

MAINE STATE LEGISLATURE

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FIRST SPECIAL SESSION

ONE HUNDRED AND FOURTH LEGISLATURE

Legislative Document

No. 1792

S. P. 615

In Senate, January 6, 1970

The Committee on State Government suggested.

HARRY N. STARBRANCH, Secretary

Presented by Senator Reed of Sagadahoc.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
AND SEVENTY

AN ACT to Promote Governmental Reorganization and Efficiency.

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

PART A

Sec. 1. Purpose. The Governor is authorized and requested to cause to be studied the possible consolidation of existing agencies along functionally homogeneous lines in order to provide a more effective, efficient and economical State Government, and have recommendations prepared and submitted to the next regular session of the Legislature.

Sec. 2. Secretaries. To carry out the purposes of this Act the Governor is authorized to appoint persons qualified by training and experience as a Secretary for Manpower, a Secretary for Natural Resources, a Secretary for Transportation and a Secretary for Cultural Affairs. In the event a secretary is named who during the term of his employment is an officer or employee of the State of Maine, he shall receive no additional compensation beyond that which he would otherwise receive.

Sec. 3. Powers and duties. Each secretary shall be responsible for organizing and supervising the necessary studies and preparing appropriate recommendations for administrative reorganization in the area of his concern. In discharging his responsibilities, the secretary shall encourage full and free participation of the agencies concerned, the public and other interested parties.

Each secretary will, in the performance of his duties, have access to all records and information related to his task. Agencies, departments, boards and commissions in his area of responsibility will, on request, submit to him

copies of all reports, studies and other documents requested by the secretary for the purpose of discharging his responsibilities.

The budget requests for the next biennium of the agencies, departments and officers listed in section 5 of this Part shall be submitted through and by the respective secretaries.

Sec. 4. Reports. There shall be prepared for the Legislature recommendations setting out the substantive reorganizations suggested with accompanying budget recommendations and necessary statutory and administrative changes.

Sec. 5. Responsibilities. The Secretary for Manpower's responsibility shall extend to but not be limited to the Employment Security Commission, the Department of Labor and Industry, the Industrial Accident Commission, the Division of Vocational Rehabilitation of the Department of Health and Welfare and the vocational education responsibilities of the Department of Education; the Secretary for Natural Resources' responsibility shall extend to but not be limited to the Department of Inland Fisheries and Game, the Department of Forestry, the Department of Sea and Shore Fisheries, the State Parks and Recreation Commission, the Mining Bureau, the State Geologist and the Soil and Water Conservation Commission; the Secretary for Transportations' responsibility shall extend to but not be limited to the Aeronautics Department, the Highway Commission, the Port Authority and the Motor Vehicle Division of the Department of State; and the Secretary for Cultural Affairs' responsibility shall extend to but not be limited to the State Library, the State Museum, the Archivist, the Arts and Humanities Commission and the State Historian.

Sec. 6. Authority. The authority granted in this Part shall expire June 30, 1971.

PART B

Sec. 1. R. S., T. 2, § 6, sub-§ 3, amended. Subsection 3 of section 6 of Title 2 of the Revised Statutes, as enacted by chapter 542 of the public laws of 1967, is amended by adding at the end, the following:

Director of Alcoholic Beverages.

Sec. 2. R. S., T. 5, § 283, sub-§ 2-A, additional. Section 283 of Title 5 of the Revised Statutes is amended by adding a new subsection 2-A, to read as follows:

2-A. Bureau of Alcoholic Beverages. The Bureau of Alcoholic Beverages, the head of which shall be the Director of Alcoholic Beverages;

Sec. 3. R. S., T. 5, § 311, repealed. Section 311 of Title 5 of the Revised Statutes is repealed.

Sec. 4. R. S., T. 10, §§ 901 - 902, repealed. Sections 901 and 902 of Title 10 of the Revised Statutes are repealed.

Sec. 5. R. S., T. 23, § 104, repealed. Section 104 of Title 23 of the Revised Statutes, as amended by section 1 of chapter 2 of the public laws of 1967, is repealed.

Sec. 6. R. S., T. 23, § 51, repealed and replaced. Section 51 of Title 23 of the Revised Statutes, as amended, is repealed and the following enacted in place thereof:

§ 51. Appointment; tenure; reports

The State Highway Commission, as heretofore established, shall have as its chief administrative officer the Highway Commissioner who shall have general charge of the office and records of the commission and who shall devote each full working day to his duties and who shall be appointed by the Governor, with the advice and consent of the Council, to a term of years not to exceed 7 years.

The Attorney General shall be attorney for the commission and shall, without additional compensation, give the commission such advice and service as it may from time to time require. The commission shall be furnished with suitable offices at the seat of government. It shall make an annual report for the fiscal year ending June 30th, to the Governor and Council, of its doings and the expenditures of its office, with such statement relative to the construction and maintenance of public highways and such recommendations as to the general policy of the State relative thereto as it considers appropriate.

Sec. 7. R. S., T. 23, § 52, amended. The 2nd paragraph of section 52 of Title 23 of the Revised Statutes is amended to read as follows:

By consent of all parties in interest, any investigation, inquiry or hearing which the commission is authorized to hold may be held by ~~a single member of the commission~~ an employee of the commission designated by the Highway Commissioner, and his finding, when approved by the commission and so shown on its records, shall be deemed to be the finding of the commission.

Sec. 8. R. S., T. 27, § 301, repealed. Section 301 of Title 27 of the Revised Statutes is repealed.

Sec. 9. R. S., T. 27, § 302, amended. The first sentence of section 302 of Title 27 of the Revised Statutes is amended to read as follows:

The ~~Art Commission~~ **Maine State Commission on the Arts and the Humanities as established in section 401** shall act in an advisory capacity relative to the creation, acquisition, construction, erection or remodeling by the State of any work of art.

Sec. 10. Transfer of funds from Art Commission to the Arts and Humanities Commission. Any funds appropriated to or otherwise at the disposal of the Art Commission are transferred to the Maine State Commission on the Arts and the Humanities to carry out the purpose for which the funds, if any, were appropriated.

Sec. 11. R. S., T. 28, § 51, repealed and replaced. Section 51 of Title 28 of the Revised Statutes is repealed and the following enacted in place thereof:

§ 51. Bureau of Alcoholic Beverages

The Department of Finance and Administration, through the Bureau of Alcoholic Beverages, shall administer this Title. The head of the bureau

shall be the Director of Alcoholic Beverages, in this Title called the "director".

Sec. 12. R. S., T. 28, § 52, amended. Section 52 of Title 28 of the Revised Statutes, as amended, is further amended to read as follows:

§ 52. Eligibility of members and employees

No person shall be eligible for appointment as ~~a member of the commission~~ **director** or as an employee of the ~~commission~~ **bureau** in any capacity, including the business administrator, who has any connection with, official, professional or otherwise, or who owns any stock in a corporation interested either directly or indirectly in the manufacture or sale of liquor or who has been convicted of the breach of any state or federal law regulating the manufacture, sale or transportation of intoxicating liquor. Neither the ~~commission~~ **bureau**, nor any employee, shall accept directly or indirectly any samples, gratuities, favors or anything of value from a manufacturer, seller, brewer or licensee or any representative of the same under circumstances which might reasonably be construed as influencing or improperly relating to past, present or future performance of his official duties.

Sec. 13. R. S., T. 28, §§ 53, 54, repealed. Section 53, as amended, and section 54 of Title 28 of the Revised Statutes are repealed.

Sec. 14. R. S., T. 28, § 55, amended. The first paragraph of section 55 of Title 28 of the Revised Statutes is amended to read as follows:

The ~~commission~~ **Department of Finance and Administration, through the bureau**, shall have the following powers and duties:

Sec. 15. Amendatory clause. Wherever in Title 28 of the Revised Statutes the word "commission" appears it shall mean "bureau" and wherever in Title 28 the word "commissioner" appears, it shall mean "director".

Sec. 16. R. S., T. 32, § 583, repealed. Section 583 of Title 32 of the Revised Statutes, as enacted by section 1 of chapter 430 of the public laws of 1965, is repealed.

Sec. 17. R. S., T. 32, § 2001, amended. The 5th sentence of section 2001 of Title 32 of the Revised Statutes is amended to read as follows:

The other 3 members shall be appointed by the ~~Governor~~ **director**, one of whom shall be a plant pathologist who is either on the State or University of Maine staff and part of whose work is concerned with trees and 2 of whom shall be licensed commercial arborists, each of whom shall have been so engaged continuously for a period of 10 years prior to his appointment.

Sec. 18. R. S., T. 34, § 41, repealed. Section 41 of Title 34 of the Revised Statutes is repealed.

Sec. 19. Resolves, 1957, c. 160, repealed. Chapter 160 of the resolves of 1957 is repealed.

Sec. 20. P. & S. L., 1957, c. 190, § 3, repealed. Section 3 of chapter 190 of the private and special laws of 1957 is repealed.

PART C

Sec. 1. R. S., T. 2, § 6, sub-§ 3, amended. Subsection 3 of section 6 of Title 2 of the Revised Statutes as enacted by chapter 542 of the public laws of 1967, is amended by adding at the end the following:

Director of Occupational Licensing.

Sec. 2. R. S., T. 5, § 283, sub-§ 6, additional. Section 283 of Title 5 of the Revised Statutes is amended by adding a new subsection 6, to read as follows:

6. Bureau of Occupational Licensing. Bureau of Occupational Licensing, the head of which shall be the Director of Occupational Licensing.

Sec. 3. R. S., T. 5, c. 157, additional. Title 5 of the Revised Statutes is amended by adding a new chapter 157, to read as follows:

CHAPTER 157**OCCUPATIONAL LICENSING**

§ 1901. Powers and duties

The Department of Finance and Administration, through the Bureau of Occupational Licensing, shall have the duty and authority:

1. Secretariat. To provide the personnel, physical facilities, office equipment, supplies and communications facilities necessary to serve the clerical, administrative, examining and informational needs of the following boards and commissions:

- Board of Accountancy;
- Board of Chiropractic Examination and Registration;
- Board of Commissioners of the Profession of Pharmacy;
- Board of Dental Examiners;
- Board of Examiners of Funeral Directors and Embalmers;
- Board of Osteopathic Examination and Registration;
- Board of Examiners in Physical Therapy;
- Board of Registration in Medicine;
- Board of Veterinary Examiners;
- Electricians Examining Board;
- Examiners of Podiatrists;
- Maine Real Estate Commission;
- Oil Burner Men's Licensing Board;
- Plumber's Examining Board;
- State Board of Barbers;
- State Board of Examiners for the Certification of Psychologists;

State Board of Hairdressers ;
State Board of Nursing ;
State Board for Registration of Architects ;
State Board of Registration and Examination in Optometry ;
State Board of Registration of Land Surveyors ;
State Board of Registration for Professional Engineers ;
State Board of Social Worker Registration.

2. Enforcement. To provide in a fashion that will carry out the decisions of the respective boards and commissions as expeditiously and as effectively as practicable, the technical personnel needed to carry out the investigatory, inspections, and enforcement responsibilities of the said boards and commissions; but nothing contained herein shall be construed to limit the discretions, authority or responsibilities of the respective boards and commissions as defined in law.

3. Fiscal. To provide the facilities for the collection from members of the public of such fees, charges, and assessments as may be established by law for the services and activities of the respective boards and commissions; to transfer all such fees, charges and assessments received to the Treasurer of the State; to maintain separate records for each board and commission of all fees, charges, and assessments payable to or received on behalf of it, and of all charges against the accounts of respective boards and commissions; to certify to the State Controller for his payment the compensation to which each member of a board or commission is entitled by law for the services rendered in the discharge of his duties as a member of that board or commission; to certify to the State Controller the reasonable charges for the services rendered by the bureau as a whole or through its individual officers or employees to each board or commission in the execution of the responsibilities of the bureau as set forth herein.

4. Forms and procedures. To assist the several banks and commissions served by the bureau pursuant to chapters 301 to 305, where applicable in developing uniform forms; rules and procedures for examinations; provisions for the receiving of complaints and for the making of appeals; and procedures for the making of administrative rules, as are practicable given the distinctive responsibilities and authority of the respective boards and commissions.

5. Organization. The Commissioner of Finance and Administration shall organize within the Bureau of Occupational Licensing such divisions as he shall deem necessary, except that there shall be a Division of Allied Health Service to serve the:

Board of Dental Examiners ;
Board of Chiropractic Medicine and Registration ;
Board of Registration and Examination in Optometry ;
State Board of Nursing ;

Board of Examiners for Certification of Psychologists ;
Board of Registration in Medicine ;
Board of Examiners in Physical Therapy ;
Examiners of Podiatrists.

§ 1902. Office ; records

The Commissioner of Finance and Administration shall provide such office, conference, examination and communication facilities, such equipment and supplies, and such personnel, as seem to him desirable and necessary for the effective servicing of the public and of the boards and commissions set forth in this chapter ; all files of the respective boards and commissions shall be kept at such locations as are deemed proper and suitable by the Director of the Bureau of Occupational Licensing, and they shall always be in the custody of the director of the bureau or in the custody of the officers of a respective board or commission serviced by the bureau under such terms and conditions as may be set out by the director of the bureau.

Sec. 4. Personnel—classified service. All persons employed by the boards and commissions serviced under the Revised Statutes, Title 5, chapter 157, on the date this Act become effective, and who on that date are part of the classified service of the State of Maine, shall be transferred on the effective date of this Act to the Bureau of Occupational Licensing and shall be assigned such duties as in the judgment of the Director of Personnel they are qualified to perform, and at such grade and with such compensation as they are entitled to under the relevant regulations of the Personnel Board.

Sec. 5. Personnel—unclassified. All persons employed by the boards and commissions serviced under the Revised Statutes, Title 5, chapter 157, on the date this Act becomes effective and who on that date are not part of the classified service of the State of Maine, shall be assigned such duties as in the judgment of the Director of the Bureau of Occupational Licensing and of the Director of Personnel they are qualified to perform, provided they are able on that date to meet the standards of the classified service, at such grade and with such compensation as they are entitled to under the relevant regulations of the Personnel Board.

Sec. 6. Planning. In order to facilitate the efficient transfer of responsibilities to the Bureau of Occupational Licensing, the Commissioner of Finance and Administration is authorized to proceed prior to the effective date of this Act to appoint a member of his department to undertake the planning for the organization of the bureau and for the assumption of its duties and responsibilities and the exercise of its authority.

Sec. 7. R. S., T. 32, § 154, amended. The last sentence of section 154 of Title 32 of the Revised Statutes is repealed and the following enacted in place thereof :

The staff assistance required to aid the board (Architects) in the execution of its duties shall be provided by the Bureau of Occupational Licensing in accordance with Title 5, chapter 157.

Sec. 8. R. S., T. 32, § 157, amended. Section 157 of Title 32 of the Revised Statutes is amended to read as follows:

§ 157. Reports

Not later than August 1st of each year, the board shall submit to the Governor a report of its transactions of the preceding fiscal year ending June 30th and shall transmit to him a complete statement of all receipts and expenditures of the board, attested by affidavits of its chairman and its secretary.

Sec. 9. R. S., T. 32, § 203, amended. The first sentence of section 203 of Title 32 of the Revised Statutes is amended to read as follows:

~~The~~ In cooperation with the Bureau of Occupational Licensing, the board shall have the power to make all necessary rules and regulations governing the time, place and method of giving examinations to all applicants who desire to use the word "architect" and to engage in performing the functions of an architect, and of the grading of such examinations.

Sec. 10. R. S., T. 32, § 351, amended. The 2nd paragraph of section 351 of Title 32 of the Revised Statutes, as amended by section 3 of chapter 151 of the public laws of 1969, is repealed and the following enacted in place thereof:

The board (Barbers) shall choose annually one of its members to act as secretary. He shall keep a record of all proceedings and issue or cause to be issued all notices except those required to be issued by the Administrative Hearing Commissioner under Title 5, chapters 301 to 307. He shall attest or cause to be attested all such papers and orders as said board shall direct. The board shall cause inspections to be made twice each year, through the Bureau of Occupational Licensing, of shops and other establishments subject to license under this chapter. The board shall report annually to the Governor and Council giving a full statement of all work performed by the board during the year, together with such recommendations as are deemed necessary. The staff assistance required to aid the board in the execution of its duties shall be provided by the Bureau of Occupational Licensing in accordance with Title 5, chapter 157.

Sec. 11. R. S., T. 32, § 353, amended. Section 353 of Title 32 of the Revised Statutes is amended by adding at the end the following new sentence:

The register and other records of the board shall be kept in the custody of of the Bureau of Occupational Licensing.

Sec. 12. R. S., T. 32, § 354, repealed and replaced. Section 354 of Title 32 of the Revised Statutes, as repealed and replaced by section 5 of chapter 151 of the public laws of 1969, is repealed and the following enacted in place thereof:

§ 354. Disposition of fees

The fees received by or on behalf of the Board of Barbers and Board of Hairdressers under this chapter and chapter 23 shall be paid to the Treasurer of State. Fees received under said chapters shall be used for carrying out the purposes of this chapter and chapter 23.

Sec. 13. R. S., T. 32, § 402, sub-§ 4, amended. The first sentence of the 2nd paragraph of subsection 4 of section 402 of Title 32 of the Revised Statutes, is repealed and the following enacted in place thereof:

Each applicant for such examination shall make written application therefor on a form prescribed by the board and the Bureau of Occupational Licensing respectively and supplied by the bureau, which application shall contain satisfactory evidence of the qualifications required of the applicant under this chapter and shall be sworn to by the applicant.

Sec. 14. R. S., T. 32, § 405, amended. The first sentence of section 405 of Title 32 of the Revised Statutes is amended to read as follows:

~~The~~ In cooperation with the Bureau of Occupational Licensing, the board shall hold at least 2 public examinations each year, at such times and places as it shall designate.

Sec. 15. R. S., T. 32, § 502, amended. The 2nd sentence of section 502 of Title 32 of the Revised Statutes is amended to read as follows:

They (**Board of Chiropractic Examination and Registration**) shall elect one of their members as chairman for a term of one year ~~and one of their members as secretary and treasurer, to hold such office at the pleasure of the board.~~

Sec. 16. R. S., T. 32, § 505, additional. Title 32 of the Revised Statutes is amended by adding a new section 505 to read as follows:

§ 505. Secretary, staff

The Bureau of Occupational Licensing shall perform the duties of secretary and treasurer to the board and employ staff, subject to the Personnel Law to administer this chapter.

Sec. 17. R. S., T. 32, § 1072, amended. The first sentence and the last paragraph of section 1072 of Title 32 of the Revised Statutes, as enacted by section 80 of chapter 544 of the public laws of 1967, are amended to read as follows:

The board (**Dental Examiners**) shall, at its annual meeting, elect from its members a president ~~and vice-president and a secretary-treasurer.~~

The ~~secretary-treasurer~~ Bureau of Occupational Licensing shall receive all fees, charges and assessments payable to the board and account for and pay over the same according to law. ~~The secretary shall receive an annual salary to be fixed by the board not to exceed \$1,200, which shall be received by him in lieu of a per diem compensation. The secretary shall be paid his necessary expenses incurred in the discharge of his official duties, including clerical and stenographic assistance, printing and postage. Such salary and allowance for expenses shall be certified by the president of the board. The~~ Bureau of Occupational Licensing shall employ, subject to the Personnel Law, such clerical and other assistance as deemed necessary to discharge the duties imposed by this chapter.

Sec. 18. R. S., T. 32, § 1073, sub-§ 1, amended. Subsection 1 of section 1073 of Title 32 of the Revised Statutes, as enacted by section 80 of chapter 544 of the public laws of 1967, is amended to read as follows:

1. **Employees; attorney.** Employ such persons **through the Bureau of Occupational Licensing** as ~~the~~ **bureau** may deem necessary to assist it in carrying out its duties in the administration and enforcement of this chapter, and to provide offices, furniture, fixtures, supplies, printing or secretarial service, and may expend such funds as may be deemed necessary therefor and may, with the approval of the Attorney General, appoint an attorney to advise and assist in the carrying out and enforcing this chapter.

Sec. 19. R. S., T. 32, § 1104, amended. The first paragraph of section 1104 of Title 32 of the Revised Statutes, as repealed and replaced by section 4 of chapter 385 of the public laws of 1965, is amended to read as follows:

The ~~board~~ **Bureau of Occupational Licensing** when funds are available shall appoint one or more state electrical inspectors, subject to the Personnel Law, to enforce this chapter, the cost thereof, including necessary electrical testing equipment, to be drawn from the funds accruing from license fees ~~hereunder under this chapter~~. Said inspectors shall act under the supervision of the ~~executive secretary~~ **bureau**, subject to the directions of the board (**Electricians Examining Board**).

Sec. 20. R. S., T. 32, § 1104-A, repealed. Section 1104-A of Title 32 of the Revised Statutes, as enacted by section 2 of chapter 498 of the public laws of 1965, is repealed.

Sec. 21. R. S., T. 32, § 1151, amended. The first sentence of section 1151 of Title 32 of the Revised Statutes, as last amended by section 1 of chapter 267 of the public laws of 1969, is further amended to read as follows:

An Electricians Examining Board, as heretofore established, and in this chapter called the "board," shall consist of ~~an executive secretary, who shall be the Insurance Commissioner or a representative of the State Division of Fire Prevention delegated by the Insurance Commissioner and subject to the approval of a majority of the board and 5 other~~ members, hereinafter called the appointive members who shall be appointed by the Governor with the advice and consent of the Council, **one of whom shall be designated by the Governor as chairman.**

Sec. 22. R. S., T. 32, § 1151, amended. The last sentence of section 1151 of Title 32 of the Revised Statutes, as enacted by section 6 of chapter 385 of the public laws of 1965, is repealed.

Sec. 23. R. S., T. 32, § 1152, amended. Section 1152 of Title 32 of the Revised Statutes, as amended by section 2 of chapter 267 of the public laws of 1969, is amended to read as follows:

§ 1152. Employees

The ~~board~~ **Bureau of Occupational Licensing** shall be empowered to appoint and remove, subject to the Personnel Law, such employees as may be necessary to carry out this chapter. ~~These employees shall be located in the~~

~~Insurance Department and under the administrative direction of the Insurance Commissioner.~~

Sec. 24. R. S., T. 32, § 1153, amended. The first sentence of section 1153 of Title 32 of the Revised Statutes is amended to read as follows:

The board shall hold regular meetings semiannually and shall hold additional meetings at such other times as they shall determine by their rules, or upon request of the appointive members of the board ~~or upon request of the executive secretary.~~

Sec. 25. R. S., T. 32, § 1154, amended. Section 1154 of Title 32 of the Revised Statutes is amended to read as follows:

§ 1154. Disposal of fees

All fees received by ~~or on behalf of~~ the board shall be paid by the ~~executive officer bureau~~ to the Treasurer of State to be used for carrying out this chapter.

Sec. 26. R. S., T. 32, § 1203, amended. The first sentence of section 1203 of Title 32 of the Revised Statutes, as repealed and replaced by section 8 of chapter 385 of the public laws of 1965, is amended to read as follows:

The following applicants for license shall present to ~~the executive secretary of the board~~ **Bureau of Occupational Licensing** a written application for examination and license, containing such information as the board may require, accompanied by the required fee of \$25 for a master electrician's license, \$10 for a journeyman's license and \$5 for a type S journeyman's license.

Sec. 27. R. S., T. 32, § 1307, repealed and replaced. Section 1307 of Title 32 of the Revised Statutes is repealed and the following enacted in place thereof:

§ 1307. Receipts and disbursements

The Bureau of Occupational Licensing shall serve as treasurer of the board (Board of Registration for Professional Engineers) and shall, on behalf of the board, receive and account for all moneys deemed under this chapter, paying same to the Treasurer of State, said moneys to be held in a separate fund and may be used to administer this chapter. Employees reasonably necessary to administer this chapter shall be employed by the bureau, subject to the Personnel Law.

Sec. 28. R. S., T. 32, § 1451, amended. The 4th and 5th paragraphs of section 1451 of Title 32 of the Revised Statutes, as repealed and replaced by section 2 of chapter 253 of the public laws of 1967, are repealed and the following enacted in place thereof:

All fees received by or on behalf of the board (Examiners of Funeral Directors and Embalmers) shall be paid into the State Treasury to be used for carrying out this chapter.

The secretary of said board shall maintain a record of all proceedings; cause to be issued through the Bureau of Occupational Licensing all notices,

certificates of registration and licenses; and attest all such orders as said board shall direct. The records of the board shall be kept at the Bureau of Occupational Licensing, and such records or duplicates thereof shall always be open to inspection in the office of the Bureau of Occupational Licensing during regular office hours. The secretary shall initiate inspections to be made at least once every three years by the Bureau of Occupational Licensing of all establishments or places of business of any person engaged in the profession of funeral service in the State and perform such other duties as shall be designated by the board. Such inspection shall be for the purpose of determining that such establishments and places are maintained in a clean and sanitary manner and that suitable equipment for their proper conduct is maintained therein and that the laws and the regulations of the board and of the Department of Health and Welfare relating to the conduct of such establishments are observed. The staff assistance required to aid the board in the execution of its duties shall be provided by the Bureau of Occupational Licensing in accordance with Title 5, chapter 157.

Sec. 29. R. S., T. 32, § 1452, repealed and replaced. Section 1452 of Title 32 of the Revised Statutes is repealed and the following enacted in place thereof:

§ 1452. Reports and records

The board shall report to the Department of Health and Welfare on or before the first day of May in each year a full and complete account of its official acts during the year, together with such comment as may be deemed proper.

Sec. 30. R. S., T. 32, § 1503, amended. Section 1503 of Title 32 of the Revised Statutes, as amended, is further amended to read as follows:

§ 1503. Blanks and forms of procedure;
lists of licensees and examinations

The ~~Department of Health and Welfare~~ Bureau of Occupational Licensing, acting with the advice of the board, may adopt such blanks and forms of procedure as it may deem necessary to carry out this chapter and shall keep on file a list of all persons licensed in the practice of funeral service and a record of examinations, together with the examination papers, all of which shall be open to public inspection.

Sec. 31. R. S., T. 32, § 1601, amended. The 4th paragraph of section 1601 of Title 32 of the Revised Statutes is repealed and the following enacted in place thereof:

The board (Hairdressers) shall choose annually one of its members to act as secretary. He shall keep a record of all proceedings and issue or cause to be issued all notices except those required to be issued by the Administrative Hearing Commissioner under Title 5, chapters 301 to 307. He shall attest or cause to be attested all such papers and orders as said board shall direct. The board shall cause inspections to be made twice each year, through the Bureau of Occupational Licensing, of shops and other establishments subject to li-

cense under this chapter. The board shall report annually to the Governor and Council giving a full statement of all work performed by the board during the year, together with such recommendations as are deemed necessary. The staff assistance required to aid the board in the execution of its duties shall be provided by the Bureau of Occupational Licensing in accordance with Title 5, chapter 157.

Sec. 32. R. S., T. 32, § 1603, amended. Section 1603 of Title 32 of the Revised Statutes is amended by adding at the end the following new sentence:

The register and other records of the board shall be kept in the custody of the Bureau of Occupational Licensing.

Sec. 33. R. S., T. 32, § 1604, amended. The first sentence of section 1604 of Title 32 of the Revised Statutes is amended to read as follows:

The fees received by or on behalf of the board under this chapter shall be paid to the Treasurer of State.

Sec. 33. R. S., T. 32, § 1652, sub-§ 4, amended. The first sentence of the 2nd paragraph of subsection 4 of section 1652 of Title 32 of the Revised Statutes is amended to read as follows:

Each applicant for such examination shall make written application therefor on a form prescribed by the board and the Bureau of Occupational Licensing respectively and supplied by ~~said board~~ the bureau, which application shall contain satisfactory evidence of the qualifications required of the applicant under this chapter and shall be sworn to by the applicant.

Sec. 35. R. S., T. 32, § 1653, amended. The first sentence of section 1653 of Title 32 of the Revised Statutes is amended to read as follows:

~~The~~ In cooperation with the Bureau of Occupational Licensing, the board shall hold at least 2 public examinations each year, and at such times and places as it shall designate.

Sec. 36. R. S., T. 32, § 1677, repealed and replaced. Section 1677 of Title 32 of the Revised Statutes, as enacted by section 1 of chapter 423 of the public laws of 1967, is repealed and the following enacted in place thereof:

§ 1677. Treasurer; receipts; staff

The Bureau of Occupational Licensing shall receive all moneys derived under this chapter and shall pay same to the Treasurer of the State who shall hold same in a separate fund to be known as the "Land Surveyors Fund". Expenditures from this fund shall be made only for the purpose of carrying out the duties imposed by this chapter. The bureau shall employ, subject to the Personnel Law, such assistance, clerical and other as may be necessary to carry out this chapter.

Sec. 37. R. S., T. 32, § 2102, sub-§ 8, additional. Section 2102 of Title 32 of the Revised Statutes, as amended by section 2 of chapter 263 of the public laws of 1967, is further amended by adding a new subsection 8, to read as follows:

8. Bureau. "Bureau" means the Bureau of Occupational Licensing of the Department of Finance and Administration.

Sec. 38. R. S., T. 32, § 2104, sub-§ 2, amended. The first sentence of the first and 2nd paragraphs of subsection 2 of section 2104 of Title 32 of the Revised Statutes, are amended to read as follows:

A survey of the institution and its entire nursing education program shall be made by either or both the ~~bureau executive director~~ or other authorized appointee of the board, (**Nursing**) who shall submit a written report of the survey to the board.

From time to time as deemed necessary by the board, it shall be the duty of the board, through ~~its executive director~~ **the bureau** or other authorized representative of the board, to survey all nursing education programs in the State.

Sec. 39. R. S., T. 32, § 2153, amended. The first sentence of section 2153 of Title 32 of the Revised Statutes is amended to read as follows:

The board shall hold annual meetings at which it shall elect from its members a president and a secretary ~~who shall also be treasurer.~~

Sec. 40. R. S., T. 32, § 2153, sub-§§ 11 & 12, repealed. Subsections 11 and 12 of section 2153 of Title 32 of the Revised Statutes are repealed.

Sec. 41. R. S., T. 32, § 2154, repealed and replaced. Section 2154 of Title 32 of the Revised Statutes is repealed and the following enacted in place thereof:

§ 2154. Employees

The bureau shall hire, subject to the Personnel Law, such employees as may be necessary to carry on the work of the board at least one of whom shall meet all the qualifications for board members required in section 2152 and shall in addition hold a master's degree from a recognized college or university with an educational preparation which shall have included courses in administration and teaching in schools of nursing.

Sec. 42. R. S., T. 32, § 2206, amended. Section 2206 of Title 32 of the Revised Statutes, as amended, is further amended to read as follows:

§ 2206. —Renewals

The license of every registered nurse licensed under this chapter shall be renewed annually, except as otherwise provided. On or before November 1st of each year, the ~~board~~ **bureau** shall mail an application for renewal of license to each professional nurse to whom a license was issued or renewed during the current year, which application shall be mailed to the most recent address of said person as it appears on the records of the board. Such person shall complete the renewal application and return it to the ~~board~~ **bureau** with a renewal fee of \$5 before December 31st of the year in which said application was received. Upon receipt of the application and fee, the ~~board~~ **bureau** shall

verify the accuracy of the application and issue to the applicant a certificate of renewal of license for the current year beginning January 1st and expiring December 31st.

Any registered nurse who allows his or her license to lapse by failing to renew the license as provided may be reinstated by the board on satisfactory explanation for such failure to renew his license and on payment of a reinstatement fee of \$8.

Any person practicing professional nursing during the time his or her license has lapsed shall be considered an illegal practitioner and shall be subject to the penalties provided for violations of this chapter.

A person who is not engaged in professional nursing in the State shall not be required to pay a renewal fee for so long as he or she does not so practice, but shall notify the board **through the bureau** of his or her inactive status in writing. Prior to resumption of his or her practice of professional nursing such person shall be required to notify the board **through the bureau** and remit a renewal fee for the current annual period.

Sec. 43. R. S., T. 32, § 2207, amended. The first paragraph of section 2207 of Title 32 of the Revised Statutes is amended to read as follows:

Every applicant applying for a license to practice as a registered nurse shall pay a fee to the board **through the bureau** as follows:

Sec. 44. R. S., T. 32, § 2255, amended. The first paragraph, as amended, and the last sentence of the last paragraph, as enacted by section 6 of chapter 206 of the public laws of 1965, of section 2255 of Title 32 of the Revised Statutes, are amended to read as follows:

The license of every practical nurse licensed under this chapter shall be renewed annually, except as otherwise provided. On or before May 1st of each year, the ~~board~~ **bureau** shall mail an application for renewal of license to each practical nurse to whom a license was issued or renewed during the current year, which application shall be mailed to the most recent address of said person as it appears on the records of the board. Such person shall complete the renewal application and return it to the ~~board~~ **bureau** with a renewal fee of \$5 before July 1st of the year in which said application was received. Upon receipt of the application and fee, the ~~board~~ **bureau** shall verify the accuracy of the application and issue to the applicant a renewal of license for the current year beginning July 1st and expiring June 30th.

Before the resumption of practice as a licensed practical nurse and transfer to active status, said person shall be required to notify the board, **through the bureau**, complete a renewal application and remit the current renewal fee.

Sec. 45. R. S., T. 32, § 2256, amended. The first paragraph of section 2256 of Title 32 of the Revised Statutes is amended to read as follows:

Every applicant applying for a license to practice as a licensed practical nurse shall pay a fee to the board **through the bureau** as follows:

Sec. 46. R. S., T. 32, § 2304-A, amended. The 2nd sentence of section 2304-A of Title 32 of the Revised Statutes, as enacted by section 6 of chapter 249 of the public laws of 1967, is amended to read as follows:

Said inspectors shall act under the supervision of the ~~chairman~~ **Bureau of Occupational Licensing**, subject to the directions of the board (**Oil Burner Men**).

Sec. 47. R. S., T. 32, § 2305, amended. Section 2305 of Title 32 of the Revised Statutes, as amended by section 7 of chapter 249 of the public laws of 1967, is repealed.

Sec. 48. R. S., T. 32, § 2351, amended. The first sentence of section 2351 of Title 32 of the Revised Statutes, as amended by section 2 of chapter 199 of the public laws of 1969, is amended to read as follows:

An Oil Burner Men's Licensing Board, as heretofore established and in this chapter called the "board," shall consist of ~~an executive secretary who shall be the Insurance Commissioner or a representative of the Division of Fire Prevention delegated by the Insurance Commissioner subject to the approval of the majority of the board, and 4 other members, called the appointive members who shall be appointed by the Governor with the advice and consent of the Council, one of whom shall be designated by the Governor as chairman.~~

Sec. 49. R. S., T. 32, § 2352, amended. Section 2352 of Title 32 of the Revised Statutes, as amended by section 5 of chapter 199 of the public laws of 1969, is further amended to read as follows:

§ 2352. Employees

The ~~board~~ **Bureau of Occupational Licensing** shall be empowered to appoint and remove, subject to the Personnel Law, such employees as may be necessary to carry out this chapter. ~~Such employees shall be located in the Insurance Department and under the administrative direction of the Insurance Commissioner~~

Sec. 50. R. S., T. 32, § 2354, amended. Section 2354 of Title 32 of the Revised Statutes is amended to read as follows:

§ 2354. Disposal of fees

All fees received by ~~or on behalf of~~ the board shall be paid by the ~~chairman thereof~~ **Bureau of Occupational Licensing** to the Treasurer of State and may be used for carrying out this chapter.

Sec. 51. R. S., T. 32, § 2502, amended. Section 2502 of Title 32 of the Revised Statutes, as amended by section 1 of chapter 125 of the public laws of 1967, is further amended to read as follows:

§ 2502. Officers; compensation; meetings; rules and regulations

The board (**Optometry**) shall annually elect from its members a president and vice president ~~a secretary who shall be treasurer~~. They shall severally

have authority, during their term of office, to administer such oaths and take such affidavits as are required by this chapter, certifying thereto under their hand and the seal of the board. The ~~treasurer~~ **Bureau of Occupational Licensing** shall receive all fees, charges and assessments payable to the board, and account for and pay over the same according to law. The board shall meet at least once in each year at Augusta, and, in addition thereto, whenever and wherever the president and ~~secretary~~ **vice-president** thereof shall call a meeting. A majority of said board shall constitute a quorum.

The members of the board shall each receive \$25 for each day actually engaged in the duties of his office, and actual expenses incurred in connection therewith ~~except that the secretary of said board shall receive an annual salary of \$500, and the per diem shall be allowed to the secretary only when engaged in board duties away from his residence or office.~~ Any year in which the income of the board, from examination fees and annual license fees collected under this chapter, plus any unexpended balances on hand, is not sufficient to pay members of the board, available funds shall be prorated ~~except that the secretary's compensation shall have prior claim to available funds.~~ The ~~secretary~~ **Bureau of Occupational Licensing** shall keep a full record of the proceedings of said board, which shall be open to public inspection at all reasonable times. The board shall from time to time establish and record, in a record kept for that purpose, a schedule of the minimum requirements which must be complied with by applicants for examination before they can be examined or receive a certificate. In like manner the board shall establish and put on record a schedule of the minimum requirements and rules for the recognition of schools of optometry, so as to keep the requirements of proficiency up to the average standard of other states. The board shall make such rules and regulations, not inconsistent with law, as may be necessary to govern the practice of optometry, but no rule or requirement shall be made that is unreasonable or that contravenes any provision of this chapter.

Sec. 52. R. S., T. 32, § 2552, amended. The last sentence of section 2552 of Title 32 of the Revised Statutes is amended to read as follows:

All persons successfully passing such examination shall be registered, in a record which shall be kept by the ~~secretary of said board~~ **Bureau of Occupational Licensing**, as licensed to practice optometry and shall receive a certificate of such registration to be signed by the president and ~~secretary~~ **vice-president** of said board.

Sec. 53. R. S., T. 32, § 2553, amended. The last sentence of section 2553 of Title 32 of the Revised Statutes is amended to read as follows:

In case of default in such payment by any person his certificate may be revoked by the board **through the Bureau of Occupational Licensing.**

Sec. 54. R. S., T. 32, § 2652, amended. Section 2652 of Title 32 of the Revised Statutes is amended to read as follows:

§ 2652. Meetings; organizations; duties; powers

The board (**Osteopaths**) shall meet on the 2nd Tuesday of June of each year at such time and place as the chairman may designate for the purpose

of organization. They shall elect one of their members as chairman for a term of one year, and one of their members as ~~secretary and treasurer~~ **vice-chairman**, to hold such office at the pleasure of the board. The **Bureau of Occupational Licensing** ~~treasurer~~ shall receive all fees, charges and assessments payable to the board, and account for and pay over the same according to law. Said board shall hold regular meetings at least twice in each year for the purpose of considering applications, examining applicants and such other business as may properly come before the board, the time and place of such meeting to be determined by the board. Special meetings may be called at the pleasure of the chairman, and in case of the death or inability of the chairman, the ~~secretary~~ **vice-chairman** may call special meetings. Said board shall cause a seal of suitable inscription to be procured and to be affixed to such papers as may require such seal, shall keep a correct record of all its proceedings and shall have power to make such rules and regulations, not inconsistent with law, as it may deem necessary for the successful enforcement of its authority and the performance of its duties. The chairman and ~~secretary~~ **vice-chairman** shall be empowered to administer oaths in matters connected with the duties of said board. The records of the said board shall include, among other things, a record of all moneys received and disbursed by said board, also a list of all applicants for certificates, giving the name and location of the institution granting a degree of Doctor of Osteopathy to the applicant, and the fact shall be recorded whether the applicant was granted or denied a certificate. Said records, or duplicates thereof, shall always be open to inspection in the office of the Secretary of State during regular office hours and shall be prima facie evidence of all matters recorded therein. Three members of the board shall constitute a quorum for the transaction of business, but no certificate to practice osteopathy shall be granted except on an affirmative vote of at least 3 members of the board.

Sec. 55. R. S., T. 32, § 2653, amended. The last sentence of section 2653 of Title 32 of the Revised Statutes is amended to read as follows:

All requisitions for the payment of money shall be signed by the chairman and ~~secretary~~ **vice-chairman** of said board.

Sec. 56. R. S., T. 32, § 2703, amended. The first, 4th and last sentences of section 2703 of Title 32 of the Revised Statutes are amended to read as follows:

Every osteopathic physician legally licensed to practice osteopathy and in practice in this State shall, on or before the first day of January of each year, pay to the ~~secretary~~ **Bureau of Occupational Licensing of the board** a fee of \$4 for the renewal of his or her certificate to practice.

The ~~secretary of said board~~ **Bureau of Occupational Licensing** shall send a written notice of the foregoing requirement to each such osteopathic physician, at least 30 days prior to each said January 1st, directed to the last known address of such licensee, enclosing therewith proper blank forms for application for said renewal.

The ~~secretary of said board~~ **Bureau of Occupational Licensing** may reinstate him or her upon the presentation of satisfactory evidence of postgraduate

study approved by said board as the equivalent of such attendance and upon the payment of said renewal fee.

Sec. 57. R. S., T. 32, § 2851, amended. The last sentence of section 2851 of Title 32 of the Revised Statutes is repealed and the following enacted in place thereof:

All fees received by or on behalf of the board (Pharmacy) shall be paid into the State Treasury to be used for carrying out this chapter.

Sec. 58. R. S., T. 32, § 2853, repealed and replaced. Section 2853 of Title 32 of the Revised Statutes is repealed and the following enacted in place thereof:

§ 2853. Staff

The staff assistance required to aid the board in the execution of its duties shall be provided by the Bureau of Occupational Licensing in accordance with Title 5, chapter 157, employed subject to the Personnel Law.

Sec. 59. R. S., T. 32, § 2854, amended. Section 2854 of Title 32 of the Revised Statutes is amended to read as follows:

§ 2854. Records and reports

The board shall keep a record of the names of all persons examined and registered ~~and a record of all moneys received and disbursed by said board,~~ a duplicate of which record shall always be open to inspection in the office of ~~the Secretary of State~~ **the Bureau of Occupational Licensing.** Said board shall annually in July make to the Governor and Council a report stating the condition of pharmacy in the State, with a full and complete record of all its official acts during the year ~~and of the receipts and disbursements of the board to the last day of the preceding month.~~

Sec. 60. R. S., T. 32, § 2901, amended. The first sentence of the 2nd paragraph of section 2901 of Title 32 of the Revised Statutes as amended by section 18 of chapter 390 of the public laws of 1967, is further amended to read as follows:

The application for such a permit shall be made on a form to be prescribed ~~and furnished by said the board~~ **and the Bureau of Occupational Licensing** and furnished by ~~said bureau,~~ and shall be accompanied by the required fee of \$25, which amount shall also be paid for each renewal of such permit.

Sec. 61. R. S., T. 32, § 2902, amended. The first sentence of section 2902 of Title 32 of the Revised Statutes, as amended by section 19 of chapter 390 of the public laws of 1967, is further amended to read as follows:

Every person not already registered, entering upon the practice of pharmacy, upon the payment of a fee of \$35 to the ~~secretary of said board~~ **Treasurer of State through the Bureau of Occupational Licensing,** except as otherwise provided, shall be examined by said commissioners and shall present to them satisfactory evidence that he had been graduated from some regularly incor-

porated college of pharmacy and has been employed in an apothecary store for at least one year, and is competent for the practice of pharmacy.

Sec. 62. R. S., T. 32, § 2903, amended. The first sentence of section 2903 of Title 32 of the Revised Statutes, as amended by section 20 of chapter 390 of the public laws of 1967, is further amended to read as follows:

Every registered pharmacist and every registered assistant pharmacist who desires to continue to practice pharmacy in this State shall annually, after the expiration of the first year of his registration, on or before the last day of June, pay a renewal fee of \$5 to the ~~secretary of the board~~ **Treasurer of State through the Bureau of Occupational Licensing**, in return for which a renewal registration shall be issued.

Sec. 63. R. S., T. 32, § 3051, amended. Section 3051 of Title 32 of the Revised Statutes is amended to read as follows:

§ 3051. Powers and duties

The board (Physical Therapists) shall hold regular meetings, one in March, one in July and one in November, upon the same dates and at the same places as are held the regular meetings of the Board of Registration in Medicine, for the purpose of considering applicants, examining applicants and such other business as may properly come before the board. The chairman of the Board of Registration in Medicine shall act as chairman of the board. **The vice-chairman of the Board of Registration in Medicine shall act as vice-chairman of the board. The Bureau of Occupational Licensing** ~~secretary and treasurer of the Board of Registration in Medicine~~ shall act as secretary and treasurer of the board. Special meetings may be called at the pleasure of the chairman and in case of death or inability of the chairman, the ~~secretary~~ **vice-chairman** may call special meetings. Said board shall have power to make such rules and regulations, not inconsistent with law, as it may deem necessary for the successful enforcement of its authority and the performance of its duties. The chairman and ~~secretary~~ **vice chairman** shall be empowered to administer oaths in matters connected with the duties of said board. Said board shall keep a record of all its proceedings. The records of said board shall include, among other things, a record of all moneys received and disbursed by said board, a list of all applicants for licenses, giving the name, location of business and residence, record of professional education, date and number of license, and whether the applicant was granted or denied license. Said records or duplicates thereof shall be filed in the office of the Secretary of State and shall always be open to inspection during regular office hours and shall be prima facie evidence of all matters recorded therein. Four members of the board shall constitute a quorum for the transaction of business but no license to practice physical therapy shall be granted except on an affirmative vote of at least 4 members of the board. **Said board, with the assistance of the Bureau of Occupational Licensing, shall keep its records of all of its proceedings.**

Sec. 64. R. S., T. 32, § 3052, amended. Section 3052 of Title 32 of the Revised Statutes, as amended by section 3 of chapter 378 of the public laws of 1967, is further amended to read as follows:

§ 3052. Compensation and expenses

The ~~treasurer of the board~~ **Bureau of Occupational Licensing** shall receive all fees, charges and assessments payable to said board and account for and pay over the same according to law. Members of the board shall each receive \$20 for every day actually spent in the performance of the duties imposed upon them by this chapter, and in addition thereto necessary traveling and hotel expenses actually incurred, to be certified by the chairman and ~~secretary~~ **vice-chairman** of the board.

Sec. 65. R. S., T. 32, § 3201, amended. The first sentence of the 2nd paragraph of section 3201 of Title 32 of the Revised Statutes, as amended by section 1 of chapter 251 of the public laws of 1965, is further amended to read as follows:

Members of said board (**Medicine**) shall receive annual salaries of \$500 each, except the chairman, who shall receive \$700 a year ~~and the secretary, who shall receive \$2,000 a year.~~

Sec. 66. R. S., T. 32, § 3201-B, repealed and replaced. Section 3201-B of Title 32 of the Revised Statutes, as enacted by section 2 of chapter 251 of the public laws of 1965, is repealed and the following enacted in place thereof:

§ 3201-B. Secretary-treasurer

The **Bureau of Occupational Licensing of the Department of Finance and Administration** shall serve as **secretary-treasurer** to the board.

Sec. 67. R. S., T. 32, § 3202, amended. The first sentence of section 3202 of Title 32 of the Revised Statutes is amended to read as follows:

The members of said board shall meet on the 2nd Tuesday of July of the uneven-numbered years at such time and place as they may determine and shall elect a chairman and a ~~secretary~~ **vice-chairman**, who shall hold their respective offices for the term of 2 years.

Sec. 68. R. S., T. 32, § 3402, repealed and replaced. Section 3402 of Title 32 of the Revised Statutes is repealed and the following enacted in place thereof:

§ 3402. Employees

The staff assistance required to aid the board (**Plumbers**) in the execution of its duties shall be provided by the **Bureau of Occupational Licensing** in accordance with Title 5, chapter 157, and employed subject to the **Personnel Law**.

Sec. 69. R. S., T. 32, § 3405, repealed and replaced. Section 3405 of Title 32 of the Revised Statutes is repealed and the following enacted in place thereof:

§ 3405. Disposal of fees

All fees received by or on behalf of the board shall be paid into the **Treasury of the State**, to be used for carrying out this chapter.

Sec. 70. R. S., T. 32, § 3406, amended. Section 3406 of Title 32 of the Revised Statutes is amended to read as follows:

§ 3406. Records

The board, **through the Bureau of Occupational Licensing**, shall keep a record of the names and residences of all persons registered under this chapter ~~and a record of all moneys received and disbursed by it~~, and said records or duplicates thereof shall be open for inspection **at the Bureau of Occupational Licensing** thereof during office hours.

Sec. 71. R. S., T. 32, § 3502, amended. The first sentence of section 3502 of Title 32 of the Revised Statutes is amended to read as follows:

Each applicant for license shall present to the ~~executive officer of the board~~, **through the Director of the Bureau of Occupational Licensing**, on blanks furnished by the board, a written application for examination and license, containing such information as the board **and the Bureau of Occupational Licensing** may **respectively** require, accompanied by the fee provided for in sections 3503 and 3505.

Sec. 72. R. S., T. 32, § 3822, amended. The first and last sentences of section 3822 of Title 32 of the Revised Statutes, as enacted by section 82 of chapter 544 of the public laws of 1967, are amended to read as follows:

Within 30 days after their appointment, the board (**Psychologists**) shall meet and organize by electing a chairman ~~secretary~~ and ~~treasurer~~ **vice-chairman**.

The board ~~shall be empowered to hire such assistants as is necessary to carry on its activities, within the limits of funds available to the board~~, and shall be empowered to accept grants from foundations or institutions.

Sec. 73. R. S., T. 32, § 3824, additional. Title 32 of the Revised Statutes is amended by adding a new section 3824, to read as follows:

§ 3824. Staff, secretary-treasurer

The Bureau of Occupational Licensing of the Department of Finance and Administration shall perform the duties of secretary-treasurer to the board and shall be empowered to hire such assistants, clerical and otherwise, subject to the Personnel Law, as may be necessary to carry out the duties imposed by this chapter, within the limits of funds made and available under this chapter.

Sec. 74. R. S., T. 32, § 3833, amended. The first sentence of section 3833 of Title 32 of the Revised Statutes, as enacted by section 82 of chapter 544 of the public laws of 1967, is amended to read as follows:

There shall be paid to the ~~board chairman~~ **bureau** by each applicant for a permanent license a fee of \$35.

Sec. 75. R. S., T. 32, § 3972, amended. The first 2 sentences of section 3972 of Title 32 of the Revised Statutes, as enacted by section 1 of chapter 344 of the public laws of 1967, are amended to read as follows:

At the annual meeting, which shall be held in September of each year, the members (**Accountancy**) shall elect from their number a chairman ~~a secretary who shall be a certified public accountant, and a treasurer.~~ The offices of secretary and treasurer may be held by the same person. The Bureau of Occupational Licensing shall perform the duties of secretary and treasurer for the board.

Sec. 76. R. S., T. 32, § 4053, repealed and replaced. Section 4053 of Title 32 of the Revised Statutes is repealed and the following enacted in place thereof:

§ 4053. Employees

The Bureau of Occupational Licensing shall employ, subject to the Personnel Law, such clerical and other assistants as deemed necessary to discharge the duties imposed by this chapter.

Sec. 77. R. S., T. 32, § 4055, amended. The first 2 sentences of section 4055 of Title 32 of the Revised Statutes are amended to read as follows:

The fees collected under this chapter shall be paid forthwith by the commission (**Real Estate**) through the Bureau of Occupational Licensing to the Treasurer of State with a detailed statement thereof and shall constitute a fund to be known as the "Real Estate Fund". Said fund shall be kept as a separate account by said Treasurer of State and he shall pay therefrom, upon vouchers signed by the ~~chairman of the commission~~ Director of the Bureau of Occupational Licensing and approved by the State Controller, the cost and expenses of administering this chapter.

Sec. 78. R. S., T. 32, § 4104, amended. Section 4104 of Title 32 of the Revised Statutes is amended to read as follows:

§ 4104. Application

Every applicant for a real estate broker's or salesman's license shall apply therefor in writing upon blanks prepared ~~or~~ by the Bureau of Occupational Licensing and the commission and furnished by the ~~commission~~ bureau.

Sec. 79. R. S., T. 32, § 4178, amended. The first and last paragraphs of section 4178 of Title 32 of the Revised Statutes, as enacted by chapter 282 of the public laws of 1969, are amended to read as follows:

The board (**Social Workers**) shall annually elect a chairman and vice-chairman ~~and secretary treasurer~~ from its membership. The ~~secretary treasurer~~ Bureau of Occupational Licensing shall keep full and complete records of its proceedings and accounts, which shall be open to public inspection at all reasonable times.

The board shall adopt a seal for its use which shall remain in the custody of the ~~secretary treasurer~~ Bureau of Occupational Licensing.

Sec. 80. R. S., T. 32, § 4186, amended. The 2nd paragraph of section 4186 of Title 32 of the Revised Statutes, as enacted by chapter 282 of the public laws of 1969, is amended to read as follows:

Any person may prefer charges against any registered or associate social worker. Such charges shall be in writing, shall be sworn to by the person making them and shall be filed with the ~~secretary of the board~~ Bureau of Occupational Licensing.

Sec. 81. R. S., T. 32, § 4188, amended. Section 4188 of Title 32 of the Revised Statutes, as enacted by chapter 282 of the public laws of 1969, is amended to read as follows:

§ 4188. Receipts and disbursements

The ~~secretary treasurer of the board~~ Bureau of Occupational Licensing shall receive and account for all moneys derived under this chapter and shall pay the same to the Treasurer of the State of Maine, who shall keep such moneys in a separate fund to be known as the "Registered and Associate Social Workers' Fund." The board and bureau may authorize such expenditures from said fund as are necessary for the purpose of administering and enforcing this chapter. The expenditures ~~of for~~ the board shall not in any year exceed the amount of fees collected ~~by the board under the chapter~~ for that year.

Sec. 82. R. S., T. 32, § 4752, repealed and replaced. Section 4752 of Title 32 of the Revised Statutes is repealed and the following enacted in place thereof:

§ 4752. Organization ; disposition of fees

The board (Veterinarians) shall organize annually in the month of July by the election from its members of a president and a secretary, and may adopt such rules, not in conflict with the laws of the State, as they may deem proper to carry into effect this chapter. They shall adopt a seal which shall be affixed to all certificates issued by them in accordance with section 4802. All fees received by or on behalf of the board shall be paid into the Treasury of the State to be used for carrying out this chapter.

Sec. 83. R. S., T. 32, § 4753, amended. The last sentence of the first paragraph of section 4753 of Title 32 of the Revised Statutes is repealed and the following enacted in place thereof:

Applicants for examination shall present to the board, through the Bureau of Occupational Licensing, on blanks furnished by the bureau, and at least 15 days previous to the time of said examination, with satisfactory proof of graduation from colleges having power to grant degrees in veterinary medicine, which said colleges shall be approved by the board, and shall pay to the board, through the Bureau of Occupational Licensing, a fee of \$20 before taking such examination.

Sec. 84. R. S., T. 32, § 4754, repealed and replaced. Section 4754 of Title 32 of the Revised Statutes is repealed and the following enacted in place thereof:

§ 4754. Records

The board, through the Bureau of Occupational Licensing, shall keep a record of all veterinarians who shall qualify under section 4802, and register

the name, age, the name of the college granting the degree and the date of license in the State of Maine. Such record shall be open to public inspection during office hours at the Bureau of Occupational Licensing.

Sec. 85. R. S., T. 32, § 4802, amended. The 2nd sentence of section 4802 of Title 32 of the Revised Statutes is amended to read as follows:

It shall be unlawful for any person to practice veterinary surgery, medicine or dentistry in this State in any year after the year in which said certificate is issued to him unless he or she shall pay to the ~~treasurer of the board~~ **through the Bureau of Occupational Licensing** on or before January 1st of said year a fee of \$2, for which he or she shall receive a registration card, signed by the secretary of the board, which card shall be placed beside or attached to the certificate above mentioned.

PART D

Sec. 1. R. S., T. 5, § 552, repealed and replaced. Section 552 of Title 5 of the Revised Statutes is repealed and the following enacted in place thereof:

§ 552. Definitions

Certain words and phrases shall have, for the purposes of chapters 51 to 61, the following meaning;

1. **Advisory council.** "Advisory council" means the State Director's Advisory Council.
2. **Appointing authority.** "Appointing authority" means the officer, board, commission, person or group of persons having the power by virtue of the Constitution, a statute or lawfully delegated authority to make appointments.
3. **Board.** "Board" means the Citizen's Personnel Advisory Board.
4. **Classified service.** "Classified service" means all offices and positions of trust and employment in the state service except those placed in the unclassified service by chapters 51 to 61.
5. **Director.** "Director" means the State Director of Personnel.
6. **Eligible register.** "Eligible register" means whatever type of book, binder or other record which may be used having thereon the names of persons qualified by examinations to fill positions in the classified service.
7. **Employee.** "Employee" means any person holding a position subject to appointment by an appointing authority.
8. **Line manager.** "Line manager" means the chief administrator of a department, agency or commission.

Sec. 2. R. S., T. 5, § 554, amended. Section 554 of Title 5 of the Revised Statutes is amended to read as follows:

§ 554. Personnel records

Every appointment, transfer, promotion, demotion, dismissal, vacancy, change of salary rate, leave of absence, absence from duty and other tempo-

rary or permanent change in status of employees in both the classified service and the unclassified service shall be reported to the director at such time, in such form and together with such supporting or pertinent information as the ~~board~~ director shall by rule prescribe.

The director shall maintain a perpetual roster of all officers and employees in the classified and unclassified services, showing for each person such data as ~~the board~~ he deems pertinent.

Sec. 3. R. S., T. 5, c. 53, repealed and replaced. Chapter 53 of Title 5 of the Revised Statutes, as amended, is repealed and the following enacted in place thereof:

CHAPTER 53

CITIZEN'S PERSONNEL ADVISORY BOARD

§ 591. Membership; term; compensation

A Citizen's Personnel Advisory Board is established and shall be composed of 3 members. The members shall be nonstate employees and not representative of either the employees or the State and shall be appointed by the Governor with the advice and consent of the Council, and in making such appointments consideration shall be given to competence and experience in personnel matters as a prerequisite for board membership. One member of the board shall be designated by the Governor as chairman. Of the first appointments, one member shall be appointed for a term of one year, one for a term of 2 years and one for a term of 3 years, and until their successors are appointed and qualified. Thereafter each of the appointed members shall be appointed for a term of 3 years and until his successor is appointed and qualified.

A board member may be removed for cause by the Governor with the advice and consent of the Council. Vacancies in the membership of the board shall be filled within 60 days after the vacancy occurred by the Governor with the advice and consent of the Council for the unexpired portion of the term.

Secretarial personnel shall be provided by the State Director of Personnel, but shall not be a member of the board, and the minutes of the meetings of the board shall be recorded, reproduced and copies shall be made available to the Governor and shall be open to public inspection.

The members of the board shall receive \$35 a day for the time actually spent in the discharge of their duties and their necessary expenses.

§ 592. Powers and duties; Citizen's Personnel Advisory Board

The advisory board shall meet at the call of the chairman or at the request of the Governor or 2 members of the advisory board. Suitable accommodations shall be provided for such meetings by the State Director of Personnel. The State Director of Personnel shall be present at meetings of the advisory board.

The advisory board shall review personnel policies and personnel administration of the State, make such recommendations and render advice relative

to the operation of the State's personnel administration programs, as they deem advisable to the Governor. A record of the recommendations and advice of the Governor and advisory board shall be maintained by the State Director of Personnel. Within 30 days after the filing of a recommendation by the Governor or the advisory board, at the request of the Governor, the State Director of Personnel shall file with the Governor his response to such recommendations.

Sec. 4. R. S., T. 5, §§ 631 - 632, repealed and replaced. Sections 631 and 632 of Title 5 of the Revised Statutes are repealed and the following enacted in place thereof:

§ 631. Qualifications; tenure; compensation

A Department of Personnel shall be established and hereinafter in this chapter called the "department" and shall be under the management and control of a State Director of Personnel, hereinafter in this chapter called the "director." He shall be appointed by the Governor with the advice and consent of the Council. He shall receive an annual salary to be determined by the Governor and confirmed by the Council and his actual traveling expenses incurred in the performance of his duties. He shall hold office for 6 years and until his successor has been appointed and qualified. The director shall be at the time of his appointment, a person thoroughly familiar with the principles and experienced in the methods and techniques of public personnel administration and shall be able to provide leadership to the State's system of personnel management through developing procedures for supervisory training, a prompt recruiting service and a sound system for measuring employee performance through encouraging the setting of performance standards, prompt discharging of unsuitable employees and ensuring that organization plans are effective. The director should be capable of sole responsibility for the management of the State's personnel activities.

§ 632. Powers and duties

The director shall have the power, duty and authority to make final decisions, to administer, to apply and make effective chapters 51 to 61 and he shall be under the immediate supervision, direction and control of the Governor and shall perform such delegated duties as he may prescribe, except as otherwise provided by law. He shall attend meetings of the advisory board, provide its secretarial personnel as provided in sections 591 and 592, approve expenditures and appoint the employees of the department, investigate the operation of the system periodically and report annually to the Governor on his administration.

The director shall have the duty and authority as follows:

1. Assistant director. To employ one or more assistant directors and such other employees and clerks as the department may require, subject to the Personnel Law. The director may employ or engage such expert, professional or other assistance as may be necessary or appropriate to assist the department in carrying out its functions. The director may train his employees or have them trained in such manner as he deems desirable, at the expense of the department.

2. **Classification plan.** To ascertain and record the duties and responsibilities of all positions in the service and to establish classes for such positions, upon adoption by the Governor. The titles so classified and so established shall be used in all personnel, accounting, budget, appropriation and financial records of all state departments, commissions and institutions.

3. **Compensation plan.** To submit to the Governor, after adoption of the classification plan, a proposed plan of competitive compensation showing salary rates for each class of position in the classified and unclassified service. When the compensation plan has become effective through its adoption by the Governor, it shall constitute the official schedule of salaries for all classes of positions in the classified and unclassified service. No position shall be assigned a salary greater than the maximum rates fixed in the compensation plan. Salaries of persons holding positions in the classified and unclassified service shall not be approved by paying authorities unless such salaries conform to the adopted compensation plan.

4. **Decentralization.** To develop personnel policies and procedures to decentralize the recruiting, examining, placement and other similar functions of personnel management among the various departments and agencies of the State to the maximum extent feasible, and perform those functions which cannot be decentralized effectively. To advise and counsel line managers in all departments of the State in personnel matters and to help with the problems handled by all managers; to analyze various indicators of organization, such as absenteeism, internal mobility, complaints, grievances and employee turnover; to provide personnel procedures and services to aid line managers to obtain more effective results through personnel administration. Personnel administration procedures and services shall include, but not be limited to, recruiting, testing, orientation, training, salary surveying and safety. The director shall be responsible for obtaining coordination of these activities and for the uniform administration of personnel policies among the departments of State Government through discussions with managers and reports to the Governor, who has the final responsibility for seeing that policies and procedures are consistently administered.

5. **Director's Advisory Council.** To organize a Director's Advisory Council to be composed of all state department heads and a representative elected by the Maine State Employees Association and the American Federation of State, County and Municipal Employees (AFL-CIO), with the director acting as chairman.

6. **Organization.** To organize and establish a Department of Personnel to carry out all the activities of the State's personnel administration including but not limited to the following functions; recruitment, examination, certification and records, classification and pay, organization planning and management development, in-service training, research and planning and eligible registers.

Sec. 5. R. S., T. 5, §§ 633 - 634, repealed. Sections 633 and 634 of Title 5 of the Revised Statutes, as amended, are repealed.

Sec. 6. R. S., T. 5, § 637, amended. Section 637 of Title 5 of the Revised Statutes is amended to read as follows:

§ 637. Service ratings

The director shall establish standards of performance for each class of position and a system of service ratings based upon such standards ~~which shall be in effect upon their approval by the board as provided in section 592.~~

Sec. 7. R. S., T. 5, § 671, amended. The last sentence of the 2nd paragraph of section 671 of Title 5 of the Revised Statutes is amended to read as follows: No person shall be appointed, transferred, promoted or reduced as an officer, clerk or employee or laborer in the classified service in any manner or by any means other than those prescribed in chapters 51 to 61 and in the rules of the ~~board~~ **director** made in pursuance to chapters 51 to 61.

Sec. 8. R. S., T. 5, § 671, amended. The last paragraph of section 671 of Title 5 of the Revised Statutes is amended to read as follows:

Competitive, noncompetitive and labor, in accordance with rules and regulations prescribed by the ~~board~~ **director**.

Sec. 9. R. S., T. 5, § 672, amended. Section 672 of Title 5 of the Revised Statutes is amended to read as follows:

§ 672. Filling of positions

Positions in the classified service shall be filled by original appointment, promotion, transfer, reinstatement or demotion in pursuance of rules and regulations established ~~by the board~~ and administered by the director.

Sec. 10. R. S., T. 5, § 673, amended. The last 2 paragraphs of section 673 of Title 5 of the Revised Statutes are amended to read as follows:

The director ~~subject to the approval of the board~~ shall determine the character, type and content of examination for admission to the classified service; the time and place of holding examinations; the forms of application blanks for admission to the examination to be filed by applicants provided that admission to examinations shall be open only to those who have been legal residents of Maine for at least one year, except that at the request of the appointing authority the residence requirement may be waived in exceptional or emergency cases in which the ~~board~~ **director** deems such action necessary for the good of the service; the minimum requirements for admission to the examination; and the value for each phase of the tests used in determining the average rating of the applicant.

Public notice of the time, place and general scope or nature of every examination or test shall be given in the manner prescribed by rules drawn up ~~by the director~~ and approved by the ~~board~~ **director**.

Sec. 11. R. S., T. 5, § 674, amended. The next to the last paragraph of section 674 of Title 5 of the Revised Statutes is amended to read as follows:

In determining qualifications for examination, appointment, promotion, retention, transfer or reinstatement with respect to preference eligibles under this section, the ~~board~~ **director** or other examining agency may waive requirements as to age, height and weight, provided any such requirement is not essential to the performance of the duties of the position for which examination

is given. The ~~board~~ **director** or other examining agency, after giving due consideration to the recommendation of any accredited physician, may waive the physical requirements in the case of any veteran, provided such veteran is, in the opinion of the ~~board~~ **director** or other examining agency, physically able to discharge efficiently the duties of the position for which the examination is given.

Sec. 12. R. S., T. 5, § 675, amended. The last sentence of section 675 of Title 5 of the Revised Statutes is amended to read as follows:

Examinations shall be conducted for such applicants not later than the quarterly period succeeding that in which the application has been filed with the State ~~Personnel Board~~ **Director of Personnel**.

Sec. 13. R. S., T. 5, § 677, amended. The 3rd sentence of section 677 of Title 5 of the Revised Statutes is amended to read as follows:

The director ~~with the approval of the board~~ may make a provisional appointment to fill a technical or professional position, which requires a specialized knowledge or training to carry out the duties of the position, and cannot be filled from the eligible register.

PART E

R. S., T. 21, § 43, repealed and replaced. Section 43 of Title 21 of the Revised Statutes, as amended, is repealed and the following enacted in place thereof:

§ 43. Board of registration in certain cities and towns

In a city or town which has a population of 5,000 or over, a board of registration consisting of 3 members must be appointed as follows: One member appointed by the city or town committees of each of the 2 major parties. The 3rd member shall be elected by the legislative body of the municipality.

1. **Term of office.** Each member shall serve for 3 years and until his successor is appointed and sworn.

2. **Chairman of the board.** The member elected by the legislative body of the municipality is chairman of the board.

3. **Vacancy.** When there is a vacancy on the board a qualified person shall be appointed to the board as follows:

A. Chairman. When there is a vacancy in the office of chairman of the board, the legislative body shall elect a qualified person to fill the vacancy for the remainder of the term at the next meeting of said body, however, in the case of a town whose legislative body is a town meeting, the selectmen may appoint a temporary chairman to serve until the next said meeting.

B. Other members. In the event of a vacancy other than chairman, the city or town committee having appointed the former incumbent shall appoint a qualified person to fill the vacancy for the remainder of the term.

4. **Application to board of registration.** Except as otherwise provided in this section, the provisions of law pertaining to the registrar apply equally to a board of registration. A board of registration may only act by unanimous or majority action.

A. Exceptions. Section 42 does not apply to a board of registration. The chairman of the board may designate himself or another member of the board to accept the application of a disabled person for registration under section 72.

PART F

Sec. 1. R. S., T. 10, § 751, sub-§ 3, amended. Subsection 3 of section 751 of Title 10 of the Revised Statutes is amended to read as follows:

3. **Appoint employees.** Appoint, under the Personnel Law, such employees as the authority may require, and such assistants, agents or consultants as may be necessary for carrying out the purposes of this chapter; provided that, to the maximum degree possible, the authority shall share and coordinate said employees, and all physical facilities, with the Maine Recreation Authority and the Maine Municipal Securities Approval Board;

Sec. 2. R. S., T. 10, § 5052, sub-§ 5, amended. Subsection 5 of section 5052 of Title 10 of the Revised Statutes, as enacted by section 1 of chapter 495 of the public laws of 1965, is amended to read as follows:

5. **Employees.** To employ such assistants, agents, consultants and other employees as may be necessary or desirable for its purposes and to fix their compensation; and to utilize the services of other governmental agencies; such employment shall be consistent with the Personnel Law; provided that, to the maximum degree possible, the authority shall share and coordinate said employees, and all physical facilities, with the Maine Industrial Building Authority and the Maine Municipal Securities Approval Board;

Sec. 3. R. S., T. 30, § 5329, sub-§ 3, amended. Subsection 3 of section 5329 of Title 30 of the Revised Statutes, as enacted by section 1 of chapter 423 of the public laws of 1965, is amended to read as follows:

3. **Appointments.** Appoint, under the provisions of the Personnel Law, such employees as the board may require, and such assistants, agents or consultants as may be necessary for carrying out the purposes of this chapter; provided that, to the maximum degree possible, the authority shall share and coordinate said employees, utilities, equipment and all physical facilities, with the Maine Recreation Authority and the Maine Industrial Building Authority;

PART G

R. S., T. 5, § 1742, sub-§ 11-A, additional. Section 1742 of Title 5 of the Revised Statutes, as amended, is further amended by adding a new subsection 11-A, to read as follows:

11-A. Dispose of unnecessary real estate. To dispose of real estate and appurtenances belonging to the State which are no longer useful or necessary to the proper functioning of any department or agency thereof. Such disposal

shall be on the recommendation of the department or agency head having jurisdiction over the real estate or appurtenances and under such terms and conditions as deemed by the Governor and Council to be in the best interests of the State.