

# MAINE STATE LEGISLATURE

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ONE HUNDRED AND FIFTH LEGISLATURE

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**Legislative Document**

**No. 1458**

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S. P. 497

In Senate, March 17, 1971

Referred to Committee on State Government. Sent down for concurrence and ordered printed.

HARRY N. STARBRANCH, Secretary

Presented by Senator Harding of Aroostook.

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STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED  
SEVENTY-ONE

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**AN ACT** Relating to a Department of Consumer Protection.

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

**Sec. 1. R. S., T. 10, c. 901, additional.** Title 10 of the Revised Statutes is amended by adding a new chapter 901 to read as follows:

**CHAPTER 901**

**DEPARTMENT OF CONSUMER PROTECTION**

§ 8001. Department; secretary

There is created and established the Department of Consumer Protection to enhance the consumers' benefits from purchase of goods and services, to protect the interests of depositors and investors in the State of Maine, to exercise the State's control over legal monopolies, restrain fraudulent or unfair business practices in finance and trade, regulate commercial sports in the public interest and ensure the competence of persons and institutions performing services which could be harmful to one's body or property to consist of a Secretary of Consumer Protection appointed by the Governor with the advice and consent of the Council to serve at the pleasure of the Governor, and the following as heretofore created and established: the Department of Banks and Banking, the Department of Insurance, the Maine Real Estate Commission, the Public Utilities Commission, the Weights and Measures Division of the Department of Agriculture, the Consumer Protection Division of the Office of the Attorney General, the Land Damage Board, the Boxing Commission, the Harness Racing Commission, the Running Horse Racing Commission and the Board of Certification of Water Treatment Plant Operators plus the following 6 governmental functions: Certification of sew-

age treatment plant operators, registration of tattoo artists and licensing of auctioneers, private detectives, itinerant vendors and itinerant photographers.

The secretary shall be the chief administrative officer of the department and shall employ, subject to the Personnel Law, such bureau and division heads and other employees as may be necessary to carry out the work of the department.

The secretary shall organize and from time to time reorganize the department into such bureaus and divisions as may be necessary to carry out efficiently the work of the department.

#### § 8002. Deputies

Subject to the Personnel Law, the secretary may appoint a first deputy secretary and may appoint one or more additional deputies.

The deputies shall perform such duties and exercise such powers as the secretary may from time to time authorize. The first deputy shall be acting secretary during a vacancy in the office of secretary or during the incapacity of the secretary.

**Sec. 2. Transfer.** All employees, equipment, records and funds of or pertaining to the departments and functions listed in section 1 shall be, on the effective date of this Act, transferred to the Department of Consumer Protection.

**Sec. 3. Effective date.** This Act shall be effective July 1, 1973; however the authority to appoint a Secretary of Consumer Protection shall be effective 91 days after adjournment of the Legislature and said secretary shall, in cooperation with the agencies listed in section 1 and with the State Planning Office and the Legislative Research Committee present to the Legislature such further detailed legislation as may be necessary and appropriate to further amend the statutes to reflect the new department's powers and responsibilities and said secretary shall, in addition, be responsible for budget planning, preparation and submission for the Department of Consumer Protection for the 1973-75 biennium.

### STATEMENT OF FACT

The purpose of this legislation is to combine the agencies and programs listed in section 1 into a new Department of Consumer Protection.