

# MAINE STATE LEGISLATURE

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L.D. 1580  
(Filing No. S-198)

STATE OF MAINE  
SENATE  
111TH LEGISLATURE  
FIRST REGULAR SESSION

COMMITTEE AMENDMENT " B " to S.P. 541,  
L.D. 1580, Bill, "AN ACT Affecting the Organization  
of the Department of Business Regulation."

Amend the Bill in section 3 by striking out all  
of the amending clause and inserting in its place the  
following:

'Sec. 3. 8 MRSA §144, as enacted by PL 1983, c.  
413, §2, is repealed and the following enacted in its  
place:'

Further amend the Bill in section 3 in the first  
line after the amending clause (page 2, line 17 in  
L.D.) by striking out the underlined symbol, figure  
and punctuation "§104." and inserting in their place  
the following: '§144.'

Further amend the Bill by striking out all of  
sections 4 to 14 and inserting in their place the  
following:

'Sec. 4. 8 MRSA §146, as enacted by PL 1983, c.  
413, §2, is amended to read:

§146. Jurisdiction

1. Boxing. The commission shall have the sole  
direction, control and jurisdiction over all boxing  
contests and exhibitions, except that it shall have  
no jurisdiction over any amateur intercollegiate,  
interscholastic or intramural boxing contest or  
exhibition conducted under the direct auspices of a  
school, college or university.

No boxing contests or exhibitions, except as provided  
in this chapter, may be held or conducted within this

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1 State unless the contest or exhibition is properly  
2 licensed by the commission and conducted in accord-  
3 dance with this chapter and the rules adopted pur-  
4 suant to this chapter, nor shall any closed circuit  
5 television showing of a boxing contest or exhibition  
6 be conducted, except under a license issued by the  
7 commission.

8 2. Wrestling. The commission shall have the  
9 sole direction, control and jurisdiction over all  
10 professional wrestling matches, shows or exhibitions.

11 No professional wrestling match, show or exhibition  
12 may be held or conducted within this State unless the  
13 match, show or exhibition is licensed by the commis-  
14 sion and conducted in accordance with this chapter  
15 and the rules adopted pursuant to this chapter, nor  
16 may any closed circuit television showing of a pro-  
17 fessional wrestling match, show or exhibition be con-  
18 ducted, except under a license issued by the commis-  
19 sion.

20 Sec. 5. 8 MRSA §148, sub-§§1 to 3, as enacted by  
21 PL 1983, c. 413, §2, are amended to read:

22 1. Persons to whom licenses may be issued. The  
23 commission may issue, in its discretion, a license  
24 for a term of one year from date of issuance to any  
25 person, club, association or corporation, who or  
26 which is properly qualified, to promote and conduct  
27 boxing contests and exhibitions in accordance with  
28 this chapter and the rules adopted pursuant to this  
29 chapter. All persons engaged in such boxing contests  
30 and exhibitions as boxers, seconds, managers,  
31 timekeepers, knockdown timekeepers, referees, judges  
32 and physicians shall be licensed by the commission in  
33 a like manner. A closed circuit boxing license may  
34 be issued by the commission to any person who is  
35 properly qualified therefor, which will entitle him  
36 to engage in the showing of boxing contests or  
37 exhibitions by closed circuit television.

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1           2. Application for license. Each applicant for  
 2 a promoter's license or a closed circuit boxing or  
 3 wrestling license shall specify the location for  
 4 which the license is desired, and each promoter's li-  
 5 cense, when issued, shall be limited to that speci-  
 6 fied location. No license issued under this section,  
 7 other than a promoter's license or a closed circuit  
 8 event license, may be limited to a specified loca-  
 9 tion.

10           3. Fee for license. The commission may, in its  
 11 discretion, fix the fee for each promoter's license  
 12 at a figure between ~~\$10 and \$100~~ \$25 and \$50 for a  
 13 license to promote amateur events and a figure  
 14 between \$50 and \$100 for a license to promote profes-  
 15 sional events, depending upon the probable income of  
 16 the licensee to be derived from the conducting of the  
 17 boxing contests and exhibitions. The fee for a li-  
 18 cense for closed circuit events shall be \$50. The  
 19 commission may, ~~in its discretion by rule~~, fix the  
 20 fees for all other licenses issued under this section  
 21 at a figure between \$5 and ~~\$15~~ \$25. When application  
 22 by a fraternal, charitable or patriotic organization  
 23 for a license to promote and conduct amateur boxing  
 24 contests or exhibitions is made to the commission, it  
 25 may grant the license without the requirement of the  
 26 payment of a license fee.

27           Sec. 6. 8 MRSA §149, as enacted by PL 1983, c.  
 28 413, §2, is amended to read:

29           §149. Wrestling licenses

30           The commission may, ~~in its discretion and in ac-~~  
 31 cordance with this chapter and the rules adopted pur-  
 32 suant to this chapter, issue a license for a term of  
 33 one year, to any person, club, association or corpo-  
 34 ration who or which is properly qualified, to conduct  
 35 professional wrestling matches, shows or exhibitions.  
 36 The commission may, in its discretion, fix the fee  
 37 for the license at a figure between ~~\$10~~ \$50 and \$100,  
 38 depending upon the probable income of the licensee to

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1 be derived from the conducting of professional  
2 wrestling matches, shows or exhibitions. A closed  
3 circuit wrestling license may be issued by the com-  
4 mission for a term of one year to any person who is  
5 properly qualified therefor which will entitle him to  
6 engage in the showing of professional wrestling  
7 matches, shows or exhibitions by closed circuit tele-  
8 vision. The fee for a closed circuit wrestling li-  
9 cence shall be \$50, and the license may be suspended  
10 or revoked by the Administrative Court for any viola-  
11 tion of this chapter or the rules of the commission.

12 All persons engaging in professional wrestling  
13 matches, shows or exhibitions as wrestlers shall be  
14 licensed by the commission in a like manner. The fee  
15 for a license is \$5. The commission may by rule  
16 establish a fee for the licenses in an amount not to  
17 exceed \$25 per year. Upon the application for a li-  
18 cence as enumerated, the chairman of the commission  
19 shall in his discretion temporarily issue or refuse  
20 to issue the license. The commission shall consider  
21 the matter at its regular meeting and rule upon the  
22 issuance or denial of the license.

23 Sec. 7. 8 MRSA §150, first ¶, as enacted by PL  
24 1983, c. 413, §2, is amended to read:

25 No foreign copromoter, meaning a promoter who has  
26 no place of business within the State, may directly  
27 or indirectly participate in the promotion of or  
28 receive any remuneration from or render any services  
29 in connection with any boxing contest or exhibition,  
30 or any professional wrestling match, show or exhibi-  
31 tion held within the State, unless he first has been  
32 granted a permit by the commission. No promoter may  
33 be associated with any foreign copromoter in promot-  
34 ing any boxing contest or exhibition, unless the fore-  
35 ign copromoter has first secured a permit. That  
36 permit shall expire one year from date of issue and  
37 the fee shall be fixed by the commission at a figure  
38 between \$10 and \$100, depending upon the probable  
39 income of the applicant for a permit to be derived

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1 ~~from the conducting of the boxing or wrestling event-~~  
2 Permits for foreign copromoters shall be issued in  
3 the same manner as provided in section 148, subsec-  
4 tion 2, and section 149, for licenses to promote ama-  
5 teur or professional boxing or wrestling, and the  
6 fees for these permits shall be the same as those  
7 established by the commission for these licenses.

8 Sec. 8. 8 MRSA §152, first 2 ¶¶, as enacted by  
9 PL 1983, c. 413, §2, are amended to read:

10 The promoter or promoters of all boxing contests  
11 or exhibitions and all professional wrestling  
12 matches, shows or exhibitions held under this chapter  
13 shall pay to the Treasurer of State, for credit to  
14 the ~~General Fund~~ Athletic Commission Fund, a tax of  
15 ~~3%~~ 5% of the gross receipts from the contest or  
16 exhibition. This section shall apply to all boxing  
17 contests or exhibitions which are shown over closed  
18 circuit television.

19 On the day on which the contest or exhibition is  
20 held, the promoter or promoters shall either tender  
21 the tax to the commissioner in attendance, or provide  
22 a surety bond acceptable to the commission in the  
23 amount of \$5,000 payable to the Treasurer of State  
24 and conditioned for payment of the tax and any pen-  
25 alties imposed under this section. This tax shall  
26 have been paid to the Treasurer of State within 15  
27 days of the date on which the contest or exhibition  
28 is held, in the event a bond is provided. Upon fail-  
29 ure to pay the tax to the Treasurer of State, the  
30 promoter or promoters shall be liable to pay a pen-  
31 alty of 25% of the amount of the tax due, which pen-  
32 alty and the tax due shall be recovered by a civil  
33 action upon the bond brought in the name of the com-  
34 mission, and the penalty and the tax due shall be  
35 paid to the Treasurer of State to be credited to the  
36 ~~General Fund~~ Athletic Commission Fund.

37 Further amend the Bill in section 15 in the  
38 first, 2nd and 3rd lines from the end (page 9, lines

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1 35 to 37 in L.D) by striking out all of the last  
2 underlined sentence.

3 Further amend the Bill by striking out all of  
4 section 16.

5 Further amend the Bill in section 23 in that part  
6 designated "§9084." by striking out all of the 4th  
7 paragraph (page 17, lines 32 to 37 in L.D.) and  
8 inserting in its place the following:

9 'Upon the written request of the board, the  
10 Department of Human Services, Division of Health  
11 Engineering shall provide such technical services as  
12 may be required by the board to assist with inspec-  
13 tions and licensing of new mobile home parks. The  
14 department may assess the mobile home park owner a  
15 reasonable fee for these services.'

16 Further amend the Bill by striking out all of  
17 section 32 and inserting in its place the following:

18 'Sec. 32. 32 MRSA §1151, first paragraph, as  
19 repealed and replaced by PL 1983, c. 413, §34, is  
20 amended to read:

21 The Electricians' Examining Board, as established  
22 and in this chapter called the "board," shall consist  
23 of 6 members appointed by the Governor, called the  
24 "appointive members," and an executive secretary, who  
25 shall be the Commissioner of Business Regulation or a  
26 representative appointed by the commissioner with the  
27 approval of at least 4 of the appointive members.'

28 Further amend the Bill by striking out all of  
29 section 36 and inserting in its place the following:

30 'Sec. 36. 32 MRSA §1451, as repealed and  
31 replaced by PL 1983, c. 413, §57, is amended to read:

32 §1451. Board; powers and duties

## COMMITTEE AMENDMENT " B " to S.P. 541, L.D. 1580

1           The State Board of Funeral Service, and in this  
2 chapter called the "board," shall consist of ~~8~~ 7 mem-  
3 bers, ~~one of whom shall be the commissioner, who~~  
4 ~~shall be the secretary of the board,~~ 6 of whom shall  
5 be persons licensed for the practice of funeral ser-  
6 vice for 10 consecutive years or who have had 10 con-  
7 secutive years' experience as an embalmer or funeral  
8 director in this State immediately preceding their  
9 appointment, and one of whom shall be a representa-  
10 tive of the public. Members, ~~other than the commis-~~  
11 ~~sioner,~~ shall be appointed by the Governor for a term  
12 of 4 years, except that no more than 2 members' terms  
13 may expire in any one calendar year and appointments  
14 for terms of less than 4 years may be made in order  
15 to comply with this limitation. Upon expiration of  
16 a member's term, he shall serve until his successor  
17 is qualified and appointed. The successor's term  
18 shall be 4 years from the date of the expiration,  
19 regardless of the date of his appointment. Any  
20 vacancy in the board shall be filled by appointment  
21 of a person, qualified as was the board member being  
22 replaced, to hold office during the unexpired term.  
23 No person may be eligible to serve more than 2 full  
24 consecutive terms, provided that for this purpose  
25 only a period actually served which exceeds 1/2 of  
26 the 4-year term shall be deemed a full term. A board  
27 member may be removed by the Governor for cause.

28           The board may adopt rules consistent with law  
29 governing the care, preparation, transportation, cre-  
30 mation, burial or disposition of dead human bodies,  
31 and governing funeral service, including licensing  
32 and registration of resident trainees. These rules  
33 shall not become effective, unless adopted in con-  
34 formity with the Maine Administrative Procedure Act,  
35 Title 5, chapter 375, subchapter II.

36           The board shall meet at least once a year to con-  
37 duct its business and elect its officers. Additional  
38 meetings shall be held as necessary to conduct the  
39 business of the board, and may be convened at the  
40 call of the chairman or a majority of the board mem-

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1 bers. Five members of the board shall constitute a  
2 quorum for all purposes.

3 The members of the board shall each receive \$20 a  
4 day and expenses while engaged in the business of the  
5 board. The secretary shall receive actual expenses  
6 while engaged in the business of the board.

7 The secretary of the board shall be the treasurer  
8 and shall receive all fees, charges and assessments  
9 payable to the board, and account for and pay over  
10 the fees, charges and assessments according to law.

11 The secretary of the board shall keep a record of  
12 all proceedings, issue all notices, certificates of  
13 registration and licenses, attest all such papers and  
14 orders as the board shall direct, and cause inspec-  
15 tions to be made at least once every 3 years of all  
16 establishments or places of business of any person  
17 engaged in the profession of funeral service in the  
18 State and perform such other duties as shall be des-  
19 ignated by the board. The inspection shall be for the  
20 purpose of determining that these establishments and  
21 places are maintained in a clean and sanitary manner  
22 and that suitable equipment for their proper conduct  
23 is maintained and that the laws and the regulations  
24 of the board and of the Department of Human Services  
25 relating to the conduct of these establishments are  
26 observed. The board may employ one or more inspectors  
27 to carry out the duties of inspection imposed by this  
28 section, and the inspection may be made by members of  
29 the board upon authorization by the board, and may  
30 otherwise enter into contracts to carry out its  
31 responsibilities under this chapter.

32 The board may enter into reciprocal agreements  
33 with corresponding boards of other states for the  
34 purpose of allowing the practitioners of funeral ser-  
35 vices to perform their licensed functions in this or  
36 other states under such terms and conditions as the  
37 boards may prescribe.'

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1 Further amend the Bill by striking out all of  
2 section 40 and inserting in its place the following:

3 'Sec. 40. 32 MRSA §1504, 2nd ¶, as repealed and  
4 replaced by PL 1983, c. 413, §63, is amended to read:

5 All licenses and certificates of registration  
6 which have been issued by the board shall expire on  
7 December 31st, annually. Any person holding a license  
8 or registration under this law may have the license  
9 renewed by making and filing with the ~~secretary of~~  
10 ~~the~~ board an application therefor within 30 days pre-  
11 ceding the expiration of his license or certificate  
12 of registration, upon blanks prescribed by the board  
13 and upon payment of the established renewal fee. The  
14 board shall establish the initial and renewal fees,  
15 which shall not exceed \$40 for an embalmer's license,  
16 funeral director's license and funeral home registra-  
17 tion. The license for the practitioner of funeral  
18 services shall not exceed \$50 and the fee for a resi-  
19 dent trainee shall not exceed \$10. A license may be  
20 renewed up to 90 days after the date of its expira-  
21 tion upon payment of a late fee of \$10 in addition to  
22 the renewal fee. Any person who submits an applica-  
23 tion for renewal more than 90 days after the license  
24 expiration date shall be subject to all require-  
25 ments governing new applicants under this chapter,  
26 except that the board may in its discretion, giving  
27 due consideration to the protection of the public,  
28 waive examination if the renewal application is made  
29 within 2 years from the date of the expiration.'

30 Further amend the Bill by striking out all of  
31 sections 42 to 47 and inserting in their place the  
32 following:

33 'Sec. 42. 32 MRSA §2351, first ¶, as amended by  
34 PL 1983, c. 413, §117, is further amended to read:

35 An Oil and Solid Fuel Board, as established and  
36 in this chapter called the "board," shall consist of  
37 ~~an executive secretary, who shall be ex officio, the~~

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1 Commissioner of Business Regulation or a representa-  
2 tive appointed by the commission, with the approval  
3 of a majority of the board, the Commissioner of  
4 Public Safety or a representative and 5 other mem-  
5 bers, called in this chapter the "appointive mem-  
6 bers," who shall be appointed by the Governor.

7 Sec. 43. 32 MRSa §2351, last ¶, as repealed and  
8 replaced by PL 1973, c. 384, is repealed.

9 Sec. 44. 32 MRSa §2403, first ¶, as amended by  
10 PL 1983, cc. 204, §8 and 413, §124, is further  
11 amended to read:

12 Applicants for a master or journeyman's oil  
13 burner technician or master solid fuel burner techni-  
14 cian license shall present to the executive secretary  
15 of the board a written application for examination,  
16 containing such information as the board may require  
17 accompanied by the prescribed fee. Examinations  
18 shall be in whole or in part in writing, shall be  
19 conducted by the board and shall be of a thorough and  
20 practical character commensurate with the responsi-  
21 bilities of the type of license applied for.

22 Sec. 45. 32 MRSa §3401, as repealed and replaced  
23 by PL 1983, c. 413, §141, is amended to read:

24 §3401. Membership; vacancies; removal; compensation

25 A Plumbers' Examining Board, as established,  
26 shall consist of an executive officer who shall be  
27 the Commissioner of Business Regulation, or his des-  
28 ignee, and 3 other members, called the appointive  
29 members, who shall be appointed by the Governor. One  
30 of the appointive members shall be a representative  
31 of the public, one shall be a master plumber as de-  
32 fined in section 3301, and one shall be a journeyman  
33 plumber as defined in section 3301, and who has been  
34 engaged in the business of plumbing for at least 2  
35 years. Members shall be appointed for terms of 2  
36 years, with no person being eligible to serve more

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1 than 4 full consecutive terms, provided that for this  
2 purpose only a period actually served which exceeds  
3 1/2 of the 2-year term shall be deemed a full term.  
4 Upon expiration of a member's term, he shall serve  
5 until his successor is qualified and appointed. The  
6 successor's terms shall be 2 years from the date of  
7 the expiration, regardless of the date of his  
8 appointment. Any vacancy in the board caused by  
9 death, resignation or removal of any member shall be  
10 filled by the appointment of a person qualified, to  
11 hold office during the unexpired term of the member  
12 whose place is thus filled. Any member of the board  
13 may be removed from office for cause, by the Govern-  
14 nor. The members of the board shall each be allowed  
15 the sum of \$35 per day and their necessary traveling  
16 expenses for actual attendance upon any examination  
17 of candidates for license and for any necessary hear-  
18 ings. The board may examine and license plumbers.

19 Sec. 46. 32 MRSA §3403, as repealed and replaced  
20 by PL 1983, c. 413, §142, is amended to read:

21 §3403. Meeting; chairman; quorum

22 The board shall meet at least once a year to con-  
23 duct its business and to elect a chairman and a  
24 secretary. Additional meetings shall be held as  
25 necessary to conduct the business of the board, and  
26 may be convened at the call of the chairman or a  
27 majority of the board members. ~~Three~~ Two members of  
28 the board shall constitute a quorum for all purposes.  
29 The board shall keep such records and minutes as are  
30 necessary to the ordinary dispatch of its function.

31 Sec. 47. 32 MRSA §3404, last ¶, as repealed and  
32 replaced by PL 1983, c. 413, §144, is amended to  
33 read:

34 The board, for reasons it may deem sufficient,  
35 may reissue a license to any person whose license has  
36 been revoked, providing 3 2 or more members of the  
37 board vote in favor of the reissuance.'

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1 Further amend the Bill by striking out all of  
2 section 53.

3 Further amend the Bill by renumbering the sec-  
4 tions to read consecutively.

5 FISCAL NOTE

6 As a result of this bill, as amended, there will  
7 be a loss of undedicated revenues to the General Fund  
8 of \$24,000 in fiscal year 1983-84 and \$16,600 in  
9 fiscal year 1984-85. In fiscal year 1984-85, the  
10 following decreased expenditures will result.

11 1984-85

12 BUSINESS REGULATION, DEPARTMENT OF

13 Manufactured Housing Board

14	Positions	(-1)
15	Personal Services	(\$31,001)
16	All Other	( 2,950)
17	Total	(\$33,951)

18 STATEMENT OF FACT

19 This amendment removes provisions of the bill  
20 which would have provided General Fund moneys to pay  
21 the salaries of the Superintendents of Banking and  
22 Consumer Credit Protection, and for an additional  
23 attorney for the Department of Business Regulation.  
24 The appropriation clause is therefore removed and  
25 remaining fiscal impacts are specified in the fiscal  
26 note.

27 This amendment also makes a number of technical  
28 corrections in the bill. Primarily, the amendment  
29 corrects references to statutes which were amended by

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1 Legislative Document 1502, Public Law 1983, chapter  
2 413, earlier this session. In some cases, partic-  
3 ularly with reference to the Maine Athletic Commis-  
4 sion, the previously enacted law has made significant  
5 changes in wording or allocation of the statutes, so  
6 as to render the provisions of this bill confusing.

7 Finally, this amendment clarifies that the  
8 Department of Human Services, Division of Health  
9 Engineering, may continue to receive fees for its  
10 services rendered with respect to the licensing of  
11 mobile home parks.

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Reported by the Minority of the Committee on  
Business Legislation  
June 9, 1983

(Filing No. S-198)