

MAINE STATE LEGISLATURE

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FIRST SPECIAL SESSION

ONE HUNDRED AND SEVENTH LEGISLATURE

Legislative Document

No. 2294

H. P. 2153

House of Representatives, March 4, 1976

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

EDWIN H. PERT, Clerk

Presented by Mr. Cooney of Sabattus.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-SIX

**AN ACT to Implement a Central Licensing Division within the Department
of Business Regulation.**

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

Sec. 1. 5 MRSA § 2301, sub-§ 1, as amended, is repealed and the following enacted in place thereof:

1. **Agency.** "Agency" means the following state boards, commissions, departments or officers authorized by law to make rules or to adjudicate contested cases:

Aeronautical Director;
Arborist Examining Board;
Board of Chiropractic Examination and Registration;
Board of Commissioners of the Profession of Pharmacy;
Board of Dental Examiners;
Board of Environmental Protection;
Board of Examiners in Physical Therapy;
Board of Hearing Aid Dealers and Fitters;
Board of Osteopathic Examination and Registration;
Board of Registration in Medicine;
Board of Sanitation;

Chief of the State Police, but only as he controls and supervises the licensing of official inspection stations;

Commission on the Arts and Humanities;
Director of the Bureau of Forestry;

Electricians' Examining Board;
 Examiners of Podiatrists;
 Maine Milk Commission;
 Maine Mining Bureau;
 Maine State Board for Registration of Architects;
 Maine State Boxing Commission;
 Maine State Museum Commission;
 Oil Burner Men's Licensing Board;
 Passenger Tramway Safety Board;
 Penobscot Bay and River Pilotage Commission;
 Plumbers' Examining Board;
 Real Estate Commission;

Secretary of State, but only as he controls and supervises the licensing of auctioneers;

State Board of Barbers;
 State Board of Cosmetology;
 State Board of Examiners of Psychologists;
 State Board of Funeral Service;

State Board of Licensure of Administrators of Medical Care Facilities other than Hospitals;

State Board of Nursing;
 State Board of Optometry;
 State Board of Registration for Land Surveyors;
 State Board of Registration for Professional Engineers;
 State Board of Registration for Professional Foresters;
 State Board of Social Worker Registration;
 State Board of Veterinary Medicine;
 State Harness Racing Commission;
 State Liquor Commission;
 State Running Horse Racing Commission.

Department of Human Services, but only as that department controls and supervises the licensing of institutions, businesses or individuals in the following categories:

- A. All establishments licensed under Title 22, chapter 562;
- B. All institutions licensed under Title 22, section 5;
- C. Children's homes;
- D. Control of ionizing radiation;
- E. Cosmetics;
- F. Hospitals and related institutions;
- G. Private mental hospitals;
- H. All facilities licensed under Title 22, section 5-A;

- I. Approved treatment facilities as defined in Title 22, section 7103;
- J. Approved public and private alcohol treatment facilities as defined in Title 22, section 1362;
- K. Hearing aid dealers and fitters licensed under Title 32, chapter 23-A.

The Department of Mental Health and Corrections, but only as that department controls and supervises the licensing of agencies for the provision of mental health services under Title 34, section 2052-A.

Sec. 2. 5 MRSA § 2301, sub-§§ 2, 3 and 4, as amended, are repealed and the following enacted in place thereof:

2. Contested case. "Contested case" means a proceeding before the Administrative Court Judge in which the legal rights, duties or privileges of specific parties are required by law or constitutional right to be determined after hearing.

3. Rule. "Rule," as applied to a rule adopted, amended or repealed by an agency, includes every regulation, standard, statement of policy or interpretation of general application and future effect, which implements or makes specific the law enforced or administered by the agency or governs its organization or procedure. It does not include regulations concerning only the internal management of the agency not directly affecting the rights or procedures available to the public, and does not include rules already in effect on September 16, 1961.

4. Administrative Court Judge. "Administrative Court Judge" means the Administrative Court Judge appointed under section 2401.

Sec. 3. 8 MRSA § 105, as amended by PL 1975, c. 115, § 3, is repealed and the following enacted in place thereof:

§ 105. Annual reports

Not later than August 1st of each year, the commission shall submit to the Commissioner of Business Regulation for the preceding fiscal year ending June 30th an annual report of its operations and financial position, together with such comments and recommendations as the commission deems essential.

Sec. 4. 8 MRSA § 321, first, 2nd and 4th sentences are amended to read:

The State Running Horse Racing Commission, as heretofore established and hereinafter in this chapter called the "commission," shall consist of 3 members appointed by the Governor ~~with the advice and consent of the Council.~~

~~No more than 2 members shall be of the same political party~~

Any vacancy shall be filled for the unexpired term by the Governor ~~with the advice and consent of the Council.~~

Sec. 5. 8 MRSA § 323, as repealed and replaced by PL 1973, c. 585, § 2, is amended to read:

§ 323. Assistants

The Commissioner of ~~the Department of Business Regulation~~ **Agriculture** is authorized to employ such personnel as he may deem necessary to provide adequate policing and to carry out the purposes of this chapter at such compensation on a per diem basis as ~~said~~ the commissioner may prescribe, subject to the Personnel Law.

Sec. 6. 8 MRSA § 324, as repealed by PL 1973, c. 345, is reenacted to read:

§ 324. Compensation

Each member of the commission shall receive as full compensation for each day actually spent on the work of the commission the sum of \$25 and his reasonable expenses, including transportation, incurred in the performance of his duties.

Sec. 7. 8 MRSA § 325 is amended to read:

§ 325. Reports

The commission shall make an annual report to the ~~Governor~~ **Commissioner of Agriculture** on or before the first day of February in each year, including therein an account of its actions, receipts derived under the provisions hereof, the practical effects of the application of this chapter and any recommendation for legislation which the commission deems advisable.

Sec. 8. 8 MRSA § 329, 2nd ¶, as amended by PL 1969, c. 218, § 2, is further amended to read:

Racing shall be permitted ~~at Scarborough Downs~~ until the hour of midnight each day from May 15th to November 30th each year. The license shall set forth the name of the licensee, the place where the races or race meets are to be held and the time and number of days during which racing may be conducted by said licensee. Any such license issued shall not be transferable nor assignable. The Administrative ~~Hearing Commissioner~~ **Court Judge**, as designated in Title 5, chapters 301 to 307, shall have power to revoke any license for good cause upon notice and hearing. The license of any corporation shall automatically cease upon the change in ownership, legal or equitable, of 50% or more of the voting stock of the corporation and the corporation shall not hold a running horse meet for public exhibition without a new license. The fee for such license shall be \$20 for each day of racing not to exceed \$5,000 annually.

Sec. 9. 8 MRSA § 334, first ¶, last sentence is amended to read:

Each person, association, corporation, trust or partnership licensed to conduct a race or race meet under this chapter shall pay to the city or town treasurer in which the racing plant is located the sum of \$25 for each day of racing, provided such person, association, corporation, trust or partnership has a license to conduct races or race meets for more than ~~8~~ **10** days during the year for which the license is issued.

Sec. 10. 8 MRSA § 339 is repealed.

Sec. 11. 9 MRSA Pt 8, as amended, is repealed.

Sec. 12. 9 MRSA § 3743, as enacted by PL 1965, c. 501, § 1, and as amended, is repealed and the following enacted in place thereof:

§ 3743. License fees; renewals

Every home repair financing agency shall pay to the superintendent at the time of making the application, a license fee of \$100 and thereafter upon renewal a biennial license fee of \$200. Each home repair contractor shall pay to the superintendent at the time of making the application a license fee of \$100, and \$10 for each home repair salesman in excess of 5 in his employ. Thereafter, each home repair contractor shall pay upon renewal a biennial license fee of \$200 and \$20 for each home repair salesman in excess of 5 in his employ. Each home repair salesman, not in the employ of a home repair contractor, shall pay to the superintendent at the time of making application a license fee of \$10 and thereafter, upon renewal, a biennial license fee of \$20.

All licenses shall expire biennially on October 31st, or at such other times as the Commissioner of Business Regulation may designate, and shall become invalid on that date unless renewed. The superintendent shall inform every home repair financing agency, home repair contractor and home repair salesman not in the employ of a home repair contractor of the expiration date of his license and the amount of fee required for renewal for a 2-year period. Such notice shall be mailed to such person's last known address at least 30 days in advance of the date of expiration of such license.

Sec. 13. 9 MRSA § 3744, last sentence, as enacted by PL 1965, c. 501, § 1, is repealed.

Sec. 14. 9 MRSA § 3744, as enacted by PL 1965, c. 501, § 1, is amended by adding at the end a new sentence to read:

When the unexpired license term of an applicant is or will be more than one year at the time of licensure, the superintendent may require the applicant to pay an additional fee not to exceed $\frac{1}{2}$ the biennial renewal fee.

Sec. 15. 9 MRSA § 4055, sub-§§ 3 and 4, as enacted by PL 1975, c. 429, § 1, are repealed and the following enacted in place thereof:

3. Fee. Each applicant for an insurance premium finance company license shall pay to the superintendent at the time of making the application a license fee of \$100 and thereafter, upon renewal, a biennial renewal fee of \$200 for each office where the business of an insurance premium finance company is conducted.

4. Abatement; expiration. No abatement in the amount of such license fee shall be made, if the license is issued for less than one year, nor if the license is surrendered, suspended or revoked prior to the expiration of the period for which such license was issued. Each license shall remain in full force and effect until it is surrendered, suspended, revoked or has expired. Each license shall expire biennially on August 31st, or at such other times as the Commissioner of Business Regulation may designate. The superintendent

shall inform every insurance premium finance company licensee of the expiration date of its license and the amount of fee required for renewal for a 2-year period. Such notice shall be mailed at least 30 days in advance of the date of expiration of such license. When the unexpired license term of an applicant is or will be more than one year, the superintendent may require the applicant to pay an additional fee not to exceed $\frac{1}{2}$ the biennial renewal fee.

Sec. 16. 9-A MRSA § 6 - 104, sub-§ 3, first sentence, as enacted by PL 1973, c. 762, § 1, is repealed and the following enacted in place thereof:

On or before August 1st each year, the administrator shall report to the Commissioner of Business Regulation for the preceding fiscal year ending June 30th on the operation of his office, on the use of consumer credit in the State and on the problems of persons of small means obtaining credit from persons regularly engaged in extending sales or loan credit.

Sec. 17. 9-A MRSA § 6-202, sub-§ 2, as enacted by PL 1973, c. 762, § 1, is repealed and the following enacted in place thereof:

2. If information in a notification becomes inaccurate after filing, the administrator should be advised in writing of such new or corrected information.

Sec. 18. 10 MRSA c. 901, as enacted by PL 1971, c. 488, § 1, and as amended, 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 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:

1. Bureau of Banking ;
2. Bureau of Consumer Protection ;
3. Bureau of Insurance
4. Board of Accountancy ;
5. Arborist Examining Board ;
6. Maine State Board for Registration of Architects ;
7. Board of Examiners for the Examination of Applicants for Admission to the Bar ;
8. State Board of Barbers ;
9. Board of Chiropractic Examination and Registration ;
10. State Board of Cosmetology ;

11. Board of Dental Examiners ;
12. Electricians' Examining Board ;
13. State Board of Registration for Professional Engineers ;
14. State Board of Registration for Professional Foresters ;
15. State Board of Funeral Service ;
16. State Board of Registration for Land Surveyors ;
17. State Board of Licensure of Administrators of Medical Care Facilities other than Hospitals ;
18. Board of Registration in Medicine ;
19. State Board of Nursing ;
20. Oil Burner Men's Licensing Board ;
21. State Board of Optometry ;
22. Board of Osteopathic Examination and Registration ;
23. Board of Commissioners of the Profession of Pharmacy ;
24. Board of Examiners in Physical Therapy ;
25. Plumbers' Examining Board ;
26. Examiners of Podiatrists ;
27. State Board of Examiners of Psychologists ;
28. State Board of Social Worker Registration ;
29. Land Damage Board ;
30. Maine State Boxing Commission ; and
31. Real Estate 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, with the advice and consent of the Council, to serve a term coterminous with that of the Governor, subject to removal for cause by the Governor and Council. 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.

§ 8003. Central Licensing Division

1. **Licensing division.** There is created a Central Licensing Division, hereinafter called the "licensing division," which shall constitute a division of the Department of Business Regulation. The Commissioner of Business Regulation shall employ a Director of the Central Licensing Division and other such clerical and technical assistants as are necessary to discharge the licensing and administrative duties imposed by this section and shall outline their duties and fix their compensation, subject to the Personnel Law.

2. **Function of division.** It shall be the responsibility of the licensing division to process and issue certificates of registration or reregistration for those bureaus, boards and commissions within the department which the commissioner shall direct. Such certificates of registration or reregistration shall be processed and issued by the licensing division only upon authorization of the appropriate bureau, board or commission. The licensing division shall maintain for the Department of Business Regulation a central register containing the name and address of each firm or person licensed by profession, occupation or industry and other such information as the commissioner shall direct for administrative, information or planning purposes and shall be open for public inspection during regular office hours. The commissioner, with the advice of the respective bureaus, boards and commissions, shall have the authority to determine the type and form of the information collected for licensing purposes in order to facilitate processing by the licensing division. The licensing division shall perform such other administrative services for the bureaus, boards and commissions within the department as the commissioner shall direct.

3. **Licenses defined.** Certificates of registration and reregistration shall mean documents or licenses evidencing admission to the respective professions, occupations and industries in the State; licenses granting authority to practice or operate in the State, which may be limited in scope by the degree of proficiency or responsibility required, and renewals of all such licenses to practice or operate in the State. Such certificates shall include certifications of instructors and schools approved by the bureaus, boards or commissions for preparing individuals to practice any profession or occupation and certifications of shops, stores and firms within industries by such bureaus, boards or commissions.

4. Licensing periods; renewal dates. In order that certificates of registration and reregistration may be processed and issued in a reasonably uniform manner over a fiscal year, the commissioner shall have the authority to establish expiration or renewal dates for all licenses authorized to be issued by bureaus, boards and commissions, notwithstanding any other provisions of law. If an expiration or renewal date established by the commissioner has the effect of shortening the term of duly authorized licenses currently in effect, the bureau, board or commission shall credit the fee paid, on a prorated basis, for the unexpired term of the current license toward the renewal fee of the renewal license. If a valid license is not renewed on the new expiration or renewal date established by the commissioner, such license shall remain in effect through its original term, unless suspended or revoked sooner under laws or regulations of the respective bureau, board or commission. Should a licensee seek to renew his license at the end of the original term of license, the law or regulations established by the respective bureau, board or commission for late renewals or reregistrations shall apply. For the purpose of implementing and administering biennial licensing, the commissioner is authorized to permit bureaus, boards and commissions within the department to issue licenses and establish renewal fees for less than a 2-year term. Nothing in this section shall change the term or fee for one-time licenses, except as specifically provided for.

5. Authority of bureaus, boards or commissions. Nothing in this section shall be construed to diminish or deprive any bureau, board or commission within the department of its statutory duty and authority to regulate its profession, occupation or industry. Each bureau, board or commission shall retain the power to make all necessary regulations for the pursuit, practice and standards of the profession, occupation or industry within its jurisdiction to assure competence and the preservation of the public safety; shall determine the amount and type of experience and training required to qualify an applicant for an examination for any license; and shall determine the specific area of a trade or industry for which limited licenses shall be issued and the areas for which no license shall be required. Each bureau, board and commission shall continue to collect its fees and conduct investigations of violations of its regulations.

6. Funding of licensing division. 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 costs of operating the licensing division. Such assessment should be related to the number of licenses authorized for issuance by the respective bureaus, boards and commissions through the licensing division. Any moneys collected in excess of a bureau, board or commission's proportional share of the operating costs at the end of a fiscal year shall either be returned to the bureau, board or commission or credited towards its assessment in the next fiscal year.

7. Computerization of licensing division. To provide start-up costs for computerization of the licensing division's activities, the commissioner is authorized to transfer from unexpended balances of the bureaus, boards or commissions within the department an amount up to 10% of such unexpended

balances, as determined by the commissioner. Such assessment is in addition to the assessment authorized in subsection 6.

§ 8004. Annual reports

Notwithstanding any other provision of law, all annual reports or statements required of bureaus, boards and commissions within the department shall be submitted to the commissioner not later than August 1st of each year and shall summarize the operations and financial position of the bureau, board or commission for the preceding fiscal year ending June 30th. After reviewing such reports and statements, the commissioner shall compile them into a report for submission to the Governor, together with such analysis as the Governor may direct.

Sec. 19. 24-A MRSA § 415, sub-§§ 1 and 2, as enacted by PL 1969, c. 132, § 1, and as amended by PL 1973, c. 585, § 12, are repealed and the following enacted in place thereof:

1. A certificate of authority shall continue in force as long as the insurer is entitled thereto under this Title, and until suspended or revoked by the superintendent or terminated at the insurer's request; subject to continuation of the certificate by the insurer every 2 years. In order that insurers' certificates of authority may be continued in a reasonably uniform manner over a 2-year period, the superintendent shall establish for each insurer authorized to transact insurance in this State a date to be known as the insurer's "biennial continuation date."

Continuation of the certificate of authority shall be effected by:

- A. Payment on or before midnight of the insurer's biennial continuation date of the continuation fee provided in section 601, fee schedule;
- B. Filing by the insurer of its annual statements for the 2 preceding calendar years as required by section 423; and
- C. Payment by the insurer of premium taxes as required by section 602.

2. An insurer's certificate of authority shall expire at midnight on its biennial continuation date. The superintendent shall notify every insurer holding a certificate of authority of the expiration date of its certificate and the fees that are required for continuation for a 2-year period. The notice shall be mailed to the insurer at least 30 days in advance of the expiration date of its certificate of authority. If not so continued by the insurer, its certificate of authority shall expire on its biennial continuation date, unless earlier revoked for failure to pay taxes as provided in section 602. The superintendent shall promptly notify the insurer of the expiration of its certificate of authority and the fees required for reinstatement.

Sec. 20. 24-A MRSA § 415, sub-§§ 4 and 5 are enacted to read:

4. When an insurer is issued a first-time certificate of authority and its biennial continuation date is more than one year away, the superintendent may require the insurer to pay an additional fee not to exceed $\frac{1}{2}$ the biennial continuation and annual statement filing fees in effect at that time according to the fee schedule.

5. The superintendent is authorized to issue continuation certificates for less than a 2-year term in order to implement the biennial continuation of insurers on biennial continuation dates established by the superintendent. If a continuation certificate is issued to an insurer for one year or less, the fees assessed for such certificate and annual statement filing shall be not more than 1/2 the applicable biennial fees according to the fee schedule.

Sec. 21. 24-A MRSA § 601, sub-§ 1, ¶¶ B and C, as enacted by PL 1969, c. 132, § 1, are repealed and the following enacted in place thereof:

- B. Issuance, and each biennial continuation \$200
- C. Reinstatement, under section 415 350

Sec. 22. 24-A MRSA § 601, sub-§ 3, as enacted by PL 1969, c. 132, § 1, is repealed and the following enacted in place thereof:

- 3. Filing annual statement of insurer, payable on biennial continuation date \$100

Sec. 23. 24-A MRSA § 601, sub-§§ 11 and 12, as enacted by PL 1969, c. 132, § 1, are repealed and the following enacted in place thereof:

- 11. Rating organizations
 - License fee \$ 50
 - Biennial continuation of license 100
- 12. Road or tourist service license
 - Biennial continuation \$ 40
 - Agent license, biennial continuation 4

Sec. 24. 24-A MRSA § 601, sub-§ 15, as enacted by PL 1973, c. 726, § 6, is repealed.

Sec. 25. 24-A MRSA § 1532, sub-§ 1, as enacted by PL 1969, c. 132, § 1, and last repealed and replaced by PL 1973, c. 726, § 7, is amended to read:

1. Each broker (resident or nonresident) ~~consultant and adjuster~~ license issued under this Title shall continue in force until expired, suspended, revoked or otherwise terminated, but subject to payment to the superintendent at his office in Augusta biennially on or before ~~December~~ **May 31st** of the applicable ~~biennial~~ continuation fee as stated in section 601, fee schedule, accompanied by written request of the licensee for such continuation. Any such license not so continued on or before ~~December~~ **May 31st** shall be deemed to have expired as of midnight on such ~~December 31st~~ **date**.

Sec. 26. 24-A MRSA § 1532, sub-§§ 6, 7 and 8, are enacted to read:

6. Each consultant license issued under this Title shall continue in force until expired, suspended, revoked or otherwise terminated, but subject to payment to the superintendent at his office in Augusta biennially on or before **February 28th** of the applicable biennial continuation fee as stated in section 601, fee schedule, accompanied by written request of the licensee for such

continuation. Any such license not so continued on or before February 28th shall be deemed to have expired as of midnight on such date.

7. Each adjuster license issued under this Title shall continue in force until expired, suspended, revoked or otherwise terminated, but subject to payment to the superintendent at his office in Augusta biennially on or before August 31st of the applicable biennial continuation fee as stated in section 601, fee schedule, accompanied by written request of the licensee for such continuation. Any such license not so continued on or before August 31st shall be deemed to have expired as of midnight on such date.

8. The superintendent shall notify each broker, resident or nonresident, consultant and adjuster licensee under this Title of the expiration date of his license and the fee that is required for continuation for a 2-year period. The notice shall be mailed to such persons at least 30 days in advance of the expiration date of such license.

Sec. 27. 24-A MRSA § 1533, as enacted by PL 1969, c. 132, § 1, and as amended, is further amended by adding at the end a new paragraph to read:

When an agent's appointment precedes or will precede the sponsoring insurer's biennial continuation date by a period of more than one year, the superintendent may require the sponsoring insurer to pay an additional fee not to exceed $\frac{1}{2}$ the applicable biennial continuation of appointment fee for the agent's license according to the fee schedule.

Sec. 28. 24-A MRSA § 1534, as enacted by PL 1969, c. 132, § 1, and as last repealed and replaced by PL 1973, c. 726, § 9, is repealed and the following enacted in place thereof:

§ 1534. Biennial continuation of appointment

1. Agent appointments by an insurer shall be subject to biennial continuation by the insurer on its biennial continuation date as established by the superintendent pursuant to section 415, and shall expire at midnight on such date unless continued by the sponsoring insurer for a 2-year period.

2. The superintendent shall notify every insurer of the expiration date of its agents' appointments and the fees that are required for continuation of an agent's appointment for a 2-year period. The notice shall be mailed to the insurer at least 30 days in advance of the expiration date of its agents' appointments. At least 15 days before such expiration date, the insurer shall file with the superintendent an alphabetical list of the names and addresses of all its agents in this State whose appointments are to remain in effect as to the kinds of insurance or annuity business for which the respective agents are so appointed, accompanied by payment of the biennial continuation of appointment fee, as specified in section 601, fee schedule. At the same time, the insurer shall also file with the superintendent an alphabetical list of the names and addresses of all its agents whose appointments in this State are not to remain in effect. An appointment not so continued and not otherwise expressly terminated shall be deemed to have expired at midnight on the insurer's biennial continuation date.

3. The superintendent is authorized to issue appointment continuations for less than a 2-year term in order to implement the biennial continuation

of appointments on the biennial continuation dates of sponsoring insurers. If an appointment continuation is issued for an agent of a sponsoring insurer for one year or less, the fee assessed for such appointment continuation shall be no more than $\frac{1}{2}$ the applicable biennial fee according to the fee schedule.

Sec. 29. 24-A MRSA § 2310, sub-§§ 3 and 4, as enacted by PL 1969, c. 132, § 1, and as amended by PL 1973, c. 585, § 12, are further amended to read:

3. If the superintendent finds that the applicant is competent, trustworthy and otherwise qualified to act as a rating organization and that its constitution, articles of agreement or association or certificate of incorporation, and its bylaws, rules and regulations governing the conduct of its business conform to the requirements of law, he shall issue a license specifying the kinds of insurance, or subdivision or class of risk or part or combination thereof for which the applicant is authorized to act as a rating organization. **At the time of issuance of such license, the superintendent shall establish a biennial continuation date for the purpose of biennial continuation of the license in force.** Every such application shall be granted or denied in whole or in part by the superintendent within 60 days after the same has been filed with him.

4. Licenses issued pursuant to this section shall remain in effect until ~~the first day of the next July~~ **midnight of the biennial continuation date and annually thereafter may be renewed, expiring on the first day of the succeeding July continued biennially unless sooner suspended or revoked by the superintendent.** The fee for the license and for each ~~annual biennial renewal continuation~~ thereof shall be as specified in section 601, fee schedule.

Sec. 30. 24-A MRSA § 4702, sub-§ 1, as enacted by PL 1969, c. 132, § 1, and as amended by PL 1973, c. 585, § 12, is further amended to read:

1. If the superintendent is of the opinion that an applicant is reliable and entitled to confidence, such applicant shall be granted a license to perform such road or other service in this State, and the license ~~shall expire on December 31st succeeding the date of issuance, but may be renewed annually~~ **continued biennially thereafter so long as the superintendent regards the licensee as financially responsible and entitled to confidence. At the time of issuance of such license, the superintendent shall establish a biennial continuation date for the purpose of biennial continuation of the license in force.**

Sec. 31. 24-A MRSA § 4704, as enacted by PL 1969, c. 132, § 1, and as amended by PL 1973, c. 585, § 12, is further amended to read:

§ 4704. Agent's license; fee

The superintendent shall grant a license to sell such service in behalf of any person licensed therefor to any applicant who shall furnish the superintendent with satisfactory evidence of his integrity and authority to sell the service offered. Such license, when granted, shall expire ~~on December 31st thereafter~~ **at midnight on the company's biennial continuation date and annually thereafter may be renewed continued biennially** so long as the superintendent shall be satisfied of the licensee's integrity, authority and responsibility to provide the service stipulated.

The applicant shall pay a license fee to the superintendent as provided in section 601, fee schedule.

Sec. 32. 32 MRSA § 63, sub-§ 6, as enacted by PL 1969, c. 350, and as amended by PL 1975, c. 293, § 4, is further amended to read:

6. Secretary. The Commissioner of ~~Human Services~~ **Business Regulation** or his designee shall act as secretary to the board and provide such administrative assistance as the board may require.

Sec. 33. 32 MRSA § 63, sub-§ 7, as enacted by PL 1969, c. 350, and as amended, is further amended to read:

7. Certificate. ~~The Every 2 years the~~ board shall furnish to each licensed administrator ~~annually~~ a certificate of licensure in a form prescribed by the board certifying that the holder thereof is entitled to practice as an administrator in this State for the ~~year~~ **biennium** in which it is issued.

Sec. 34. 32 MRSA § 64, as enacted by PL 1969, c. 350, and as amended by PL 1973, c. 303, § 3, is repealed and the following enacted in place thereof:

§ 64. Investigation; suspension or revocation of certificate

The board shall investigate or cause to be investigated all complaints made to it and all cases of noncompliance or violations of this chapter or of rules and regulations promulgated by the board as provided in this chapter. The board shall have the authority, after hearing, to refuse to issue or renew a certificate, or to suspend a certificate until the complaint or case can be heard by the Administrative Court Judge, as designated in Title 5, chapters 301 to 307. The Administrative Court Judge may suspend or revoke the certificate of a licensee under this chapter who is found guilty of fraud or deceit in obtaining a license or of any gross negligence, incompetency or misconduct in his performance in the general administration of a medical care facility other than hospitals. Any person who is aggrieved by the decision of the board to issue or renew a certificate may file a statement of complaint with the Administrative Court Judge.

Sec. 35. 32 MRSA § 65 is enacted to read:

§ 65. Reports

Not later than August 1st of each year, the board shall submit to the Commissioner of Business Regulation for the preceding fiscal year ending June 30th an annual report of its operations and financial position, together with such comments and recommendations as the board deems essential.

Sec. 36. 32 MRSA § 157 is repealed and the following enacted in place thereof:

§ 157. Reports

Not later than August 1st of each year, the board shall submit to the Commissioner of Business Regulation for the preceding fiscal year ending June 30th an annual report of its operations and financial position, together with such comments and recommendations as the board deems essential.

Sec. 37. 32 MRSA § 204, sub-§ 1, as amended by PL 1975, c. 123, § 11, is further amended to read:

1. **Application for registration.** For an application for registration, an amount to be fixed by the board which shall ~~at no time~~ not exceed the sum of \$50, ~~except when the unexpired term of registration of an applicant exceeds one year at time of licensure, in which case the board may require the applicant to pay an additional fee not to exceed ½ the biennial renewal fee;~~

Sec. 38. 32 MRSA § 204, sub-§ 2 is amended to read:

2. **Certificate of registration.** For a certificate of registration, or by transfer of registration from another state or country, an amount to be fixed by the board. ~~When the unexpired term of registration of such an applicant exceeds one year at the time of licensure, the board may require the applicant to pay an additional fee not to exceed ½ the biennial renewal fee.~~

Sec. 39. 32 MRSA § 204, sub-§ 3, as amended by PL 1975, c. 123, § 13, is further amended to read:

3. **Renewal.** For the ~~annual~~ biennial renewal of a registration certificate, an amount to be fixed by the board which shall at no time exceed the sum of ~~\$25~~ \$50;

Sec. 40. 32 MRSA § 206, 3rd ¶ is amended to read:

Certificates of registration shall expire ~~biennially on the last day of June~~ ~~April 30th~~, or at such other times as the Commissioner of Business Regulation may designate, ~~of each year~~ and shall become invalid on that date unless renewed. ~~The board shall notify every registered architect of the expiration date of his license and indicate the amount of fee required for biennial renewal. Such notice shall be mailed to such person's last known address at least 30 days in advance of expiration of the license. Renewal may be effected at any time during the month of June expiration of the renewing year by payment of the renewal fee as provided.~~

Sec. 41. 32 MRSA § 303, 4th and 5th sentences are amended to read:

The fee for such certificate shall be ~~\$50~~ \$100 and it shall be good for ~~one year~~ ~~2 years~~ from date when issued, unless sooner suspended. ~~Said~~ Such certificate may, so long as such school continues to meet the approval of ~~said the~~ board, be renewed ~~from year to year~~ biennially upon payment of a fee of ~~\$50~~ \$100 for each renewal.

Sec. 42. 32 MRSA § 303, last ¶, as last amended by PL 1969, c. 151, § 2, is further amended to read:

No person shall be engaged to instruct in any practice of barbering as defined in section 301 unless ~~said such~~ instructor has a certificate to practice ~~barbering under this chapter~~, excepting those persons instructing in the subjects of sanitation, sterilization, general anatomy and diseases, unless ~~said such~~ person has in addition obtained an instructor's license, requirements of which shall be prescribed by the board, and the holder of ~~said such~~ instructor's license shall pay to the secretary of the board the sum of ~~\$5~~ \$10 in the

first instance and ~~\$5~~ \$10 for each ~~yearly~~ biennial renewal thereof. ~~The license shall run from the first day of January in each year for one year~~ Such licenses shall expire biennially on July 31st, or at such other times as the Commissioner of Business Regulation may designate.

Sec. 43. 32 MRSA § 351, 2nd ¶, as last amended by PL 1973, c 303, § 3, is further amended to read:

The board shall employ, subject to the approval of the Commissioner of Business Regulation and the terms of the Personnel Law, ~~a full-time~~ an executive secretary. The salary of ~~said~~ such executive secretary shall be ~~determined by the Board of Barbers to be~~ paid from funds received under this chapter. The executive secretary of ~~said~~ the board shall keep a record of all proceedings, issue all notices, except those required to be issued by the Administrative Hearing Commissioner Court Judge under Title 5, chapters 301 to 307, certificates of registration and licenses, attest all such papers and orders as ~~said~~ such board shall direct, make sanitary inspections at least twice a year of shops and other establishments subject to license under this chapter as directed by ~~said~~ the board and shall. Not later than August 1st of each year, the board shall report annually to the ~~Governor and Council~~ Commissioner of Business Regulation for the preceding fiscal year ending June 30th giving ~~a full statement of all receipts and expenditures and a statement of the its operations and financial position work performed by the board during the preceding fiscal year, together with such comments and recommendations as deemed necessary~~ the board deems essential. The board shall employ, subject to the approval of the Commissioner of Business Regulation and the terms of the Personnel Law, inspectors who shall make inspections of shops and other establishments subject to license under this chapter under the direction of the executive secretary, the salary of such inspectors to be ~~determined by the board, and to be~~ paid from funds received under this chapter. The board, subject to the approval of the Commissioner of Business Regulation, shall have the right to dismiss, with cause, the executive secretary or the inspectors provided for in this section.

Sec. 44. 32 MRSA § 401, 4th ¶, as last amended by PL 1973, c. 373, § 6, is further amended to read:

No person, firm or corporation shall operate or cause to be operated a shop or establishment where barbering is practiced unless such shop or establishment has been duly licensed. The fee for a license to operate a barber shop and the ~~yearly~~ biennial renewal thereof shall be ~~\$15 yearly~~ \$30 biennially. Shop licenses that require a special inspection, such as new barber shops, change of barber shop location and change of barber shop ownership, shall be \$35 in the first instance including the license, and ~~\$15~~ \$30 for each ~~yearly~~ biennial renewal thereof. ~~The license shall run from the first day of January in each year for one year and the~~ The fee shall be payable to the secretary of the board. Such licenses shall expire on December 31st, or at such other times as the Commissioner of Business Regulation may designate.

Sec. 45. 32 MRSA § 401, 6th ¶, as enacted by PL 1965, c. 38, § 2, is amended to read:

The board shall furnish to each registered barber, who qualifies following an approved course in dyeing, tinting and bleaching hair, a certificate of registration in the form prescribed by the board, bearing the seal of the board, certifying that the holder is entitled to practice hair coloring in this State, and the holder of such certificate shall pay to the secretary of the board the sum of \$2 in the first instance and ~~\$2~~ \$4 for each ~~yearly~~ biennial renewal thereof. ~~The registration shall run from the first day of January in each year for one year~~ Such licenses shall expire on July 31st, or at such other times as the Commissioner of Business Regulation may designate.

Sec. 46. 32 MRSA § 401, as last amended by PL 1975, c. 116, § 2, is further amended by adding a new paragraph at the end to read:

When the unexpired term of a license issued to an applicant under this chapter is or will be more than one year at time of licensure, the board may require the applicant to pay an additional fee not to exceed $\frac{1}{2}$ the biennial renewal fee.

Sec. 47. 32 MRSA § 404-A, 2nd ¶, last 3 sentences, as enacted by PL 1969, c. 272, § 2, are repealed and the following enacted in place thereof:

Such certificates shall expire biennially on December 31st, or at such other times as the Commissioner of Business Regulation may designate. It shall be the duty of the holder of such certificate of registration to post the same in a conspicuous place where it may readily be seen by all persons on or before the expiration date of the old certificate. The fee for such a certificate shall be \$5 in the first instance and \$10 for each biennial renewal thereof.

Sec. 48. 32 MRSA § 406, first ¶, as last amended by PL 1973, c. 373, § 9, is repealed and the following enacted in place thereof:

The board shall furnish to each registered barber a certificate of registration in form prescribed by the board, bearing the seal of the board, certifying that the holder thereof is entitled to practice barbering in this State. Such certificates shall expire biennially on September 30th, or at such other times as the Commissioner of Business Regulation may designate. It shall be the duty of the holder of such certificate of registration to post the same in a conspicuous place where it may be readily seen by all persons on or before the expiration date of the old certificate, and the holder of such certificate of registration shall pay to the secretary of the board the sum of \$20 in the first instance and \$40 for each biennial renewal thereof.

Sec. 49. 32 MRSA § 406, 2nd ¶, first sentence, as last amended by PL 1969, c. 231, § 1, is further amended to read:

Any registered barber who fails ~~in any year~~ to renew certificate to practice barbering shall successfully pass a regular examination conducted by the board before a new certificate may be issued, providing that any registered barber, who fails to so renew his certificate due to the fact he was on active duty in the Armed Forces of the United States, shall not be required to pass such examination if he renews his certificate within 90 days from the date of his separation under conditions other than dishonorable from the Armed Forces of the United States.

Sec. 50. 32 MRSA § 408 is enacted to read:

§ 408. Notice to holders of expiring licenses

The board shall notify every licensee registered under this chapter, whose license may be renewed, of the date of expiration of his license and the fee that shall be required for its renewal for a 2-year period. The notice shall be mailed to such person's last known address at least 30 days in advance of the expiration of such license.

Sec. 51. 32 MRSA § 502, 8th sentence is amended to read:

~~Said~~ Such records, or duplicates thereof, shall always be open to inspection in the office of the ~~Secretary of State~~ Commissioner of Business Regulation during regular office hours and shall be prima facie evidence of all matters recorded therein.

Sec. 52. 32 MRSA § 504 is repealed and the following enacted in place thereof:

§ 504. Reports

Not later than August 1st of each year, the board shall submit to the Commissioner of Business Regulation for the preceding fiscal year ending June 30th, an annual report of its operations and financial position, together with such comments and recommendations as the board deems essential.

Sec. 53. 32 MRSA § 552, last ¶, last sentence is amended to read:

Any certificate granted under this section shall be subject to ~~annual~~ biennial renewal as provided in this chapter.

Sec. 54. 32 MRSA § 552 is amended by adding at the end a new paragraph to read:

When the unexpired term of certification of an applicant is or will be more than one year at the time of licensure, the board may require the applicant to pay an additional fee not to exceed $\frac{1}{2}$ the biennial renewal fee.

Sec. 55. 32 MRSA § 553, first 2 sentences, as last amended by PL 1973, c. 65, § 1, are repealed and the following enacted in place thereof:

Any person to whom a certificate has been granted under section 552 shall pay to the secretary of the board on or before May 31st, or at such other times as the Commissioner of Business Regulation may designate, of each renewal year a fee of \$40, upon payment of which such certificate shall be renewed for 2 years. The board shall notify everyone registered under this chapter of the date of expiration of his certificate and the amount of fee required for its renewal for a 2-year period. Such notice shall be mailed at least 30 days in advance of the date of expiration of the certificate. In addition to the payment of such renewal fee, each licensee so applying for his renewal certificate shall furnish to such board satisfactory evidence that he has attended one of 2 educational programs conducted and supervised by the board in each of the preceding 2 years.

Sec. 56. 32 MRSA § 573, sub-§ 3, as enacted by PL 1965, c. 430, § 1, and as amended, is repealed and the following enacted in place thereof:

3. Licenses. Licenses granted by the superintendent under this section shall be for a period of 2 years and shall expire on July 31st, or at such other times as the Commissioner of Business Regulation may designate. Such license may be renewed biennially so long as the superintendent regards the business as responsible and safe, but in all cases to terminate unless renewed by the expiration date. Each license shall plainly state the name and business address of the licensee and shall be posted in a conspicuous place in the office where the business is transacted. The fee for the biennial license shall be \$400. When the unexpired license term of an applicant is or will be less than one year at the time of licensure, the license fee shall not exceed $\frac{1}{2}$ the biennial license fee. If the licensee desires to carry on business in more than one place within the State, he shall procure a license for each place where the business is to be conducted.

Sec. 57. 32 MRSA § 802, as last amended by PL 1973, c. 585, § 11, is further amended to read:

§ 802. List of dealers published

The Bank Superintendent shall ~~at least twice during each year~~ publish annually in the state paper 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.

Sec. 58. 32 MRSA § 853, as amended by PL 1973, c. 585, § 11, is repealed and the following enacted in place thereof:

§ 853. Fees

Applicants for registration as dealer in securities, except in cases of renewal applications, shall pay to the Bank Superintendent, for the use of the State, filing fees of \$50 each. Dealers in securities shall pay to the Bank Superintendent, for use of the State, fees as follows: For registration of dealers in securities, \$50; for biennial renewal of registration of dealers in securities, \$100; for registration of salesman or agent of dealers in securities, \$10 each; for biennial renewal of registration of salesman or agent of dealers in securities, \$20 each; for certified copy of dealer's certificates, \$1 each. When the unexpired term of registration of an applicant is or will be more than one year at time of registration, the Bank Superintendent may require the applicant to pay an additional fee not to exceed $\frac{1}{2}$ the biennial renewal fee.

Sec. 59. 32 MRSA § 854, as amended by PL 1973, c. 585, § 11, is repealed and the following enacted in place thereof:

§ 854. Expiration of registration

All registrations for a dealer in securities shall expire biennially on September 30th, or at such other times as the Commissioner of Business Regulation

may designate. Registration may be renewed for the succeeding 2-year period upon written application of the dealer, and payment of the fee provided, without the filing of further statements or furnishing any further information, unless specifically required by the Bank Superintendent. Applications for renewal of registration received after the expiration date shall be treated as, and be subject to the same fees provided for, original registrations.

The Bank Superintendent shall notify every registered dealer in securities under this chapter of the date of expiration of his registration and the amount of fee required for its renewal for a 2-year period. The notice shall be mailed to such person's last known address at least 30 days in advance of the expiration of such registration.

Sec. 60. 32 MRSA § 856, last ¶, 3rd sentence, as last amended by PL 1973, c. 585, § 11, is further amended to read:

Unless an applicant fails to pass such a written examination, the ~~said~~ superintendent shall issue to each person so registered a registration certificate, stating his name, residence and address, the name, principal place of business and the address of the dealer, and the fact that he is registered for the ~~current calendar year~~ biennial registration period as agent or salesman of the dealer.

Sec. 61. 32 MRSA § 856, as enacted by PL 1967, c. 484, § 9, and as last amended by PL 1973, c. 585, § 11, is further amended by adding at the end a new paragraph to read:

All registrations of agents and salesmen of dealers in securities shall expire biennially at midnight on September 30th, or at such other times as the Commissioner of Business Regulation may designate. The Bank Superintendent shall notify every registered dealer in securities under this chapter of the date of expiration of registrations of his agents and salesmen and the fee that is required for renewing an agent's or a salesman's registration for a 2-year period. The notice shall be mailed to such dealers at least 30 days in advance of the expiration of such registration. At least 15 days before such expiration date of agent and salesman registrations, the dealer shall file with the Bank Superintendent an alphabetical list of the names and addresses of his agents and salesmen whose registrations are to be renewed, accompanied by payment of the biennial renewal fees for each such agent or salesman. The dealer shall also file with the Bank Superintendent an alphabetical list of the names and addresses of all his agents and salesmen whose registrations in the State are not to be renewed. Any registration not so continued shall be deemed to have expired at midnight on the expiration date.

Sec. 62. 32 MRSA § 891, sub-§§ 4, 5 and 6, as enacted by PL 1975, c. 500, § 2, are repealed and the following enacted in place thereof:

4. Temporary certificate. Any person filing the maximum bond and paying the maximum biennial license fee may issue to a new agent a temporary certificate in a form approved by the superintendent. Such temporary certificate shall authorize the new agent to act until the superintendent grants a certificate or refuses such certificate. The principal, on or before the 15th day of the first month of each calendar quarter, shall file with the superin-

tendent a statement listing the names and business addresses, together with such other information as the superintendent may require, of new agents appointed during the previous calendar quarter.

5. Biennial fee. There shall be a fee of \$200 for the biennial certificate payable to the superintendent and \$6 for each agent listed therein or for any addition thereto, provided that the total biennial fee shall not exceed \$600 and such fees shall be credited and used as provided in Title 9-B, section 214.

6. Renewal of certificate. Each certificate shall expire on December 31st in even-numbered years. Prior to December 15th in the renewal year there shall be paid to the superintendent the fee provided in this section, for each certificate to principal or agent for the succeeding 2 years. The applicant shall file with the superintendent substantiation of the renewal of continuance of the bond provided for in this section.

Sec. 63. 32 MRSA § 1072, 6th sentence, as enacted by PL 1967, c. 544, § 80, is repealed and the following enacted in place thereof:

Not later than August 1st of each year, the board shall submit to the Commissioner of Business Regulation for the preceding fiscal year ending June 30th an annual report of its operations and financial position, together with such comments and recommendations as the board deems essential.

Sec. 64. 32 MRSA § 1073, sub-§ 1, as enacted by PL 1967, c. 544, § 80, is amended to read:

1. Employees; attorney. Employ, with the approval of the Commissioner of Business Regulation, such persons as it 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, with the approval of the Commissioner of Business Regulation, may expend such funds as may be deemed necessary therefor and may, with the approval of the Commissioner of Business Regulation and Attorney General, appoint an attorney to advise and assist in the carrying out and enforcing this chapter.

Sec. 65. 32 MRSA § 1084, 3rd, 4th and 5th sentences, as last repealed and replaced by PL 1975, c. 484, § 6, are repealed and the following enacted in place thereof:

That certificate shall be prima facie evidence of authority to practice dentistry in this State, except that it shall be unlawful for any person to practice dentistry in this State in any year after the year in which that certificate is issued to him, unless he shall pay to the secretary of the board on or before July 31st, or such other times as the Commissioner of Business Regulation may designate, on alternate years a fee not to exceed \$20, for which he shall receive a registration card, which card shall be placed beside or attached to the certificate. The board shall notify every dentist registered under this chapter of the date of expiration of his certificate and the fee that shall be required for its renewal for a 2-year period. The notice shall be mailed at least 30 days in advance of the expiration of such certificate. Practitioners who shall not have paid as provided shall be reinstated upon payment of a

fee of \$30 if paid within 2 months of expiration date. A license to practice is automatically suspended 2 months after expiration date for nonpayment of registration fee and may be reinstated, if approved by the board, on payment of a fee of \$50.

Sec. 66. 32 MRSA § 1098, as enacted by PL 1967, c. 544, § 80, and as amended by PL 1975, c. 484, § 13, is repealed and the following enacted in place thereof:

§ 1098. Certificate; biennial fee

The board shall issue certificates of ability to practice as dental hygienists in this State to those who have passed the examination, which certificate shall be exhibited whenever requested by a member or authorized agent of the board. Such certificates shall be considered a license to practice as a dental hygienist in this State for the period which it is issued. Thereafter, and on or before October 31st, or such other times as the Commissioner of Business Regulation may designate, the dental hygienist shall pay to the secretary of the board a biennial registration fee not to exceed \$10. A registration card for that 2-year period will then be issued, which card is to be placed beside or attached to the certificate. Failure to be properly registered by the expiration date will result in automatic suspension of license to practice dental hygiene. Reinstatement may be made, if approved by the board, by payment of \$10 to the secretary of the board. New applicants having paid the examination fee shall not be subject to a license fee until the next biennial registration.

Sec. 67. 32 MRSA § 1101, sub-§ 1, last sentence, as repealed and replaced by PL 1973, c. 363, is amended to read:

The ~~annual~~ biennial renewal fee for an apprentice electrician shall be ~~\$1~~ \$3.

Sec. 68. 32 MRSA § 1101, sub-§ 3, last sentence, as repealed and replaced by PL 1973, c. 363, is amended to read:

The ~~annual~~ biennial renewal fee for a helper electrician license shall be ~~\$1~~ \$3.

Sec. 69. 32 MRSA § 1101, sub-§ 4, last sentence, as repealed and replaced by PL 1973, c. 363, is amended to read:

The ~~annual~~ biennial renewal fee for a journeyman electrician license shall be ~~\$10~~ \$20.

Sec. 70. 32 MRSA § 1101, sub-§ 5, last sentence, as repealed and replaced by PL 1973, c. 363, is amended to read:

The ~~annual~~ biennial renewal fee for a limited electrician's license shall be ~~\$15~~ \$30.

Sec. 71. 32 MRSA § 1101, sub-§ 6, last sentence, as repealed and replaced by PL 1973, c. 363, is amended to read:

The ~~annual~~ biennial renewal fee for a master electrician's license shall be ~~\$25~~ \$50.

Sec. 72. 32 MRSA § 1157 is enacted to read:

§ 1157. Reports

Not later than August 1st of each year, the board shall submit to the Commissioner of Business Regulation for the preceding fiscal year ending June 30th an annual report of its operations and financial position, together with such comments and recommendations as the board deems essential.

Sec. 73. 32 MRSA § 1202, sub-§ 2, first sentence, as last repealed and replaced by PL 1973, c. 363, is amended to read:

The board may issue a license upon payment of a fee of ~~\$7~~ \$3 to any person who applies therefor, without examination, provided ~~said~~ such applicant submits evidence satisfactory to the board that he has entered the employ of a licensed electrician as an apprentice electrician or to assist him as an electrician's helper.

Sec. 74. 32 MRSA § 1203, as last amended by PL 1973, c. 725, § 4, is further amended by adding at the end a new paragraph to read:

When the unexpired term of license of an applicant is or will be more than one year at the time of licensure, the board may require the applicant to pay an additional fee not to exceed $\frac{1}{2}$ the biennial license renewal fee.

Sec. 75. 32 MRSA § 1204, first 2 sentences, as last repealed and replaced by PL 1973, c. 363, are repealed and the following enacted in place thereof:

All licenses issued shall expire October 31st of each biennial period as to master electricians and April 30th of each biennial period as to other licensees and they may be renewed thereafter for 2-year periods without further examination, upon the payment of the proper renewal fee as set forth in section 1101. The expiration dates for licenses issued under this chapter may be established at such other times as the Commissioner of Business Regulation may designate. Any person who fails to renew his license for a period of over 2 years 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. The board shall notify everyone registered under this chapter of the date of expiration of his license and the fee required for its renewal for a 2-year period. Such notice shall be mailed to such person's last known address at least 30 days in advance of the expiration date of his license.

Sec. 76. 32 MRSA § 1308, last ¶, is repealed and the following enacted in place thereof:

Not later than August 1st of each year, the board shall submit to the Commissioner of Business Regulation for the preceding fiscal year ending June 30th an annual report of its operations and financial position, together with such comments and recommendations as the board deems essential.

Sec. 77. 32 MRSA § 1356, first ¶, is repealed and the following enacted in place thereof:

The board shall have the power to refuse to issue or renew, or the Administrative Court Judge, as designated by Title 5, chapters 301 to 307, shall have the authority to suspend or revoke the registration of a registered professional engineer or the certificate of an engineer-in-training who is found guilty of:

Sec. 78. 32 MRSA § 1356, next to the last ¶, is amended to read:

If, after such hearing, 4 or more members of the board vote in favor of finding the accused guilty, the board ~~shall revoke~~ may suspend the certificate of such engineer-in-training until the case can be heard by the Administrative Court Judge.

Sec. 79. 32 MRSA § 1357, as repealed and replaced by PL 1975, c. 535, is repealed and the following enacted in place thereof:

§ 1357. Expiration and renewals

Certificates of registration shall expire biennially on August 31st, or at such other times as the Commissioner of Business Regulation may designate, and shall become invalid on that date unless renewed. It shall be the duty of the secretary of the board to notify every person registered under this chapter of the date of the expiration of his certificate and the amount of the fee that shall be required for its renewal for a 2-year period, except when the applicant has become registered during the first year of the 2-year period, then the renewal fee shall be for the remaining one year of that 2-year period. Such notice shall be mailed at least 30 days in advance of the date of the expiration of that certificate. Renewal may be effected at any time during the month of expiration by the payment of a fee designated by the board, which shall not exceed \$15 annually nor be less than \$5 annually. The failure on the part of any registrant to renew his certificate by the end of the month of expiration as required shall not deprive such person of the right of renewal, but the fee to be paid for the renewal of a certificate after the month of expiration shall be increased 20% for each month or fraction of a month that payment of renewal is delayed. The maximum fee for delayed renewal shall not exceed twice the normal renewal fee for the period of delinquency.

Sec. 80. 32 MRSA § 1452, is repealed and the following enacted in place thereof:

§ 1452. Records and reports

The board shall keep a record containing the names and addresses of all persons licensed and a record of all moneys received and disbursed by such board, and such records, or duplicates thereof, shall always be open to inspection in the office of the Commissioner of Business Regulation during regular office hours. Not later than August 1st of each year, the board shall submit to the Commissioner of Business Regulation for the preceding fiscal year ending June 30th an annual report of its operations and financial position, together with such comments and recommendations as the board deems essential.

Sec. 81. 32 MRSA § 1503, as last amended by PL 1975, c. 293, § 4, is further amended to read:

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

The Department of ~~Human Services~~ **Business Regulation** 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. 82. ~~32 MRSA § 1504~~, as last amended by PL 1969, c. 285, § 5, is repealed and the following enacted in place thereof:

§ 1504. Fees; expiration and renewal of licenses

The fee for examination under section 1501 shall not exceed \$20. All licenses and certificates of registration which have been issued or renewed by the board shall expire biennially on October 31st or at such other times as the Commissioner of Business Regulation may designate. Any person holding a license or registration under this law may have the same renewed by making and filing with the secretary of such board an application therefor within 30 days preceding the expiration of his license or certificate of registration, upon blanks prescribed by the board and upon payment of the established biennial renewal fee. The board shall establish the initial and biennial renewal fees which shall not exceed \$40 for an embalmer's license, funeral director's license and funeral home registration. The license for the practitioner of funeral services shall not exceed \$50 and the fee for a resident trainee shall not exceed \$10. When the unexpired term of registration of an applicant is or will be more than one year at the time of licensure, the board may require the applicant to pay an additional fee not to exceed ½ the biennial renewal fee. Any person neglecting or failing to have his license or registration renewed may have the same renewed by making application therefor within 30 days after the date of such expiration and upon the payment of the regular renewal fee plus a revival fee of \$5. Any person who held a license under this chapter, but who failed to renew that license, is not now entitled to engage in the profession, shall be allowed to take an examination for a license to engage in such profession, and upon successfully passing such examination and paying the required fees shall be granted a license, and the board is authorized and directed to give such examination and grant such license to any applicant complying with the above provisions.

Sec. 83. ~~32 MRSA § 1553~~, 5th and 6th sentences are amended to read:

The fee for such certificates shall be ~~\$200~~ \$400 and it shall be good for ~~one year~~ 2 years from the date when issued, unless sooner suspended. ~~Said~~ Such certificate may, so long as such school continues to meet the approval of ~~said~~ that board, be renewed ~~from year to year~~ biennially upon payment of a fee of ~~\$35~~ \$70 but not exceeding ~~\$50~~ \$100 for each renewal.

Sec. 84. ~~32 MRSA § 1553~~, 2nd ¶, 4th sentence, as last amended by PL 1975, c. 119, § 1, is further amended to read:

~~All certificates~~ **Certificates** of registration as instructors shall expire ~~June 30th~~ biennially on June 30th or at such other times as the Commissioner of Business Regulation may designate.

Sec. 85. 32 MRSA § 1601, 4th ¶, first 6 sentences, as amended are repealed and the following enacted in place thereof:

The board shall employ, subject to the approval of the Commissioner of Business Regulation and the terms of the Personnel Law, an executive secretary. The salary of such executive secretary shall be paid from funds received under this chapter. The executive secretary of such board shall keep a record of all proceedings, issue all notices, except those required to be issued by the Administrative Court Judge under Title 5, chapters 301 to 307, certificates of registration and licenses, attest all such papers and orders as such board shall direct, make sanitary inspections at least twice a year of shops and other establishments subject to a license under this chapter as directed by such board. Not later than August 1st of each year, the board shall report annually to the Commissioner of Business Regulation for the preceding fiscal year ending June 30th giving a statement of its operations and financial position, together with such comments and recommendations as the board deems essential. The board shall employ, subject to the approval of the Commissioner of Business Regulation and the terms of the Personnel Law, inspectors who shall make inspections of shops and other establishments subject to license under direction of the executive secretary. The salary of such inspectors shall be paid from funds received under this chapter. The board, subject to the approval of the Commissioner of Business Regulation, shall have the right to dismiss, with cause, the executive secretary or the inspectors provided for in this section.

Sec. 86. 32 MRSA § 1651, 3rd ¶, last sentence, as amended by PL 1975, c. 119, § 2, is repealed and the following enacted in place thereof:

Licenses expire biennially on May 31st, or at such other times as the Commissioner of Business Regulation may designate, and the fee shall be payable to the secretary of the board.

Sec. 87. 32 MRSA § 1655, 2nd sentence, as amended by PL 1975, c. 119, § 5, is repealed and the following enacted in place thereof:

Certificates of registration shall be renewed for a 2-year period on or before February 28th, or at such other times as the Commissioner of Business Regulation may designate, and the holder of such certificate of registration shall pay to the secretary of such board the sum of \$20 but not exceeding \$35 for such renewal biennially.

Sec. 88. 32 MRSA § 1655, last ¶, last sentence, as amended by PL 1975, c. 119, § 6, is repealed and the following enacted in place thereof:

Certificates shall be renewed biennially on or before February 28th, or at such other times as the Commissioner of Business Regulation may designate, by paying a renewal fee of \$30 biennially.

Sec. 89. 32 MRSA § 1657-A is enacted to read:

§ 1657-A. Notice to holders of expiring licenses

The secretary of the board shall notify every licensee under this chapter whose license may be renewed of the date of expiration of his license and the

fee that is required for its renewal for a 2-year period. The notice shall be mailed to such person's last known address at least 30 days in advance of the expiration of such license.

Sec. 90. 32 MRSA § 1678, last ¶, as enacted by PL 1967, c. 423, § 1, is repealed and the following enacted in place thereof:

Not later than August 1st of each year, the board shall submit to the Commissioner of Business Regulation for the preceding fiscal year ending June 30th an annual report of its operations and financial position, together with such comments and recommendations as the board deems essential.

Sec. 91. 32 MRSA § 1685, last ¶, as enacted by PL 1967, c. 423, § 1, is amended by adding at the end a new sentence to read:

When the unexpired term of registration of an applicant is or will be more than one year at time of licensure, the board may require the applicant to pay an additional fee not to exceed $\frac{1}{2}$ the biennial renewal fee.

Sec. 92. 32 MRSA § 1688, first ¶, as enacted by PL 1967, c. 423, § 1, is amended to read:

The board shall have the power to refuse to issue or renew, or the Administrative Court Judge, as designated by Title 5, chapters 301 to 307, shall have the authority to suspend or revoke the certificate of a registered land surveyor or of a land surveyor-in-training who is found guilty of:

Sec. 93. 32 MRSA § 1688, sub-§ 2, 5th ¶, as enacted by PL 1967, c. 423, § 1, is amended to read:

If, after such hearing, 4 or more members of the board vote in favor of finding the accused guilty, the board shall ~~may~~ suspend ~~or revoke~~ the certificate of registration of such registered land surveyor or certificate of such land surveyor-in-training until the case can be heard by the Administrative Court Judge.

Sec. 94. 32 MRSA § 1689, first ¶, as enacted by PL 1967, c. 423, and as amended by PL 1969, c. 64, is repealed and the following enacted in place thereof:

Certificates of registration for land surveyors shall expire biennially on November 30th, or at such other times as the Commissioner of Business Regulation may designate, and shall become invalid on that date unless renewed. The secretary of the board shall notify every person registered under this chapter of the date of the expiration of his certificate and the amount of the fee that shall be required for its renewal for a 2-year period. The notice shall be mailed at least 30 days in advance of the date of the expiration of such certificate. Renewal may be effected at any time during the month prior to expiration by the payment of the fee designated by the board, not to exceed \$10. The failure on the part of any registrant to renew his certificate as required shall not deprive such person of the right of renewal, but the fee to be paid for the renewal of a certificate shall be increased 20% for each month or fraction of a month that payment of the biennial renewal

fee is delayed. The maximum fee for delayed renewal shall not exceed the biennial renewal fee for each year in arrears.

Sec. 95. 32 MRSA § 1951, sub-§ 4, as last amended by PL 1973, c. 460, § 18, is repealed and the following enacted in place thereof:

4. Director of the Board. "Director of the Board" means the Commissioner of Business Regulation or the person designated by him.

Sec. 96. 32 MRSA § 2003, last ¶, as amended by PL 1965, c. 226, § 72-A, is repealed and the following enacted in place thereof:

The board shall investigate or cause to be investigated all complaints made to it and all cases of noncompliance with or violation of this subchapter or of rules and regulations promulgated by the board as provided in this subchapter. The board shall have the authority, after hearing, to refuse to issue or renew a license, or to suspend a license until the case or complaint can be heard by the Administrative Court Judge. The Administrative Court Judge shall have the power to suspend or revoke the license of any licensed arborist who is found guilty of one or more of the grounds set forth in section 2061. The board may in its discretion, after a lapse of 6 months, reissue a license which has been suspended or revoked.

Sec. 97. 32 MRSA § 2057, first ¶, is repealed and the following enacted in place thereof:

Licenses for arborists shall expire biennially on December 31st, or at such other times as the Commissioner of Business Regulation may designate, and shall become invalid on that date unless renewed.

Sec. 98. 32 MRSA § 2058, as last amended by PL 1973, c. 460, § 18, is repealed and the following enacted in place thereof:

§ 2058. Renewals

It shall be the duty of the board to notify every person licensed under this subchapter of the date of expiration of his certificate and the amount of fee required for its renewal for a 2-year period. Such notice shall be mailed to such person's last known address at least 30 days in advance of the expiration of such license. Applications for renewal licenses shall contain whatever information is necessary for the board to determine whether the applicant should continue to hold a license and shall be accompanied by the required fee, which shall be returnable if the applicant is denied a renewal license. Lost licenses shall be replaced on application by the licensed arborist and payment of \$1.

Sec. 99. 32 MRSA § 2059, sub-§§ 1 and 2 are amended to read:

1. Original license. For an original license to an individual, \$15. When the unexpired term of license of an applicant is or will be more than one year at the time of licensure, the board may require the applicant to pay an additional fee not to exceed $\frac{1}{2}$ the biennial renewal license fee;

2. Biennial renewal license. For an ~~annual~~ a biennial renewal license, \$5 \$10;

Sec. 100. 32 MRSA § 2061, first ¶, as amended by PL 1965, c. 226, § 77, is further amended to read:

The board may refuse to issue or renew, or the Administrative Court Judge, as designated in Title 5, chapters 301 to 307, may suspend or revoke a license on any one or more of the following grounds:

Sec. 101. 32 MRSA § 2153, sub-§ 10 is repealed and the following enacted in place thereof:

10. Reports. Not later than August 1st of each year, the board shall submit to the Commissioner of Business Regulation for the preceding fiscal year ending June 30th an annual report of its operations and financial position, together with such comments and recommendations as the board deems essential.

Sec. 102. 32 MRSA § 2153, sub-§ 11, as last repealed and replaced by PL 1971, c. 328, § 2, is amended to read:

11. Executive and assistant director. Appoint and employ qualified persons, not members of the board, subject to the approval of the Commissioner of Business Regulation and the terms of the Personnel Law, to serve as executive director and assistant executive director to the board, fix their compensation and define their duties;

Sec. 103. 32 MRSA § 2153, sub-§ 12 is amended to read:

12. Other employees. Employ such other persons, with the approval of the Commissioner of Business Regulation, as may be necessary to carry on the work of the board.

Sec. 104. 32 MRSA § 2202, last sentence is amended to read:

Upon successfully passing such examination, the board shall issue to the applicant a license to practice professional nursing as a registered nurse, ~~said license to be~~ which shall remain in force from the date of issue thereof until ~~one year from and after the first day of the following January~~ the end of the biennial licensing period. When the unexpired term of license of an applicant is or will be more than one year at the time of licensure, the board may require the applicant to pay an additional fee not to exceed $\frac{1}{2}$ the biennial renewal fee.

Sec. 105. 32 MRSA § 2204-A is enacted to read:

§ 2204-A. Reports

Not later than August 1st of each year, the board shall submit to the Commissioner of Business Regulation for the preceding fiscal year ending June 30th an annual report of its operations and financial position, together with such comments and recommendations as the board deems essential.

Sec. 106. 32 MRSA § 2206, first 2 ¶¶, as last amended by PL 1975, c. 114, §§ 1 and 2, are repealed and the following enacted in place thereof:

The license of every registered nurse licensed under this chapter shall be renewed biennially, except as otherwise provided. At least 30 days prior to

expiration, the board shall mail an application for renewal of license to each professional nurse to whom a license was issued or renewed during the current biennium, which application shall be mailed to the most recent address of such person as it appears on the records of the board. Such person shall complete the renewal application and return it to the board with a biennial renewal fee of \$20 before the expiration date of December 31st, or before such other expiration dates as the Commissioner of Business Regulation may designate. Upon receipt of the application and fee, the board shall verify the accuracy of the application and issue to the applicant a renewal license for the new biennium.

Any registered nurse who allows his 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 \$5, in addition to the current biennial renewal fee.

Sec. 107. 32 MRSA § 2206, last sentence is amended to read:

Prior to resumption of his ~~or her~~ practice of professional nursing, such person shall be required to notify the board and ~~remit a~~ pay the renewal fee for the current ~~annual~~ biennial period.

Sec. 108. 32 MRSA § 2255, first 2 ¶¶, as last amended by PL 1975, c. 114, §§ 4 and 5, are repealed and the following enacted in place thereof:

The license of every practical nurse licensed under this chapter shall be renewed biennially, except as otherwise provided. At least 30 days prior to expiration, the board shall mail an application for renewal of license to each practical nurse to whom a license was issued or renewed during the current biennium, which application shall be mailed to the most recent address of such person as it appears on the records of the board. Such person shall complete the renewal application and return it to the board with a renewal fee of \$20 before the expiration date of June 30th, or before such other expiration dates as the Commissioner of Business Regulation may designate. Upon receipt of the application and fee, the board shall verify the accuracy of the application and issue to the applicant a renewal license for the new biennium.

Any licensee who allows his license to lapse by failing to renew the license as provided may be reinstated by the board on satisfactory explanation of such failure to renew his license and on payment of a reinstatement fee of \$5, in addition to the \$20 current biennial renewal fee.

Sec. 109. 32 MRSA § 2357 is enacted to read:

§ 2357. Reports

Not later than August 1st of each year, the board shall submit to the Commissioner of Business Regulation for the preceding fiscal year ending June 30th an annual report of its operations and financial position, together with such comments and recommendations as the board deems essential.

Sec. 110. 32 MRSA § 2402, sub-§ 2, as last repealed and replaced by PL 1973, c. 384, is repealed and the following enacted in place thereof:

2. Fees.

- A. Master, original license, \$25; biennial renewal fee, \$50;
- B. Journeyman, original license, \$10; biennial renewal fee, \$20;
- C. Apprentice, original license, \$5; biennial renewal fee, \$10.

When the unexpired term of license of an applicant is or will be more than one year at time of licensure, the board may require the applicant to pay an additional fee not to exceed $\frac{1}{2}$ the biennial renewal fee.

Sec. 111. 32 MRSA § 2404, as last repealed and replaced by PL 1973, c. 384, is repealed and the following enacted in place thereof:

§ 2404. Renewals

All licenses shall expire biennially on September 30th as to a master oil burner man and biennially on March 31st as to other licenses. The expiration dates for licenses issued under this chapter may be established at such other times as the Commissioner of Business Regulation may designate. Such licenses may be renewed on a biennial basis without further examination upon the payment of the proper fee. The board shall notify everyone registered under this chapter of the date of expiration of his license and the amount of fee required for its renewal for a 2-year period. Such notice shall be mailed to such person's last known address at least 30 days in advance of the expiration date of his license. Any person who fails to renew his license within a period of 2 years from the date of issuance of his last license shall be required to take an examination.

Sec. 112. 32 MRSA § 2416, 2nd ¶, last sentence, as enacted by PL 1973, c. 788, § 156, is amended to read:

Any year in which the income of the board, from examination fees and ~~annual~~ biennial 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.

Sec. 113. 32 MRSA § 2418, as enacted by PL 1973, c. 788, § 156, is repealed and the following enacted in place thereof:

§ 2418. Reports

Not later than August 1st of each year, the board shall submit to the Commissioner of Business Regulation for the preceding fiscal year ending June 30th an annual report of its operations and financial position, together with such comments and recommendations as the board deems essential.

Sec. 114. 32 MRSA § 2422, as enacted by PL 1973, c. 788, § 156, and as amended by PL 1975, c. 563, § 3, is further amended by adding a new sentence before the last sentence to read:

When the unexpired license term of an applicant is or will be more than one year at the time of licensure, the board may require the applicant to pay an additional fee not to exceed $\frac{1}{2}$ the biennial renewal fee.

Sec. 115. 32 MRSA § 2423, sub-§§ 1 and 2, as enacted by PL 1973, c. 788, § 156, are repealed and the following enacted in place thereof:

1. **Biennial renewal.** Every registered optometrist practicing in the State shall biennially on or before March 31st, or at such other times as the Commissioner of Business Regulation may designate, pay to the board a biennial license renewal fee not in excess of \$200, as established by the board under section 2417, for each office location.

2. **Nonactive license.** Every registered optometrist not practicing within the State shall, upon payment of a biennial license renewal fee not in excess of \$100 as established by the board, be issued a nonactive license renewal certificate. The fee shall be payable to the board biennially on or before March 31st, or at such other times as the Commissioner of Business Regulation may designate. Should a holder of such a nonactive license renewal certificate desire to practice within the State, he shall so notify the board in writing, including a statement of his proposed office location, and except as hereinafter provided, he shall forthwith be issued an active license certificate by the board.

Sec. 116. 32 MRSA § 2423, sub-§ 3, last sentence, as enacted by PL 1973, c. 788, § 156, is amended to read:

~~Said~~ Such active license certificate shall be renewed ~~annually~~ biennially as provided in subsection 1.

Sec. 117. 32 MRSA § 2423, sub-§ 5 is enacted to read:

5. **Notification.** The board shall notify every registered optometrist of the expiration date of his license and indicate the amount of fee required for biennial renewal. Such notice shall be mailed at least 30 days in advance of expiration of such license.

Sec. 118. 32 MRSA § 2424, sub-§ 1, as enacted by PL 1973, c. 788, § 156, is amended by adding at the end a new sentence to read:

When the unexpired license term of an applicant is or will be more than one year at the time of licensure, the board may require the applicant to pay an additional fee not to exceed $\frac{1}{2}$ the biennial renewal fee.

Sec. 119. 32 MRSA § 2424, sub-§ 2, as enacted by PL 1973, c. 788, § 156, is amended to read:

2. **Renewal.** Licenses obtained under this section shall be renewed ~~annually~~ biennially as provided in section 2423.

Sec. 120. 32 MRSA § 2562, first ¶, 3rd sentence, as enacted by PL 1973, c. 374, § 1, is amended to read:

The board shall ~~be required annually to~~ set a biennial reregistration fee for the ensuing ~~year~~ biennium, based on a balance of operating expenses and income factors.

Sec. 121. 32 MRSA § 2562, first ¶, 10th sentence, as enacted by PL 1973, c. 374, § 1, is amended to read:

Such records, or duplicates thereof, shall ~~always~~ be open to inspection in the office of the ~~Secretary of State~~ Commissioner of Business Regulation during regular office hours.

Sec. 122. 32 MRSA § 2563, as enacted by PL 1973, c. 374, § 1, is repealed and the following enacted in place thereof:

§ 2563. Annual reports

Not later than August 1st of each year, the board shall submit to the Commissioner of Business Regulation for the preceding fiscal year ending June 30th an annual report of its operations and financial position, together with such comments and recommendations as the board deems essential.

Sec. 123. 32 MRSA § 2571, as enacted by PL 1973, c. 374, § 1, is amended by adding a new sentence after the 2nd sentence to read:

When the unexpired license term of an applicant is or will be more than one year at the time of licensure, the board may require the applicant to pay an additional fee not to exceed $\frac{1}{2}$ the biennial reregistration fee.

Sec. 124. 32 MRSA § 2572, as enacted by PL 1973, c. 374, § 1, is amended by adding a new sentence before the last sentence to read:

When the unexpired license term of the applicant is or will be more than one year at the time of licensure, the board may require the applicant to pay an additional fee not to exceed $\frac{1}{2}$ the biennial reregistration fee.

Sec. 125. 32 MRSA § 2573, last sentence, as enacted by PL 1973, c. 374, § 1, is repealed and the following enacted in place thereof:

The fee for such certificate shall be $\frac{1}{2}$ the biennial reregistration fee for licensure in effect at that time.

Sec. 126. 32 MRSA § 2575, last sentence, as enacted by PL 1973, c. 374, § 1, is repealed and the following enacted in place thereof:

The fee shall be $\frac{1}{2}$ the biennial reregistration fee for licensure in effect at that time.

Sec. 127. 32 MRSA § 2576, 3rd sentence, as enacted by PL 1973, c. 374, § 1, is repealed and the following enacted in place thereof:

The annual fee for such temporary certificate shall be $\frac{1}{2}$ the biennial reregistration fee for licensure in effect at that time.

Sec. 128. 32 MRSA § 2581, 2nd ¶, as enacted by PL 1973, c. 374, § 1, is repealed and the following enacted in place thereof:

Every osteopathic physician legally licensed to practice in this State shall, biennially on or before December 31st or at such other times as the Commissioner of Business Regulation may designate, pay to the secretary of the board a fee as stipulated by the board not to exceed \$50 for the renewal of his certificate to practice. The secretary of such board shall notify every licensed osteopathic physician of the expiration date of his license, enclose blank forms for application for such renewal, and indicate the amount of fee

required for renewal of his license for a 2-year period. Such notice shall be mailed at least 30 days in advance of the expiration date of such license.

Commencing with the year 1975 and thereafter, each licensed osteopathic physician must furnish annually to such board satisfactory evidence that he has attended in the year preceding at least 50 hours of educational programs devoted to continuing medical education approved by the board. Such required education must be obtained from formalized programs of continuing medical education sponsored by recognized associations, colleges or universities, hospitals, institutes or groups approved by the board. A copy of the current approved list shall be available in the office of the secretary of the board. At least 40% of these credit hours must be osteopathic medical education approved in the rules and regulations established by the board. The board shall have the authority to adjudicate continuing medical education performance in situations of illness, hardship or military service upon written petition by the applicant. The secretary of such board shall send a written notice of the foregoing requirements to each such osteopathic physician, at least 30 days prior to the expiration date of his license, directed to the last known address of such person. If any licensee shall fail to furnish the board evidence of attendance at continuing medical educational programs, as approved by the board, or fails to pay the biennial renewal fee, he shall automatically forfeit his right to practice osteopathic medicine in this State and his license, therefore, shall be cancelled. The secretary of the board may reinstate him upon the presentation of satisfactory evidence of continuing medical education as outlined and approved by the board.

Sec. 129. 32 MRSA § 2854, is repealed and the following enacted in place thereof:

§ 2854. Records and reports

The board shall keep a record of the names of all persons examined and registered, a record of all moneys received and disbursed by such board, a duplicate of which record shall be open to inspection in the office of the Commissioner of Business Regulation. Not later than August 1st of each year, the board shall submit to the Commissioner of Business Regulation for the preceding fiscal year ending June 30th an annual report of its operations and financial position, together with such comments and recommendations as the board deems essential.

Sec. 130. 32 MRSA § 2901, 2nd ¶, as last amended by PL 1971, c. 282, § 13, is repealed and the following enacted in place thereof:

The application for such a permit shall be made on a form to be prescribed and furnished by such board and shall be accompanied by the required fee of \$25. If it is desired to operate, maintain, open or establish more than one apothecary store, separate applications shall be made and separate permits issued for each. When the unexpired term of such permit issued an applicant is more than one year at the time of issuance, the board may require the applicant to pay an additional fee not to exceed $\frac{1}{2}$ the biennial renewal fee for such permits.

Sec. 131. 32 MRSA § 2901, next to the last ¶, as amended by PL 1971, c. 282, § 13, is repealed and the following enacted in place thereof:

Permits issued under this section shall be exposed in a conspicuous place in the apothecary store for which issued. Such permit shall not be transferable, shall expire on January 31st or at such other times as the Commissioner of Business Regulation may designate, following the date of issue and shall be renewed biennially. The biennial renewal fee for such permits shall be \$50.

Sec. 132. 32 MRSA § 2903, as amended by PL 1967, c. 390, § 20, is repealed and the following enacted thereof:

§ 2903. Renewals; fees

Every registered pharmacist and every registered assistant pharmacist who desires to continue to practice pharmacy in this State shall biennially, on or before April 30th or at such other times as the Commissioner of Business Regulation may designate, pay a renewal fee of \$10 to the secretary of the board, in return for which a renewal registration shall be issued. The secretary of the board shall notify everyone registered under this chapter of the date of expiration of his registration and the amount of fee required for its renewal for a 2-year period. Such notice shall be mailed at least 30 days in advance of the expiration date of the registration. If any person shall fail or neglect to procure his annual renewal registration or permit, the board may suspend his original registration and all other privileges conferred by this chapter. Such person in order to regain registration shall be required to pay \$10 in addition to the sum of all fees such person may be in arrears.

Sec. 133. 32 MRSA § 2904, first ¶, last sentence, as enacted by PL 1967, c. 390, § 21, is repealed as follows:

~~Such permit shall be renewed annually~~

Sec. 134. 32 MRSA § 2904, 2nd ¶, as enacted by PL 1967, c. 390, § 21, is repealed and the following enacted in place thereof:

The application for such permit shall be made on a form to be prescribed and furnished by such board and shall be accompanied by a fee of \$100. Such permits shall be renewed biennially on or before August 31st or at such other times as the Commissioner of Business Regulation may designate. The biennial renewal fee shall be \$200. The secretary of the board shall notify every wholesale dealer registered under this chapter of the date of expiration of his permit and the amount of fee required for its renewal for a 2-year period. Such notice shall be mailed at least 30 days in advance of the expiration date of the permit. When a wholesale dealer shall become registered during the first year of the 2-year period, the board may require that the application for such a permit be accompanied by an additional \$100 for the 2nd year of the biennial period.

Sec. 135. 32 MRSA § 3053 is repealed and the following enacted in place thereof:

§ 3053. Refusal to issue or renew; suspension; revocation

The board shall have the power, after hearing, to refuse to issue or renew, or the Administrative Court Judge, as designated in Title 5, chapters 301 to

307, shall have the authority to suspend or revoke the license of any licensed physical therapist or physical therapy aide who has been found guilty of deceit, misconduct, misrepresentation, fraud, incompetence or gross negligence in his practice; has been guilty of fraud or deceit in obtaining his license; has been convicted of violating any state or federal narcotic law; has been convicted, either within or outside the State, of any crime involving moral turpitude, or of any crime in the practice of his profession or of a felony; has treated or undertaken to treat ailments of human beings otherwise than by physical therapy as authorized by this chapter or has undertaken to practice independent of the prescription, direction or supervision of a licensed physician; is addicted to the use of morphine, cocaine or other drugs having similar effect, or uses intoxicants to such extent as to render him unfit to practice physical therapy; or has been declared mentally ill by a court of competent jurisdiction and has not thereafter been lawfully declared sane. The board shall investigate or cause to be investigated all complaints made to it and all cases of noncompliance with or violation of this chapter.

Sec. 136. 32 MRSA § 3054 is enacted to read:

§ 3054. Reports

Not later than August 1st of each year, the board shall submit to the Commissioner of Business Regulation for the preceding fiscal year ending June 30th an annual report of its operations and financial position, together with such comments and recommendations as the board deems essential.

Sec. 137. 32 MRSA § 3102, first sentence, as last amended by PL 1971, c. 598, § 74, is further amended to read:

An applicant for a license to practice as a licensed physical therapist shall submit to the board, at least 30 days before the date of the next quarterly board meeting, an application for examination for licensure to practice physical therapy, which shall be submitted on a form prescribed by the examiners, together with the payment of the ~~required application fee of \$25 plus the current examination fee if applicable~~ fees required by this chapter; evidence verified by oath, that the applicant is at least 18 years of age, is of good moral character, is in good physical and mental health, is a high school graduate and is graduated from a school of physical therapy approved for training physical therapists by the American Physical Therapy Association and the appropriate subcommittee of the American Medical Association or if graduated prior to 1936, the school or course was approved by the American Physical Therapy Association at the time of his graduation.

Sec. 138. 32 MRSA § 3103, as last repealed and replaced by PL 1967, c. 378, § 5, is amended by adding at the end a new sentence to read:

When the unexpired license term of the applicant is or will be more than one year at the time of licensure, the board may require the applicant to pay an additional fee not to exceed $\frac{1}{2}$ the biennial renewal fee.

Sec. 139. 32 MRSA § 3104, first ¶, as last repealed and replaced by PL 1967, c. 378, § 6, is amended by adding at the end a new sentence to read:

When the unexpired license term of an applicant is or will be more than one year at the time of licensure, the board may require the applicant to pay an additional fee not to exceed $\frac{1}{2}$ the biennial renewal fee.

Sec. 140. 32 MRSA § 3105, as amended by PL 1967, c. 378, § 7, is further amended by adding a new sentence after the first sentence to read:

When the unexpired license term of an applicant is or will be more than one year at the time of licensure, the board may require the applicant to pay an additional fee not to exceed $\frac{1}{2}$ the biennial renewal fee.

Sec. 141. 32 MRSA § 3107, as last amended by PL 1967, c. 378, § 8, is repealed and the following enacted in place thereof:

§ 3701. Renewals, fees

Every licensed physical therapist shall apply biennially to the board for an extension of his license and pay a renewal fee of \$20. Licensure that is not so extended biennially before March 31st, or at such other times as the Commissioner of Business Regulation may designate, shall automatically lapse. The board shall notify everyone licensed under this chapter of the date of expiration of his license and the amount of fee required for its renewal for a 2-year period. Such notice shall be mailed at least 30 days in advance of the expiration date of the license. The board may in its discretion reinstate a lapsed licensure upon payment of a late fee of not more than \$10 in addition to the biennial renewal fee.

Sec. 142. 32 MRSA § 3269, sub-§§ 5 and 6, as enacted by PL 1971, c. 591, § 1, are amended to read:

5. **Legal representation.** The power to engage legal counsel, to be approved by the **Commissioner of Business Regulation and the Attorney General**, and investigative assistants of its own choosing, **subject to the approval of the Commissioner of Business Regulation**, to advise the board generally and specifically, to represent the board in any hearings before it and in any appeals taken from a decision of the board;

6. **Salary and duties.** The power to employ, fix the salary of and prescribe the duties of other personnel as the board shall deem necessary, **subject to the approval of the Commissioner of Business Regulation**;

Sec. 143. 32 MRSA § 3269, sub-§ 9, last sentence, as enacted by PL 1971, c. 591, § 1, and as amended by PL 1975, c. 404, § 1, is repealed and the following enacted in place thereof:

Not later than August 1st of each year, the board shall submit to the Commissioner of Business Regulation for the preceding fiscal year ending June 30th an annual report of its operations and financial position, together with such comments and recommendations as the board deems essential.

Sec. 144. 32 MRSA § 3271, first ¶, as enacted by PL 1971, c. 591, § 1, and as amended by PL 1975, c. 404, § 3, is further amended by adding at the end a new sentence to read:

When the unexpired license term of an applicant is or will be more than one year at the time of licensure, the board may require the applicant to pay an additional fee not to exceed $\frac{1}{2}$ the biennial renewal fee.

Sec. 145. 32 MRSA § 3275, as enacted by PL 1971, c. 591, § 1, is amended by adding after the first sentence a new sentence to read:

When the unexpired license term of an applicant is or will be more than one year at the time of licensure, the board may require the applicant to pay an additional fee not to exceed $\frac{1}{2}$ the biennial renewal fee.

Sec. 146. 32 MRSA § 3280, first ¶, first sentence, as enacted by PL 1971, c. 591, § 1, is repealed and the following enacted in place thereof:

On or before the first day of July, 1966, and thereafter, biennially on or before June 30th, or at such other times as the Commissioner of Business Regulation may designate, every physician licensed under this chapter shall register with the Board of Registration in Medicine on forms provided by the board.

Sec. 147. 32 MRSA § 3280, 2nd ¶, first sentence, as enacted by PL 1971, c. 591, § 1, is repealed and the following enacted in place thereof:

At least 30 days before the expiration date of licensure, the board shall mail to each licensee at his last known office address a notice of requirement of re-registration with appropriate forms therefor.

Sec. 148. 32 MRSA § 3407 is enacted to read:

§ 3407. Reports

Not later than August 1st of each year, the board shall submit to the Commissioner of Business Regulation for the preceding fiscal year ending June 30th an annual report of its operations and financial position, together with such comments and recommendations as the board deems essential.

Sec. 149. 32 MRSA § 3503, as amended by PL 1965, c. 234, § 4, is further amended by adding after the first sentence a new sentence to read:

When the unexpired license term of an applicant is or will be more than one year at the time of licensure, the board may require the applicant to pay an additional fee not to exceed $\frac{1}{2}$ the biennial renewal fee.

Sec. 150. 32 MRSA § 3504, as amended by PL 1965, c. 234, § 5, is repealed and the following enacted in place thereof:

§ 3504. Renewal

All licenses issued to master plumbers shall expire biennially on November 30th, or at such other times as the Commissioner of Business Regulation may designate, and may be renewed thereafter for 2-year periods without further examination on payment of a biennial renewal fee of \$80. The board shall notify everyone licensed as master plumbers of the date of expiration of his license and the amount of fee required for its renewal for a 2-year period. Such notice shall be mailed to such person's last known address at least 30 days in advance of the expiration date of the license.

Sec. 151. 32 MRSA § 3505, as last amended by PL 1975, c. 510, § 43, is further amended by adding a new sentence after the first sentence to read:

When the unexpired license term of an applicant is or will be more than one year at the time of licensure, the board may require the applicant to pay an additional fee not to exceed $\frac{1}{2}$ the biennial renewal fee.

Sec. 152. 32 MRSA § 3506, as amended by PL 1965, c. 234, § 8, is repealed and the following enacted in place thereof:

§ 3506. Renewal

All licenses issued to journeyman plumbers shall expire biennially on July 31st, or at such other times as the Commissioner of Business Regulation may designate, and may be renewed thereafter for 2-year periods without further examination on payment of a biennial renewal fee of \$12. The board shall notify everyone licensed as a journeyman plumber of the date of expiration of his license and the amount of fee required for its renewal for a 2-year period. Such notice shall be mailed to such person's last known address at least 30 days in advance of the expiration date of the license.

Sec. 153. 32 MRSA § 3604 is repealed and the following enacted in place thereof:

§ 3604. Reports

Not later than August 1st of each year, the board shall submit to the Commissioner of Business Regulation for the preceding fiscal year ending June 30th an annual report of its operations and financial position, together with such comments and recommendations as the board deems essential.

Sec. 154. 32 MRSA § 3652, last 2 sentences, are amended to read:

Every person licensed to practice podiatry must pay ~~annually~~ **biennially** a renewal license fee of ~~\$5~~ **\$10** on or before **January 31st**, or at such other times as the Commissioner of Business Regulation may designate. If such renewal fee is not paid within ~~3 months~~ **60 days** after the date of notification by the secretary that such fee is due, the license of the person so failing to pay shall be suspended or revoked and shall be reissued only by a majority vote of the examiners and upon payment of a fee of \$10.

Sec. 155. 32 MRSA § 3818 is enacted to read:

§ 3818. Reports

Not later than August 1st of each year, the board shall submit to the Commissioner of Business Regulation for the preceding fiscal year ending June 30th an annual report of its operations and financial position, together with such comments and recommendations as the board deems essential.

Sec. 156. 32 MRSA, last sentence, as enacted by PL 1967, c. 544, § 82, is amended to read:

The board shall be empowered to hire, with the approval of the Commissioner of Business Regulation, 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. 157. 32 MRSA § 3835, first ¶, as enacted by PL 1967, c. 544, § 82 and as amended by PL 1973, c. 220, § 2, is further amended to read:

The board shall have authority to adopt and enforce rules and regulations requiring every person having a license to practice, which is granted by ~~said~~ that board, to pay ~~an annual~~ a biennial registration fee of ~~\$10~~ \$20. ~~Said~~ That fee shall become due on a date fixed by the board, subject to the approval of the Commissioner of Business Regulation.

Sec. 158. 32 MRSA § 3835, 2nd ¶, as enacted by PL 1967, c. 544, § 82, is repealed and the following enacted in place thereof:

The board shall notify every licensed psychologist of the expiration date of his license and indicate the amount of fee required for biennial renewal. Such notice shall be mailed to each person's last known address at least 30 days in advance of expiration date of such license. Failure to pay the biennial renewal fee on or before the expiration date shall automatically suspend the right of any licentiate to practice his profession while delinquent.

Sec. 159. 32 MRSA is enacted to read:

§ 3973. Reports

Not later than August 1st of each year, the board shall submit to the Commissioner of Business Regulation for the preceding fiscal year ending June 30th an annual report of its operations and financial position, together with such comments and recommendations as the board deems essential.

Sec. 160. 32 MRSA § 3989, first sentence, as enacted by PL 1967, c. 344, § 1, is amended to read:

Each partnership or office engaged in or established for the practice of public accounting in the State of Maine shall register biennially with the Maine Board of Accountancy on or before ~~July 1st~~ May 31st, or at such other times as the Commissioner of Business Regulation may designate, ~~annually~~ but no fee shall be charged for such registration.

Sec. 161. 32 MRSA § 3990, as enacted by PL 1967, c. 344, § 1, is repealed and the following enacted in place thereof:

§ 3990. Permits to practice

Permits to engage in the practice of public accounting in this State shall be issued by the board to holders of the certificate of certified public accountant and to holders of the certificate of public accountant, provided all offices of such certificate holder are maintained and registered as required under section 3989. There shall be an initial permit fee in an amount to be determined by the board not to exceed \$25. Permits shall expire biennially on May 31st, or at such other times as the Commissioner of Business Regulation may designate, and may be renewed for a period of 2 years by certificate holders in good standing upon payment of a biennial renewal fee not to ex-

ceed \$50. Reregistration forms shall be mailed by the board to all permit holders at least 30 days in advance of the expiration date. Failure of a certificate holder to apply for such biennial permit to practice within 3 years from the expiration date of the permit to practice last obtained or renewed, or 3 years from the date upon which certificate holder was granted his certificate, if no permit was ever issued to him, shall deprive him of the right to such permit, unless the board in its discretion determines such failure to have been due to an excusable cause. In such case, the biennial renewal fee or the fee for the issuance of the original permit, as the case may be, shall be such amount as the board shall, from time to time, determine, but not in excess of \$50. Any certificate holder whose employment by any government agency prohibits or precludes his practice of public accounting in the State, by application to the board, will be excused from paying the biennial permit fee during such period of employment.

Sec. 162. 32 MRSA § 3991, sub-§ 10, as enacted by PL 1967, c. 344, § 1, is repealed and the following enacted in place thereof:

10. Biennial permit. Failure of a certificate holder in active public practice to obtain a biennial permit under section 3990;

Sec. 163. 32 MRSA § 4002, 2nd ¶, as amended by PL 1975, c. 547, § 6, is further amended to read:

In its discretion the bureau commission may accept, in lieu of the recommendations and statements required under subchapter III, to accompany an application for license, the license issued to a nonresident broker or salesman in another state, upon payment of the license fee and the filing by the applicant with the bureau commission of a certified copy of the applicant's license issued by such other state. A nonresident applicant, if a broker, shall maintain an active place of business in the state in which he is located. Every nonresident applicant shall file an irrevocable consent that actions may be commenced against such applicant in the proper court of any county of this State in which a cause of action may arise or in which the plaintiff may reside, by the service of any process or pleading authorized by the laws of this State on the director of the bureau commission ~~said~~ such consent stipulating and agreeing that such service of such process or pleadings on ~~said~~ the director shall be taken and held in all courts to be as valid and binding as if due service had been made upon ~~said~~ such applicant personally within this State. ~~Said~~ The instrument containing such consent shall be authenticated by the seal thereof, if a corporation, or by the acknowledged signature of a member or officer thereof, if otherwise. All such applications, except from individuals, shall be accompanied by the duly certified copy of the resolution of the proper officers or managing board authorizing the proper officer to execute the same. In case any process or pleadings mentioned in the case are served upon the director of the bureau commission it shall be by duplicate copies, one of which shall be filed in the office of the bureau commission and the other immediately forwarded by registered mail to the main office of the applicant against which ~~said~~ such process or pleadings are directed.

Sec. 164. 32 MRSA § 4004-A, last 2 sentences, as last amended by PL 1975, c. 547, § 7, are further amended to read:

These accounts and records shall be opened to inspection by the ~~bureau commission~~ and its duly authorized agents at the broker's usual place of business during the regular business hours. The broker shall notify the ~~bureau commission~~ within 30 days after opening any such account of the banking institution in which ~~said~~ that account is located and shall authorize the ~~bureau commission~~, in writing, to confirm the balance of the funds held in his trust account with the banking institution in which the trust account is maintained, ~~within one day following~~ during an examination of the broker's records by the ~~bureau commission~~ or its duly authorized agents.

Sec. 165. ~~32 MRSA § 4005, 5th sentence~~, as last amended by PL 1975, c. 547, § 8, is further amended to read:

All fines and penalties over and above the cost of court proceedings shall inure to the ~~bureau commission~~.

Sec. 166. ~~32 MRSA § 4051~~, as repealed and replaced by PL 1975, c. 547, § 9, is amended to read:

§ 4051. Declaration of policy

It is declared to be the policy of the State of Maine that real estate brokers and salesmen shall be supervised by the ~~Board of Real Estate Brokers and Salesmen and the Bureau of Real Estate~~ Real Estate Commission in a manner to insure that they meet standards which will promote public understanding and confidence in the business of real estate.

Sec. 167. ~~32 MRSA § 4051-A~~, as enacted by PL 1975, c. 547, § 10, is repealed and the following enacted in place thereof:

§ 4051-A. Real Estate Commission, organization

There is created the Real Estate Commission, hereinafter referred to as the "commission," to consist of the director of the commission and 4 residents of this State appointed by the Governor, 3 of whom shall have been real estate brokers or salesmen by vocation in this State for at least 5 years immediately prior to their appointment and one of whom shall have no professional or financial connection with the real estate business. Of the members appointed by the Governor, there shall at no time be more than one member from any one county.

Terms of the members appointed by the Governor shall be 4 years, except that of those first appointed, one shall be appointed for a term of one year, one for 2 years, one for 3 years and one for 4 years. A vacancy occurring prior to the expiration of a term shall be filled by an appointment for the unexpired term. The appointed members may be removed by the Governor for cause.

A majority of the members of the commission shall constitute a quorum for a transaction of business under this chapter. The commission shall annually elect a chairman, other than the director, from its members. The commission shall establish guidelines, policies, rules and regulations by which it shall carry out the duties prescribed by this chapter.

The director shall be employed by the commission, with the approval of the Commissioner of Business Regulation and subject to the Personnel Law. The director shall be responsible for the management of the commission's affairs within the guidelines, policies, rules and regulations established by the commission. With the approval of the Commissioner of Business Regulation and subject to the Personnel Law, the commission may employ such clerical assistants, technical assistants and investigators as it deems necessary.

Sec. 168. 32 MRSA § 4052, as last amended by PL 1975, c. 547, § 11, is repealed and the following enacted in place thereof:

§ 4052. Compensation

Each member of the commission appointed by the Governor shall receive as full compensation for each day actually spent on the work of that commission the sum of \$40 and his actual and necessary expenses incurred in the performance of duties pertaining to his office.

Sec. 169. 32 MRSA § 4054, as amended by PL 1975, c. 547, § 13, is further amended to read:

§ 4054. Seal; evidence; inspection of records

The ~~board~~ commission shall adopt a seal with such design as the ~~board~~ commission may prescribe engraved thereon, by which it shall authenticate its proceedings. Copies of all records and papers in the office of the ~~bureau~~ commission, duly certified and authenticated by the seal of ~~said board~~ the commission, shall be received in evidence in all courts equally and with like effects as the original. All records kept in the office of the ~~bureau~~ commission under authority of this chapter shall be open to public inspection as provided in Title 1, section 405, under such rules and regulations as shall be prescribed by the ~~board~~ commission. Copies of such records shall be made available to the public at cost.

Sec. 170. 32 MRSA § 4055, as last amended by PL 1975, c. 547, § 14, is repealed and the following enacted in place thereof:

§ 4055. Disposal of fees; expenses

The fees collected under this chapter shall be paid forthwith by the commission to the Treasurer of State with a detailed statement thereof and shall constitute a fund to be known as the "Real Estate Fund." Such fund shall be kept as a separate account by the Treasurer of State and he shall pay therefrom, upon vouchers signed by the director and approved by the Commissioner of Business Regulation, the cost and expenses of administering this chapter. All of the costs and expenditures of the commission shall be paid only from such fund and in no event shall any payments for the expenses of the commission exceed the amount received by the treasurer from that commission. Any moneys remaining in the Real Estate Fund at the end of the fiscal year shall be carried forward to the credit of that fund for the succeeding year. The commission may, within the moneys available in the Real Estate Fund, defray the cost of an educational program for real estate brokers and salesmen. Such program may entail the dissemination of information pertinent to

the real estate business and material for school curricula. Such program shall be under the direction and supervision of the commission.

Sec. 171. 32 MRSA § 4056, sub-§ 1, first sentence, as amended by PL 1975, c. 547, § 15, is further amended to read:

The ~~board~~ **commission** may in its discretion, and shall, upon the verified complaint in writing of any person, provided such complaint or such complaint together with evidence, documentary or otherwise, presented in connection therewith shall make out a prima facie case, investigate the actions of any real estate broker or real estate salesman, or any person who shall assume to act in either such capacity within this State.

Sec. 172. 32 MRSA § 4056, sub-§§ 2 and 3, as last amended by PL 1975, c. 547, § 16, are further amended to read:

2. **Acts of licensee for which applicant would be refused license.** The Administrative Court Judge shall, in addition, have power, after hearing, to revoke or suspend any license issued under this chapter, at any time, where the licensee performs any act or acts, or offers or attempts or agrees to do any act or acts, for which the ~~board~~ **commission** may lawfully refuse to issue a license to any applicant.

3. **Knowledge of violation.** Any unlawful act or violation of any of the provisions of this chapter by any real estate salesman, employee or partner or associate of a licensed real estate broker shall not be cause for the revocation of a license of such real estate broker, partial or otherwise, unless it shall appear to the satisfaction of the ~~board~~ **commission** that ~~said~~ such employer, partner or associate had guilty knowledge thereof.

Sec. 173. 32 MRSA § 4056, sub-§ 4, as amended by PL 1975, c. 547, § 17, is further amended to read:

4. **Investigations.** The ~~board~~ **commission** shall investigate any possible or alleged violations of this chapter and report its findings to all the parties involved. The ~~board~~ **commission** shall report violations to the office of the Attorney General or the appropriate district attorney for prosecution.

Sec. 174. 32 MRSA § 4056, sub-§ 5, as enacted by PL 1975, c. 160, and as amended by PL 1975, c. 547, § 18, is further amended to read:

5. **Hearings.** The ~~board~~ **commission**, at its hearings required by law, shall have authority to administer oaths and affirmations. Such hearings may be held for purposes of denial of a license or revocation or suspension of a real estate school certificate of approval.

Sec. 175. 32 MRSA § 4057, as amended by PL 1975, c. 547, § 19, is further amended to read:

§ 4057. Publication of list of licensees

The ~~board~~ **commission** shall annually publish a list of the names and addresses of all licensees licensed by it under this chapter and of all persons whose licenses have been suspended or revoked within one year, together with

such other information relative to the enforcement of this chapter as it may deem of interest to the public. Such lists shall be mailed by the ~~bureau~~ **commission** to any licensee and to those whose licenses have been suspended or revoked within one year. Such lists shall be made available to the public at cost.

Sec. 176. 32 MRSA § 4058, as last amended by PL 1975, c. 547, § 20, is further amended to read:

§ 4058. Denial of license; violations

If the ~~board~~ **commission** shall determine that any applicant is not qualified to receive a license, a license shall not be granted to such applicant, and if the Administrative Court Judge shall determine that any licensee is guilty of a violation of any of the provisions of this chapter, the license shall be suspended or revoked.

Sec. 177. 32 MRSA § 4101, as amended by PL 1975, c. 547, § 21, is further amended to read:

§ 4101. Rules and regulations

The ~~board~~ **commission** shall make and enforce rules and regulations connected with the application for any license as shall be deemed necessary to administer and enforce this chapter, subject to the provisions of the Administrative Code, Title 5, Part 6.

Sec. 178. 32 MRSA § 4101-A, as enacted by PL 1973, c. 448, § 2, and as last repealed and replaced by PL 1975, c. 547, § 22, is amended to read:

§ 4101-A. Schools

The ~~board~~ **commission** shall prescribe curricula and standards for educational programs to prepare students for the real estate profession, and shall issue a certificate of approval to such educational programs within the State of Maine as meet the requirements of this chapter and of the ~~board~~ **commission**. At least every 2 years, the ~~board~~ **commission** shall thoroughly review each approved educational program prior to reissuing a certificate of approval for such program. Nothing in this section shall be construed to grant the ~~board~~ **commission** any authority over any such programs conducted by the University of Maine, any other public higher educational institution or any institution authorized by law to grant a degree.

1. **Certificate of approval.** Any educational program to prepare students for the real estate profession shall first obtain a certificate of approval from and thereafter adhere to the prescribed curricula and standards of the ~~board~~ **commission**.

2. **Suspension or revocation.** The ~~board~~ **commission** shall have authority to suspend or revoke the certificate of approval of such a program for violation of this section or for failing to adhere to the prescribed curricula and standards of the ~~board~~ **commission**.

3. **Prohibitions.** It shall be unlawful for such a program to be offered without first procuring a certificate of approval for the program; or, having

obtained a certificate of approval, it shall be unlawful to represent that enrolling in such a program provides any assurance of passing examinations given by the ~~board~~ **commission**. It shall also be unlawful to represent that the issuance of a certificate of approval is a recommendation or endorsement of the educational program.

Sec. 179. 32 MRSA § 4102, as amended by PL 1975, c. 547, § 23, is further amended to read:

§ 4102. License required

It shall be unlawful for any person, partnership, association or corporation to act as a real estate broker or real estate salesman, or to advertise or assume to act as such real estate broker or real estate salesman, without a license issued by the ~~bureau~~ **commission**.

Sec. 180. 32 MRSA § 4102-A, as enacted by PL 1969, c. 312, § 3, and as last amended by PL 1975, c. 547, § 24, is further amended to read:

§ 4102-A. Temporary license in case of death

In the event of the death of a licensed broker, who is the sole proprietor of a real estate business, the ~~bureau~~ **commission** shall, upon application by his legal representative, issue, without examination, a temporary license to such legal representative, or to an individual designated by him and approved by the ~~bureau~~ **commission** and the payment of the prescribed fee of \$15, which shall authorize such temporary licensee to continue to transact ~~said~~ **such** business for a period not to exceed one year from the date of death subject to all other provisions of sections 4001 to 4119, except that such temporary license shall not be renewed.

Sec. 181. 32 MRSA § 4103, sub-§ 1, first ¶, as amended by PL 1975, c. 547, § 25, is further amended to read:

1. Qualifications. An applicant for a real estate broker's or salesman's license shall submit to the ~~bureau~~ **commission** written evidence, verified by oath, that the applicant:

Sec. 182. 32 MRSA § 4103, sub-§ 1, ¶ E, as last amended by PL 1975, c. 547, § 26, is further amended to read:

E. Has a high school education or its equivalent approved by the ~~bureau~~ **commission**. If the applicant is applying for a real estate broker's license, he must in addition have satisfactorily completed an educational course in the field of real estate approved by the ~~board~~ **commission** or been employed as a licensed salesman full-time for at least a year. The conditions of this paragraph shall not be applicable to persons who have held any license from the Maine Real Estate Commission prior to December 31, 1963;

Sec. 183. 32 MRSA § 4103, sub-§ 2, first sentence, as amended by PL 1975, c. 547, § 27, is further amended to read:

Licenses shall be granted only to persons who are trustworthy and competent to transact the business of real estate broker or salesman in such manner as

to safeguard the interests of the public, and only after satisfactory proof has been presented to the ~~board~~ **commission**.

Sec. 184. 32 MRSA § 4103, sub-§ 2, ¶ **A**, as last amended by PL 1975, c. 547, § 27, is further amended to read :

A. Every employee, member or officer of such partnership, association or corporation, who acts as a real estate broker or salesman, is licensed by the ~~board~~ **commission** as a real estate broker or salesman, and

Sec. 185. 32 MRSA § 4103, sub-§ 2, ¶ **B**, as last amended by PL 1975, c. 547, § 27, is further amended to read :

B. The partnership, association or corporation designates one of its officers as its designated broker. The person so designated shall be licensed by the ~~board~~ **commission** as a real estate broker.

Sec. 186. 32 MRSA § 4104, first sentence, as amended by PL 1975, c. 547, § 28, is further amended to read :

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

Sec. 187. 32 MRSA § 4106, 3rd sentence, as amended by PL 1975, c. 547, § 29, is further amended to read :

The ~~bureau~~ **commission**, with due regard to the paramount interests of the public, may require such other proof as shall be deemed desirable as to the honesty, truthfulness, integrity, reputation and competency of the applicant.

Sec. 188. 32 MRSA § 4110, as last amended by PL 1975, c. 294 and c. 547, §§ 30 to 32, is repealed and the following enacted in place thereof :

§ 4110. Examinations

The commission shall require each applicant for a first-time broker's license or a first-time salesman's license or any applicant for a renewal of his broker's or salesman's license who has permitted his license to lapse for more than 2 years since the expiration of the last previous license issued to him to appear in person at such time and place as the commission shall designate for that purpose for a written examination as to his qualifications to act as a broker or salesman and the commission shall collect a fee of \$40 in the case of a broker and \$35 in the case of a salesman. Such fee shall cover the cost of processing the application and providing the examination. If the applicant is approved, the license fee shall be the same as the renewal fee, except the fee shall be ½ if the unexpired license term is less than one year. Such fee shall entitle any applicant for a license to take the examination which is next given by the commission without additional charge should the applicant fail to pass the first examination and the fee for a broker's license shall be reduced by \$5 for each 6 months remaining on an applicant's unexpired salesman's license. The commission shall retain the fee irrespective of whether or not the examination is taken or passed. After an applicant has failed his examination twice,

he shall be required to refile as an original applicant, pay the above fee and wait at least 6 months before taking another examination.

Sec. 189. 32 MRSA § 4111, last sentence, as amended by PL 1975, c. 547, § 33, is further amended to read:

Before refusing to issue any license, the ~~bureau~~ **commission** shall set the application down for a hearing and determination by the ~~board~~ **commission**.

Sec. 190. 32 MRSA § 4112, first 2 sentences, as last amended by PL 1975, c. 547, § 34, are further amended to read:

The ~~bureau~~ **commission** shall issue to each licensee a license in such form and size as shall be prescribed by the ~~board~~ **commission**. Each license shall have imprinted thereon the seal of the ~~board~~ **commission** and in addition shall contain such matter as shall be prescribed by the ~~board~~ **commission**.

Sec. 191. 32 MRSA § 4223, as amended by PL 1975, c. 547, § 35, is further amended to read:

§ 4113. Pocket cards

The ~~bureau~~ **commission** shall prepare and deliver to each licensee a pocket card, which card among other things shall contain an imprint of the seal of the ~~board~~ **commission** and shall certify that the person whose name appears thereon is a licensed real estate broker or real estate salesman, as the case may be; and if it is a real estate salesman's card, it shall contain the name and address of his employer. The matter to be printed on such pocket card, except as herein set forth, shall be prescribed by the ~~board~~ **commission**.

Sec. 192. 32 MRSA § 4115, as last amended by PL 1975, c. 547, § 35, is repealed and the following enacted in place thereof:

§ 4115. Expiration; renewals; revocation

Licenses shall expire on June 30th, or at such other times as the Commissioner of Business Regulation may designate, of each biennial period for which it was issued, except those licenses issued under section 4102-A. The commission shall issue a new pocket card for each ensuing biennial period in the absence of any reason or condition which might warrant the refusal of granting a license, upon receipt of the written request of the applicant and the biennial fee therefor. Licenses which have not been renewed must be returned to the commission by certified mail not later than 30 days after expiration. The revocation or expiration of a broker's license shall automatically suspend every real estate salesman's or broker's license granted to any person by virtue of his employment by the broker whose license has been revoked, pending a change of employer and the issuance of a new license. Such new license shall be issued without charge if granted during the same biennial period in which the original was granted.

Sec. 193. 32 MRSA § 4115-A, first sentence, as enacted by PL 1973, c. 729, § 7, and as amended by PL 1975, c. 547, § 37, is further amended to read:

The ~~bureau~~ **commission** is authorized, for implementation and administration of biennial licensing, to issue licenses for less than a 2-year term.

Sec. 194. 32 MRSA § 4117, 2nd ¶, as last amended by PL 1975, c. 547, § 38, is further amended to read:

Notice in writing shall be given to the **bureau commission** by each licensee of any change of principal business location no later than 10 days after the change of such location, whereupon the **bureau commission** shall issue a new license for the unexpired period for a fee of \$5. In the event such notice is not given before ~~said~~ that date, the **bureau commission** shall issue the new license for the unexpired period for a fee of \$10.

Sec. 195. 32 MRSA § 4118, as amended by PL 1975, c. 547, § 39, is further amended to read:

§ 4118. Termination of employment

When any real estate salesman shall be discharged or shall terminate his employment with the real estate broker by whom he is employed, it shall be the duty of such real estate broker to immediately deliver or mail by certified mail to the **bureau commission** such real estate salesman's license. The real estate broker shall, at the time of mailing such real estate salesman's license to the **bureau commission**, address a communication to the last known residence address of such real estate salesman, which communication shall advise such real estate salesman that his license has been delivered or mailed to the **bureau commission**. A copy of such communication to the real estate salesman shall accompany the license when mailed or delivered to the **bureau commission**. It shall be unlawful for any real estate salesman to perform any of the acts contemplated by this chapter, either directly or indirectly, under authority of ~~said~~ such license from and after the date of receipt of ~~said~~ such communication advising him that his license has been delivered or mailed to the **bureau commission**. Prompt notice in writing within 10 days shall be given to the **bureau commission** by any real estate salesman of a change of employer, and of the name of the new employer into whose service such salesman is about to enter or has entered, and a new license shall thereupon be issued by the **bureau commission** to such salesman for the unexpired term of the original license, provided such new employer shall be a duly licensed real estate broker. The salesman shall pay a transfer fee of \$5 for such new license. Another license shall not be issued to such real estate salesman until he shall return his former pocket card to the **bureau commission** or shall satisfactorily account to it for the same. No more than one license shall be issued to any real estate salesman for the same period of time.

Sec. 196. 32 MRSA § 4118-B, **first sentence**, as last amended by PL 1975, c. 547, § 40, is further amended to read:

Any member of a partnership or association or officer or director of a corporation licensed under this chapter who does not desire to do, or perform, any of the acts or services enumerated in section 4001, subsections 1, 3 and 4, and any registered broker or salesman who is a resident of Maine who desires to preserve his registration during a period while not engaged as a broker or salesman, may surrender his license to the **bureau commission** which shall hold ~~said~~ such license until such time as the licensee shall apply for reinstatement to active status.

Sec. 197. 32 MRSA § 4190-A is enacted to read:

§ 4190-A. Reports

Not later than August 1st of each year, the board shall submit to the Commissioner of Business Regulation for the preceding fiscal year ending June 30th an annual report of its operations and financial position, together with such comments and recommendations as the board deems essential.

Sec. 198. 32 MRSA § 4196, as enacted by PL 1969, c. 590, § 65, is amended by adding at the end a new sentence to read:

When the unexpired term of registration of an applicant is or will be more than one year at the time of licensure, the board may require the applicant to pay an additional fee not to exceed $\frac{1}{2}$ the biennial renewal fee.

Sec. 199. 32 MRSA § 4197, first ¶, as enacted by PL 1969, c. 590, § 65, is repealed and the following enacted in place thereof:

The board shall have the power to refuse to issue or renew, or the Administrative Court Judge, as designated by Title 5, chapters 301 to 307, shall have the authority to suspend or revoke the registration of a registered or associate social worker for any of the following reasons:

Sec. 200. 32 MRSA § 4197, next to the last ¶, as enacted by PL 1969, c. 590, § 65, is amended to read:

If after such hearing, 4 or more members of the board vote in favor of finding the accused guilty, the board ~~shall revoke~~ may suspend the certificate of registration of such registered or associate social worker until the case can be heard by the Administrative Court Judge.

Sec. 201. 32 MRSA § 4198, first ¶, as enacted by PL 1969, c. 590, § 65, is repealed and the following enacted in place thereof:

Certificates of registration shall expire biennially on November 30th, or at such other times as the Commissioner of Business Regulation may designate, and shall become invalid on that date unless renewed. The board shall notify every registered social worker of the date of expiration of his certificate and the amount of fee required for its renewal for a 2-year period. Notice shall be mailed to such person's last known address at least 30 days in advance of the expiration date of such certificate. The biennial fee for renewal of registration shall be set by the board in an amount not to exceed \$20 and shall be due and payable on or before the expiration date. The failure of any registrant to renew his certificate before expiration shall not deprive such person of the right of renewal, but the fee to be paid for the renewal certificate after the expiration date shall be increased 20% for each month or fraction thereof that payment for renewal is delayed. The maximum fee for delayed renewal shall not exceed the normal biennial renewal fee.

Sec. 202. 32 MRSA § 4198, last ¶, as enacted by PL 1969, c. 590, § 65, is amended to read:

A person registered under this chapter may, upon request, be placed in an inactive status category without fees, and may be reinstated to active status by paying the fees for the current ~~year~~ biennium.

Sec. 203. 32 MRSA § 5011, 3rd sentence, as enacted by PL 1975, c. 490, is repealed and the following enacted in place thereof:

Not later than August 1st of each year, the board shall submit to the Commissioner of Business Regulation for the preceding fiscal year ending June 30th an annual report of its operations and financial position, together with such comments and recommendations as the board deems essential.

Sec. 204. 32 MRSA § 5013, 3rd sentence, as enacted by PL 1975, c. 490, is amended to read:

Should the applicant fail to remit the remaining balance within 30 days after being notified by ~~registered~~ mail that his application has been accepted, he shall forfeit the right to have a license so issued and ~~said~~ that applicant may be required to again submit an original application and upon payment of an original fee.

Sec. 205. 32 MRSA § 5015, as enacted by PL 1975, c. 490, is repealed and the following enacted in place thereof:

§ 5015. Expiration and renewal of license

Licenses shall expire on January 31st, or at such other times as the Commissioner of Business Regulation may designate, 2 years following their issuance or renewal and shall become invalid on that date unless renewed. It shall be the duty of the secretary of the board to notify, at his last registered address, every person registered under this chapter of the date of the expiration of his license and the amount of the fee that shall be required for its renewal for 2 years, such notice to be mailed at least 30 days in advance of the date of the expiration of such license. The board shall fix the biennial renewal fee for licenses, which fee shall not exceed the sum of \$25 for 2 years. Renewal of licenses for the following 2 years may be effected at any time during the month of expiration of the year in which such license is due for renewal by payment of the biennial renewal fee fixed by the board. Such license may also be renewed within the ensuing 3 months by payment of an additional fee of \$2 per month, or fraction thereof, that the fixed renewal is delayed beyond the month of expiration. The board shall make an exception to the foregoing renewal provision in the case of a person who is in the Armed Services of the United States.

Sec. 206. 32 MRSA § 5018, first and 6th ¶¶, as enacted by PL 1975, c. 490, are amended to read:

The board shall have the power to ~~revoke or suspend~~ refuse to issue or renew, or the Administrative Court Judge, as designated by Title 5, chapters 301 to 307, shall have the authority to suspend or revoke the license of a registered professional forester who has been found guilty by the board of any deceit, misconduct, misrepresentation, fraud, incompetence or gross negligence in his practice, or has been guilty of any fraud or deceit in obtaining his registration or certification, or aids or abets any person alleged to have been defrauded in the violation of any provisions of this chapter or fails in any material respect to comply with the ~~provision~~ provisions of this chapter.

If, after such hearing, 3 or more members of the board vote in favor of finding the accused guilty, the board ~~shall~~ may suspend or ~~revoke~~ the license

of such registrant until the case can be heard by the **Administrative Court Judge**.

Sec. 207. 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 bureaus, boards and 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 bureaus, boards and 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 bureaus, boards and commissions referred to in this Act shall continue in force and effect on the effective date of this Act.

4. **Funds, equipment, property and records.** All funds, equipment, property and records of the bureaus, boards and commissions to be relocated under this Act to the Department of Business Regulation strictly as a result of the reorganization effort, shall, notwithstanding the Revised Statutes, 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 creates a licensing division within the Department of Business Regulation. The licensing division will have responsibility for processing and issuing licenses and license renewals upon authorization of the respective bureaus, boards and commissions within the department as well as maintaining a central register of individuals in each profession, occupation and industry for planning and administrative purposes. No discretionary, statutory, regulatory or licensing authority is removed from any bureau, board or commission and each shall continue to administer and regulate its respective profession, occupation or industry.

The licenses of the bureaus, boards and commissions within the department shall be renewed biennially at twice the current annual rate, with the commissioner having the authority to stagger renewal dates and to implement and administer biennial licensing and programs for each bureau, board and commission.

Annual reports required of any bureau, board or commission shall be submitted to the commissioner for his review and then compiled into a single document for submission to the Governor.

This bill was prepared pursuant to Public Law 1975, chapter 556.

This bill was supported by the Governor in his legislative call to the Special Session of the 107th Legislature.

In addition to the text of this Act, the following table is provided as a part of Statement of Fact to aid in locating provisions of the law as they pertain to particular bureaus, boards and commissions:

	Section in L.D.
Administrative Code	1-2
Boxing	3
Horse Racing	4-10
Motor Vehicle Financing	11
Home Repair Financing	12-14
Insurance Premium Financing	15
Consumer Credit Code	16-17
Department of Business Regulation	18
Insurance	19-31
Administrators Of Medical Care Facilities Other Than Hospitals	32-35
Architects	36-40
Barbers	41-50
Chiropractors	51-55
Collection Agencies	56
Dealers in Securities	57-61
Negotiable Checks and Money Orders	62
Dentists and Dental Hygienists	63-66
Electricians	67-75
Engineers	76-79
Funeral Directors and Embalmers	80-82
Hairdressers	83-89
Land Surveyors	90-94
Arborists	95-100

	Section in L.D.
Nurses	101-108
Oil Burner Men	109-111
Optometrists	112-119
Osteopaths	120-128
Pharmacists	129-134
Physical Therapists	135-141
Physicians and Surgeons	142-147
Plumbers	148-152
Podiatrists	153-154
Psychologists	155-158
Accountants	159-162
Real Estate Brokers and Salesmen	163-196
Social Workers	197-202
Foresters	203-206
Transitional Provisions	207