of the charges are sustained, he the court shall cause the license of the accused to be revoked or suspended.

Any person who shall practice veterinary medicine, or dentistry, or any branch thereof after his registration has been revoked or suspended shall be deemed to have practiced veterinary medicine without registration.

After the sentence of the Hearing Officer court has been fulfilled, the board may entertain an application for a new license and may exempt the applicant from the necessity of taking an examination.'

Sec. 58. R. S., c. 79, § 10, amended. Section 10 of chapter 79 of the Revised Statutes, as amended, is further amended to read as follows:

Sec. 10. Appeals. Any person aggrieved by any order or decision of said commission with respect to any application for license may, within 30 days after notice of the filing of such order or decision, appeal therefrom to the Hearing Officer as designated by chapter 20-A any Justice of the Superior Court by presenting a copy of such order or decision, certified by the secretary of said commission, to said Hearing Officer the clerk of courts for the County of Kennebec. The Hearing Officer justice shall fix a time and place for hearing

thereon and order such notice as to the justice appears reasonable. The commission shall submit to the ~~Hearing Officer~~ justice the printed record of the hearing certified by the secretary of the commission. The ~~Hearing Officer~~ justice shall enter his findings and decree sustaining, reversing or modifying such order or decision of said commission in such manner and to such extent as ~~he~~ the court determines. The justice may request the person aggrieved or the commission to present additional evidence on such matters as he deems advisable.

Such decree shall have the same effect and all proceedings in relationship thereto shall thereafter be the same as though rendered in a civil action in which equitable relief is sought, duly heard and determined by said court, and appeal may be had therefrom to the law court, and the law court may after consideration reverse or modify any decree so made. When an appeal is taken from any such order, no fine shall be imposed for that period of time during which said appeal is pending.'

Sec. 59. R. S., c. 80, § 7, repealed and replaced. Section 7 of chapter 80 of the Revised Statutes, as repealed and replaced by section 43 of chapter 394 of the public laws of 1961 and as amended by section 168 of chapter 417 of the public laws of 1961, is repealed and the following enacted in place thereof:

'Sec. 7. Certificates revoked. The board may revoke any certificate issued by it upon proof of bad moral character, dishonesty, conviction of crime, incompetency or unprofessional conduct. A written notice shall have been mailed to the holder of such certificate at least 20 days before any hearing thereon, stating the cause for such contemplated action and appointing a time and place for a hearing thereon before the board. Upon the revocation of any certificate, it shall be surrendered to the board by the holder.'

Sec. 60. R. S., c. 81, § 4, amended. Section 4 of chapter 81 of the Revised Statutes, as amended by section 44 of chapter 394 of the public laws of 1961, is further amended by inserting after the first paragraph, a new paragraph, as follows:

'In carrying into effect this chapter the board may, under the hand of its chairman and the seal of the board, subpoena witnesses and compel their attendance and may require the production of books, papers and documents in any case involving revocation or registration. The chairman or the secretary may administer oaths or affirmations to witnesses appearing before the board. If any persons shall refuse to obey any subpoena so issued or shall refuse to testify or produce any books, papers or other documents, the board may present its petition to any Justice of the Superior or Supreme Courts, setting forth the facts and thereupon such court, after notice and hearing, may issue its subpoena to such person, requiring his attendance before the court and thereto testify or to produce books, papers and documents as may be deemed necessary and pertinent. Any person failing or refusing to obey the subpoena or order of the said court may be proceeded against in the same manner as for refusal to obey any other subpoena.'

Sec. 61. R. S., c. 81, § 18, amended. Section 18 of chapter 81 of the Revised Statutes, as amended by section 45 of chapter 394 of the public laws of 1961,

is further amended by adding after the first paragraph, 4 new paragraphs, as follows:

'All charges, deemed worthy of consideration by the board, shall be heard by the board within 3 months after the date upon which they are received by the secretary.

The time and place of said hearing shall be fixed by the board and a copy of the charges, together with a notice of the time and place of hearing, shall be personally served on the registrant accused or mailed to the registrant at his last known address at least 30 days before the date fixed for the hearing.

At any hearing the accused registrant shall have the right to appear personally and by counsel, to cross-examine witnesses and to produce evidence and witnesses in his own defense.

If after such hearing 2 or more members of the board vote in favor of finding the accused guilty, the board shall revoke the certificate of registration of such architect.'

Sec. 62. R. S., c. 82, § 11, amended. Section 11 of chapter 82 of the Revised Statutes, as amended by section 34 of chapter 317 of the public laws of 1959 and by section 46 of chapter 394 of the public laws of 1961, is further amended to read as follows:

'Sec. 11. Investigation of complaints; licenses may be revoked. The board shall investigate all complaints made to it and all cases of noncompliance with or violation of this chapter. ~~The Hearing Officer as designated in chapter 20-A~~ **board** shall have the power to suspend or to revoke the license of any licensed electrician who is found guilty of:

I. Fraud or deceit. The practice of any fraud or deceit in obtaining a license;

II. Negligence, misconduct, etc. Any gross negligence, incompetency or misconduct in the performance of the work of making electrical installations. Continued failure to conform with applicable regulations of the National Electrical Code, National Electrical Safety Code or of other safety codes which have been approved by the American Standards Association shall be prima facie evidence of such gross negligence and incompetency.

Any person may prefer charges of fraud, deceit, gross negligence, incompetency or misconduct against any licensed electrician. **Such charges shall be in writing, and shall be sworn to by the person making them, and shall be filed with the executive secretary of the board.**

All charges, unless dismissed by the board as unfounded or trivial, shall be heard by the board within 3 months after the date on which they shall have been preferred. The time and place for said hearing shall be fixed by the board and a copy of the charges, together with a notice of the time and place of hearing, shall be personally served on or mailed by registered mail to the last known address of such licensed electrician at least 30 days before the date fixed for hearing. At any hearing, the accused shall have the right to appear personally and by counsel, to cross-examine witnesses appearing against him, and to produce evidence and witnesses in his own defense.

After such hearing, the ~~Hearing Officer~~ board may suspend or revoke the license of such licensed electrician provided that at least 4 members of the board vote in favor of such suspension or revocation. The board shall furnish such licensed electrician with a definite statement in writing of its findings of facts and its reason or reasons for the suspension or revocation of the license.

The licensee may appeal from such suspension or revocation within 30 days thereof to any Justice of the Superior Court, in term time or vacation, by certiorari, or mandamus or by any other method permissible under the rules and practices of said court or the laws of this State, and said court may make such further orders in respect thereto as justice may require.

The board, for reasons it may deem sufficient, may reissue a certificate of registration to any person whose certificate has been revoked, providing 3 or more members of the board vote in favor of such reissuance.

Sec. 63. R. S., c. 82-A, § 11, amended. Section 11 of chapter 82-A of the Revised Statutes, as enacted by section 1 of chapter 352 of the public laws of 1955 and amended by section 47 of chapter 394 of the public laws of 1961, is further amended to read as follows:

'Sec. 11. Investigation of complaints; licenses may be revoked. The board shall investigate all complaints made to it and all cases of noncompliance with or violation of this chapter. The ~~Hearing Officer as designated in chapter 20-A~~ board shall have the power to suspend or to revoke the license of any licensed oil burnerman who is found guilty of:

- I. Fraud or deceit.** The practice of any fraud or deceit in obtaining a license;
- II. Negligence, misconduct, etc.** Any gross negligence, incompetency or misconduct in the performance of the work of making oil burner installations. Continued failure to conform to the regulations issued by the board shall be prima facie evidence of such gross negligence and incompetency.

Any person may prefer charges of fraud, deceit, gross negligence, incompetency or misconduct against any licensed oil burnerman. Such charges shall be in writing, shall be sworn to by the person making them, and shall be filed with the chairman of the board.

All charges, unless dismissed by the board as unfounded or trivial, shall be heard by the ~~Hearing Officer~~ board within 3 months after the date on which they shall have been preferred.

The time and place for said hearing shall be fixed by the ~~Hearing Officer~~ board, and a copy of the charges, together with a notice of the time and place of hearing, shall be personally served on or mailed by registered mail to the last known address of such licensed oil burnerman at least 30 days before the date fixed for hearing. At any hearing, the accused shall have the right to appear personally and by counsel, to cross-examine witnesses appearing against him, and to produce evidence and witnesses in his own defense.

After such hearing, the ~~Hearing Officer~~ board may suspend or revoke the license of such licensed oil burnerman provided that a majority of the board vote in favor of such suspension or revocation. The board shall furnish such

licensed oil burnerman with a definite statement in writing of its findings of facts and its reason or reasons for the suspension or revocation of the license.

There Any person aggrieved by a decision of the board in failing to issue a license, or suspending or revoking a license, may appeal from such decision within 30 days thereof to any Justice of the Superior Court or Supreme Judicial Court, in term time or vacation, by certiorari or mandamus, or by any other method permissible under the rules and practices of said courts, or the laws of this State, and said court may make such further orders in respect thereto as justice may require, provided, however, that there shall be no appeal from the failure of the board to issue a license because an applicant has failed to pass an examination where the results of said examination have been unanimously certified by the board to be correct.

The board, for reasons it may deem sufficient, may reissue a certificate of registration to any person whose certificate has been revoked, provided a majority of the board vote in favor of such reissuance.'

Sec. 64. R. S., c. 84, § 2-A, sub-§ II, ¶ K, amended. Paragraph K of subsection II of section 2-A of chapter 84 of the Revised Statutes, as enacted by section 2 of chapter 138 of the public laws of 1961 and as amended by section 169 of chapter 417 of the public laws of 1961, is further amended to read as follows:

'K. Denial. A license may be denied to any applicant who has been convicted of any crime involving moral turpitude. Before refusing to issue any license, the commission shall set the application down for a hearing and determination as provided in section 9.'

Sec. 65. R. S., c. 84, § 8, sub-§ I, amended. The first paragraph of subsection I of section 8 of chapter 84 of the Revised Statutes, as amended by section 49 of chapter 394 of the public laws of 1961, is further amended to read as follows:

'The commission may, upon its own motion, and shall, upon the verified complaint in writing of any person, provided such complaint or such complaint together with evidence, documentary or otherwise, presented in connection therewith shall make out a prima facie case, investigate the actions of any real estate broker or real estate salesman, or any person who shall assume to act in either such capacity within this State and ~~After hearing, the Hearing Officer as designated in chapter 20-A~~ shall have the power to suspend or to revoke any license issued under this chapter, at any time where the licensee has by false or fraudulent representation obtained a license or where the licensee, in performing or attempting to perform any of the acts mentioned herein, is deemed to be guilty of:'

Sec. 66. R. S., c. 84, § 8, sub-§ II, amended. Subsection II of section 8 of chapter 84 of the Revised Statutes, as amended by section 50 of chapter 394 of the public laws of 1961, is further amended to read as follows:

'II. Acts of licensee for which applicant would be refused license. The ~~Hearing Officer~~ **commission** shall, in addition, have power ~~after hearing~~ to revoke or suspend any license issued under this chapter, at any time, where the licensee performs any act or acts, or offers or attempts or agrees to do any act or

acts, for which the commission may lawfully refuse to issue a license to any applicant.'

Sec. 67. R. S., c. 84, § 9, repealed and replaced. Section 9 of chapter 84 of the Revised Statutes, as last repealed and replaced by section 51 of chapter 394 of the public laws of 1961, is repealed and the following enacted in place thereof:

'Sec. 9. Hearing. The commission shall, before denying an application for license or before suspending or revoking any license, set the matter down for a hearing, and at least 20 days prior to the date set for the hearing it shall notify the applicant or licensee in writing, which notice shall contain an exact statement of the charges made and the date and place of the hearing. The applicant or licensee at all such hearings shall have the opportunity to be heard in person and by counsel in reference thereto.

Such written notice may be served by delivery of same personally to the applicant or licensee or by mailing same by registered mail to the last known business address of such applicant or licensee. If such applicant or licensee is a salesman, the commission shall also notify the broker employing him, or into whose employ he is about to enter, by mailing notice by registered mail to the broker's last known business address. The hearing on such charges shall be at such time and place as the commission shall prescribe.

In the preparation and conduct of such hearing the commission shall have power to require by subpoena the attendance and testimony of witnesses and the production of papers. Any member of the commission may sign subpoenas, administer oaths and affirmations, examine witnesses and receive evidence.

In case of disobedience to a subpoena, any member of the commission may invoke the aid of any court of competent jurisdiction in requiring the attendance and testimony of witnesses and the production of papers. Such court may issue an order requiring the person to appear before the commission and give evidence or to produce papers as the case may be, and any failure to obey such order of the court may be punished by the court as a contempt thereof.

Testimony may be taken by deposition as in civil cases, and any person may be compelled to appear and testify in the same manner as witnesses may be compelled to appear and testify.

If the commission shall determine that any applicant is not qualified to receive a license, a license shall not be granted to such applicant, and if the commission shall determine that any licensee is guilty of a violation of any of the provisions of this chapter, the license shall be suspended or revoked. The commission, upon request of the applicant or licensee, shall furnish said applicant or licensee with a definite statement of its findings of facts and its reason or reasons for refusing to grant the license or for suspension of the rights of the licensee or for the revocation of the license, as the case may be. The findings of fact made by the commission acting within its powers shall be conclusive, but the Supreme Judicial Court shall have the power to review questions of law involved in any final decision or determination of the commission, provided that

an appeal is taken by the aggrieved party within 30 days after such determination. Said court may make such further orders in respect thereto as justice requires.'

Sec. 68. R. S., c. 86, § 11, amended. The next to the last sentence of the first paragraph of section 11 of chapter 86 of the Revised Statutes, as amended by section 52 of chapter 394 of the public laws of 1961, is further amended to read as follows:

~~'The Hearing Officer as designated in chapter 20 A~~ Said commission shall have power to revoke any license issued at any time for good cause upon reasonable notice and hearing.'

Sec. 69. R. S., c. 87, § 9, amended. The 3rd sentence from the end of section 9 of chapter 87 of the Revised Statutes, as amended by section 53 of chapter 394 of the public laws of 1961, is further amended to read as follows:

~~'The Hearing Officer as designated in chapter 20 A~~ Said commission shall have power to revoke any license for good cause upon reasonable notice and hearing.'

Sec. 70. R. S., c. 88, § 7, amended. The 2nd sentence of the first paragraph of section 7 of chapter 88 of the Revised Statutes, as amended by section 54 of chapter 394 of the public laws of 1961, is further amended to read as follows:

'Such license may be revoked or suspended by the ~~Hearing Officer as designated in chapter 20 A~~ commission upon hearing and proof that the holder of such license has violated any of the provisions of this chapter or of any rule, regulation or order of the commission.'

Sec. 71. R. S., c. 88, § 7, amended. The 3rd paragraph of section 7 of chapter 88 of the Revised Statutes, as amended by section 55 of chapter 394 of the public laws of 1961, is further amended to read as follows:

'Upon the application for any such license as enumerated, the chairman of the commission shall in his discretion temporarily issue or refuse to issue the license or he may upon information of violation of this chapter or the rules of the commission temporarily suspend or revoke a license for cause. Upon written request of the applicant, licensee, chairman of the commission or of any 3 citizens of the state, or of the athletic commissions or boxing commissions of any other state, or of the national boxing association, ~~The~~ the commission shall, after written notice to the interested parties sent to them by registered letter mailed postpaid at least 7 days before the hearing, consider the matter at its regular meeting and rule upon the issuance, suspension, rejection or revocation of said license, but when application by a well reputed fraternal, charitable or patriotic organization for holding amateur boxing contests or exhibitions is made to the commission, it may grant such license and without the requirement of the payment of the fees enumerated.'

Sec. 72. R. S., c. 88, § 9, additional. Chapter 88 of the Revised Statutes is amended by adding a new section 9, to read as follows:

'Sec. 9. Hearings. Any hearing by the commission shall be at its office after notice in writing sent postpaid by registered mail to all interested parties

at least 7 days before the date of the hearing. The commission in conducting such hearing shall not be bound by technical rules of evidence. The secretary of the commission shall preserve the petition, exhibits and the findings of the commission which shall constitute the record in each case. Any person, club, association or corporation interested in such hearing may be represented by counsel and shall have the right to introduce evidence. The Attorney General of the State may assist in the conduct of such hearing. Every member of the commission shall have power to administer oaths and affirmations, certify to all official acts, issue subpoenas, compel the attendance and testimony of witnesses, and the production of papers, books, accounts and documents for the purposes of administering this chapter. If any person served with a subpoena to appear and testify, or to produce books, papers, accounts or documents issued by the commission or any member thereof in the course of an inquiry or hearing conducted under this chapter, shall, in disobedience of such subpoena, refuse, neglect or fail to appear or to testify, or to produce such books, papers, accounts or documents, then any member of the commission may apply to a Justice of any of our Superior Courts, in term time or in vacation, and thereupon the said justice shall issue a subpoena requiring such person to appear and to testify and to produce such books, papers, accounts or documents before the said commission. Any person failing or refusing to obey a subpoena of such justice shall be liable for proceedings as for contempt.

Any person who shall swear falsely to any matter before the commission shall be guilty of perjury and shall be punished accordingly.

The commission or any member thereof may in hearings before said commission cause the deposition of witnesses residing within or without the State to be taken in the manner prescribed by law for like depositions in civil cases in the courts of this State.

All hearings shall be held before at least 2 members of said commission and the concurrence of at least 2 members of the commission shall be necessary to any finding or order.

The findings of the commission shall be the basis for suspension, revocation or rejection of a license but such findings shall not be admissible in evidence in any criminal prosecution.

Any person, club, association or corporation aggrieved by the findings of the commission may take an appeal within 60 days to the Superior Court in the county where the hearing was held. On such appeal, the complaint shall, in substance, state the findings of the commission and the grounds for appeal, and said court shall consider said proceeding de novo and an appeal may be taken to the law court as in other actions. In the event the final judgment of the court reverses the finding of the commission, the court finding and order shall be conclusive upon the commission.'

Sec. 73. R. S., c. 100, § 86-A, amended. Section 86-A of chapter 100 of the Revised Statutes, as enacted by section 3 of chapter 339 of the public laws of 1961 and amended by section 180 of chapter 417 of the public laws of 1961, is further amended to read as follows:

'Sec. 86-A. Revocation or suspension; appeal. ~~The Hearing Officer under chapter 20-A~~ **Secretary of State** upon complaint, notice and hearing may revoke or suspend any license after proof that the licensee has been convicted of a crime involving moral turpitude; has failed, within a reasonable time, to account for or remit any moneys coming into his possession which belong to others, or committed any other act of a dishonest or fraudulent nature.

Any person who is aggrieved by any act of the Secretary of State ~~or the Hearing Officer~~ under this chapter shall have the right to appeal ~~as set forth in chapter 20-A~~ **to the Superior Court in Kennebec County.'**