

MAINE STATE LEGISLATURE

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REVISED STATUTES

OF THE

STATE OF MAINE

1954

1961 CUMULATIVE SUPPLEMENT

ANNOTATED

IN FIVE VOLUMES

VOLUME 2

Discard Previous Pocket Part Supplement

THE MICHIE COMPANY
CHARLOTTESVILLE, VIRGINIA
1961

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 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. (R. S. c. 73, § 7. 1961, c. 394, § 43.)

Effect of amendment.—The 1961 amendment rewrote the first sentence of this section.

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.

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, re-

lating 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 members of the board. The board shall annually elect a chairman and a secretary. The secretary may or may not be a member of the board and he shall receive an annual salary to be fixed by the board not to exceed \$200, which shall be in lieu of a per diem compensation. The secretary shall also be paid his necessary expenses incurred in the discharge of his official duties, including clerical and stenographical assistance, printing and postage. Such salary and allowance for expenses shall be certified by the chairman of the board. The board shall adopt and have an official seal. (1945, c. 356, § 1. 1955, c. 122, § 2.)

Effect of amendment.—The 1955 amendment added the last sentence of the first

paragraph and rewrote the second paragraph.

Sec. 4. Powers and duties. — The board shall in accordance with the spirit and intent of the law make such rules and regulations as may be desirable or necessary for the performance of its duties and for carrying out the purposes of this chapter.

The board, or any committee thereof, shall be entitled to the services of the attorney general and the services of the prosecuting attorney for the county in which enforcement is required; and the board shall also have the power to employ legal advice and such other assistance as may be deemed necessary for the proper conduct of its affairs, the expense of such assistance to be defrayed by the revenues provided by this chapter. (1945, c. 356, § 1. 1961, c. 394, § 44.)

Effect of amendment.—The 1961 amendment repealed the former second paragraph.

Sec. 10. Qualifications.

Engineering and architecture are separate species of engineering genus.—Professional engineering and architecture in the legislative estimation are patently re-

garded as separate species of the engineering genus. State v. Beck, 156 Me. 403, 165 A. (3d) 433.

Sec. 16. Fees.

I. For an application for examination and registration an amount to be fixed by the board which shall at no time exceed the sum of \$100;

II. Certificate of registration. For a certificate of registration, or by transfer of registration from another state or country, an amount to be fixed by the board;

(1959, c. 6. 1961, c. 259, § 3.)

Effect of amendments. — The 1959 amendment substituted "\$100" for "\$25" in subsection I, and rewrote subsection II of this section.

The 1961 amendment deleted "which shall be the same as charged for the transfer of registration of a Maine registrant to

the state or country of the person asking registration but at no time to exceed the sum of \$100" at the end of subsection II.

As the rest of the section was not affected by the amendments, only subsections I and II are set out.

Sec. 18. Hearings. — Any person may prefer charges of fraud, deceit, gross negligence, incompetency or misconduct against any registrant. Such charges shall be sworn to by the person making them and shall be filed with the secretary of the board.

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.

The board, for reasons it may deem sufficient, may reissue a certificate of registration to any person whose certificate has lapsed or has been suspended or revoked, provided no charges of violation of this chapter are pending in any court of record of this state and that the board is unanimous in its decision; except in the case where charges have been maintained and the registrant has been proven guilty, in which case no certificate shall be reissued during 12 months from the date of revocation of the previous certificate. (1945, c. 356, § 1. 1961, c. 394, § 45.)

Effect of amendment.—The 1961 amendment substituted the second and third paragraphs above set out for the former

second, third, fourth and fifth paragraphs of this section.

Chapter 82.

Licensing of Electricians.

Sec. 2. Definitions.—The following words and phrases when used in sections 1 to 14, inclusive, shall be construed as follows:

I. "Electrical installations" shall mean the installation repair, alteration and maintenance of electrical conductors, fittings, devices and fixtures for heating, lighting, power purposes or heat activated fire alarms and electrically supervised manual fire alarms and sprinkler systems. They shall not include the installation or repair of portable appliances and other portable electrical equipment, installation of which involves only the insertion of an attachment plug into a fixed receptable outlet. It is the meaning and intent of this subsection that the word "portable" shall not include or apply to any type of fixed electrically operated or driven equipment.