

# MAINE STATE LEGISLATURE

The following document is provided by the  
**LAW AND LEGISLATIVE DIGITAL LIBRARY**  
at the Maine State Law and Legislative Reference Library  
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied  
(searchable text may contain some errors and/or omissions)

---

---

# E I G H T Y - N I N T H   L E G I S L A T U R E

---

---

**Legislative Document**

**No. 755**

H. P. 1645

House of Representatives, February 14, 1939.

Referred to Committee on Legal Affairs and sent up for concurrence.  
750 copies ordered printed.

HARVEY R. PEASE, Clerk.

Presented by Mr. Dow of Norway.

---

---

## S T A T E   O F   M A I N E

---

IN THE YEAR OF OUR LORD NINETEEN HUNDRED  
THIRTY-NINE.

---

### **AN ACT Creating A Department of Professional Licensing.**

---

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

**Sec. 1. Creation of the department of professional licensing.** A department of professional licensing is hereby created, at the head of which shall be the state professional licensing commissioner.

**Sec. 2. Appointment, salary and qualifications.** The commissioner shall be appointed by the governor, with the advice and consent of the council, for a term of 6 years, and shall be removable by the governor for cause. He shall receive such salary as shall be approved by the governor and council. The commissioner shall be a person known to possess knowledge of and training in the basic subjects of engineering, sanitary science and medicine and shall have had experience in matters relating thereto. He shall maintain an office in Augusta which shall be open for the transaction of business every secular day and shall devote such time to his duties as shall be required by the governor and council.

**Sec. 3. Appointment of assistants.** The commissioner may appoint and remove such deputies, assistants and employees as may be necessary for the exercise of the powers and the proper discharge of the duties imposed upon him by this act. Such assistants and employees shall be appointed and hold office under the merit system of this state.

**Sec. 4. Powers and duties.** The commissioner shall have authority:

1. To exercise all the rights, powers and duties heretofore vested by law in the executive secretary of the state board of barbers and hairdressers.
2. To exercise all the rights, powers and duties heretofore vested by law in the secretary of the Maine Real Estate Commission and shall keep a record of all proceedings, issue all notices, licenses, and documents as said real estate commission shall require and which may be necessary to carry out the duties imposed by chapter 83 public laws of 1937.
3. To exercise all the rights, powers and duties heretofore vested by law in the executive officer of the plumbers' examining board.
4. To exercise all the rights, powers and duties heretofore vested by law in the secretary of the state board of registration for professional engineers.
5. To exercise all the rights, powers and duties heretofore vested by law in the secretary of the examiners of the podiatrists.
6. To exercise all the rights, powers and duties heretofore vested by law in the secretary of the state board of examiners of undertakers and embalmers.
7. To exercise all the rights, powers and duties heretofore vested by law in the secretary of the board of registration of medicine.
8. To exercise all the rights, powers and duties heretofore vested by law in the secretary of the board of registration of nurses.
9. To exercise all the rights, powers and duties heretofore vested by law in the secretary of the board of dental examiners.
10. To exercise all the rights, powers and duties heretofore vested by law in the secretary of the board of osteopathic examination and registration.
11. To exercise all the rights, powers and duties heretofore vested by law in the secretary of the board of chiropractic examination and registration.
12. To exercise all the rights, powers and duties heretofore vested by law in the secretary of the board of veterinary examiners.
13. To exercise all the rights, powers and duties heretofore vested by law in the secretary of the board of commissioners of pharmacy.
14. To exercise all the rights, powers and duties heretofore vested by law in the secretary of the board of examiners for the examination of applicants for admission to the bar.

**Sec. 5. Transfer of authority.** Whatever rights, powers, and duties shall have been vested in, or exercised by any officer or subordinate officer thereof, which are by this act transferred either in whole or in part to the department created by this act, shall be exercised by the department; and every act done in the exercise of such rights, powers, and duties shall have

the same legal effect as if done by the former officer or subordinate officer thereof. Every person and corporation shall be subject to the same obligations and duties and shall have the same rights arising from the exercise of such rights, powers, and duties, as if such rights, powers, and duties were exercised by the officer, or subordinate officer thereof designated in the respective laws which are to be administered by the department created by this act.

**Sec. 6. Transfer of records and property.** All books, records, papers, documents, property, real and personal, unexpended appropriations, and pending business in any way pertaining to the rights, powers, and duties so transferred to or vested in the department created by this act shall be delivered and transferred to the department by the official or officer from whom such rights, powers, and duties are so transferred.

**Sec. 7. Reports.** The commissioner shall make an annual report to the governor and council concerning all his official acts and of the various boards for which he may act and such report shall be in lieu of any annual reports previously required by statute to be prepared and furnished to any department. Such report may be subdivided and printed in sections relating only to the particular professional groups enumerated.

**Sec. 8. Disposition of fees.** The fees received by the department under the provisions of this act shall be paid to the treasurer of state who shall maintain separate accounts for each of the several examining boards specified in section 4 of this act and the expenses of the department shall be prorated as equitably as may be against these several accounts.

**Sec. 9. Examining board members.** Each member of any professional examining board now serving as secretary or executive officer and his successor shall continue for the duration of his term of office as a member of the said examining board for the purpose of examining candidates for professional licensing or registration as the case may be and shall receive for his services compensation at the same rate as other members of the examining board of which he is a member but he shall cease to exercise the duties and obligations of secretary or executive officer which he now performs and which are transferred by this act to the department hereby created.

**Sec. 10. Pending actions and proceedings.** This act shall not affect any act done, ratified, or confirmed, or any right accrued or established, or any action or act commenced in a civil or criminal cause before this act takes effect, but such actions and proceedings may be prosecuted by the department under this act, of the subject matter to which such litigation or proceeding pertains.

**Sec. 11. Constitutionality of act.** If any section, subsection, sentence, clause, or phrase of this act is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this act. The legislature hereby declares that it would have passed this act, and each section, subsection, sentence, clause, or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared unconstitutional.

**Sec. 12. Agencies abolished.** After this act becomes effective, the following officers, heretofore created by law shall be and are hereby abolished:

1. Executive secretary of the state board of barbers and hairdressers.
2. The secretary of the Maine real estate commission.
3. The executive officer of the plumbers' examining board.
4. The secretary of the state board of registration for professional engineers.
5. The secretary of the examiners of podiatrists.
6. The secretary of the state board of examiners of undertakers and embalmers.
7. The secretary of the board of registration of medicine.
8. The secretary of the board of registration of nurses.
9. The secretary of the board of dental examiners.
10. The secretary of the board of osteopathic examination and registration.
11. The secretary of the board of chiropractic examination and registration.
12. The secretary of the board of veterinary examiners.
13. The secretary of the board of commissioners of pharmacy.
14. The secretary of the board of examiners for the examination of applicants for admission to the bar.

**Sec. 13. Conflicting acts repealed.** All acts or parts of acts and administrative rules inconsistent with the provisions of this act are hereby repealed or amended to conform to the provisions of this act.