

MAINE STATE LEGISLATURE

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



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

1 FIRST REGULAR SESSION
2

3 ONE HUNDRED AND ELEVENTH LEGISLATURE
4

5 Legislative Document

No. 1580

6
7 S.P. 541

In Senate, May 9, 1983

8 Submitted by the Department of Business Regulation pursuant to Joint
9 Rule 24.

10 Referred to the Committee on Business Legislation. Sent down for
concurrence and ordered printed.

JOY J. O'BRIEN, Secretary of the Senate
Presented by Senator Clark of Cumberland.

11 Cosponsors: Senator Brown of Washington and Representative Telow of
Lewiston.

12 STATE OF MAINE
13

14 IN THE YEAR OF OUR LORD
15 NINETEEN HUNDRED AND EIGHTY-THREE
16

17 AN ACT Affecting the Organization of the
18 Department of Business Regulation.
19

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

22 Sec. 1. 5 MRSA §282, sub-§6 is enacted to read:

23 6. Supervise. To supervise and direct the
24 administration of the State Claims Board.

25 Sec. 2. 5 MRSA §1510-A, sub-§4, as enacted by PL
26 1977, c. 624, §2, is repealed and the following
27 enacted in its place:

28 4. Appeal from State Claims Board decision. Any
29 party aggrieved by an award of the State Claims Board
30 may appeal therefrom to the Superior Court within 30
31 days after the date of the receipt of the notice of
32 the award. The appeal shall be taken by filing a

1 complaint setting forth, as in other civil matters,
2 substantially the facts upon which the case shall be
3 tried. Service shall be made on the opposing party
4 and the State Claims Board by sending a true copy of
5 the complaint by registered or certified mail within
6 the time limit set out in this subsection. The com-
7 plaint shall be filed in the Superior Court for the
8 county where one or more of the parties reside or
9 have their principal place of business or where the
10 activity or property which is the subject of the
11 proceeding is located. The court's determination
12 shall be de novo and without a jury or, if all par-
13 ties agree, by a referee or referees.

14 Sec. 3. 8 MRSA §104, as amended by PL 1979, c.
15 541, Pt. A, §78, is repealed and the following
16 enacted in its place:

17 §104. Disposal of fees; expenses

18 All fees and taxes collected under this chapter
19 and under chapter 6 shall be paid forthwith by the
20 commission to the Treasurer of State with a detailed
21 statement thereof and shall constitute a fund to be
22 known as the Athletic Commission Fund. This fund
23 shall be kept as a separate account by the Treasurer
24 of State and he shall pay therefrom all costs and
25 expenditures of the commission, including, but not
26 limited to, the compensation of the commission,
27 reasonable expenses of the commissioners incurred in
28 the performance of their duties, administrative
29 expenses and other costs incurred in carrying out the
30 duties of the commission. Any moneys remaining in
31 the Athletic Commission Fund at the end of the
32 fiscal year shall be carried forward to the credit of
33 that fund for the succeeding year.

34 The Commissioner of Business Regulation shall
35 employ, subject to the Personnel Law, the personnel
36 that he deems necessary to discharge the duties of
37 the commission, and shall, with the advice of the
38 commission, outline their duties and fix their com-
39 ensation, subject to the Personnel Law.

40 Sec. 4. 8 MRSA §106, sub-§1, ¶A, as enacted by
41 PL 1975, c. 115, §4, is amended to read:

1 A. Keeping the rules governing amateur boxing
2 contests in conformity with Amateur Athletic
3 Union tournament regulations; age limits of par-
4 ticipants in boxing contests; physical condition
5 of participants; lengths of contests and of
6 rounds; specifications of the facilities and
7 equipment used in boxing contests and the uni-
8 forms of contestants and referees; scoring and
9 decisions; standards of weight and weighing of
10 contestants; and the manner of presentation of
11 closed circuit events.

12 Sec. 5. 8 MRSA §106, 2nd ¶, as amended by PL
13 1975, c. 115, §4, is further amended to read:

14 No boxing contests or exhibitions, except as pro-
15 vided, shall be held or conducted within this State,
16 except such contests and exhibitions as are properly
17 licensed by the commission in accordance with this
18 chapter and the rules ~~and regulations~~ adopted in
19 pursuance thereof, nor shall any closed circuit tele-
20 vision showing of a boxing contest or exhibition be
21 conducted, except under a license issued by the com-
22 mission.

23 Sec. 6. 8 MRSA §107, sub-§1, as repealed and
24 replaced by PL 1975, c. 115, §5, is amended to read:

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

1 Sec. 7. 8 MRSA §107, sub-§2, as repealed and
2 replaced by PL 1975, c. 115, §5, is amended to read:

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

12 Sec. 8. 8 MRSA §107, sub-§3, as repealed and
13 replaced by PL 1975, c. 115, §5, is amended to read:

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

31 Sec. 9. 8 MRSA §108, first ¶ is amended to read:

32 No foreign copromoter, meaning a promoter who has
33 no place of business within the State of Maine, shall
34 may directly or indirectly participate in the pro-
35 motion of or receive any remuneration from or render
36 any services in connection with any such boxing con-
37 test or exhibition held within the State of Maine,
38 unless he first shall have been granted a permit by
39 the commission. No promoter shall may be associated
40 with any foreign copromoter in promoting any boxing
41 contest or exhibition, unless the foreign copromoter
42 has first secured a permit. Such permit shall expire

1 one year from date of issue and the fee therefor
2 shall be fixed by the commission at a figure between
3 \$10 and \$100, depending upon the probable income of
4 the applicant for a permit to be derived from the
5 conducting of such boxing contests and exhibitions
6 Permits for foreign copromoters shall be issued in
7 the same manner as provided in section 107, subsec-
8 tion 2, for licenses to promote amateur or profes-
9 sional boxing, and the fees for these permits shall
10 be the same as those established by the commission
11 for these licenses.

12 Sec. 10. 8 MRSA §111, as amended by PL 1981, c.
13 501, §5, is further amended to read:

14 §111. Taxes

15 The promoter or promoters of all boxing contests
16 or exhibitions held under this chapter shall pay to
17 the Treasurer of State, for credit to the ~~General~~
18 Fund Athletic Commission Fund, a tax of 3% ~~5%~~ of the
19 gross receipts from such contest or exhibition up to
20 a maximum tax of \$2,500. On the day on which the con-
21 test or exhibition is held, the promoter or promoters
22 shall either tender the tax to the commissioner in
23 attendance, or provide a surety bond acceptable to
24 the commission in the amount of \$5,000 payable to the
25 Treasurer of State and conditioned for payment of the
26 tax and any penalties imposed under this section.
27 This tax shall have been paid to the Treasurer of
28 State within 15 days of the date on which such con-
29 test or exhibition is held, in the event a bond is
30 provided. Upon failure to pay such tax to the Treas-
31 urer of State, such promoter or promoters shall be
32 liable to pay a penalty of 25% of the amount of the
33 tax due, which penalty and the tax due shall be re-
34 covered by a civil action upon the bond brought in
35 the name of the commission, and the penalty and the
36 tax due shall be paid to the Treasurer of State to be
37 credited to the ~~General Fund Athletic Commission~~
38 Fund. Failure by a promoter to pay the tax or pro-
39 vide the surety under this section shall be cause for
40 cancellation of the event by the commissioner in
41 attendance. The commission may examine the promoter's
42 records to verify the amount of gross receipts and
43 tax due under this section. On the failure of any
44 promoter or promoters to pay such a tax, the

promoter's license may be revoked or suspended by the Administrative Court. This section shall apply to all boxing contests or exhibitions which are shown over closed circuit television.

Sec. 11. 8 MRSA §134, as amended by PL 1977, c. 694, §149, is further amended to read:

§134. Jurisdiction

The commission shall have the sole direction, control and jurisdiction over all professional wrestling matches, shows or exhibitions and, following a public hearing, is empowered to promulgate and adopt, pursuant to the applicable provisions of the Maine Administrative Procedure Act, Title 5, ~~section 8051 et seq.~~ chapter 375, subchapter II, all rules and regulations necessary therefor. No professional wrestling matches, shows or exhibitions, except as provided, ~~shall~~ may be held or conducted within this State, except under a license issued by the commission in accordance with this chapter and rules and regulations adopted in pursuance thereof, nor may any closed circuit television showing of a professional wrestling match, show or exhibition be conducted, except under a license issued by the commission.

Sec. 12. 8 MRSA §135, as amended by PL 1979, c. 663, §26, is further amended to read:

§135. Licenses

The commission may issue, ~~in its discretion and under the name and seal of the commission,~~ a license ~~in writing~~ to extend for one year, to any person, club, association or corporation who or which is properly qualified, which will entitle him or it to conduct professional wrestling matches, shows or exhibitions for a period of one year from date of issuance, in accordance with this chapter and the rules and regulations adopted in pursuance thereof. The license may be revoked or suspended by the Administrative Court Judge as designated in the Maine Administrative Procedure Act, Title 5, chapter 375, upon hearing and proof that the holder of the license has violated any of the provisions of this chapter or of any rule, ~~regulation~~ or order of the commission.

1 The commission may in its discretion fix the fee of
2 the license at a figure between ~~\$10~~ \$50 and \$100,
3 depending upon the probable income of the licensee to
4 be derived from the conducting of professional
5 wrestling matches, shows or exhibitions. A closed
6 circuit wrestling license may be issued by the com-
7 mission for a term of one year to any person who is
8 properly qualified therefor which will entitle him to
9 engage in the showing of professional wrestling
10 matches, shows or exhibitions by closed circuit tele-
11 vision. The fee for a closed circuit wrestling li-
12 cence shall be \$50, and the license may be suspended
13 or revoked by the Administrative Court for any viola-
14 tion of this chapter or the rules of the commission.

15 All persons engaging in professional wrestling
16 matches, shows or exhibitions as wrestlers shall be
17 licensed by the commission in a like manner, the
18 licenses to be subject to revocation or suspension
19 for cause. The fee for a license is \$5 The commission
20 may by regulation establish a fee for the licenses in
21 an amount not to exceed \$25 per year. Upon the
22 application for a license as enumerated, the chairman
23 of the commission shall in his discretion temporarily
24 issue or refuse to issue the license; he may upon
25 information of violation of this chapter or the rules
26 of the commission petition the Administrative Court
27 to suspend or revoke a license for cause. The com-
28 mission shall consider the matter at its regular
29 meeting and rule upon the issuance, suspension,
30 rejection or revocation of the license.

31 Any person, club, association or corporation, or
32 any official of a club, association or corporation
33 who conducts a professional wrestling match, show or
34 exhibition or who engages in or in any way takes part
35 in a match, show or exhibition without first obtain-
36 ing a license, or when the license has expired or has
37 been suspended or revoked or temporarily suspended or
38 revoked, shall be guilty of a Class D crime.

39 Sec. 13. 8 MRSA §136, first ¶, as enacted by PL
40 1977, c. 13, is amended to read:

41 No foreign copromoter, meaning a promoter who has
42 no place of business within the State, shall directly
43 or indirectly participate in the promotion of or

1 receive any remuneration from or render any services
2 in connection with any professional wrestling match,
3 show or exhibition held within the State unless he
4 has first been granted a license by the commission.
5 No promoter shall be associated with any foreign
6 copromoter in promoting any professional wrestling
7 match, show or exhibition unless the foreign
8 copromoter has first secured a license. A license
9 shall expire one year from date of issue and the fee
10 therefor shall be fixed by the commission at a figure
11 between \$10 and \$100, depending upon the probable
12 income of the applicant for a license to be derived
13 from the conducting of a professional wrestling
14 match, show or exhibition. Licenses for foreign
15 copromoters shall be issued in the same manner as
16 provided in section 135 for licenses for promoters
17 within this State, and the fees shall be the same as
18 those established by the commission for those
19 licenses.

20 Sec. 14. 8 MRSA §139, as amended by PL 1981, c.
21 501, §6, is further amended to read:

22 §139. Taxes

23 The promoter or promoters of all professional
24 wrestling matches, shows or exhibitions held under
25 this chapter shall pay to the Treasurer of State, for
26 credit to the ~~General Fund~~ Athletic Commission Fund,
27 a tax of ~~3%~~ 5% of the gross receipts from profes-
28 sional matches, shows or exhibitions up to a maximum
29 tax of \$2,500. On the day on which the contest or
30 exhibition is held, the promoter or promoters shall
31 either tender the tax to the commissioner in attend-
32 ance, or provide a surety bond acceptable to the com-
33 mission in the amount of \$5,000 payable to the Treas-
34 urer of State and conditioned for payment of the tax
35 and any penalties imposed under this section. This
36 tax shall have been paid to the Treasurer of State
37 within 15 days of the date on which a match, show or
38 exhibition is held, in the event a bond is provided.
39 Upon failure to pay the tax to the Treasurer of
40 State, the promoter or promoters shall be liable to
41 pay a penalty of 25% of the amount of the tax due,
42 which penalty and the tax due shall be recovered by a
43 civil action upon the bond brought in the name of the
44 commission, and the penalty and the tax due shall be

1 paid to the Treasurer of State to be credited to the
2 ~~General Fund~~ Athletic Commission Fund. Failure by a
3 promoter to pay the tax or provide a surety under
4 this section shall be cause for cancellation of the
5 event by the commissioner in attendance. The commis-
6 sion may examine the promoter's records to verify the
7 amount of gross receipts and tax due under this
8 section. On the failure of any promoter or promoters
9 to pay a tax, the promoter's license may be revoked
10 or suspended by the Administrative Court.

11 Sec. 15. 9-A MRSA §6-103, as amended by PL 1981,
12 c. 501, §26, is further amended to read:

13 §6-103. Administration

14 There is created and established the Bureau of
15 Consumer Credit Protection within the Department of
16 Business Regulation. The Superintendent of Consumer
17 Credit Protection is the head of the Bureau of Con-
18 sumer Credit Protection. As used in this Act, "admin-
19 istrator" means the Superintendent of ~~the Bureau of~~
20 Consumer Credit Protection. He shall be appointed by
21 the Governor and subject to review by the joint
22 standing committee ~~on~~ of the Legislature having
23 jurisdiction over business legislation and to confir-
24 mation by the Legislature. He shall be appointed for
25 a term of 5 years or until a successor is appointed
26 and qualified. Any vacancy occurring shall be filled
27 by appointment for the unexpired portion of the term.
28 He may be removed from office for cause by impeach-
29 ment or by the Governor on the address of both
30 branches of the Legislature and Title 5, section 711,
31 paragraph B, shall not apply. No person ~~shall~~ may be
32 eligible for ~~said~~ that office unless he shall have
33 been a resident of the State ~~of Maine~~ for at least 2
34 years. During his term of office, the administrator
35 shall engage in no other business or profession. The
36 administrator's salary shall be paid from the General
37 Fund.

38 Sec. 16. 9-B MRSA §211, sub-§2, as enacted by PL
39 1975, c. 500, §1, is amended to read:

40 2. Salary. The superintendent shall receive a
41 salary commensurate with his responsibilities in ac-
42 cordance with Title 5, which salary shall be paid

1 from the General Fund, and shall receive all actual
2 travel expenses incurred in the performance of official
3 duties.

4 Sec. 17. 10 MRSA §8001, as amended by PL 1981,
5 c. 703, Pt. A, §2, is further amended to read:

6 §8001. Department; agencies within department

7 There is created and established the Department
8 of Business, Occupational and Professional Regulation,
9 in this chapter referred to as the "department,"
10 to regulate financial institutions, insurance
11 companies, commercial sports, and grantors of consumer
12 credit, and to license professional and occupational
13 trades and to award just compensation in land
14 condemnations and in certain other claims against the
15 State and regulate professions and occupations. The
16 department shall be composed of the following
17 bureaus, boards and commissions:

18 Banking, Bureau of;

19 Consumer Credit Protection, Bureau of;

20 Insurance, Bureau of;

21 Athletic Commission, Maine;

22 Real Estate Commission;

23 Running Horse Racing Commission, State;

24 Arborist Examining Board;

25 Auctioneers Advisory Board;

26 ~~Claims Board, State;~~

27 Commercial Driver Education, Board of;

28 Electricians' Examining Board;

29 Foresters, State Board of Registration for Professional;
30

31 Funeral Service, State Board of;

1 Geologists and Soil Scientists, State Board of
2 Certification for;

3 Hearing Aid Dealers and Fitters, Board of;

4 Manufactured Housing Board;

5 Oil and Solid Fuel Board;

6 Physical Therapy, Board of Examiners in;

7 Plumbers' ~~Examining~~ Examining Board;

8 Psychologists, State Board of Examiners of;

9 Social Worker Registration, State Board of;

10 Speech Pathology and Audiology, Board of Exam-
11 iners on; and

12 Substance Abuse Counselors, Board of Registration
13 of.

14 Sec. 18. 10 MRSA §8002, first ¶, as amended by
15 PL 1977, c. 78, §37, is further amended to read:

16 The administrative head of the department shall
17 be the commissioner ~~of Business Regulation~~, who shall
18 be appointed by the Governor, subject to review by
19 the joint standing committee ~~on~~ of the Legislature
20 having jurisdiction over business legislation and to
21 confirmation by the Legislature, and who shall serve
22 during the pleasure of the Governor. As chief admin-
23 istrative officer of the department, the commissioner
24 shall have the following duties and authority to:

25 Sec. 19. 10 MRSA §8003, as amended by PL 1977,
26 c. 273, §§1 and 2, is repealed and the following
27 enacted in its place:

28 §8003. Departmental organization; duties

29 1. Division of Administrative Services. There
30 is created a Division of Administrative Services,
31 which shall constitute a division within the depart-
32 ment, to provide assistance to the commissioner and
33 to the agencies within the department in personnel

1 matters, budgeting and financial matters, purchasing,
2 and clerical and support services, and to perform
3 such other duties as the commissioner may designate.
4 The commissioner may employ a Director of Administra-
5 tive Services and such clerical and technical assis-
6 tants as are necessary to discharge the duties of the
7 division, and shall outline their duties and fix
8 their compensation, subject to the Personnel Law.

9 2. Division of Licensing and Enforcement. There
10 is created a Division of Licensing and Enforcement,
11 which shall constitute a division within the depart-
12 ment, to provide assistance to the commissioner and
13 to the agencies within the department in complaint
14 investigation, disciplinary actions and enforcement,
15 and in licensing examinations, and to perform such
16 other duties as the commissioner may designate. The
17 commissioner may employ a Director of Licensing and
18 Enforcement and such clerical and technical assis-
19 tants as are necessary to discharge the duties of the
20 division, and shall outline their duties and fix
21 their compensation, subject to the Personnel Law.

22 A. Within the Division of Licensing and Enforce-
23 ment there shall be a computer services section.
24 It shall be the responsibility of the computer
25 services section to process and issue original
26 and renewal licenses for the department and for
27 those bureaus, boards and commissions within the
28 department as the commissioner may direct. The
29 licenses shall be processed and issued only upon
30 authorization of the appropriate bureau, board or
31 commission, or upon the authorization of the com-
32 missioner in the case of those licenses granted
33 directly by the department. The computer ser-
34 vices section shall maintain a central register
35 containing the name and address of each person or
36 firm licensed by profession, occupation or indus-
37 try and such other information as the commis-
38 sioner may direct for administration, information
39 or planning purposes. The commissioner, with the
40 advice of the respective bureaus, boards and
41 commissions, may determine the type and form of
42 licenses issued by all agencies within the
43 department. The computer services section shall
44 perform such other administrative services for
45 the agencies within the department as the commis-
46 sioner may direct.

1 3. License defined. For purposes of this
2 section, the term "license" is used to mean a li-
3 cence, certification, registration, permit, approval
4 or other similar document evidencing admission to or
5 granting authority to engage in a profession, occupa-
6 tion, business or industry.

7 4. Licensing periods; renewal dates. In order
8 that licenses may be processed and issued in a
9 reasonably uniform manner over a fiscal year, the
10 commissioner may establish expiration or renewal
11 dates for all licenses authorized to be issued by
12 bureaus, boards and commissions within the depart-
13 ment, notwithstanding any other provisions of law.
14 If an expiration or renewal date established by the
15 commissioner has the effect of shortening the term of
16 a license currently in effect, the bureau, board or
17 commission, or the department in the case of a li-
18 cence which it issues directly, shall credit the fee
19 paid, on a prorated basis, for the unexpired term of
20 the current license toward the renewal fee of the
21 renewal license. If a license is not renewed on the
22 new expiration or renewal date established by the
23 commissioner, the license shall remain in effect
24 through its original term, unless suspended or
25 revoked sooner under laws or regulations of the
26 respective bureau, board or commission. Should a
27 licensee seek to renew his license at the end of the
28 original term, the law or regulations established by
29 the respective bureau, board or commission for late
30 renewals or reregistrations shall apply. For the
31 purpose of implementing and administering biennial
32 licensing, the commissioner may permit bureaus,
33 boards and commissions within the department to issue
34 licenses and establish renewal fees for less than a
35 2-year term. Nothing in this section may change the
36 term or fee for one-time licenses, except as specifi-
37 cally provided for.

38 5. Authority of bureaus, boards or commissions.
39 Nothing in this section may be construed to diminish
40 or deprive any bureau, board or commission within the
41 department of its statutory duty and sole authority
42 to regulate its profession, occupation or industry.

43 6. Funding. The commissioner may assess each
44 bureau, board or commission served by the Division of

1 Administrative Services or by the Division of
2 Licensing and Enforcement its reasonable share of an
3 amount sufficient to cover the cost of operating the
4 divisions.

5 Sec. 20. 10 MRSA §9003, sub-§10 is enacted to
6 read:

7 10. Manufactured Housing Fund. All fees col-
8 lected under this chapter shall be paid by the board
9 to the Treasurer of State with a detailed statement
10 thereof and shall constitute a fund to be known as
11 the "Manufactured Housing Fund." The fund shall be
12 kept as a separate account by the Treasurer of State,
13 who shall pay therefrom all costs and expenditures
14 incurred by the board in carrying out its responsi-
15 bilities under this chapter. Any moneys remaining in
16 the Manufactured Housing Fund at the end of the
17 fiscal year shall be carried forward to the credit of
18 that fund for the succeeding year.

19 Sec. 21. 10 MRSA §9021, sub-§2, as repealed and
20 replaced by PL 1981, c. 152, §13, is amended to read:

21 2. License fees. The board may establish and
22 collect the following fees. All fees collected shall
23 be paid to the Treasurer of State for deposit in the
24 General Fund Manufactured Housing Fund.

25 A. The license fee for manufacturers of manufac-
26 tured housing who deliver or sell manufactured
27 housing may not exceed ~~§100~~ \$200.

28 B. The license fee for dealers who are engaged
29 in the retail selling, offering for sale,
30 brokering, or distribution of any manufactured
31 homes may not exceed ~~§100~~ \$200.

32 C. The license fee for mechanics who service or
33 install manufactured housing, as defined in
34 section 9002, subsection 7, paragraphs A and C,
35 may not exceed ~~§100~~ \$200.

36 D. The additional license fee for dealers or
37 mechanics who have more than one business loca-
38 tion may not exceed \$10 per additional location.

1 Sec. 22. 10 MRSA §9045, as enacted by PL 1981,
2 c. 152, §14, is amended to read:

3 §9045. Fees

4 The board may establish and collect the following
5 fees, to be paid into the Manufactured Housing Fund
6 and used for carrying out this chapter:

7 1. Fee for new units. A fee not exceeding \$25
8 \$100 for each new unit which is installed in this
9 State; and All unit fees shall be paid to the Treas-
10 urer of State for deposit in the General Fund.

11 2. Fee for inspection. A fee not exceeding \$15
12 per hour for inspection and approval of manufactured
13 housing to be paid by the party requesting the ser-
14 vices or for the investigation and notification pro-
15 cess of a valid complaint to be paid by the party
16 responsible for noncompliance. The inspection fees
17 collected shall be paid to the Treasurer of State to
18 be used for carrying out this chapter. Any balance of
19 these inspection fees shall not lapse, but shall be
20 carried forward as a continuing account to be
21 expended for the purpose of this chapter.

22 Sec. 23. 10 MRSA c. 951, sub-c. VI is enacted to
23 read:

24 SUBCHAPTER VI

25 MOBILE HOME PARKS

26 §9081. Definitions

27 As used in this subchapter, unless the context
28 otherwise indicates, the following terms have the
29 following meanings.

30 1. Mobile home. "Mobile home" means a struc-
31 ture, transportable in one or more sections which is
32 8 body feet or more in width and is 32 body feet or
33 more in length and which is built on a permanent
34 chassis and designed to be used as a dwelling with or
35 without a permanent foundation when connected to the
36 required utilities and includes the plumbing, heat-
37 ing, air conditioning and electrical systems con-
38 tained therein.

1 2. Mobile home park. "Mobile home park" means a
2 parcel or adjoining parcel of land, under single own-
3 ership, which has been planned and improved for the
4 placement of 2 or more mobile homes per parcel, but
5 shall not include a construction camp.

6 3. Sanitarian. "Sanitarian" means a person
7 whose education and experience in the biological and
8 sanitary sciences qualify him to engage in the pro-
9 motion and protection of the public health. He
10 applies technical knowledge to solve problems of a
11 sanitary nature and develops methods and carries out
12 procedures for the control of those factors of man's
13 environment which affect his health, safety and well-
14 being.

15 §9082. License required

16 No person, corporation, firm or copartnership may
17 conduct, control, manage or operate, for compensa-
18 tion, directly or indirectly, any mobile home park,
19 unless licensed by the board. Licenses issued shall
20 be displayed in a place readily visible to customers
21 or other persons using a licensed establishment.

22 Any person, corporation, firm or copartnership
23 desiring a license shall submit satisfactory evidence
24 of its ability to comply with the minimum standards
25 of this subchapter and all regulations adopted there-
26 under.

27 §9083. Fees

28 Each application for a license or for renewal of
29 a license to operate a mobile home park within the
30 meaning of this subchapter shall be accompanied by a
31 fee, appropriate to the size of the park, determined
32 by the board in an amount not to exceed \$100. All
33 fees collected by the board shall be deposited in the
34 Manufactured Housing Fund. No such fees may be
35 refunded. No license may be assignable or transfer-
36 able.

37 All such fees are for the license and the initial
38 licensure inspection and one follow-up inspection.
39 When additional inspections are required to determine
40 an applicant's eligibility for licensure, the board

1 may through its regulations charge an additional \$10
2 fee to cover the costs of each additional inspection
3 or visit. Failure to pay the charges within 90 days
4 of the billing date shall constitute grounds for
5 revocation of that license, unless an extension for a
6 period not to exceed 90 days is granted in writing by
7 the board.

8 §9084. Issuance of licenses

9 The board shall, within 30 days following receipt
10 of application, issue an annual license to operate
11 any mobile home park which is found to comply with
12 this subchapter and the rules adopted by the board.

13 When any applicant is found, based upon an
14 inspection by the board or by municipal inspection
15 made according to section 9088, not in compliance
16 with the requirements of this subchapter or rules
17 adopted and approved pursuant to section 9085 or
18 section 9088, subsection 1, the board may refuse
19 issuance of the initial license, but shall issue a
20 conditional license, except when conditions are found
21 which present a serious danger to the health and
22 safety of the public. A conditional license shall
23 not exceed 90 days. Failure by the conditional
24 licensee to meet the conditions specified shall
25 permit the board to void the conditional license.

26 The conditional license shall be void when the
27 board has delivered in hand or by certified mail a
28 written notice to the conditional licensee or, if the
29 licensee cannot be reached for service in hand or by
30 certified mail, has left notice thereof at the facil-
31 ity.

32 Upon the written request of the board, the
33 Department of Human Services, Division of Health
34 Engineering shall provide without charge such techni-
35 cal services as may be required by the board to
36 assist with inspections and licensing of new mobile
37 home parks.

38 All mobile home park licenses shall expire annu-
39 ally on a date established by the commissioner.
40 Licenses may be renewed upon application therefor and
41 upon payment of the prescribed fee, subject to com-

1 pliance with regulations of the board and with this
2 subchapter. The board shall provide licensees with
3 notice of the renewal date and necessary forms no
4 less than 30 days prior to the expiration of the li-
5 cense.

6 The issuance of the license provided for in this
7 subchapter does not provide exemption from other
8 state or local laws, ordinances or regulations, not-
9 withstanding any other provision of law.

10 Licenses erroneously issued by the board are void
11 and shall be returned to the board on demand as
12 stated in a notice delivered by hand or by certified
13 mail to the licensee. For cause, the board may
14 revoke or suspend any license pursuant to section
15 9089.

16 §9085. Rules

17 The board may make and enforce all necessary
18 rules for the administration of this subchapter, and
19 may repeal or amend such rules from time to time as
20 may be in the public interest, insofar as that action
21 is not in conflict with any of the provisions of this
22 subchapter. All rules of the Department of Human
23 Services governing mobile home parks in effect on the
24 effective date of this subchapter shall remain in
25 effect for a period not to exceed one year, unless
26 sooner amended or repealed by the board.

27 §9086. Right of entry and inspection

28 The board and any duly designated officer or
29 employee thereof may enter upon the premises of any
30 mobile home park licensed pursuant to this subchapter
31 at any reasonable time in order to determine the
32 state of compliance with this subchapter and any
33 rules in force pursuant thereto. The right of entry
34 and inspection shall extend to any premises which the
35 board has reason to believe are being operated or
36 maintained without a license, but no such entry or
37 inspection of any premises may be made without the
38 permission of the owner or person in charge thereof
39 or, after hearing, upon order of the court.

40 §9087. Penalties

1 Any person, corporation, firm or copartnership
2 who shall operate any mobile home park without first
3 obtaining a license as required by this subchapter is
4 guilty of a Class E crime. Each day any such person,
5 corporation, firm or copartnership operates without
6 obtaining a license constitutes a separate offense.

7 In the event of any violation of this subchapter
8 or any rule adopted under this subchapter the Attor-
9 ney General may seek to enjoin further violation
10 thereof, in addition to any other remedy.

11 §9088. Municipal inspections

12 Notwithstanding any other provisions of this sub-
13 chapter, the board may issue a license to mobile home
14 parks, as defined in section 9081, on the basis of an
15 inspection performed by an inspector who works for
16 and is compensated by the municipality in which the
17 establishment is located, but only if the following
18 conditions have been met.

19 1. Adopted rules; code of standards. The munic-
20 ipality involved has adopted a set of rules, ordi-
21 nances or other code of standards for the establish-
22 ments which has been approved by the board and which
23 is consistent with the rules used by the board for
24 the issuance of the licenses in effect at the time of
25 inspection.

26 2. Qualified to make inspections. No munici-
27 pally employed sanitarians may make inspections under
28 the provisions of this subchapter, unless certified
29 as qualified by the Commissioner of Human Services.

30 3. Inspection to ascertain intent. The board
31 may from time to time inspect the municipally
32 inspected establishment to ascertain that the intent
33 of these statutes is being followed.

34 4. Inspection reports. The municipalities shall
35 furnish the board copies of its inspection reports
36 relating to the inspections on a monthly basis.

37 5. Charge. Municipalities may not charge the
38 board for performing those inspections.

1 6. License fee. When a license is issued on the
2 basis of a municipal inspection, as specified in this
3 section, the requirement for payment of a license fee
4 to the board, as set forth in section 9083, shall be
5 waived. The licensee shall be required to pay the
6 board a sum not to exceed \$10 to support the costs of
7 mailing and handling.

8 7. Licenses. Licenses issued under this section
9 shall be displayed, renewed and in every other way
10 treated the same as licenses issued under this sub-
11 chapter on the basis of inspection by the board.

12 8. Certification. Certification of municipally
13 employed sanitarians shall be in accordance with
14 standards set by the Commissioner of Human Services
15 and shall be for a period of 3 years.

16 §9089. Suspension, revocation; appeals

17 The board may revoke or suspend a license pur-
18 suant to Title 5, section 10004. In addition, the
19 board may refuse to issue or renew a license or the
20 Administrative Court may revoke, suspend or refuse to
21 renew a license upon a finding that the licensee has
22 violated any provision of this subchapter or any rule
23 of the board.

24 The board shall not refuse to renew a license for
25 any reason other than failure to pay a required fee,
26 unless it has afforded the licensee an opportunity
27 for an adjudicatory hearing. The board shall hold an
28 adjudicatory hearing at the written request of any
29 person who is denied a license without a hearing for
30 any reason other than failure to pay a required fee,
31 provided that the request for a hearing is received
32 by the board within 30 days of the applicant's
33 receipt of written notice of the denial of his appli-
34 cation, the reason therefor and his right to request
35 a hearing. Hearings shall be conducted in conformity
36 with the Maine Administrative Procedure Act, Title 5,
37 chapter 375, subchapter IV, to the extent applicable.
38 The board may subpoena witnesses, records and docu-
39 ments in any hearing it conducts.

40 Sec. 24. 22 MRSA §2491, sub-§§9 and 10, as
41 enacted by PL 1975, c. 496, §3, are repealed.

1 Sec. 25. 22 MRSA §2492, first ¶, as enacted by
2 PL 1975, c. 496, §3, is amended to read:

3 No person, corporation, firm or copartnership
4 ~~shall~~ may conduct, control, manage or operate, for
5 compensation, directly or indirectly, any eating
6 establishment, eating and lodging place, lodging
7 place, recreational camp, or camping area ~~or mobile~~
8 ~~home park~~, unless the same shall be licensed by the
9 department. Licenses issued must be displayed in a
10 place readily visible to customers or other persons
11 using a licensed establishment.

12 Sec. 26. 22 MRSA §2494, first ¶, as amended by
13 PL 1981, c. 703, Pt. A, §§17 and 18, is further
14 amended to read:

15 Each application for, or for renewal of, a li-
16 cense to operate an eating establishment, eating and
17 lodging place, lodging place, recreational camp or
18 camping area ~~or mobile home park~~, within the meaning
19 of this chapter shall be accompanied by a fee, appro-
20 priate to the size of the establishment, place, camp,
21 or area ~~or park~~ of the licensee, determined by the
22 department and not to exceed \$40. All fees collected
23 by the department shall be deposited in the General
24 Fund. No such fee ~~shall~~ may be refunded. No license
25 ~~shall~~ may be assignable or transferable.

26 Sec. 27. 22 MRSA §2495, first ¶, as repealed and
27 replaced by PL 1981, c. 203, §1, is amended to read:

28 The department shall, within 30 days following
29 receipt of application, issue an annual license to
30 operate any eating establishment, eating and lodging
31 place, lodging place, recreational camp, or camping
32 area ~~or mobile home park~~ which is found to comply
33 with this chapter and the regulations adopted by the
34 department.

35 Sec. 28. 22 MRSA §2498, as enacted by PL 1975,
36 c. 496, §3, is amended to read:

37 §2498. Penalties

38 Any person, corporation, firm or copartnership
39 who shall operate any eating establishment, eating

1 and lodging place, lodging place, recreational camp,
2 or camping area ~~or mobile home park~~ without first
3 obtaining a license as required by this chapter
4 shall, upon conviction thereof, be punished by a fine
5 of not less than \$10 nor more than \$100, and upon 2nd
6 or subsequent conviction, shall be punished by a fine
7 of not less than \$100. Each day any such person, cor-
8 poration, firm or copartnership operates without
9 obtaining a license shall constitute a separate
10 offense. In the event of any violation of this
11 section or any rule ~~or regulation~~ hereunder, the
12 Attorney General may seek to enjoin further violation
13 thereof, in addition to any other remedy.

14 Sec. 29. 23 MRSA §152, 5th ¶, as amended by PL
15 1979, c. 487, §1, is further amended to read:

16 The board shall maintain an office in Kennebec
17 County. The Commissioner of ~~the Department of Busi-~~
18 ~~ness Regulation Finance and Administration~~ shall
19 appoint, subject to the Personnel Law, a clerk of the
20 board to keep its records and to perform such other
21 duties as the board shall prescribe. The clerk shall
22 have authority to certify to all official acts of the
23 board, administer oaths, issue subpoenas, and issue
24 all processes, notices, orders or other documents
25 necessary to the performance of the duties of the
26 board.

27 Sec. 30. 23 MRSA §152, 6th ¶, as repealed and
28 replaced by PL 1973, c. 585, §5, is amended to read:

29 The Commissioner of ~~the Department of Business~~
30 ~~Regulation Finance and Administration~~ shall appoint
31 and fix the compensation of a reporter to the board,
32 and shall review and approve all charges made by such
33 reporter for transcripts of the record of hearings
34 before the board. The Commissioner of ~~the Department~~
35 ~~of Business Regulation Finance and Administration~~ may
36 appoint, subject to the Personnel Law, such clerical
37 assistants for the board as he may deem necessary.

38 Sec. 31. 24-A MRSA §203, as amended by PL 1973,
39 c. 585 §12, is further amended to read:

40 §203. Compensation

1 The State shall pay to the superintendent from
2 the General Fund an annual salary in amount as pro-
3 vided by law as full compensation for all duties re-
4 quired of him as superintendent.

5 Sec. 32. 32 MRSA §1151, first ¶, as amended by
6 PL 1975, c. 771, §339, is further amended to read:

7 An Electricians' Examining Board, as heretofore
8 established and in this chapter called the "board,"
9 shall consist of ~~an executive secretary, who shall be~~
10 the Commissioner of Business Regulation or a repre-
11 sentative appointed by ~~said the commissioner, with~~
12 the approval of a majority of the board, hereinafter
13 and 6 members called the "appointive members," who
14 shall be appointed by the Governor.

15 Sec. 33. 32 MRSA §1154, as repealed and replaced
16 by PL 1973, c. 363, is amended to read:

17 §1154. Disposal of fees

18 All fees received by the board shall be paid by
19 ~~the executive secretary~~ to the Treasurer of State to
20 be used for carrying out this chapter. Any balance of
21 ~~said these~~ fees shall not lapse, but shall be carried
22 forward as a continuing account to be expended for
23 the same purposes in the following fiscal years.

24 Sec. 34. 32 MRSA §1202, sub-§3, as repealed and
25 replaced by PL 1973, c. 363, is amended to read:

26 3. Certificate. All persons licensed by the
27 board shall receive a certificate thereof under the
28 seal of the board and with the signature of the
29 ~~executive secretary, which shall state the facts and~~
30 which must be publicly displayed at the principal
31 place of business of ~~said the~~ electrician or, if no
32 such place of business, must be carried on the person
33 and displayed at any time upon request, as long as
34 ~~said that~~ person continues in the business as de-
35 fined.

36 Sec. 35. 32 MRSA §1203, first ¶, as amended by
37 PL 1981, c. 577, §11, is further amended to read:

1 The following applicants for license shall
2 present to ~~the executive secretary~~ of the board a
3 written application for examination and license, con-
4 taining such information as the board may require,
5 accompanied by the required fee of \$50 for a master
6 electrician's license, \$20 for a journeyman's license
7 and \$30 for a limited electrician's license. Examina-
8 tions shall be in whole or in part in writing, shall
9 be conducted by the board and shall be of a thorough
10 and practical character commensurate with the respon-
11 sibilities of the prospective license holder. They
12 shall include such provisions of the National Elec-
13 trical Code as the board may deem appropriate.

14 Sec. 36. 32 MRSA §1451, as amended by PL 1981,
15 c. 703, Pt. A, §45, is further amended to read:

16 §1451. Board; powers and duties

17 There is created a State Board of Funeral Ser-
18 vice, and in this chapter called the "board," which
19 shall consist of 8 7 members, ~~one of whom shall be~~
20 ~~the commissioner, who shall be the secretary of the~~
21 ~~board,~~ 6 of whom shall be persons licensed for the
22 practice of funeral service for 10 consecutive years
23 or who have had 10 consecutive years' experience as
24 an embalmer or funeral director in this State immedi-
25 ately preceding their appointment, and one of whom
26 shall be a representative of the public. Members,
27 ~~other than the commissioner,~~ shall be appointed by
28 the Governor for a term of 4 years. In the case of
29 vacancy by any reason, the vacancy shall be filled by
30 appointment for the unexpired term, as is provided in
31 original appointments. The present members of the
32 Board of Examiners of Funeral Directors and Embalmers
33 shall serve as members of the State Board of Funeral
34 Service until their terms expire.

35 The board may adopt rules and regulations con-
36 sistent with law governing the care, preparation,
37 transportation, cremation, burial or disposition of
38 dead human bodies, and governing funeral service,
39 including licensing and registration of resident
40 trainees. Such rules and regulations shall not become
41 effective until adopted in conformity with the Maine
42 Administrative Procedure Act.

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

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

9 The secretary of said board shall keep a record
10 of all proceedings, issue all notices, certificates
11 of registration and licenses, attest all such papers
12 and orders as said board shall direct, and cause
13 inspections to be made at least once every 3 years of
14 all establishments or places of business of any
15 person engaged in the profession of funeral service
16 in the State and perform such other duties as shall
17 be designated by the board. Such inspection shall be
18 for the purpose of determining that such establish-
19 ments and places are maintained in a clean and sani-
20 tary manner and that suitable equipment for their
21 proper conduct is maintained therein and that the
22 laws and the regulations of the board and of the
23 Department of Human Services relating to the conduct
24 of such establishments are observed. The board may
25 employ one or more inspectors to carry out the duties
26 of inspection imposed by this section, and such
27 inspection may be made by members of the board upon
28 authorization by the board.

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

35 Sec. 37. 32 MRSA §1452, as amended by PL 1981,
36 c. 703, Pt. A, §46, is further amended to read:

37 §1452. Records and reports

38 The board shall keep a record containing the
39 names and residences of all persons licensed and a
40 record of all moneys received and disbursed by the
41 board, and the records, or duplicates thereof, shall

1 always be open to inspection in the office of the
2 ~~commissioner~~ board during regular office hours. The
3 board shall report to the department, on or before
4 the first day of May in each year, a full and com-
5 plete account of all of its official acts during the
6 year, together with a statement of its receipts and
7 disbursements and such comment as may be deemed
8 proper.

9 Sec. 38. 32 MRSA §1454, as amended by PL 1967,
10 c. 253, §4, is further amended to read:

11 §1454. Lists for transportation companies

12 In the month of January of each year, the ~~secre-~~
13 ~~tary of the~~ board shall supply each licensee, and the
14 various transportation companies within the State,
15 with a list of all holding licenses, then in force,
16 giving the names of such persons, their business ad-
17 dresses and the numbers of their licenses.

18 Sec. 39. 32 MRSA §1503, as amended by PL 1981,
19 c. 703, Pt. A, §48, is further amended to read:

20 §1503. Blanks and forms of procedure; lists of
21 licensees and examinations

22 The ~~commissioner~~ board may adopt such blanks and
23 forms of procedure as ~~he it~~ may deem necessary to
24 carry out this chapter and shall keep on file a list
25 of all persons licensed in the practice of funeral
26 service and a record of examinations, together with
27 the examination papers, all of which shall be open to
28 public inspection.

29 Sec. 40. 32 MRSA §1504, as amended by PL 1981,
30 c. 328, §§1 to 4, is further amended to read:

31 §1504. Fees; expiration and renewal of licenses

32 The fee for examination under section 1501 shall
33 not exceed \$40. All licenses and certificates of
34 registration which have been issued by the board
35 shall expire on the 31st day of December, annually.
36 Any person holding a license or registration under
37 this law may have the same renewed by making and
38 filing with the ~~secretary of said~~ board an applica-

tion therefor within 30 days preceding the expiration of his or her license or certificate of registration, upon blanks prescribed by said the board and upon payment of the established renewal fee. The board shall establish the initial and 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. Any person neglecting or failing to have his or her 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 \$4. Any person who held a license under this chapter, but who failed to renew said that license, and is not now entitled to engage in the profession, shall be allowed to take an examination for a license to engage in said that 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. 41. 32 MRSA §1505 is amended to read:

§1505. Notice to holders of expiring licenses

The **secretary** of the board shall, at least 40 days prior to the expiration of any license, mail to the holder of any license about to expire a notice advising him or her to that effect, and enclosing a blank application for renewal thereof. The **secretary of said** board shall mail a notice to each holder of a license that has not been renewed, advising him or her of the expiration of his or her license and of the penalty for embalming, caring for or preparing for burial, transportation or cremation of dead human bodies without holding a license, and the conditions and terms upon which his or her license may be revived and renewed. All notices required to be mailed by this section shall be directed to the last known post-office address of the person to whom the notice is addressed.

1 Sec. 42. 32 MRSA §2351, first ¶, as amended by
2 PL 1979, c. 606, §11, is further amended to read:

3 An Oil and Solid Fuel Board, as heretofore estab-
4 lished and in this chapter called the "board," shall
5 consist of ~~an executive secretary, who shall be ex~~
6 ~~officio,~~ the Commissioner of Business Regulation or a
7 representative appointed by the commissioner, ~~with~~
8 ~~the approval of a majority of the board,~~ the Commis-
9 sioner of Public Safety or a representative and 5
10 other members, ~~hereinafter~~ called the "appointive
11 members," who shall be appointed by the Governor.

12 Sec. 43. 32 MRSA §2351, last ¶, as repealed and
13 replaced by PL 1973, c. 384, §44, is repealed.

14 Sec. 44. 32 MRSA §2403, first ¶, as amended by
15 PL 1979, c. 569, §17, is further amended to read:

16 Applicants for a master or journeyman's oil
17 burner technician or master solid fuel burner techni-
18 cian license shall present to ~~the executive secretary~~
19 ~~of~~ the board a written application for examination,
20 containing such information as the board may require,
21 accompanied by a fee of \$10. Examinations shall be in
22 whole or in part in writing, shall be conducted by
23 the board and shall be of a thorough and practical
24 character commensurate with the responsibilities of
25 the type of license applied for.

26 Sec. 45. 32 MRSA §3401, as amended by PL 1981,
27 c. 703, Pt. A, §77, is further amended to read:

28 §3401. Membership; vacancies; removal; compensation

29 A Plumbers' Examining Board, as heretofore estab-
30 lished, shall consist of ~~an executive officer who~~
31 ~~shall be the Commissioner of Business Regulation, or~~
32 ~~his designee, and 3 other members, hereinafter called~~
33 ~~the appointive members,~~ who shall be appointed by the
34 Governor. One of ~~said appointive~~ the members shall
35 be a representative of the public, one shall be a
36 master plumber as defined in section 3301, and one
37 shall be a journeyman plumber as defined in section
38 3301, and who has been engaged in the business of
39 plumbing for at least 2 years, all of whom shall be
40 appointed for terms of 2 years. Any vacancy in ~~said~~

1 the board caused by death, resignation or removal of
2 any member shall be filled by the appointment of a
3 person qualified, to hold office during the unexpired
4 term of the member whose place is thus filled. Any
5 member of ~~said~~ the board may be removed from office
6 for cause, by the Governor. The members of the board
7 shall each be allowed the sum of \$35 per day and
8 their necessary traveling expenses for actual attend-
9 ance upon any examination of candidates for license
10 and for any necessary hearings. The board shall have
11 the authority to examine and license plumbers.

12 Sec. 46. 32 MRSA §3403, as amended by PL 1981,
13 c. 703, Pt. A, §79, is further amended to read:

14 §3403. Meetings; rules and regulations

15 The board shall hold regular meetings semian-
16 nually and shall hold additional meetings at such
17 other times as it determines by its rules, or upon
18 request of ~~the 3 appointive 2~~ members of the board,
19 ~~or upon request of the Commissioner of Business Regu-~~
20 ~~lation.~~ ~~Said~~ The board shall keep correct records of
21 all its proceedings and shall be authorized to make
22 such rules and regulations as it shall deem necessary
23 for the holding of examinations and for carrying out
24 the purpose of this chapter, and to provide for reci-
25 procity of licensing with similar boards of other
26 states which maintain standards at least equal to
27 this State.

28 Sec. 47. 32 MRSA §3404, last ¶, as enacted by PL
29 1977, c. 469, §14, is amended to read:

30 The board, for reasons it may deem sufficient,
31 may reissue a license to any person whose license has
32 been revoked, providing 3 2 or more members of the
33 board vote in favor of the reissuance.

34 Sec. 48. 32 MRSA §3405 is amended to read:

35 §3405. Disposal of fees

36 All fees received by the board shall be paid by
37 ~~the executive officer thereof~~ into the State Treasury
38 of the State and may be used for carrying out this
39 chapter.

1 Sec. 49. 32 MRSA §3501, sub-§4, as enacted by PL
2 1977, c. 469, §15, is amended to read:

3 4. Certificate. All persons licensed by the
4 board shall receive a certificate ~~thereof under the~~
5 ~~seal of the board and with the signature of the~~
6 ~~executive officer,~~ which shall state the facts and
7 which must be publicly displayed at the principal
8 place of business of the plumber or, if no such place
9 of business, shall be carried on the person and dis-
10 played at any time upon request, as long as that
11 person continues in the business as defined.

12 Sec. 50. 32 MRSA §3501, sub-§5, as repealed and
13 replaced by PL 1977, c. 696, §245, is amended to
14 read:

15 5. Examinations. The following applicants for
16 license shall present to the ~~executive officer of the~~
17 board a written application for examination and li-
18 cense, containing such information as the board may
19 require, accompanied by the required fee of \$15 for a
20 master plumber's examination, \$10 for a journeyman
21 plumber's examination and \$15 for a limited plumber's
22 examination. Examinations shall be in whole or in
23 part in writing, shall be conducted by the board and
24 shall be of a thorough and practical character com-
25 mensurate with the responsibilities of the prospec-
26 tive license holder.

27 Applications for a first examination shall be
28 received by the board at least 15 days prior to a
29 scheduled meeting of the board.

30 The passing grade on any examination shall be not
31 less than 70%. A candidate failing one examination
32 may apply for reexamination, which may be granted
33 upon payment of a fee established by the board. Any
34 candidate for registration having an average grade of
35 less than 50% may not apply for reexamination for one
36 year.

37 When the unexpired term of license of an applicant is
38 or will be more than one year at the time of licen-
39 sure, the board may require the applicant to pay an
40 additional fee not to exceed 1/2 the biennial license
41 fee.

1 Sec. 51. Transition clause. Any balance of
2 funds collected under the Revised Statutes, Title 22,
3 section 2494, for the licensing of mobile home parks
4 on the effective date of this Act, shall be trans-
5 ferred to the Manufactured Housing Fund for the pur-
6 pose of carrying out the provisions of section 23 of
7 this Act.

8 Sec. 52. Revision clause. Wherever in the
9 Revised Statutes the words "Department of Business
10 Regulation" appear or reference is made to that name,
11 they shall be amended to read and mean "Department of
12 Business, Occupational and Professional Regulation."

13 Sec. 53. Appropriation. The following funds are
14 appropriated from the General Fund to carry out the
15 purposes of this Act.

		<u>1983-84</u>	<u>1984-85</u>
17	<u>BUSINESS REGULATION,</u>		
18	<u>DEPARTMENT OF</u>		
19	Administration		
20	Position-Attorney	(1)	(1)
21	Personal Services	\$23,000	\$24,000
22	All Other	3,000	3,500
23	Banking, Bureau of		
24	Position-Superintendent	(1)	(1)
25	Personal Services	47,000	48,000
26	Consumer Credit Protection,		
27	Bureau of		
28	Position-Superintendent	(1)	(1)
29	Personal Services	44,000	45,000
30	Maine Athletic Commission		
31	Positions		(-5 1/2)
32	Personal Services		(15,375)
33	All Other		(6,450)
34	Manufactured Housing Board		

1	Positions	(-1)
2	Personal Services	(31,001)
3	All Other	(2,950)
4	Total positions	(3) (-3 1/2)
5		
6	Total	\$117,000 \$64,724

7 There will be a loss of undedicated revenues to
 8 the General Fund of \$24,000 in fiscal year 1983-84
 9 and \$16,600 in fiscal year 1984-85.

10 STATEMENT OF FACT

11 Section 1 transfers the State Claims Board to the
 12 Department of Finance and Administration. It is the
 13 only agency in the Department of Business Regulation
 14 which neither licenses nor regulates anything. It is
 15 adjudicatory.

16 Section 2 establishes a right of appeal for the
 17 State, as well as for claimants who are aggrieved by
 18 decisions of the State Claims Board. It directs that
 19 the appeals be taken to the Superior Court rather
 20 than to the Legislature as they now are. These are
 21 small claims other than land damage cases.

22 Section 3 dedicates the license fees and gate
 23 receipts tax collected by the Maine Athletic Commis-
 24 sion to the operation of the commission.

25 Section 4 extends the Maine Athletic Commission's
 26 rule-making authority over closed circuit events.

27 Section 5 prohibits closed circuit television
 28 public showing of boxing events, except when li-
 29 censed.

30 Section 6 authorizes the Maine Athletic Commis-
 31 sion to issue closed circuit boxing event licenses.

32 Section 7 requires that a closed circuit boxing
 33 license shall specify and be limited to a specific
 34 location, as are live boxing event licenses.

1 Section 8 raises the minimum fee which the Maine
2 Athletic Commission may charge promoters, establishes
3 a fee for closed circuit events and raises the maxi-
4 mum fee for all other licenses issued by the commis-
5 sion.

6 Section 9 conforms the license requirements for
7 foreign copromoters to those applicable to resident
8 promoters.

9 Section 10 raises the gate receipts tax from 3%
10 to 5%, up to a maximum per event tax of \$2,500, on
11 events regulated by the Maine Athletic Commission.

12 Sections 11, 12, 13 and 14 do the same things for
13 wrestling which sections 5, 6, 7 and 8 do for boxing
14 events.

15 Section 15 provides that the salary of the Super-
16 intendent of Consumer Credit Protection be paid from
17 the General Fund.

18 Section 16 provides that the salary of the Super-
19 intendent of the Bureau of Banking be paid from the
20 General Fund.

21 Section 17 changes the name of the Department of
22 Business Regulation to the Department of Business,
23 Occupational and Professional Regulation to reflect
24 the fact that most of its agencies and much of its
25 activities involve the examination, licensing and
26 regulation of approximately 40,000 professional and
27 occupational licensees. It deletes from the depart-
28 ment the State Claims Board and adds the Auctioneers
29 Advisory Board which had been omitted earlier and the
30 Board of Commercial Driver Education which was cre-
31 ated and assigned on July 1, 1982, but not listed.

32 Section 18 deletes 3 unnecessary words.

33 Section 19 creates by statute a Division of
34 Administrative Services, which has existed by letter
35 order of the commissioner since 1974, and a Division
36 of Licensing and Enforcement, which does not now
37 exist and under which the computer services section
38 would operate.

1 Sections 20 and 21 dedicate the fees collected by
2 the Manufactured Housing Board to the operation and
3 activities of the board, and raise the maximum li-
4 cense fees the board may charge manufacturers, deal-
5 ers and mechanics biennially.

6 Section 22 increases the maximum amount of the
7 one-time charge for a seal that the Manufactured
8 Housing Board may charge a housing manufacturer.

9 Section 23 makes mobile home park annual inspec-
10 tions and licensing functions of the Manufactured
11 Housing Board.

12 Sections 24, 25, 26, 27 and 28 delete provisions
13 relating to mobile home parks from the statutes of
14 the Department of Human Services.

15 Sections 29 and 30 pertain to provisions of the
16 land damage section of the State Claims Board statute
17 and substitute the Commissioner of Finance and Admin-
18 istration for the Commissioner of Business Regula-
19 tion.

20 Section 31 changes the wording only whereby the
21 Superintendent of the Bureau of Insurance is paid
22 from the General Fund.

23 Sections 32, 33, 34 and 35 eliminate the execu-
24 tive secretary's position from the Electricians'
25 Examining Board and delete antiquated provisions for
26 signing and sealing of licenses.

27 Sections 36, 37, 38, 39, 40 and 41 remove the
28 Commissioner of Business Regulation from the State
29 Board of Funeral Service.

30 Sections 42, 43 and 44 eliminate the executive
31 secretary's position from the Oil and Solid Fuel
32 Board.

33 Sections 45, 46, 47, 48, 49 and 50 remove the
34 Commissioner of Business Regulation from the Plumb-
35 ers' Examining Board.

36 Section 51 transfers from the Health Engineering

1 Division of the Department of Human Services any
2 mobile home park inspection fee funds unexpended on
3 the effective date of this Act to the Manufactured
4 Housing Fund.

5 Section 52 extends the name Department of Busi-
6 ness, Occupational and Professional Regulation
7 throughout the statutes.

8 Section 53 provides General Fund moneys for the
9 salaries of the Superintendents of the Bureaus of
10 Banking and Consumer Credit Protection and for one
11 attorney to represent General Fund agencies. It
12 takes the Maine Athletic Commission and Manufactured
13 Housing Board out of the General Fund for the 1984-85
14 fiscal year. The Department of Business Regulation
15 currently has only 2 attorneys, both paid from dedi-
16 cated revenues, to do its legal work.

17

3331042083