

MAINE STATE LEGISLATURE

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REVISED STATUTES
OF THE
STATE OF MAINE
1954

1963 CUMULATIVE SUPPLEMENT

ANNOTATED

IN FIVE VOLUMES

VOLUME 2

Discard Previous Supplement

THE MICHIE COMPANY
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appoint 3 more commissioners who shall be citizens of the state, one to represent municipal interests, one to represent industrial interests, and one to represent the public generally. The term of the last 3 said commissioners shall be for a period of 3 years and he shall hold office until his successor shall be appointed and qualified. The terms of each of the initial 5 members shall begin at the date of the appointment, provided the said compact shall then have been executed by the governor of this state as prescribed in section 1; otherwise they shall begin upon the effective date of the compact in accordance with section 4.

Any commissioner may be removed from office by the governor upon charges and after a hearing. (1955, c. 450.)

Sec. 6. Compensation.—The commissioners shall serve without compensation but shall be reimbursed for their expenses actually and necessarily incurred by them in the performance of their duties. (1955, c. 450.)

Sec. 7. Reservations and limitations.—Notwithstanding any contrary provisions hereinbefore contained, it is hereby specifically provided that

I. The members representing the state of Maine on the New England interstate water pollution control commission shall have no authority to vote in favor of or to commit said state of Maine or any administrative agency thereof or any municipal corporation or administrative agency thereof, or any person, firm or corporation therein.

(a) to any classification of the interstate waters of the state of Maine or to any standards of water quality appertaining to any such classification, which in any aspect shall impose a higher classification or higher water quality than are established by the laws of the state of Maine for such waters, or

(b) to any classification and pertinent standards of water quality in respect to such interstate waters of the state of Maine as have not been assigned a classification under the laws of the state of Maine

II. No classification of waters or standards of water quality thereto appertaining which shall have been approved by the New England water pollution control commission prior to the effective date of this act, as established in section 4 hereof, shall be binding upon the state of Maine or any administrative agency thereof or any municipal corporation or administrative agency thereof, or any person, firm or corporation therein, with relation to any interstate waters of the state of Maine. (1955, c. 450.)

Chapter 80.

Registration of Accountants.

Sec. 1. Board of accountancy; appointment; compensation.—The Maine board of accountancy, as heretofore established and hereinafter in this chapter called the "board", shall consist of 3 members who shall be citizens and residents of the state, appointed annually by the governor with the advice and consent of the council, for terms of 3 years as the terms of the several members expire. Vacancies occurring during a term shall be filled for the unexpired term. All members of said board shall be skilled in the art of accounting and shall have been actively engaged in the profession of a public accountant; they shall be holders of certificates issued under the provisions of this chapter.

(1957, c. 203, § 1.)

Effect of amendment.—The 1957 amendment substituted the word "All" for the word "Two" which formerly appeared as the first word of the last sentence of the first paragraph, and deleted the clause "the other member shall be a

practicing attorney in good standing in the courts of this state" which formerly appeared at the end of such sentence.

As the second paragraph was not changed by the amendment, it is not set out.

Sec. 4. Examination; issue of certificates.—At such times as the board may fix, it shall hold meetings for the examination of applicants for certificates and shall give notice thereof by publication in a daily newspaper in each of the cities of Portland, Lewiston, Bangor and Augusta, stating the time and place of such meetings, not less than 20 days prior to the date thereof. An exact copy of the examination questions shall be filed with the state librarian for public reference within 30 days after date of examination. At such meetings the board shall conduct examinations of applicants who have been residents of the state at least 1 year prior thereto, and of certified public accountants of any other state or foreign government which extends similar privileges to certified public accountants of this state, and who have paid the required fee. To those who have shown the required proficiency in the theory of accounts, practical accounting, auditing, commercial law and such other subjects as it deems necessary and whom it believes to be of such character and fitness as to qualify them to act as public accountants, it shall issue a certificate over the signatures of the members of the board and under its seal that the applicant is entitled to practice as a certified public accountant in accordance with the provisions of this chapter.

The board may at its discretion waive examination in not to exceed 2 of the 4 subjects of any applicant on receipt of satisfactory proof that he has successfully passed examination in these subjects within a period of not to exceed 2 years in any other state or territory of the United States in which the requirements for examination are in the opinion of the board equivalent to those in the state of Maine; provided the state in question extends similar privileges to this state. (R. S. c. 73, § 4. 1957, c. 203, §§ 2, 3.)

Effect of amendment. — The 1957 amendment deleted the words “business systems and” which formerly appeared preceding the words “commercial law” in the last sentence of the first paragraph and added the second paragraph.

Sec. 5. Persons holding certificates from other states.—The board may, in its discretion, waive the examination and upon the payment of the fee of \$35 specified in section 6, issue a certificate for a certified public accountant to any person who has been a resident of this state for the preceding year and who is the holder of a certified public accountant’s certificate issued under the laws of another state or foreign government which extends similar privileges to certified public accountants of this state, provided the requirements in the state or foreign government which has granted it to the applicant are, in the opinion of the board, equivalent to those of this state. (R. S. c. 73, § 5. 1957, c. 203, § 4.)

Effect of amendment. — The 1957 amendment deleted a provision authorizing the board to waive the payment of fees, inserted the provision requiring the payment thereof, inserted the words “who has been a resident of this state for the preceding year and”, and substituted a comma for a semicolon preceding the word “provided”.

Sec. 6. Fee; second examination.—Each applicant for examination shall pay to the secretary of the board a fee of \$35 at the time of filing his application. If the applicant fails to pass the examination, the fee shall not be returned to him but he shall be entitled to be reexamined at any advertised meeting at which there are to be other applicants for examination, on payment of an additional fee of \$7 for each section of the examination in which he is reexamined. (R. S. c. 73, § 6. 1957, c. 203, § 5.)

Effect of amendment. — The 1957 amendment rewrote this section.

Sec. 7. Certificates suspended or revoked.—The administrative hearing commissioner as designated in chapter 20-A may suspend or revoke any certificate issued by the board on proof of bad moral character, dishonesty, conviction

of crime, incompetency or unprofessional conduct by the holder of the certificate. Upon the revocation of any certificate, it shall be surrendered to the board by the holder. (R. S. c. 73, § 7. 1961, c. 394, § 43; c. 417, § 168. 1963, c. 412, § 21.)

Effect of amendments. — The first 1961 amendment rewrote the first sentence of this section. The second 1961 amendment inserted “before the hearing officer under chapter 20-A” in the first sentence. The 1963 amendment, which became effective on its approval, June 27, 1963, again rewrote the first sentence.

Chapter 81.

Registration of Architects.

Sec. 1. Board of registration for architects.—A state board for registration of architects, as heretofore created and hereinafter in this chapter called the “board,” shall administer this chapter and may be cited as the “Maine State Board for Registration of Architects.”

The board shall be composed of 5 practicing architects, or 4 practicing architects and 1 professor of architecture, who shall be appointed by the governor with the advice and consent of the council, to serve for 3 years and until their successors are duly appointed and qualified. Each member of the board shall receive a certificate of his appointment from the governor. (1945, c. 356, § 1. 1949, c. 242, § 1. 1955, c. 122, § 1. 1961, c. 259, § 1.)

Effect of amendments. — The 1955 amendment substituted “5” for “3” and “4” for “2” near the beginning of the second paragraph, and deleted the words “and shall serve without pay,” formerly appearing at the end of the second paragraph.

The 1961 amendment substituted “for registration of” for “of registration for” near the beginning of the first paragraph and inserted “for Registration” following “Board” near the end of that paragraph.

Design of legislature.—The legislature must be considered as having entertained a consistent design and policy embracing

both this chapter and c. 83. *State v. Beck*, 156 Me. 403, 165 A. (2d) 433.

Function of chapter.—This chapter, an exercise of police power, regulates the practice of architecture in the interest of public life, health and property and requires that, precedent to practicing such an accomplished profession, one schooled in architecture first vindicate his competency in an official test. *Beck v. Sampson*, 158 Me. 502, 186 A. (2d) 783.

The practice of the architect directly relates to the public welfare. *State v. Beck*, 156 Me. 403, 165 A. (2d) 433.

Sec. 2. Qualifications for members.—Each member of the board shall be a citizen of the United States, a resident of this state and an architect of recognized standing who shall have been engaged in the independent practice of architecture for at least 10 years previous to his appointment, with the exception of one member who may be the head of a department of architecture in any college or university of this state and whose combined experience in practice and teaching shall not be less than 10 years—at least 2 of which shall have been in the active practice of architecture as a profession. (1945, c. 356, § 1. 1961, c. 259, § 2.)

Effect of amendment.—The 1961 amendment deleted the former last sentence, relating to the proportion of board members from organized groups of architects.

Sec. 3. Organization; meetings; compensation; quorum; seal.—The board shall hold at least 2 meetings each year for the purpose of examining candidates for registration. Special meetings shall be held at such times as the regularly adopted rules and regulations of the board shall provide. The members of the board shall each receive as compensation for their services \$10 a day for the time actually spent and their necessary expenses incurred in the discharge of their duties, to be certified by the secretary of the board.

Three members of the board shall constitute a quorum but no certificate of registration shall be issued or revoked except on an affirmative vote of at least 3