

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)

ACTS AND RESOLVES

AS PASSED BY THE

One Hundredth Legislature

OF THE

STATE OF MAINE

Published by the Director of Legislative Research in accordance with
the Revised Statutes of 1954, Chapter 10, Section 27, Subsection VI.

KENNEBEC JOURNAL

AUGUSTA, MAINE

1961

PUBLIC LAWS
OF THE
STATE OF MAINE

As Passed by the One Hundredth Legislature

1961

PUBLIC LAWS, 1961

CHAP. 394

~~inclusive who is able to support the said beneficiary, but who fails to provide such support, in an action on the case for the amount expended by the department for the said support.'~~

Sec. 14. Appropriation. There is appropriated to the Department of Health and Welfare from the General Fund the sum of \$200,000 for the fiscal year ending June 30, 1963 to carry out the purposes of this act. The breakdown shall be as follows:

	1961-62	1962-63
Legislative Appropriation		
Welfare Administration		
Personal Services	— (20)	\$ 50,260
All Other	—	18,000
Capital	—	1,740
		<hr/>
		70,000
Old Age Assistance		
All Other	—	75,000
Aid to the Blind		
All Other	—	15,000
Aid to the Disabled		
All Other	—	40,000
		<hr/>
		\$200,000

Effective September 16, 1961

Chapter 394

AN ACT Creating an Administrative Code for State of Maine.

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

Sec. 1. R. S., c. 20-A, additional. The Revised Statutes are amended by adding a new chapter 20-A, to read as follows:

'Chapter 20-A.

Administrative Code.

Sec. 1. Definitions. For the purpose of this chapter:

I. Agency. "Agency" means the following state boards, commissions, departments or officers authorized by law to make rules or to adjudicate contested cases:

Board of Examiners of Funeral Directors and Embalmers.

Board of Barbers and Hairdressers.

Plumbers' Examining Board.

Department of Health and Welfare, but only as that department controls and supervises the licensing of institutions, businesses or individuals in the following categories:

- A. All institutions licensed under chapter 25, section 5;
- B. Private mental hospitals;
- C. Recreational camps and roadside places;
- D. Cosmetics;
- E. Hospitals and related institutions;
- F. Children's homes.
- G. Control of ionizing radiation.

Maine Milk Commission.

Maine Mining Bureau.

Board of Registration in Medicine.

Board of Examiners of Psychologists.

Commissioners of Pharmacy.

Board of Registration of Nurses.

Board of Osteopathic Examination.

Board of Chiropractic Examination.

Board of Dental Examiners.

Examiners of Podiatrists.

Board of Registration in Optometry.

Board of Veterinary Examiners.

Board of Sanitation.

Board of Accountancy.

Water Improvement Commission.

Board of Registration for Architects.

Electricians Examining Board.

Oilburnermen's Licensing Board.

Maine Real Estate Commission.

Art Commission.

Harness Racing Commission.

Running Horse Racing Commission.

Boxing Commission.

II. Contested case. "Contested case" means a proceeding before the Hearing Officer in which the legal rights, duties or privileges of specific parties are required by law or constitutional right to be determined after hearing. It does not include informal meetings held by consent of the agency and all interested parties.

III. Rule. "Rule" includes every regulation, standard or statement of policy or interpretation of general application and future effect, including the amendment or repeal thereof, adopted by an agency, whether with or without private hearing, to implement or make specific the law enforced or administered by it or to govern its organization or procedure, but does not include regulations concerning only the internal management of the agency and not directly affecting the rights or procedures available to the public, and does not include rules already in effect when this chapter becomes effective.

Sec. 2. Adoption of rules. In addition to other rule-making requirements imposed by law:

I. Adopt rules. Each agency shall promulgate rules governing the formal and informal procedures prescribed or authorized by this chapter. Such rules shall include rules of practice before the agency, together with forms and instructions.

II. Descriptive statements. To assist interested persons dealing with it, each agency shall so far as practicable supplement its rules with descriptive statements of its procedures.

III. Notice of action. Prior to the adoption of any rule, or the amendment or repeal thereof, the adopting agency shall, so far as practicable, publish or otherwise circulate notice of its intended action and afford interested persons opportunity to submit suggestions orally or in writing.

IV. Form and legality. Prior to the adoption of any rule authorized by law, or the amendment or repeal thereof, the adopting agency shall submit the the proposed rule or amendment to the Attorney General for approval or disapproval as to form and legality.

Sec. 3. Filing and taking effect of rules.

I. Filing with Secretary of State. Each agency shall file forthwith with the Secretary of State a certified copy of each rule hereto adopted by it and

each rule in effect when this chapter takes effect. The Secretary of State shall keep a permanent register of such rules open to public inspection.

II. Filing with Attorney General. Each agency shall file forthwith with the Attorney General a certified copy of each rule hereafter adopted by it.

III. Approval. No rule shall hereafter become effective until approved as to form and legality by the Attorney General. Such approval shall be presumed if the Attorney General takes no action within a period of 30 days after the proposed rule or amendment is submitted for such approval.

IV. Effective date. Except as set forth in subsection III, each rule hereafter adopted shall become effective upon filing, unless a later date is required by statute or specified in the rule.

Sec. 4. Publication of rules.

I. Publication. The Secretary of State shall, as soon as practicable after the effective date of this chapter, compile, index and publish all rules adopted by each agency and remaining in effect. Compilations shall be supplemented or revised at least once every 2 years.

II. Omissions. The Secretary of State may in his discretion omit from the compilation, rules, the publication of which would be unduly cumbersome, expensive or otherwise inexpedient, if such rules are made available in printed or processed form on application to the adopting agency, and if the compilation contains a notice stating the general subject matter of the rules so omitted and stating how copies thereof may be obtained.

III. Availability. Compilations shall be made available upon request to any state official free of charge, and to other persons at a price fixed by the Secretary of State to cover publication and distribution costs.

Sec. 5. Petition for adoption of rules. Any interested person may petition an agency requesting the promulgation, amendment or repeal of any rule. Each agency shall prescribe by rule the form for such petitions and the procedure for their submission, consideration and disposition.

Sec. 6. Petition for declaratory rulings by agencies. On petition of any interested person, any agency may issue a declaratory ruling with respect to the applicability to any person, property or state of facts of any rule or statute enforceable by it. A declaratory ruling, if issued after argument and stated to be binding, is binding between the agency and the petitioner on the state of facts alleged, unless it is altered or set aside by a court. Such a ruling is subject to review in the Superior Court in the manner provided for appeal of decisions in contested cases. Each agency shall prescribe by rule the form for such petitions and the procedure for their submission, consideration and disposition.

Sec. 7. Hearing Officer. The office of Hearing Officer is established and shall be under the supervision of the Hearing Officer. The Hearing Officer shall be appointed by the Governor with the advice and consent of the Council, for a term of 4 years. The Hearing Officer shall be an attorney at law duly admitted to practice before the courts of the State of Maine. He may be removed from office by the Governor for misfeasance, malfeasance or nonfeasance in office. He shall receive such per diem compensation for services actually ren-

dered in the performance of his duties as shall be set by the Governor and Council, and shall be entitled to actual and necessary expenses in the performance of his duties and is authorized to employ such clerical assistance as he shall deem necessary. The Hearing Officer shall hold himself ready to conduct hearings in connection with any contested case involving any of the agencies enumerated in section 1. Upon receipt of written notice from an agency the Hearing Officer shall thereupon conduct a hearing limited to the facts and law and governed by this code and any applicable regulations or rules of the agency involved. The Hearing Officer is authorized to subpoena and examine witnesses in accordance with this chapter. The Hearing Officer shall state in writing his findings of fact and conclusions of law in each case. The per diem compensation and expenses of said Hearing Officer shall be paid by the agency which instituted the proceeding which caused the hearing to be held from any funds appropriated to or available to said agency.

Sec. 8. Contested cases; notice, hearing, records. In any contested case all parties shall be afforded an opportunity for hearing after reasonable notice. A clear and concise statement or complaint shall be filed with the Hearing Officer upon the commencement of any contested case. A notice of the proposed hearing, accompanied by a copy of the complaint, must be served upon the party to be proceeded against, either by personal delivery in hand or by mailing said notice by registered mail to the last known address of the party to be proceeded against. This notice, accompanied by a copy of the complaint, must be served at least 30 days before the time specified for the hearing, and must inform the party served of the time limit for filing an answer to the complaint. The notice shall state the time, place and issues involved, but if, by reason of the nature of the proceeding, the issues cannot be fully stated in advance of the hearing, or if subsequent amendment of the issues is necessary, they shall be stated as soon as practicable, and opportunity shall be afforded all parties to present evidence and argument with respect thereto. The Hearing Officer shall prepare an official record, which shall include testimony and exhibits, in each contested case, but it shall not be necessary to transcribe shorthand notes unless requested for purposes of rehearing or court review. Informal disposition may be made of any contested case by stipulation, agreed settlement, consent order or default. Each agency shall adopt appropriate rules of procedure for notice and hearing in contested cases.

Sec. 9. Emergency hearing. The provisions of section 8 shall be waived if the director or chairman of the agency involved determines that an emergency exists, which emergency makes immediate action imperative and if due notice is given all parties involved in the hearing.

Sec. 10. Rules of evidence; official notice. In contested cases:

I. Rules of evidence. The Hearing Officer may admit and give probative effect to evidence which possesses probative value commonly accepted by reasonable, prudent men in the conduct of their affairs. He shall give effect to the rules of privilege recognized by law. He may exclude incompetent, irrelevant, immaterial and unduly repetitious evidence.

II. Evidence considered. All evidence, including records and documents in the possession of the agency of which it desires to avail itself, shall be offered and made a part of the record in the case, and no other factual information or evidence shall be considered in the determination of the case. Documentary evidence may be received in the form of copies or excerpts or by incorporation by reference.

III. Cross-examination. Every party shall have the right of cross-examination of witnesses who testify, and shall have the right to submit rebuttal evidence.

IV. Documentary evidence. Whenever the agency or any party to the contested case intends to introduce documentary evidence other than official records as recognized by statute, the party offering the evidence shall first notify all other parties. Adverse parties may then demand the right to cross-examine the writer or affiant. If this right of cross-examination is not claimed within a reasonable time after notification it shall be deemed to have been waived and the document will be admitted in evidence. If demand is made for the right to cross-examine, but the writer or affiant is not produced, then the document in question shall be excluded as hearsay.

V. Facts noted by Hearing Officer. The Hearing Officer may take notice of judicially cognizable fact and in addition may take notice of general, technical or scientific facts within his specialized knowledge. Parties shall be notified either before or during hearing, or by reference in preliminary reports or otherwise, of the material so noticed and they shall be afforded an opportunity to contest the facts so noticed. The Hearing Officer may utilize his experience, technical competence and specialized knowledge in the evaluation of the evidence presented to him.

Sec. 11. Subpoena. Subpoenas for the attendance of any witness or for the production of any document shall be issued by the Hearing Officer at the request of a party in a contested case or upon the motion of the Hearing Officer conducting the hearing.

Sec. 12. Decisions and orders. The Hearing Officer shall have the power, after hearing, to suspend, revoke or modify the license of any party properly before him, and to take any other action with relation to that party which could have been taken, before the passage of this chapter, by the agency involved in the hearing.

The Hearing Officer shall have no power or authority under this or any other section of this Administrative Code to hear or in any way determine the competence or qualifications of any person applying to an agency for a license to engage in a profession or business.

Every decision and order adverse to a party to the proceeding rendered by the Hearing Officer in a contested case shall be in writing or stated in the record and shall be accompanied by findings of fact and conclusions of law. The findings of fact shall consist of a concise statement of the conclusions upon each contested issue of fact. Parties to the proceeding shall be notified of the decision and order in person or by mail. A copy of the decision and order accompanying findings and conclusions shall be delivered or mailed upon request to each party or his attorney of record.

Sec. 13. Appeal.

I. Appeal. Any person aggrieved by a final decision in a contested case, whether such decision is affirmative or negative in form, is entitled to appeal.

II. Procedure. Appeal shall be instituted by filing a complaint in the Superior Court within 30 days after the service of the final decision of the Hearing Officer. Copies of the complaint shall be served upon the agency and all other

parties of record. The court, in its discretion, may permit other interested persons to intervene.

III. Effect. The filing of the complaint shall not stay enforcement of the decision, but the agency may do so or the Superior Court may order a stay upon such terms as it deems proper.

IV. Record. Within 30 days after service of the complaint, or within such further time as the court may order, the Hearing Officer shall transmit to the Superior Court the original or certified copy of the entire record of the proceeding under review, but by stipulation of all parties to the appeal the record may be shortened. Any party unreasonably refusing to stipulate to limit the record may be taxed by the court for the additional costs. The court may require or permit subsequent corrections or additions to the record when deemed desirable.

V. Additional evidence. If, before the date set for hearing, application is made to the court for leave to present additional evidence to the issues in the case, and it is shown to the satisfaction of the court that the additional evidence is material and that there were good reasons for failure to present it in the proceeding before the Hearing Officer, the court may order the additional evidence to be taken before the Hearing Officer upon such conditions as the court deems proper. The Hearing Officer may modify his findings and decision by reason of the additional evidence and shall file with the Superior Court, to become a part of the record, the additional evidence, together with any modifications or new findings or decision.

VI. Conducted by the court. The appeal shall be conducted by the court without a jury and shall be confined to the record, except that in cases of alleged irregularities in procedure before the Hearing Officer not shown in the record, testimony thereon may be taken in the court. The court shall, upon request, hear oral argument and receive written briefs.

VII. Decision of court. The court may affirm the decision of the Hearing Officer or remand the case for further proceedings, or it may reverse or modify the decision if the substantial rights of the plaintiffs may have been prejudiced because the findings, inferences, conclusions or decisions are in violation of constitutional provisions; or in excess of the statutory authority or jurisdiction of the agency; or made upon unlawful procedure; or affected by other error of law; or unsupported by competent, material and substantial evidence in view of the entire record as submitted; or arbitrary or capricious. An appeal may be taken to the law court as in other actions.'

Sec. 2. R. S., c. 25, § 5, amended. The first paragraph of section 5 of chapter 25 of the Revised Statutes is 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 department license may ~~revoke such license at any time~~ be suspended or revoked for just cause. ~~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. 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 of complaint with said Hearing Officer. 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 the provisions of said chapter 97 relating to fire safety. The department shall establish and pay reasonable fees to the municipal official or 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 is 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, § 23, amended. Section 23 of chapter 25 of the Revised Statutes is amended to read as follows:

'Sec. 23. Violation of section 22. Whoever establishes or keeps such private hospital or private house without a license, or after revocation or during suspension of said license, shall ~~forfeit~~ be fined not more than \$500.'

Sec. 5. R. S., c. 25, § 29, repealed and replaced. Section 29 of chapter 25 of the Revised Statutes is repealed and the following enacted in place thereof:

'Sec. 29. License suspended or revoked after hearing. 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.'

Sec. 6. R. S., c. 25, § 165, repealed and replaced. Section 165 of chapter 25 of the Revised Statutes is repealed and the following enacted in place thereof:

'Sec. 165. Suspension or revocation of licenses. 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 the Hearing Officer.'

Sec. 7. R. S., c. 25, § 190, amended. Section 190 of chapter 25 of the Revised Statutes is 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 the provisions of sections 178 to 193 inclusive 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 and after hearing or for any just cause may by vote of majority of the board ~~revoke the license and cancel the registration of the person, firm or corporation to whom the same was issued~~ file a statement or complaint with the Hearing Officer designated in chapter 20-A asking to have the license or registration suspended or revoked. 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. 8. R. S., c. 25, § 197, amended. The 4th paragraph of section 197 of chapter 25 of the Revised Statutes is repealed, 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. 9. R. S., c. 25, § 205, amended. The first 4 paragraphs of section 205 of chapter 25 of the Revised Statutes are amended to read as follows:

'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 ~~this or the preceding~~ ~~to~~ 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~~ the board shall file a statement or complaint with the Hearing Officer designated in chapter 20-A. 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 license or 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 the provisions of 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 may file a statement or complaint with said Hearing Officer. 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

CHAP. 394

PUBLIC LAWS, 1961

records and findings of such proceedings. The appeal may be heard by a justice of the said superior court either in term time or vacation. An appeal from said superior court may be reviewed by the supreme judicial court the same as appeals from chancery decrees.

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~~ when it believes the applicant for or the holder of such license to be guilty of any of the following acts or omissions:

Sec. 10. R. S., c. 25, § 206, amended. The last paragraph of section 206 of chapter 25 of the Revised Statutes is amended to read as follows:

~~'From the refusal of the department to issue a certificate of registration for any cosmetic preparation, 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 the person so aggrieved may file a statement or complaint with the Hearing Officer designated in chapter 20-A.'~~

Sec. 11. R. S., c. 25, § 215, amended. The 5th paragraph of section 215 of chapter 25 of the Revised Statutes is amended to read as follows:

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

Sec. 12. R. S., c. 25, § 222, amended. The 5th sentence of the first paragraph of section 222 of chapter 25 of the Revised Statutes is amended to read as follows:

~~'The board may revoke any such certificate at any time for cause; provided, however, that notice shall be given to such school of said proposed action in order that said school may have an opportunity to be heard. 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.'~~

Sec. 13. R. S., c. 25, § 222, amended. The 6th sentence of the 2nd paragraph of section 222 of chapter 25 of the Revised Statutes is amended to read as follows:

~~'The board may revoke any such certificate at any time for cause; provided, however, that notice shall be given to such school of said proposed action in order that said school may have an opportunity to be heard. 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.'~~

Sec. 14. R. S., c. 25, § 227, amended. Section 227 of chapter 25 of the Revised Statutes is amended to read as follows:

'Sec. 227. Suspension or revocation of certificates of registration; appeal. The board may either refuse to issue or renew or may ~~suspend or revoke~~ file a statement or complaint with the Hearing Officer requesting the suspension or revocation of any certificate of registration granted by it under the provisions of 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; ~~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 the Hearing Officer 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, repealed. Section 228 of chapter 25 of the Revised Statutes is repealed.

Sec. 16. R. S., c. 25, § 254, amended. The 5th, 6th and 7th sentences of section 254 of chapter 25 of the Revised Statutes are amended to read as follows:

'The term of such license shall be for one year and the department license may ~~revoke such license at any time~~ be suspended or revoked for failure to comply with the provisions of this section or the rules and regulations pertaining thereto. 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. 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. Whoever violates the provisions of 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 ~~such fine and imprisonment.~~

Sec. 17. 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, 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 ~~is authorized to suspend or revoke a license issued~~ may file a statement or complaint with the Hearing Officer designated in chapter 20-A requesting suspension or revocation of any license on any of the following grounds: Violation of any ~~of the provisions~~ 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. 18. 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, is further amended to read as follows:

'Sec. 272. Appeal. Any person who is aggrieved by the decision of the department ~~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~~ 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.'

Sec. 19. R. S., c. 33, § 5, amended. The 4th, 5th and 6th paragraphs of section 5 of chapter 33 of the Revised Statutes are amended to read as follows:

'The ~~commission~~ Hearing Officer as designated in chapter 20-A 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 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 com-~~

PUBLIC LAWS, 1961

CHAP. 394

~~mission. 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.~~

~~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 the provisions 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. 20. 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 amended by section 7 of chapter 135 of the public laws of 1959, 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 Hearing Officer as designated in chapter 20-A. 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 appellate review has expired or the appeal finally determined.'

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

Sec. 21. R. S., c. 66, § 4, amended. The last sentence of section 4 of chapter 66 of the Revised Statutes is amended to read as follows:

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

Sec. 22. R. S., c. 66, § 6, amended. Section 6 of chapter 66 of the Revised Statutes is 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 the provisions 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. ~~Said board~~ The Hearing Officer as designated in chapter 20-A, 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. ~~Said~~ The board may also 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. 23. R. S., c. 67, § 6, amended. The first sentence of section 6 of chapter 67 of the Revised Statutes is amended to read as follows:

'The ~~board~~ Hearing Officer as designated in chapter 20-A 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. 24. 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, is repealed and the following enacted in place thereof:

'Sec. 4. Complaints against registered apothecaries; notice and hearing. The board shall prosecute 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 within 60 days after the act complained of has been committed.'

Sec. 25. 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, is further amended to read as follows:

'Sec. 5. Certificate suspended or revoked. If the ~~full board sitting at such hearing~~ Hearing Officer as designated in chapter 20-A 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 deem~~ be deemed for the best interest of the public, or may revoke it altogether.'

Sec. 26. R. S., c. 68, § 9, amended. The last paragraph of section 9 of chapter 68 of the Revised Statutes is 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 ~~the provisions of~~ 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. 27. R. S., c. 69-A, § 3, sub-§ III, §§ H and I, repealed. Paragraphs H and I of 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, are repealed.

Sec. 28. 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, is amended to read as follows:

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

Sec. 29. R. S., c. 69-A, § 8, sub-§ II, repealed. Subsection II 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, is repealed.

Sec. 30. R. S., c. 71, § 10, amended. Section 10 of chapter 71 of the Revised Statutes is 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 ~~the provisions of~~ this chapter relating to the registration of osteopathic physicians and shall bring all such cases to the notice of the proper prosecuting officer. ~~Said board~~ The Hearing Officer designated in chapter 20-A, 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. ~~Said~~ The board may ~~also~~ 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. 31. R. S., c. 72, § 9, amended. Section 9 of chapter 72 of the Revised Statutes is 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 ~~the provisions 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. ~~Said board~~ The Hearing Officer as designated in chapter 20-A, 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. ~~Said~~ The board may ~~also~~ 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. 32. R. S., c. 73, § 10, amended. The first paragraph of section 10 of chapter 73 of the Revised Statutes is amended to read as follows:

'~~The board~~ The Hearing Officer as designated in chapter 20-A may revoke a certificate obtained by fraud or misrepresentation, or if the person named there-

CHAP. 394

PUBLIC LAWS, 1961

in 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. 33. R. S., c. 73, § 10, amended. The 2nd sentence of the 2nd paragraph of section 10 of chapter 73 of the Revised Statutes is amended to read as follows:

'The ~~board~~ **Hearing Officer** 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. 34. R. S., c. 73, § 11, amended. The 2nd and 4th sentences of section 11 of chapter 73 of the Revised Statutes are amended to read 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.'~~

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

Sec. 35. R. S., c. 73, § 12, repealed. Section 12 of chapter 73 of the Revised Statutes is repealed.

Sec. 36. R. S., c. 73, § 13, amended. Section 13 of chapter 73 of the Revised Statutes is 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 ~~the provisions of~~ section 10 shall forthwith certify such conviction to the board and the ~~board~~ **Hearing Officer** may, after a hearing, revoke or suspend the certificate of the convicted registrant. The ~~board~~ **Hearing Officer** may ~~also~~ 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. 37. R. S., c. 74, § 8, amended. The first sentence of section 8 of chapter 74 of the Revised Statutes, as amended by section 3 of chapter 261 of the public laws of 1955 and by section 72 of chapter 429 of the public laws of 1957, is further amended to read as follows:

'Any license to practice podiatry may be suspended or revoked by the 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 said 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. 38. R. S., c. 76, § 10, amended. The first paragraph of section 10 of chapter 76 of the Revised Statutes is 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. 39. R. S., c. 76, § 10, amended. The last paragraph of section 10 of chapter 76 of the Revised Statutes is 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 ~~board~~ **Hearing Officer**.'

Sec. 40. R. S., c. 76, § 13, repealed. Section 13 of chapter 76 of the Revised Statutes is repealed.

Sec. 41. R. S., c. 77, § 7, amended. The 3rd, 4th, 5th and 6th paragraphs from the end of section 7 of chapter 77 of the Revised Statutes are amended to read as follows:

'Proceedings for the revocation of a license or the annulment of registration may be brought by filing written verified charges against the accused. Such charges may be preferred by any person or corporation, or the board may direct one of its members to prefer such charges. ~~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 ~~judge of the superior court before whom said hearings will be held~~ **Hearing Officer** as designated by chapter 20-A. It shall be the duty of the prosecuting attorney of the 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 the said hearing.~~

If the ~~judge~~ **Hearing Officer** shall find that the charges or any of them are sustained, he shall cause the license of the accused to be revoked.'

Sec. 42. R. S., c. 79, § 10, amended. Section 10 of chapter 79 of the Revised Statutes, as amended by section 6 of chapter 295 of the public laws of 1959, 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 ~~any Justice of the Superior Court~~ the **Hearing Officer** as designated by chapter 20-A by presenting a copy of such order or decision, certified by the secretary of said commission, to the ~~clerk of courts for the County of Kennebec~~ said **Hearing Officer**. The ~~Justice~~ **Hearing Officer** 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 ~~justice~~ **Hearing Officer** the printed record of the hearing certified by the secretary of the commission. The ~~justice~~ **Hearing**

Officer 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 the court he 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 suit in equity duly heard and determined by said court, and appeal may be had therefrom in the same manner as in appeals in equity procedure 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. 43. R. S., c. 80, § 7, repealed and replaced. Section 7 of chapter 80 of the Revised Statutes is repealed and the following enacted in place thereof:

'Sec. 7. Certificates revoked. Any certificate may be revoked upon proof of bad moral character, dishonesty, conviction of crime, incompetency or unprofessional conduct. Upon the revocation of any certificate, it shall be surrendered to the board by the holder.'

Sec. 44. R. S., c. 81, § 4, amended. The 2nd paragraph of section 4 of chapter 81 of the Revised Statutes is repealed.

Sec. 45. R. S., c. 81, § 18, amended. The 2nd, 3rd, 4th and 5th paragraphs of section 18 of chapter 81 of the Revised Statutes are repealed and the following enacted in place thereof:

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

Upon a finding of guilt, the Hearing Officer as designated by chapter 20-A shall revoke the certificate of registration of such architect.'

Sec. 46. R. S., c. 82, § 11, amended. Section 11 of chapter 82 of the Revised Statutes, as amended, 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 the provisions of sections 1 to 14, inclusive this chapter. ~~The board~~ Hearing Officer as designated in chapter 20-A 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 board Hearing Officer 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 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. 47. 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, is 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 the provisions of this chapter. The board Hearing Officer as designated in chapter 20-A 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, and 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 board Hearing Officer 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 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 Hearing Officer.

After such hearing, the board Hearing Officer 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.

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 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, providing provided a majority of the board vote in favor of such reissuance.'

Sec. 48. R. S., c. 84, § 6, amended. Section 6 of chapter 84 of the Revised Statutes is amended to read as follows:

'Sec. 6. Procedure when license refused. The commission, after an application in proper form has been filed, shall, before refusing to issue a license, set the application down for a hearing and determination as provided in section 9.'

Sec. 49. R. S., c. 84, § 8, sub-§ I, amended. The first paragraph of subsection I of section 8 of chapter 84 of the Revised Statutes is 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 the provisions of 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. 50. R. S., c. 84, § 8, sub-§ II, amended. Subsection II of section 8 of chapter 84 of the Revised Statutes is amended to read as follows:

'II. Acts of licensee for which applicant would be refused license. The ~~commission~~ Hearing Officer shall, in addition, have power, after hearing, to revoke or suspend any license issued under the provisions of 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. 51. R. S., c. 84, § 9, repealed and replaced. Section 9 of chapter 84 of the Revised Statutes, as amended by section 35 of chapter 317 of the public laws of 1959, is repealed and the following enacted in place thereof:

'Sec. 9. Revocation or suspension of license. 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 Hearing Officer 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.'

Sec. 52. 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 is amended to read as follows:

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

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

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

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

'Such license may be revoked or suspended by the ~~commission~~ Hearing Officer as designated in chapter 20-A 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. 55. R. S., c. 88, § 7, amended. The 3rd paragraph of section 7 of chapter 88 of the Revised Statutes is amended to read as follows:

'Upon the application for any such license as enumerated ~~above~~, 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 the provisions 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 ~~hereinbefore~~ enumerated.'

Sec. 56. R. S., c. 88, § 9, repealed. Section 9 of chapter 88 of the Revised Statutes, as amended by section 36 of chapter 317 of the public laws of 1959, is repealed.

Effective September 16, 1961

Chapter 395

AN ACT to Correct Errors and Inconsistencies in the Public Laws.

Emergency preamble. Whereas, acts of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, many acts enacted by previous Legislatures have created inconsistencies and technical errors; and

Whereas, such inconsistencies and errors have created uncertainties and confusions in interpreting legislative intent; and

Whereas, it is vitally necessary that such uncertainties be resolved so that injustices to the people of Maine may be avoided; and

Whereas, in the judgment of the Legislature these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

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

Sec. 1. R. S., c. 3-A, § 194, repealed and replaced. Section 194 of chapter 3-A of the Revised Statutes, as enacted by section 1 of chapter 360 of the public laws of 1961, is repealed and the following enacted in place thereof:

'Sec. 194. Congressional districts. The districts for the election of Representatives to Congress are comprised as follows:

I. First district. The first district is composed of Cumberland, Kennebec, Knox, Lincoln, Sagadahoc, Waldo and York Counties. It is entitled to one Representative to Congress.

II. Second district. The second district is composed of Androscoggin, Aroostook, Franklin, Hancock, Oxford, Penobscot, Piscataquis, Somerset and Washington Counties. It is entitled to one Representative to Congress.'

Sec. 2. R. S., c. 3-A, § 203, repealed; limitation. Section 203 of chapter 3-A of the Revised Statutes, as enacted by section 1 of chapter 360 of the public laws of 1961, relating to special voting place for Connor, is repealed and shall not be printed as part of the session laws of 1961.

Sec. 3. R. S., c. 10, § 22, sub-§ XX, amended. Subsection XX of section 22 of chapter 10 of the Revised Statutes is amended to read as follows: