

MAINE STATE LEGISLATURE

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ONE HUNDRED AND EIGHTH LEGISLATURE

Legislative Document

No. 1969

H. P. 1908

Office of the Clerk of the House

Governor's Bill. The Committee on Business Legislation suggested.

EDWIN H. PERT, Clerk

Presented by Mrs. Boudreau of Portland

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-EIGHT

**AN ACT to Facilitate Central Licensing and Concerning Membership on the Maine Athletic
Commission.**

Emergency preamble. Whereas, Acts of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, there is a need to facilitate uniform automated licensing as soon as the system is operable; and

Whereas, the legislation encompassed in this bill would be necessary before any automated issuance of licenses could occur; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

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

Sec. 1. 8 MRSA § 101, as last amended by PL 1977, c. 160, § 1, is repealed and the following enacted in its place:

§ 101. Commission

The Maine Athletic Commission, as heretofore established and hereinafter in this chapter called the "commission," shall consist of 5 members who shall be appointed for terms of 3 years by the Commissioner of Business Regulation, with the advice and consent of the Governor. The members may be removed by the Governor for just cause. Each

member of the commission shall receive a salary of \$1,000 a year and his reasonable expenses, including transportation, incurred in the performance of his duties. Any vacancy shall be filled by appointment for the unexpired term. The members shall serve until their successors are appointed and qualified. Four members shall be persons interested in and familiar with athletics and one member shall be from the public.

Sec. 2. 24 MRSA § 2313, first ¶, last sentence, as amended by PL 1973, c. 585, § 12, is repealed and the following enacted in its place:

The license, when granted, shall expire thereafter biennially on January 1st or at those times which the Commissioner of Business Regulation shall designate and may be renewed so long as the superintendent shall be satisfied of the licensee's integrity, competence, authority and responsibility to provide the service stipulated.

Sec. 3. 24-A MRSA § 1532, sub-§ 2, first sentence, as enacted by PL 1969, c. 132, § 1, is amended to read:

An initial license as a life agent or a general lines' agent shall be for a term of one year and shall not be subject to renewal, continuance or reissuance.

Sec. 4. 24-A MRSA § 1532, sub-§ 3, first sentence, as amended by PL 1973, c. 585, § 12, is further amended to read:

An agent license, other than initial license as life agent or general lines' agent, shall continue in force on a biennial basis subject to the biennial expiration date while there is in effect as to the licensee, as shown by the superintendent's records, an appointment or appointments as agent of authorized insurers covering collectively all the kinds of insurance included in the agent's license.

Sec. 5. 24-A MRSA § 4124, as last amended by PL 1973, c. 625, § 155, is repealed and the following enacted in its place:

§ 4124. Biennial license

Societies which are now authorized to transact business in this State may continue such business until the first day of January, 1970. The authority of these societies and all societies hereafter licensed may thereafter be renewed biennially but in all cases to terminate on the first day of the succeeding July or at those other times which the Commissioner of Business Regulation shall designate. A license so issued shall continue in full force and effect until the new license is issued or specifically refused. For each license or renewal, the society shall pay the superintendent a fee which shall be the same as for an insurer as provided in section 601. A duly certified copy or duplicate of such license shall be prima facie evidence that the licensee is a fraternal benefit society within the meaning of this chapter.

Sec. 6. 32 MRSA § 2001, as last amended by PL 1975, c. 575, § 27, is further amended by inserting before the first paragraph the following:

There is created and established the Arborist Examining Board within the Department of Business Regulation to carry out this chapter.

Sec. 7. 32 MRSA § 2003, first sentence, as amended by PL 1965, c. 226, § 72-A, is further amended to read:

The ~~director of the board~~ Central Licensing Division shall compile and maintain a complete and up-to-date list of all licensed arborists in the State.

Sec. 8. 32 MRSA § 2003, as last amended by PL 1977, c. 360, § 25, is further amended by adding at the end the following new paragraph:

No 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 together with such comments and recommendations as the board deems necessary.

Sec. 9. 32 MRSA §§ 2953 - 2957 are repealed and the following enacted in their place:

§ 2953. License; application

Application for an itinerant photographer's license shall be made by a person of legal age, in writing upon a form prescribed by the Department of Business Regulation. In the case of a person, the application shall contain the name, age, residence and address, and the name and address of the principal place of business of his employer or principal. In the case of a corporation, the application shall contain the name, address of principal place of business and names of the officers, and shall state that it does not have a regularly established business within the State and any other information which the commissioner may prescribe. The license fee shall be paid when the application is filed. Upon complaint of any person to the commissioner that any other person, firm or corporation is in the business of photography without having a regularly established place of business within the State, the commissioner shall make inquiry and the person, firm or corporation complained of shall forthwith notify the commissioner as to the location of the claimed regularly established place of business.

§ 2954. — fees

Any person who practices the profession of an itinerant photographer in this State, whether as principal, agent or servant, and whether engaged in soliciting or in one or more of the operations involved in the making of photographic pictures or reproductions, shall obtain a license as provided, paying therefor a biennial fee of \$200. This license shall be issued by the commissioner. Each license shall contain a statement of the name, place of residence and address of the licensee, and any additional information which the commissioner may prescribe.

§ 2955. — refusal and revocation

The commissioner shall have the right to refuse or revoke a license pursuant to Title 4, chapter 25, when the applicant has been convicted of a felony or when the applicant has been convicted of fraudulent or deceptive practices.

§ 2956 — expiration

Each license granted under this chapter shall be renewed biennially or at such other times as the commissioner may designate. The department, under this chapter, shall notify everyone registered of the date of expiration of his license and the amount of the fee required for its renewal for a 2-year period. These notices shall be mailed to the individual's last known address at least 30 days in advance of the expiration date of the license.

§ 2957. Signature of commissioner

A license to practice as an itinerant photographer shall not be valid unless signed by the commissioner or his designee and no license shall be issued or granted by the officials of

any municipality to any person who has not received a license issued by the commissioner according to this chapter.

Sec. 10. 32 MRSA § 4113, as last amended by PL 1975, c. 767, § 75, is repealed and the following enacted in its place:

§ 4113. Pocket cards

The commission may prepare and deliver to each licensee a pocket card, which among other things 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 of the real estate broker by whom he is employed.

Emergency clause. In view of the emergency cited in the preamble, this Act shall take effect when approved.

STATEMENT OF FACT

This bill brings the Maine Athletic Commission membership up to 5, which would allow for a member to be from the public and at the same time allow decisions to be made by a majority vote as is done now. Also, 2 new members are needed to adequately administer the new wrestling rules and regulations, together with boxing. This bill also brings boards and bureaus into uniformity for licensing, and changes the authority for itinerant photographers' licenses from the Secretary of State to the Department of Business Regulation. The legal age has been stated for photographers, plus a change incorporating the Maine Administrative Procedure Act, and grounds for revocation have been clarified. There is a change in the Bureau of Insurance legislation to clarify the fact that in the original amendment general lines agent was omitted.