

MAINE STATE LEGISLATURE

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L.D. 1954

(Filing No. S-373)

STATE OF MAINE
SENATE
115TH LEGISLATURE
FIRST REGULAR SESSION

COMMITTEE AMENDMENT "A " to S.P. 760, L.D. 1954, Bill, "An Act Correcting Errors and Inconsistencies in the Laws of Maine"

Amend the bill by inserting after the enacting clause the following:

'PART A'

Further amend the bill by striking out all of sections 2, 3, 24, 25, 28, 29, 30, 32, 33, 34, 35, 41 and 46.

Further amend the bill by renumbering the sections to read consecutively.

Further amend the bill by inserting at the end before the emergency clause the following:

'PART B'

Sec. B-1. 10 MRSA §8001, as repealed and replaced by PL 1989, c. 806, §2 and c. 878, Pt. D, §6 and amended by PL 1991, c. 396, §1 and c. 397, §3, is repealed and the following enacted in its place:

§8001. Department; organization

There is created and established the Department of Professional and Financial Regulation, in this chapter referred to as the "department," to regulate financial institutions, insurance companies, commercial sports, grantors of consumer credit and to license and regulate professions and occupations. The department is composed of the following bureaus, boards and commissions:

R. of S.
COMMITTEE AMENDMENT "A" to S.P. 760, L.D. 1954

- 2 1. Bureau of Banking. Banking, Bureau of;
- 4 2. Bureau of Consumer Credit Protection. Consumer Credit
6 Protection, Bureau of;
- 8 3. Bureau of Insurance. Insurance, Bureau of;
- 10 4. Maine Athletic Commission. Athletic Commission, Maine;
- 12 5. Maine State Pilotage Commission. Pilotage Commission,
14 Maine State;
- 16 6. Real Estate Commission. Real Estate Commission;
- 18 7. Arborist Examining Board. Arborist Examining Board;
- 20 8. Board of Licensing of Auctioneers. Auctioneers, Board
22 of Licensing of;
- 24 9. Board of Barbering and Cosmetology. Barbering and
26 Cosmetology, Board of;
- 28 10. Board of Commercial Driver Education. Commercial
30 Driver Education, Board of;
- 32 11. Board of Licensing of Dietetic Practice. Dietetic
34 Practice, Board of Licensing of;
- 36 12. Electricians' Examining Board. Electricians' Examining
38 Board;
- 40 13. State Board of Licensure for Professional Foresters.
42 Foresters, State Board of Licensure for Professional;
- 44 14. State Board of Funeral Service. Funeral Service, State
46 Board of;
- 48 15. State Board of Certification for Geologists and Soil
50 Scientists. Geologists and Soil Scientists, State Board of
 Certification for;
16. Board of Hearing Aid Dealers and Fitters. Hearing Aid
 Dealers and Fitters, Board of;
17. Manufactured Housing Board. Manufactured Housing Board;
18. Nursing Home Administrators Licensing Board. Nursing
 Home Administrators Licensing Board;

- 2 19. Board of Occupational Therapy Practice. Occupational
3 Therapy Practice, Board of;
- 4 20. Oil and Solid Fuel Board. Oil and Solid Fuel Board;
- 6 21. Board of Examiners in Physical Therapy. Physical
7 Therapy, Board of Examiners in;
- 8 22. Plumbers' Examining Board. Plumbers' Examining Board;
- 10 23. State Board of Examiners of Psychologists.
12 Psychologists, State Board of Examiners of;
- 14 24. Radiologic Technology Board of Examiners. Radiologic
16 Technology Board of Examiners;
- 18 25. Board of Respiratory Care Practitioners. Respiratory
19 Care Practitioners, Board of;
- 20 26. State Board of Social Worker Licensure. Social Worker
22 Licensure, State Board of;
- 24 27. Board of Examiners on Speech Pathology and Audiology.
25 Speech Pathology and Audiology, Board of Examiners on;
- 26 28. State Board of Substance Abuse Counselors. Substance
28 Abuse Counselors, State Board of;
- 30 29. State Board of Veterinary Medicine. Veterinary
31 Medicine, State Board of;
- 32 30. Acupuncture Licensing Board. Acupuncture Licensing
34 Board;
- 36 31. Board of Commissioners of the Profession of Pharmacy.
37 Profession of Pharmacy, Board of Commissioners of;
- 38 32. Board of Licensure for Professional Land Surveyors.
40 Licensure for Professional Land Surveyors, Board of;
- 42 32-A. Maine State Board for Licensure of Architects and
43 Landscape Architects. Licensure of Architects and Landscape
44 Architects, Maine State Board for;
- 46 33. Board of Chiropractic Examination and Registration.
47 Chiropractic Examination and Registration, Board of;
- 48 34. Board of Licensure of Railroad Personnel. Licensure of
50 Railroad Personnel, Board of;

2 35. Board of Counseling Professionals Licensure.
Counseling Professionals Licensure, Board of; and

4 36. Board of Real Estate Appraisers. Real Estate
Appraisers, Board of.

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8 Sec. B-2. 23 MRSA §1904, sub-§3, as repealed and replaced by
PL 1989, c. 735, §1, is repealed and the following enacted in its
place:

10 3. Membership. The Travel Information Advisory Council is
12 composed as follows.

14 A. Nine members are appointed by the Governor as follows:

- 16 (1) One representative of the lodging industry;
- 18 (2) One representative of the restaurant industry;
- 20 (3) One representative of garden clubs;
- 22 (4) One representative of agriculture;
- 24 (5) One representative of the recreation industry;
- 26 (6) One representative of environmental organizations;
- 28 (7) One representative of nonprofit historical and
cultural institutions;
- 30 (8) One representative of sign designers and
32 fabrication artisans; and
- 34 (9) One representative of the general public.

36 These members are appointed to 2-year terms of office
38 expiring on January 16th, with the terms of those members
40 appointed under subparagraphs (1), (2), (3) and (4) expiring
42 in odd-numbered years and the terms of those members
appointed under subparagraphs (5), (6), (7), (8) and (9)
expiring in even-numbered years.

44 B. Two legislative members who shall serve until the
46 adjournment of the First Regular Session of the 115th
Legislature, are appointed as follows:

- 48 (1) One Senator appointed by the President of the
Senate to a term concurrent with the term to which the
50 member of the Senate is elected; and

2 (2) One member of the House of Representatives
3 appointed by the Speaker of the House of
4 Representatives to a term concurrent with the term to
5 which the member of the House of Representatives is
6 elected.

7 If a vacancy occurs prior to the expiration of a term of any
8 member, including legislative members, that vacancy must be
9 filled by the appointing authority as provided in this subsection
10 for the remainder of that term.

11 Sec. B-3. 24-A MRSA §222, sub-§9, as enacted by PL 1975, c.
12 356, §1, is amended to read:

13 9. Transactions with affiliates; standards. Material
14 transactions by registered insurers with their affiliates
15 occurring after the effective date of this chapter shall be are
16 subject to the following standards:

17 A. The terms shall must be fair and reasonable;

18 B. The books, accounts and records of each party shall must
19 be so maintained as to disclose clearly and accurately the
20 nature and details of the transaction; and

21 C. The insurer's surplus to policyholders following any
22 dividends or distributions to stockholder affiliates shall
23 must be reasonable in relation to the insurer's outstanding
24 liabilities and adequate to its financial needs.

25 ~~Any material transaction which is not in conformity with~~
26 ~~this subsection shall constitute a violation of this Title~~
27 ~~and chapter and in addition to the penalties contained in~~
28 ~~subsection 14, shall render the transactions voidable at the~~
29 ~~initiative of the superintendent or otherwise under~~
30 ~~applicable law.~~

31 Any material transaction not in conformity with this subsection
32 constitutes a violation of this Title and chapter and in addition
33 to the penalties contained in subsection 14, renders the
34 transactions voidable at the initiative of the superintendent or
35 otherwise under applicable law.

36 Sec. B-4. 30-A MRSA c. 183, sub-c. I, first 3 lines are repealed and
37 the following enacted in their place:

38 SUBCHAPTER I

39 JUNKYARDS AND AUTOMOBILE GRAVEYARDS

R. of S.

PART C

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Sec. C-1. P&SL 1989, c. 89, §4, sub-§12, ¶B, as enacted by PL 1991, c. 31, is amended to read:

B. This corporation has all corporate powers and is subject to all corporate limitations as set forth in the Maine Revised Statutes, Title 13-B 13, as amended.

Sec. C-2. P&SL 1991, c. 31, first line, is repealed and the following enacted in its place:

P&SL 1989, c. 89, as amended by PL 1989, c. 878, Pt. H, §13, is further amended to read:

STATEMENT OF FACT

This amendment removes 13 sections from the bill and adds 6 technical corrections to the laws of Maine.

Section B-1 corrects conflicts caused by 2 public laws enacted last year and 2 public laws enacted this year.

Section B-2 repeals and replaces a section of the Maine Revised Statutes. The provision was written in an improper format; the new provision is in proper format. The Legislature does not intend to affect the terms of current members of the Travel Information Advisory Council by repealing and replacing the subsection to correct the format.

Section B-3 amends the Maine Revised Statutes, Title 24-A, section 222, subsection 9. The section addresses holding companies and insurance. The last paragraph in subsection 9, covering failure to comply with the subsection, applies to the entire subsection, but it is formatted to appear to apply only to paragraph C. This section of the Errors Bill reformats the last paragraph to apply to the entire subsection.

Section B-4 corrects the title of a subchapter to reflect subsequent changes in the subchapter.

Sections C-1 and C-2 make 2 corrections to the most recently enacted changes to the charter of the Northern Maine Regional Planning Commission. First, the history line is corrected to refer to an amendment made in 1990. Second, a reference to Title 13-B, governing nonprofit corporations, is changed to refer to the general corporations statute, Title 13. Title 13-B does not apply to regional planning commissions, even though they are nonprofit.

Reported by Senator Berube for the Committee on Judiciary.
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