

MAINE STATE LEGISLATURE

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ACTS, RESOLVES AND CONSTITUTIONAL RESOLUTIONS

AS PASSED BY THE

One Hundred and Sixth Legislature

OF THE

STATE OF MAINE

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PUBLIC LAWS
OF THE
STATE OF MAINE
AS PASSED BY THE
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Whether he is, before or after entering, armed with a dangerous weapon, or whether he assaults any person lawfully therein or has any confederate present aiding or abetting or not, in either case he shall be punished by imprisonment for any term of years and in any event the punishment shall be not less than 6 months. When a person is convicted and sentenced to imprisonment for a violation of any of the provisions of this section and such violation occurred at a time when said person was on bail in connection with a prior violation of this section, the sentence imposed for said 2nd offense shall not be served concurrently with any sentence imposed in connection with said first offense.

Sec. 2. R. S., T. 17, § 754, amended. Section 754 of Title 17 of the Revised Statutes is amended to read as follows:

§ 754. Breaking and entering with intent to commit felony or larceny

Whoever, with intent to commit a felony or any larceny, breaks and enters in the daytime or enters without breaking in the nighttime any dwelling house, or breaks and enters any office, bank, shop, store, warehouse, vessel, railroad car of any kind, motor vehicle, aircraft, house trailer, or building in which valuable things are kept, any person being lawfully therein and put in fear, shall be punished by imprisonment for not less than 6 months nor more than 10 years; but if no person was lawfully therein and put in fear, by imprisonment for not less than 6 months nor more than 5 years or by a fine of not more than \$500. When a person is convicted and sentenced to imprisonment for a violation of any of the provisions of this section and such violation occurred at a time when said person was on bail in connection with a prior violation of any provision of this section, the sentence imposed for said 2nd offense shall not be served concurrently with any sentence imposed in connection with said first offense.

Effective October 3, 1973

CHAPTER 405

AN ACT to Clarify Certain Ambiguities in the Chiropractic Licensing Law and to Revise Certain Provisions Relating to the Board of Chiropractic Examination and Registration.

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

Sec. 1. R. S., T. 32, § 551, amended. Section 551 of Title 32 of the Revised Statutes, as amended, is further amended by inserting before the last sentence, a new sentence to read as follows:

The diploma of any applicant matriculating in a chiropractic college after January 1, 1974 shall show that it was granted by a chiropractic college which has been approved by a national accrediting agency, which agency has been approved by the board; or the applicant must present evidence of having become a diplomat of the National Board of Chiropractic Examiners; or the applicant must present evidence of having successfully passed a licensing procedure from another state having similar requirements.

Sec. 2. R. S., T. 32, § 502, amended. The 5th sentence of section 502 of Title 32 of the Revised Statutes is amended to read as follows:

Said board shall cause a seal of suitable inscription to be procured and to be affixed to such papers as may require such seal, shall keep a correct record of all its proceedings ~~and shall have power to make such rules and regulations, not inconsistent with law, as it may deem necessary for the successful enforcement of its authority and the performance of its duties.~~

Sec. 3. R. S., T. 32, § 502, amended. Section 502 of Title 32 of the Revised Statutes is amended by adding at the end the following:

The board shall have the power to make and adopt rules, regulations and a code of ethics, not inconsistent with law, which it may deem necessary for the enforcement of its authority, the performance of its duties and the governing of the practice of chiropractic, but no rule, regulation or code of ethics shall be made that is unreasonable or that contravenes any provision of this chapter. In establishing such rules, regulations and code of ethics, the board shall, in addition to the standards set forth in other provisions of this chapter, be guided by the following standards setting forth conduct deemed unprofessional:

1. Fraud. The obtaining of any fee by fraud or misrepresentation, or the practice of any deception or fraud upon a patient.

2. Practice outside chiropractic. Offering health services outside the field of chiropractic.

3. Solicitation. The employment of solicitors for, or the solicitation of practice directly or indirectly, but the following shall nevertheless be considered lawful:

A. Telephone listings that use no bold type or display form; professional cards that contain only the chiropractor's name, title, address, telephone number, office hours; announcements in newspapers or direct mail of opening or closing a practice provided same be in keeping with size, style, frequency and duration deemed ethical by other health practices of the community; and informational lettering on doors, windows and signs that conforms to size and style used by other health practices of the community.

4. Advertising. The advertisement of prices, free services, credit terms, or superior professional skills or services or the making of any form of specific guarantee.

5. Fee splitting. The splitting or dividing of any fee with any person not an associate licensed as a chiropractor.

Sec. 4. R. S., T. 32, § 503, amended. Section 503 of Title 32 of the Revised Statutes is amended to read as follows:

§ 503. Complaints; suspension or revocation of certificates

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, upon a vote of 4 members of

the board, bring all such cases to the notice of the proper prosecuting officer. The Administrative Hearing Commissioner, as designated in Title 5, chapters 301 to 307, 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 and after hearing may 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 may suspend or revoke and the board may refuse to issue any certificate of registration for any one or more of the following causes:

1. Convictions. Conviction in this State or another state or in a federal court of felony or of a crime involving moral turpitude;
2. Fraud. Fraud in the procurement of a license or certificate under this chapter;
3. Unprofessional conduct. Unprofessional conduct, including, but not limited to the following:
 - A. Advertising in any manner considered by the board to be deceptive or unethical or in violation of the provisions of section 502;
 - B. The obtaining of any fee or offering to accept any fee, present or other form of remuneration whatsoever, on the assurance or promise that a manifestly incurable disease can or will be cured;
 - C. Willfully betraying a professional secret to the detriment of the patient;
 - D. Habitual intemperance in the use of alcohol or the habitual use of narcotic or hypnotic drugs;
 - E. Mental illness interfering with the competent practice of chiropractic;
 - F. Dishonorable or immoral conduct that tends to discredit the chiropractic profession;
 - G. Conduct unbecoming a person licensed to practice chiropractic or detrimental to the best interest of the public health or safety;
 - H. Gross or repeated malpractice;
 - I. Knowingly making any false or fraudulent statement, written or oral, in connection with the practice of chiropractic, except as the same may be necessary for accepted therapeutic purposes;
 - J. Refusing to divulge to the board upon demand the means, method, device or instrumentality used in the treatment of a disease, injury, ailment or infirmity;
 - K. Conviction of violation of any federal or state law regulating the possession, distribution or use of any narcotic drug or cannabis; the judgment of conviction, unless pending upon appeal, shall be conclusive evidence of such unprofessional conduct;

L. Failure to report to the secretary of the board treatment of a chiropractor licensed under this chapter for addiction to alcohol or drugs or for mental illness in accordance with section 3285.

Effective October 3, 1973

CHAPTER 406

AN ACT to Allow the State of Maine to Make Secured Deposits in Interest Bearing Accounts.

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

Whereas, since additional millions of dollars are now flowing into the State of Maine Treasury under the Federal Revenue Sharing Act of 1972 and other unusual amounts of state funds from time to time accumulate in the State Treasury; and

Whereas, since present state law limits the amounts which may be invested in a given bank to an amount less than is actually available for investment; and

Whereas, since F.D.I.C. insurance is limited to \$20,000, it becomes prudent to both increase the amounts legal for investment in order to keep Maine money invested in Maine while at the same time insure the safety of the funds; 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., T. 5, § 135, amended. The first sentence of the first paragraph of section 135 of Title 5 of the Revised Statutes is amended to read as follows:

The Treasurer of State may deposit the moneys, including trust funds of the State, in any of the banking institutions or trust companies or state or federal savings and loan associations or mutual savings banks organized under the laws of this State or in any national bank or banks located therein.

Sec. 2. R. S., T. 5, § 135, amended. The first sentence of the 2nd paragraph of section 135 of Title 5 of the Revised Statutes is amended to read as follows:

No sum exceeding an amount equal to 25% of the capital, surplus and undivided profits of any trust company or national bank or a sum exceeding an amount equal to 25% of the reserve fund and undivided profit account of a mutual savings bank or state or federal savings and loan associations shall be on deposit therein at any one time.