

MAINE STATE LEGISLATURE

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L.D. 1502

2

(Filing No. S- 131)

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STATE OF MAINE

4

SENATE

5

111TH LEGISLATURE

6

FIRST REGULAR SESSION

7

COMMITTEE AMENDMENT " A " to

8

S.P. 495,
L.D. 1502, Bill, "AN ACT Providing Uniformity, Con-
formity with the Maine Administrative Procedure Act
9 and Compliance with Court Decisions of the Statutes
10 of Licensing Boards within the Department of Business
11 Regulation."
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Amend the bill in section 2, in that part desig-
nated "§151." in subsection 2, in the 4th line (page
8, line 20 in L.D.) by striking out the underlined
word "physician" and inserting in its place the
underlined word 'physical'

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Further amend the bill in section 5, in that part
designated "§213-A." in the first paragraph, by
striking out all of the first underlined sentence
(page 11, lines 20 to 23 in L.D.) and inserting in
its place the following:

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'Each member of the board, except the secretary,
shall receive compensation for his services of \$35 a
day for each meeting and his actual and necessary
expenses incurred in the discharge of his duties.'

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Further amend the bill by striking out all of
section 21 (page 18, lines 22 to 39 in L.D.) and
inserting in its place the following:

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'Sec. 21. 32 MRSA §303, as amended by PL 1977,
c. 694, §549, is repealed.'

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Further amend the bill in section 24, in subsec-
tion 1 in the 2nd paragraph in the 3rd line (page 19,
line 39 in L.D.) by striking out the words "any
approved school or" and inserting in their place the
following: 'any approved school or'

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1 Further amend the bill in section 25 in subsec-
2 tion 2, in the 2nd paragraph, in the 7th line (page
3 20, line 22 in L.D.) by striking out the underlined
4 words "and schools"

5 Further amend the bill in section 25, in subsec-
6 tion 2, by striking out all of the 3rd paragraph
7 (page 20, lines 31 to 34 in L.D.)

8 Further amend the bill in section 50, in that
9 part designated "§1357." in the 2nd line from the end
10 (page 37, line 33 in L.D.) by striking out the under-
11 lined figure "2" and inserting in its place the
12 underlined figure '3'

13 Further amend the bill in section 60, in that
14 part designated "§1455-A." in the first paragraph, in
15 the 3rd line (page 41, line 31 in L.D.) by inserting
16 after the underlined word "chapter" the following:
17 'by licensees'

18 Further amend the bill by striking out all of
19 section 64 (page 45, lines 15 to 32 in L.D.) and
20 inserting in its place the following:

21 'Sec. 64 32 MRSA §1553, as amended by PL 1977,
22 c. 696, §238, is repealed.'

23 Further amend the bill in section 66, in subsec-
24 tion 1, in the 2nd paragraph in the 2nd line from the
25 end (page 46, line 24 in L.D.) by striking out the
26 underlined word "The" and inserting in its place the
27 underlined word 'A'

28 Further amend the bill in section 68, in subsec-
29 tion 1, in the 2nd paragraph in the 3rd line (page
30 47, line 25 in L.D.) by striking out the words "any
31 approved school or" and inserting in their place the
32 following: 'any approved school or'

33 Further amend the bill in section 69, in subsec-

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1 tion 2, in the 2nd paragraph, in the 7th line (page
2 48, line 2 in L.D.) by striking out the words "and
3 schools of cosmetology" and inserting in their place
4 the following: 'and schools of esmeteology'

5 Further amend the bill in section 69, in subsec-
6 tion 2, by striking out all of the 3rd paragraph and
7 inserting in its place the following:

8 '~~The rules and regulations shall include rules and~~
9 ~~regulations prescribing the requirements for the con-~~
10 ~~struction, operation, maintenance and sanitation of~~
11 ~~any school of esmeteology, subject to a license under~~
12 ~~this chapter.'~~

13 Further amend the bill in section 72, in the
14 first paragraph in the 2nd line from the end (page
15 49, line 31 in L.D.) by striking out the underlined
16 figure "1658" and inserting in its place the under-
17 lined figure '1657-A'

18 Further amend the bill in section 112, by strik-
19 ing out all of the amending clause (page 74, lines 19
20 and 20 in L.D.) and inserting in its place the fol-
21 lowing:

22 'Sec. 112. 32 MRSA §2057, as amended by PL 1983,
23 c. 204, §4, is further amended to read:'

24 Further amend the bill in section 112, in that
25 part designated "§2057." in the first paragraph, in
26 the first line (page 74, line 22 in L.D.) by striking
27 out the word "biennially"

28 Further amend the bill by striking out all of
29 section 113 and inserting in its place the following:

30 'Sec. 113. 32 MRSA §2059, as amended by PL 1983,
31 c. 204, §6, is further amended to read:

32 §2059. Fees

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1 A \$25 fee shall accompany each application for
 2 examination and shall not be returnable. An applica-
 3 tion fee and an examination fee may be established by
 4 the board in amounts which are reasonable and neces-
 5 sary for their respective purposes. When an appli-
 6 cant is notified that he is eligible for a license
 7 following examination, he shall remit the annual li-
 8 cense fee before a license is issued.

9 The fee for an original or renewal annual license
 10 shall not exceed \$50.'

11 Further amend the bill in section 119, in that
 12 part designated "§2353." in the first paragraph, in
 13 the 13th and 14th lines (page 78, lines 18 and 19 in
 14 L.D.) by striking out the underlined words "at least
 15 equal to this State" and inserting in its place the
 16 following: 'equivalent to those provided under this
 17 chapter'

18 Further amend the bill in section 123, by strik-
 19 ing out all of the amending clause (page 80, lines 17
 20 and 18 in L.D.) and inserting in its place the fol-
 21 lowing:

22 'Sec. 123. 32 MRSA §2402, as amended by PL 1983,
 23 c. 204, §7, is further amended to read:'

24 Further amend the bill in section 123, in that
 25 part designated "§2402." in subsection 2, in para-
 26 graph A, in the first line (page 80 line 37 in L.D.)
 27 by striking out the figure "\$32.50" and inserting in
 28 its place '\$50'

29 Further amend the bill in section 123, in that
 30 part designated "§2402." in subsection 2, in para-
 31 graph A, in the 2nd line (page 80, line 38 in L.D.)
 32 by striking out the figure "\$65" and inserting in its
 33 place '\$100'

34 Further amend the bill in section 123, in that
 35 part designated "§2402." in subsection 2, in para-

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1 graph B, in the first line (page 80, line 39 in L.D.)
 2 by striking out the figure "\$12.50" and inserting in
 3 its place '\$25'

4 Further amend the bill in section 123, in that
 5 part designated "§2402." in subsection 2, paragraph
 6 B, in the 2nd line (page 80, line 40 in L.D.) by
 7 striking out the figure "\$25" and inserting in its
 8 place '\$50'

9 Further amend the bill in section 123, in that
 10 part designated "§2402." in subsection 2, in para-
 11 graph C, in the first line (page 81, line 1 in L.D.)
 12 by striking out the figure "\$7.50" and inserting in
 13 its place '\$10'

14 Further amend the bill in section 123, in that
 15 part designated "§2402." in subsection 2, in para-
 16 graph C, in the 2nd line (page 81, line 2 in L.D.) by
 17 striking out the figure "\$15" and inserting in its
 18 place '\$20'

19 Further amend the bill in section 124, by strik-
 20 ing out all of the amending clause (page 81, lines 37
 21 and 38 in L.D.) and inserting in its place the fol-
 22 lowing:

23 'Sec. 124. 32 MRSA §2403, first ¶, as amended by
 24 PL 1983, c. 204, §8, is further amended to read:'

25 Further amend the bill in section 124 in the
 26 first paragraph, in the 6th line (page 82, line 3 in
 27 L.D.) by striking out the stricken out word and
 28 figure "~~of \$10~~" and inserting in their place the fol-
 29 lowing: '~~of \$20~~'

30 Further amend the bill in section 137, by strik-
 31 ing out all of the amending clause (page 86, lines 20
 32 to 22 in L.D.) and inserting in its place the follow-
 33 ing:

34 'Sec. 137. 32 MRSA §3116, as amended by PL 1983,

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1 c. 204, §9, is repealed and the following enacted in
2 its place:'

3 Further amend the bill in section 137, in that
4 part designated "§3116." in the first paragraph in
5 the 5th line (page 86, line 28 in L.D.) by striking
6 out the underlined figure "§50" and inserting in its
7 place '§60'

8 Further amend the bill in section 149, in that
9 part designated "§3822." by inserting at the end a
10 new sentence to read:

11 'The board shall keep such records and minutes as are
12 necessary to the ordinary dispatch of its functions.'

13 Further amend the bill in section 155, by strik-
14 ing out all of the amending clause (page 98, lines 20
15 to 22 in L.D.) and inserting in its place the follow-
16 ing:

17 'Sec. 155. 32 MRSA §3835, as amended by PL 1983,
18 c. 204, §10, is repealed and the following enacted in
19 its place:'

20 Further amend the bill in section 155, in that
21 part designated "§3835." in the first paragraph, in
22 the last line (page 98, line 30 in L.D.) by striking
23 out the underlined figure "§40" and inserting in its
24 place 'up to §80'

25 Further amend the bill by striking out all of
26 section 207, and inserting in its place the follow-
27 ing:

28 'Sec. 207. 32 MRSA §6028, first ¶, as amended by
29 PL 1983, c. 204, §11, is further amended to read:

30 An application fee and an examination fee may be
31 established by the board in amounts which are reason-
32 able and necessary for their respective purposes.
33 Every person to whom an initial license is issued

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1 pursuant to this chapter shall pay a license fee of
2 up to \$50. The fee for a temporary license shall not
3 exceed \$50. The fee for biennial renewal of a li-
4 cense shall not exceed \$100. The board may, by ~~regu-~~
5 ~~lation rule~~, provide for a the waiver of all or part
6 of the fee for an initial license, if it is issued
7 less than 120 days before the date on which it will
8 expire. When the unexpired term of an initial li-
9 cense of an applicant is or will be more than one
10 year at time of licensure, the board may, by ~~regula-~~
11 ~~tion rule~~, require ~~such~~ the applicants to pay an ad-
12 ditional fee not to exceed 1/2 the biennial renewal
13 fee. ~~The fees for application and examination shall~~
14 ~~be established by the board.~~

15 Further amend the bill in section 217, by strik-
16 ing out all of the amending clause (page 130, lines
17 21 to 23 in L.D.) and inserting in its place the fol-
18 lowing:

19 'Sec. 217. 32 MRSA §6215, as amended by PL 1983,
20 c. 204, §12, is repealed and the following enacted in
21 its place:'

22 Further amend the bill in section 217, in that
23 part designated "§6215." in the first paragraph, in
24 the 10th and 13th lines (page 130, lines 34 and 37 in
25 L.D.) by striking out the underlined figure "\$50" and
26 inserting in their place '\$100'

27 Further amend the bill in section 229, in that
28 part designated "§7059." in subsection 1, paragraph
29 E, in the last line (page 137, line 24 in L.D.) by
30 striking out the underlined word "or"

31 Further amend the bill in section 229, in that
32 part designated "§7059." in subsection 1, paragraph
33 E, in the last line (page 137, line 29 in L.D.) by
34 striking out the underlined word and punctuation
35 "imprisonment." and inserting in its place the fol-
36 lowing: 'imprisonment; or'

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1 Further amend the bill in section 229, in that
2 part designated "§7059." in subsection 1, by insert-
3 ing at the end the following:

4 'G. Violation of any provision of this chapter
5 or any rule of the board.'

6 Further amend the bill in section 230 by striking
7 out all of the amending clause (page 138, lines 7 and
8 8 in L.D.) and inserting in its place the following:

9 'Sec. 230. 32 MRSA §7060, first ¶, as amended by
10 PL 1983, c. 204, §13, is further amended to read:'

11 Further amend the bill in section 230, in the
12 first paragraph, in the 5th line (page 138, line 13
13 in L.D.) by striking out the figure "\$20" and insert-
14 ing in its place '\$50'

15 Further amend the bill in section 238, by strik-
16 ing out all of the amending clause (page 142, lines
17 32 and 33 in L.D.) and inserting in its place the
18 following:

19 'Sec. 238. 32 MRSA §9605, as amended by PL 1983,
20 c. 204, §14, is further amended to read:'

21 Further amend the bill in section 238, in that
22 part designated "§9605." by striking out all of sub-
23 sections 1 and 2 (page 142, lines 35 to 40 and page
24 143, lines 1 to 15 in L.D.) and inserting in their
25 place the following:

26 '1. Commercial driver education school li-
27 cence. Each application for a commercial driver edu-
28 cation school shall be accompanied by an application
29 fee of \$20 established by the board in an amount
30 which is reasonable and necessary for its purposes,
31 which shall not be refunded. If the application is
32 approved by the board, the applicant, upon payment of
33 an additional fee of up to \$80, shall be granted a
34 license, which shall be valid during the calendar

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1 year of its issue unless sooner revoked as provided.
2 The renewal fee is up to \$100.

3 2. Instructor license. Each application for an
4 instructor's license shall be accompanied by an
5 application fee ~~of \$20~~ established by the board in an
6 amount which is reasonable and necessary for its pur-
7 pose, which shall not be refunded. If the applica-
8 tion is approved by the board, the applicant, upon
9 payment of an additional fee of \$20, shall be granted
10 a license, which shall be valid during the calendar
11 year of its issue unless sooner revoked. The
12 renewal fee is \$40.'

13 STATEMENT OF FACT

14 This amendment makes technical changes in the
15 bill. Specifically, the amendment does the follow-
16 ing.

17 First, it changes several provisions of the bill
18 in order to account for the enactment of 2 other mea-
19 sures, Legislative Document 903, Public Law 1983,
20 chapter 140, and Legislative Document 1076, Public
21 Law 1983, chapter 204.

22 Second, it clarifies that the enforcement author-
23 ity of the State Board of Funeral Service is limited
24 to regulation of licensees. Particular concern was
25 expressed at the public hearing that authorized per-
26 sons who are currently allowed to transport bodies
27 for purposes of cremation would be swept within the
28 broad language of the proposed powers.

29 Third, with regard to the licensing of profes-
30 sional engineers, an exception is made regarding the
31 period within which the board may elect to waive the
32 requirements for reapplication after a license has
33 lapsed. While the uniform provision being used else-
34 where is 2 years, the provision for engineers is
35 being extended to 3 years. This different treatment

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1 is justified by the large number of licensees in this
2 area who reside outside the State, or outside the
3 country; the board estimates that over 60% of licen-
4 sees are nonresidents. In addition, since the board
5 issues its own licenses, rather than using the cen-
6 tral facilities of the department, this exception
7 would cause no disruption.

8 Fourth, the amendment corrects some oversights in
9 the bill, whereby the uniform language was not
10 extended to one board or another. Specifically, the
11 "equivalence" language concerning reciprocity was
12 omitted with regard to Oil and Solid Fuel Board stat-
13 ute; the record-keeping requirement was omitted with
14 regard to the psychologists' license law; and the
15 violation of law or rule as a basis for disciplinary
16 action was omitted from the social worker registra-
17 tion law changes.

18 Finally, the amendment clarifies several gram-
19 matical or technical errors in the original bill.

20

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