

# MAINE STATE LEGISLATURE

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# 129th MAINE LEGISLATURE

## FIRST REGULAR SESSION-2019

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Legislative Document

No. 1746

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S.P. 580

In Senate, May 16, 2019

### **An Act To Amend the Licensing Laws of Certain Professions and Occupations**

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Submitted by the Department of Professional and Financial Regulation pursuant to Joint Rule 204.

Reference to the Committee on Innovation, Development, Economic Advancement and Business suggested and ordered printed.

A handwritten signature in black ink, appearing to read 'D M Grant'.

DAREK M. GRANT  
Secretary of the Senate

Presented by Senator HERBIG of Waldo.

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

2 **PART A**

3 **Sec. A-1. 10 MRSA §8003, sub-§2-A, ¶D**, as amended by PL 2001, c. 323, §9  
4 and PL 2011, c. 286, Pt. B, §5, is further amended to read:

5 D. To establish by rule and after reasonable notice to the affected board all fees  
6 necessary and appropriate for all boards, commissions and regulatory functions  
7 within the office, subject to any fee cap established by statute and applicable to that  
8 board, commission or regulatory function. The Director of the Office of Professional  
9 and Occupational Regulation shall set the criteria for all fees. The criteria must  
10 include, but are not limited to, the costs, statutory requirements, enforcement  
11 requirements and fees and expenses of each board, commission or regulatory  
12 function. The Director of the Office of Professional and Occupational Regulation, by  
13 order, may lower any fee established pursuant to this paragraph. Rules adopted  
14 pursuant to this paragraph are routine technical rules pursuant to Title 5, chapter 375,  
15 subchapter H-A 2-A;

16 **Sec. A-2. 10 MRSA §8003, sub-§5-A, ¶A**, as amended by PL 2009, c. 112, Pt.  
17 B, §4, is further amended to read:

18 A. The office, board or commission may deny or refuse to renew a license, may  
19 suspend or revoke a license and may impose other discipline as authorized in this  
20 subsection for any of the following reasons:

21 (1) The practice of fraud, deceit or misrepresentation in obtaining a license from  
22 a bureau, office, board or commission, or in connection with services rendered  
23 while engaged in the occupation or profession for which the person is licensed;

24 (2) Any gross negligence, incompetence, misconduct or violation of an  
25 applicable code of ethics or standard of practice while engaged in the occupation  
26 or profession for which the person is licensed;

27 (3) Conviction of a crime to the extent permitted by Title 5, chapter 341;

28 (4) Any violation of the governing law of an office, board or commission;

29 (5) Any violation of the rules of an office, board or commission;

30 (6) Engaging in any activity requiring a license under the governing law of an  
31 office, board or commission that is beyond the scope of acts authorized by the  
32 license held;

33 (7) Continuing to act in a capacity requiring a license under the governing law of  
34 an office, board or commission after expiration, suspension or revocation of that  
35 license;

36 (8) Aiding or abetting unlicensed practice by a person who is not licensed as  
37 required by the governing law of an office, board or commission;

38 (9) Noncompliance with an order or consent agreement of an office, board or  
39 commission;

1 (10) Failure to produce any requested documents in the licensee's possession or  
2 under the licensee's control concerning a pending complaint or proceeding or any  
3 matter under investigation; ~~or~~

4 (11) Any violation of a requirement imposed pursuant to section 8003-G; ~~or~~

5 (12) Failure to provide to a patient, upon written request, a copy of that patient's  
6 treatment records within a reasonable amount of time as may be determined by  
7 the applicable board.

8 **PART B**

9 **Sec. B-1. 32 MRSA §1202-A, sub-§2, ¶A**, as enacted by PL 2017, c. 198, §17,  
10 is amended to read:

11 A. A journeyman electrician may make electrical installations while employed by a  
12 supervising master electrician, limited electrician or electrical company. A person  
13 licensed under this subsection may supervise:

14 (1) Two helper electricians who are enrolled in, or have completed, a program of  
15 study consisting of 576 hours of education as approved by the board or from an  
16 accredited institution;

17 (2) Two apprentice electricians; or

18 (3) ~~One~~ Two helper ~~electrician~~ electricians.

19 **Sec. B-2. 32 MRSA §1202-A, sub-§4, ¶A**, as enacted by PL 2017, c. 198, §17,  
20 is amended to read:

21 A. A master electrician may make electrical installations without limitation. A  
22 master electrician is responsible for verifying the current licensure of all of that  
23 master electrician's employees, if licensure is applicable, prior to and during  
24 employment. Master electricians are responsible for any electrical installation they  
25 perform and for the electrical installations of individuals they supervise at the time of  
26 the electrical installations.

27 A master electrician may supervise 2 helper electricians who are enrolled in, or have  
28 completed, a program of study consisting of 576 hours of education as approved by  
29 the board or from an accredited institution; 2 apprentice electricians; or ~~one~~ 2 helper  
30 ~~electrician~~ electricians. Any helper electrician or apprentice electrician must be  
31 employed by a master electrician and be under the master electrician's supervision.

32 A master electrician may supervise an unlimited number of licensed journeyman  
33 electricians, journeyman-in-training electricians or limited electricians.

34 **Sec. B-3. 32 MRSA §1202-A, sub-§4, ¶B**, as corrected by RR 2017, c. 1, §28, is  
35 amended to read:

36 B. In order to obtain a license under this subsection, a person must first pass an  
37 examination approved by the board and provide evidence of having:

38 (1) Worked at least 12,000 hours in the field of electrical installations as a  
39 licensed helper electrician or apprentice electrician under the direct supervision

1 of a master electrician, journeyman electrician or limited electrician, or worked at  
2 least 4,000 hours in the field of electrical installations as a journeyman electrician  
3 ~~or journeyman-in-training electrician~~ under the indirect supervision of a master  
4 electrician or limited electrician or worked at least 6,000 hours in the field of  
5 electrical installations as a journeyman-in-training electrician and ~~having~~ have  
6 completed a program of study consisting of 576 hours as approved by the board  
7 or from an accredited institution. The 576 hours must consist of 450 hours of  
8 required study, including a course of 45 hours in the current National Electrical  
9 Code and 126 hours of degree-related courses; or

10 (2) Comparable work experience or education or training, or a combination of  
11 work experience, education and training, completed within the State or outside  
12 the State, that is acceptable to the board.

13 **Sec. B-4. 32 MRSA §1202-A, sub-§5, ¶A**, as enacted by PL 2017, c. 198, §17,  
14 is amended to read:

15 A. A limited electrician may only make electrical installations authorized by the  
16 specific limited license category. A limited electrician is responsible for verifying the  
17 current licensure of all employees, if licensure is applicable, prior to and during  
18 employment. Limited electricians are responsible for any electrical installation work  
19 they perform and for work of individuals they supervise at the time of electrical  
20 installation.

21 A limited electrician may supervise 2 helper electricians who are enrolled in, or have  
22 completed, a program of study consisting of 576 hours of education as approved by  
23 the board or from an accredited institution; 2 apprentice electricians; or ~~one~~ 2 helper  
24 ~~electrician~~ electricians. A limited electrician may supervise helper electricians or  
25 apprentice electricians only in the performance of electrical installations authorized  
26 by the limited electrician's specific limited license category.

## 27 PART C

28 **Sec. C-1. 32 MRSA §3114-A, sub-§1, ¶A**, as amended by PL 1999, c. 386, Pt.  
29 K, §3, is repealed.

## 30 PART D

31 **Sec. D-1. 32 MRSA §14035, sub-§2**, as amended by PL 2013, c. 547, §5 and  
32 affected by §19, is further amended to read:

33 **2. Professional qualifications.** An applicant for a certified general real property  
34 appraiser license must meet the licensing requirements established by the appraiser  
35 qualifications board. As a prerequisite to taking the examination required by section  
36 14035-A, an applicant must: meet the requirements specified in rules adopted by the  
37 appraiser qualifications board.

38 ~~A. Hold a bachelor's or higher degree from an accredited college or university;~~

39 ~~B. Satisfactorily complete 300 creditable class hours as specified in the appraiser~~  
40 ~~qualifications board's required core curriculum, which must include the 15-hour~~

1 national uniform standards of professional appraisal practice course and examination;  
2 and

3 ~~D. Hold a valid license under this chapter and demonstrate 3,000 hours of appraisal~~  
4 ~~experience obtained during no fewer than 30 months, including 1,500 hours of~~  
5 ~~nonresidential appraisal work.~~

6 **Sec. D-2. 32 MRSA §14036, sub-§2**, as amended by PL 2013, c. 547, §8 and  
7 affected by §19, is further amended to read:

8 **2. Professional qualifications.** An applicant for a certified residential real property  
9 appraiser license must meet the licensing requirements established by the appraiser  
10 qualifications board. As a prerequisite to taking the examination required by section  
11 14036-A, an applicant must: meet the requirements specified in rules adopted by the  
12 appraiser qualifications board.

13 ~~A. Hold a bachelor's or higher degree from an accredited college or university;~~

14 ~~B. Satisfactorily complete 200 creditable class hours as specified in the appraiser~~  
15 ~~qualifications board's required core curriculum, which must include the 15-hour~~  
16 ~~national uniform standards of professional appraisal practice course and examination;~~  
17 ~~and~~

18 ~~D. Hold a valid license under this chapter and demonstrate 2,500 hours of appraisal~~  
19 ~~experience obtained during no fewer than 24 months, including complex residential~~  
20 ~~property appraisals completed under the supervision of a certified residential real~~  
21 ~~property appraiser or a certified general real property appraiser under section 14035.~~

22 **Sec. D-3. 32 MRSA §14037, sub-§2**, as amended by PL 2013, c. 547, §11 and  
23 affected by §19, is further amended to read:

24 **2. Professional qualifications.** An applicant for a residential real property appraiser  
25 license must meet the licensing requirements established by the appraiser qualifications  
26 board. As a prerequisite to taking the examination required by section 14037-A, an  
27 applicant must: meet the requirements specified in rules adopted by the appraiser  
28 qualifications board.

29 ~~A. Satisfactorily complete 150 creditable class hours as specified in the appraiser~~  
30 ~~qualifications board's required core curriculum, which must include the 15-hour~~  
31 ~~national uniform standard of professional appraisal practice course and examination;~~

32 ~~C. Hold a valid license under this chapter and demonstrate 2,000 hours of appraisal~~  
33 ~~experience obtained during no fewer than 12 months; and~~

34 ~~D. Hold an associate or higher degree from an accredited college or university or~~  
35 ~~have successfully completed 30 semester credit hours of college-level courses from~~  
36 ~~an accredited college, junior college, community college or university.~~

37 **PART E**

38 **Sec. E-1. 32 MRSA §17101, sub-§16**, as enacted by PL 2007, c. 369, Pt. C, §3  
39 and affected by §5, is amended to read:



1           2. It adds failure by a licensee to provide treatment records to a patient within a  
2 reasonable time when requested by the patient in writing as a new ground for discipline.

3           3. It increases from one to 2 the number of helper electricians that may be supervised  
4 by a master, journeyman or limited electrician at any one time and corrects an error in  
5 hours of work experience required for a journeyman-in-training to apply for a master  
6 electrician license.

7           4. It repeals current license requirements for real estate appraisers and replaces them  
8 with less stringent license requirements adopted by rule by the federally authorized  
9 appraiser qualifications board.

10          5. It authorizes the issuance of licenses to speech-language pathology assistant  
11 applicants who have a degree higher than an associate degree and exempts temporary  
12 licensees, speech-language pathology assistants and trainee licensees from continuing  
13 education requirements at the time of license renewal.