

# MAINE STATE LEGISLATURE

The following document is provided by the  
**LAW AND LEGISLATIVE DIGITAL LIBRARY**  
at the Maine State Law and Legislative Reference Library  
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied  
(searchable text may contain some errors and/or omissions)

FIRST SPECIAL SESSION

---

ONE HUNDRED AND SEVENTH LEGISLATURE

---

Legislative Document

No. 2188

S. P. 682

In Senate, February 6, 1976

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

HARRY N. STARBRANCH, Secretary

Presented by Senator Cyr of Aroostook.

---

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED  
SEVENTY-SIX

---

AN ACT to Place the Industrial Accident Commission and the Public Utilities Commission in the Department of Business Regulation.

---

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

Sec. 1. 10 MRSA c. 901, as last amended by PL 1975, c. 579, § 1, is repealed and the following enacted in place thereof:

CHAPTER 901

DEPARTMENT OF BUSINESS REGULATION

§ 8001. Department; agencies within department

There is created and established the Department of Business Regulation to regulate financial institutions, insurance companies, commercial sports, public utilities and grantors of consumer credit, to license professional and occupational trades, and to award just compensation in land condemnations. The department shall be comprised of the following bureaus, boards and commissions:

Bureau of Banking;

Bureau of Consumer Protection;

Bureau of Insurance;

Bureau of Real Estate;

Land Damage Board;

Electricians Examining Board;  
 Oil Burner Men's Licensing Board;  
 Boxing Commission;  
 Running Horse Racing Commission;  
 Industrial Accident Commission; and  
 Public Utilities Commission.

§ 8002. Duties and authority of commissioner

The administrative head of the department shall be the Commissioner of Business Regulation, who shall be appointed by the Governor, subject to review by the Joint Standing Committee on Business Legislation and to confirmation by the Legislature, to serve a term coterminous with that of the Governor subject to removal for cause by the Governor. As chief administrative officer of the department, the commissioner shall have the following duties and authority:

1. Budget. Prepare the budget for the department;
2. Personnel. Transfer personnel within the department to insure efficient utilization of department personnel;
3. Purchases. Coordinate the purchase and use of all equipment within the department;
4. Review. Review and oversee the function, operation and performance of bureaus, boards and commissions within the department to assure that each complies fully with its statutory and public service responsibilities and to insure that overlapping functions and operations within the department are eliminated; and
5. Liaison. Act as a liaison between the bureaus, boards and commissions within the department and the Governor.

The commissioner shall not have the authority to exercise or interfere with the exercise of discretionary regulatory or licensing authority granted by statute to the bureaus, boards or commissions within the department set forth in section 8001.

Sec. 2. 25 MRSA § 1, 5th, 6th and 7th sentences, as last amended by PL 1965, c. 91, § 2, are repealed and the following enacted in place thereof:

The commission, with the approval of the Commissioner of Business Regulation, shall appoint the following employees: A secretary; a Director of Transportation; a general counsel, with the additional approval of the Attorney General; and, subject to the Personnel Law, an assistant secretary and such other personnel as it may deem necessary.

Sec. 3. 35 MRSA § 1, last ¶, first sentence, as last amended by PL 1969, c. 504, § 48, is repealed and the following enacted in place thereof:

The salary of the secretary shall be fixed by the commission with the approval of the Commissioner of Business Regulation, subject to the approval of the Governor.

Sec. 3. 35 MRSA § 3 is amended to read:

§ 3. Rules and regulations; assistance

The commission may make all necessary rules and regulations and, with the approval of the Commissioner of Business Regulation, may employ such expert, professional or other assistance as is necessary in making investigations or in otherwise carrying out chapters 1 to 17.

Sec. 4. 35 MRSA § 8, last sentence is amended to read:

The commission, with the approval of the Commissioner of Business Regulation, may employ counsel in any proceeding, investigation or trial.

Sec. 5. 35 MRSA § 299, 2nd sentence is repealed and the following enacted in place thereof:

The commission, with the approval of the Commissioner of Business Regulation, shall have power to appoint, to serve during the pleasure of the commission and the Commissioner of Business Regulation, examiners, who, being first duly sworn, shall have authority to administer oaths, examine witnesses, issue subpoenas, require the production of books, accounts, papers, documents and testimony, and receive evidence in any matter under the jurisdiction of the commission, and shall perform such other duties as may be assigned to them.

Sec. 6. 35 MRSA § 302 is amended to read:

§ 302. Record of proceedings

A full and complete record shall be kept of all proceedings had before the commission and of any investigation or formal public hearing and all testimony shall be taken by a hearings reporter to be appointed by the commission subject to the approval of the Commissioner of Business Regulation and the Personnel Law.

Sec. 7. 35 MRSA § 1557, sub-§ 2, 3rd ¶ is repealed and the following enacted in place thereof:

The commission is authorized and empowered to employ such assistance, subject to the approval of the Commissioner of Business Regulation and the Personnel Law, and to procure such office supplies and equipment as the Commissioner of Business Regulation may determine to be necessary in the administration and enforcement of this chapter and chapter 95. The salary and traveling expenses of employees and all office expense connected with the administration and enforcement of such chapters shall be paid out of the revenues received under this section and section 1563, which shall be set up as a separate fund in the office of the Treasurer of State, to be disbursed under the direct supervision and control of the Commissioner of Business Regulation.

**Sec. 8.** 39 MRSA § 91, next to last ¶ is amended to read:

The commission shall appoint a clerk and full-time or part-time reporters and such clerical assistance as may be necessary, subject to the Personnel Law and the approval of the Commissioner of Business Regulation.

**Sec. 9. Transitional provisions.**

1. **Rules, regulations and procedures.** All existing rules and regulations currently in effect and operation, on the effective date of this Act, in the 2 commissions referred to in this Act shall continue in effect until rescinded, amended or changed according to law.

The term "regulation" shall include, but is not limited to, any regulation, rule, order, administrative procedure, policy determination, directive, authorization, permit, license, privilege, form, blank, requirement, designation or agreement.

2. **Personnel.** All employees and officials of the 2 commissions referred to in this Act are, on the effective date of this Act, transferred to the Department of Business Regulation and shall continue in their employment or office after such effective date, without interruption of state service, unless such employment or office is terminated or abolished.

3. **Appointments and deputizations.** All appointments and deputizations heretofore made by the 2 commissions and referred to in this Act shall continue in force and effect on the effective date of this Act, unless revoked by the Commissioner of Business Regulation.

4. **Funds, equipment, property and records.** All funds, equipment, property and records of the 2 commissions to be relocated under this Act to the Department of Business Regulation strictly as a result of the reorganization effort shall, notwithstanding the provisions of Title 5, section 1585, be transferred, on the effective date of this Act, to the proper place in the organizational structure of the Department of Business Regulation by the State Controller, upon recommendation of the department head, the State Budget Officer and upon approval of the Governor.

#### STATEMENT OF FACT

This bill places the Industrial Accident Commission and the Public Utilities Commission under the administrative supervision of the Commissioner of Business Regulation.

This bill was supported by the Governor in his legislative message to the special session of the 107th Legislature.