

# MAINE STATE LEGISLATURE

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STATE OF MAINE  
HOUSE OF REPRESENTATIVES (Filing No H-1271)  
FIRST SPECIAL SESSION  
107TH LEGISLATURE

CONFERENCE COMMITTEE AMENDMENT "A" to H.P. 2153, L.D. 2294,  
Bill, "AN ACT to Implement a Central Licensing Division within  
the Department of Business Regulation."

Amend said Bill by striking out all of the title and  
inserting in place thereof the following: 'AN ACT to Reorganize  
the Department of Business Regulation.'

Further amend said Bill by striking out all of sections  
1, 2, 4 to 10, 32 to 55, 63 to 66, 76 to 108, 112 to 154, 159  
to 162 and 197 to 206.

Further amend said Bill in section 18 by striking out all that  
part designated "§8001." and inserting in place thereof the following:

'§ 8001. Department; agencies within department

There is created and established the Department of Business  
Regulation to regulate financial institutions, insurance companies,  
commercial sports 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:

Board of Examiners on Speech Pathology and Audiology;

Bureau of Banking;

Bureau of Consumer Protection;

Bureau of Insurance;

Electricians' Examining Board;

Oil Burner Men's Licensing Board;  
Land Damage Board;  
Maine State Boxing Commission;  
Real Estate Commission;  
State Board of Examiners of Psychologists; and  
State Running Horse Racing Commission.'

Further amend said Bill in section 18 in that part designated "§8002." by striking out all of subsection 4 and inserting in place thereof the following:

'4. Review. Review the functions and operations of bureaus, boards and commissions within the department to assure that overlapping functions and operations are eliminated and that each complies fully with its statutory and public service responsibilities; and'

Further amend said Bill in section 18 in that part designated "§8003." by inserting in the 5th line of subsection 4 (same in L.D.) after the underlined word "commissions" the underlined words 'within the department'

Further amend said Bill in section 18 in that part designated "§8003." by striking out the first 2 sentences of subsection 6 and inserting in place thereof the following:

'The commissioner is authorized to assess each bureau, board or commission, whose licenses are processed and issued by the licensing division, an amount sufficient to cover the cost of operating the division, provided such assessment does not exceed \$2 per license.'

Further amend said Bill in section 18 in that part designated "§8003." by striking out all of subsection 7.

Further amend said Bill by inserting after section 29 the following:

'Sec. 29-A. 24-A MRSA §2318, sub-§4, as enacted by PL 1969, c. 132, §1, and as amended by PL 1973, c. 585, §12, is repealed and the following enacted in place thereof:

4. Each deviation permitted to be filed shall be effective for a period of 2 years from the date of such permission unless terminated sooner with the approval of the superintendent.'

Further amend said Bill by striking out all of section 57 and inserting in place thereof the following:

'Sec. 57. 32 MRSA §802, as last amended by PL 1973, c. 585, §11, is repealed and the following enacted in place thereof:

§ 802. List of dealers

The Superintendent of Banks and Banking shall prepare annually a list of the then registered dealers in securities and of their registered agents or salesmen, and shall at any time, on request by mail or otherwise, inform any inquirer as to whether or not any individual, partnership, corporation or association is registered either as dealer, agent or salesman. The superintendent shall, upon request, send a copy of such list, without any charge, to any registered dealer, agent or salesman. The superintendent shall, upon a request and for a reasonable fee to be established by the superintendent, send a copy of such list to any other person.'

Further amend said Bill in section 67 by striking out in the last line the underlined figure "§3" and inserting in place thereof the underlined figure '§2'

Further amend said Bill in section 68 by striking out in the last line the underlined figure "\$3" and inserting in place thereof the underlined figure '\$2'

Further amend said Bill in section 75 by striking out all of the 3rd underlined sentence of the first paragraph after the amending clause and inserting in place thereof the following:  
'Any person who fails to renew his license within 90 days following the expiration date shall be required to take an examination, providing that any person, who fails to so renew his license due to the fact he was on active duty in the Armed Forces of the United States, shall not be required to take such examination, if he renews his license within 90 days from the date of his separation under conditions other than dishonorable from the Armed Forces of the United States.'

Further amend said Bill in section 111 by striking out all of the last underlined sentence and inserting in place thereof the following:

'Any person who fails to renew his license within a period of 90 days following the expiration date shall be required to take an examination.'

Further amend said Bill in section 167 by striking out all of the first underlined sentence of the last paragraph and inserting in place thereof the following:

'The director shall be employed by the Commissioner of Business Regulation, with the advice of the commission, subject to the Personnel Law.'

Further amend said Bill in section 207 by inserting at the end of subsection 4 the following new sentence to read:  
'Nothing in this section shall be construed to affect the special revenue accounts of any boards or commissions.'

Further amend said Bill by inserting at the end before the Statement of Fact the following:

'Sec. 208. Effective date. This Act shall become effective 91 days after adjournment of the Legislature.'

Further amend said Bill by renumbering the sections to read consecutively.

#### Statement of Fact

This amendment combines material from House Amendment "A" and House Amendment "A" to House Amendment "A" along with changes proposed by the Conference Committee.

The amendment revises the bill to include in the central licensing division only those licensing agencies that are already, by law, within the Department of Business Regulation.

The provisions relating to all the independent professional and occupational licensing agencies, that would have brought them into the department, have been removed from the bill, except for the State Board of Examiners of Psychologists, which specifically requested inclusion in the licensing division and the newly created Board of Examiners on Speech Pathology and Audiology.

The purpose of this bill, as amended, would be only to improve the operation and administration of the licensing functions of the bureaus that are now in the department and of the 2 other boards.

The amendment removes from the bill that which would have transferred the Running Horse Racing Commission from the Department of Business Regulation to the Department of Agriculture.

The amendment which amends section 57, removes from the law a requirement that the Superintendent of Banks and Banking publish twice annually in the state paper a list of the registered dealers in securities. The removal of this requirement will save the General Fund approximately \$2,600 a year.

Reported by the Committee of Conference.

Reproduced and distributed under the direction of the Clerk of the House.  
4/12/76

(Filing No. H-1271)