

MAINE STATE LEGISLATURE

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1 SECOND REGULAR SESSION
2

3 ONE HUNDRED AND ELEVENTH LEGISLATURE
4

5 Legislative Document

No. 2144

6
7 H.P. 1620

House of Representatives, February 29, 1984

8 Submitted by the Department of Business, Occupational and Professional
9 Regulation pursuant to Joint Rule 24.

10 Referred to the Committee on Business Legislation. Sent up for
concurrency and ordered printed.

EDWIN H. PERT, Clerk

Presented by Representative Rolde of York.

11 Cosponsors: Senator Sewall of Lincoln, Representative Perkins of
Brooksville and Senator Diamond of Cumberland.

12 STATE OF MAINE
13

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

17 AN ACT to Place Seven Affiliated Boards
18 Within the Department of Business, Occupational
19 and Professional Regulation.
20

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

23 Sec. 1. 10 MRSA §8001, as amended by PL 1983, c.
24 553, §11, is further amended to read:

25 §8001. Department; agencies within department

26 There is created and established the Department
27 of Business, Occupational and Professional Regula-
28 tion, in this chapter referred to as the "depart-
29 ment," to regulate financial institutions, insurance
30 companies, commercial sports, grantors of consumer
31 credit and to license and regulate professions and
32 occupations. The department shall be composed of the
33 following bureaus, boards and commissions:

1 Banking, Bureau of;
2 Consumer Credit Protection, Bureau of;
3 Insurance, Bureau of;
4 Athletic Commission, Maine;
5 Penobscot Bay and River Pilotage Commission;
6 Real Estate Commission;
7 Running Horse Racing Commission, State;
8 Accountancy, Board of;
9 Arborist Examining Board;
10 Architects and Landscape Architects, Maine State
11 Board for Registration of;
12 Auctioneers Advisory Board;
13 Barbers, State Board of;
14 Commercial Driver Education, Board of;
15 Cosmetology, State Board of;
16 Electricians' Examining Board;
17 Engineers, State Board of Registration for Pro-
18 fessional;
19 Foresters, State Board of Registration for Pro-
20 fessional;
21 Funeral Service, State Board of;
22 Geologists and Soil Scientists, State Board of
23 Certification for;
24 Hearing Aid Dealers and Fitters, Board of;
25 Land Surveyors, State Board of Registration for;
26 Manufactured Housing Board;

1 Oil and Solid Fuel Board;
2 Physical Therapy, Board of Examiners in;
3 Plumbers' Examining Board;
4 Psychologists, State Board of Examiners of;
5 Social Worker Registration, State Board of;
6 Speech Pathology and Audiology, Board of Examin-
7 ers on; and
8 Substance Abuse Counselors, Board of Registration
9 of.

10 Sec. 2. 32 MRSA §211-A is enacted to read:

11 §211-A. Definitions

12 As used in this chapter, unless the context oth-
13 erwise indicates, the following terms have the fol-
14 lowing meanings.

15 1. Commissioner. "Commissioner" means the Com-
16 missioner of Business, Occupational and Professional
17 Regulation.

18 2. Department. "Department" means the Depart-
19 ment of Business, Occupational and Professional Regu-
20 lation.

21 Sec. 3. 32 MRSA §213-A, as enacted by PL 1983,
22 c. 413, §5, is repealed and the following enacted in
23 its place:

24 §213-A. Compensation; employees

25 Each member of the board shall receive compensa-
26 tion for his services of \$35 a day for each meeting
27 and his actual and necessary expenses incurred in the
28 discharge of his duties. These expenses shall be
29 certified by the secretary of the board.

30 With the advice of the board, the commissioner
31 may appoint, subject to the Personnel Law, such em-
32 ployees as may be necessary to carry out this chap-

1 ter. Any person so employed shall be located in the
2 department and under the administrative and supervi-
3 sory direction of the commissioner.

4 Sec. 4. 32 M RSA §217, as amended by PL 1977, c.
5 604, §7, is further amended to read: read:

6 §217. Reports

7 Not later than August 1st of each year, the board
8 shall submit to the Commissioner of Business
9 Regulation commissioner a report of its transactions of
10 the preceding fiscal year ending June 30th, and shall
11 transmit to ~~him~~ it a complete statement of all re-
12 cepts and expenditures of the board, attested by af-
13 fidavits of its chairman and its secretary.

14 Sec. 5. 32 M RSA §217-A, as enacted by PL 1977,
15 c. 604, §8, is repealed.

16 Sec. 6. 32 M RSA §217-B, as enacted by PL 1977,
17 c. 604, §8, is amended to read:

18 §217-B. Budget

19 The board shall submit to the Commissioner of
20 Business Regulation commissioner its budgetary re-
21 quirements in the same manner as is provided in Title
22 5, section 1665, and the ~~commissioner~~ shall in turn
23 transmit these requirements to the Bureau of the Bud-
24 get without any revision, alteration or change.

25 Sec. 7. 32 M RSA §224, as amended by PL 1983, c.
26 413, §11, is further amended to read:

27 §224. Certificate of registration

28 The board shall issue a certificate of registra-
29 tion, upon payment of the fee provided for in this
30 chapter, to any applicant who, in the opinion of the
31 board, has satisfactorily met all the requirements of
32 this chapter. Certificates shall bear a serial number
33 and the full name of the registrant, and shall bear
34 the signatures of the chairman and secretary, and the
35 seal of the board.

1 Issuance of a certificate of registration by the
2 board shall be evidence that the person named therein
3 is entitled to all the rights and privileges of a
4 registered architect or registered landscape archi-
5 tect while the certificate remains unexpired and un-
6 revoked. The certificate shall be synonymous with
7 registration, with the full meaning and effect of a
8 license to practice architecture or landscape archi-
9 tecture.

10 Certificates of registration shall expire ~~on the~~
11 ~~last day of June of each year~~ annually on a date es-
12 tablished by the commissioner. Renewal may be ef-
13 fectd at any time during the month of June prior to
14 expiration by payment of the renewal fee. A certifi-
15 cate may be renewed up to 90 days after the date of
16 its expiration upon payment of a late fee of \$10 in
17 addition to the renewal fee. Any person who submits
18 an application for renewal more than 90 days after
19 the license expiration date shall be subject to all
20 requirements governing new applicants under this
21 chapter, except that the board may in its discretion,
22 giving due consideration to the protection of the
23 public, waive examination if the renewal application
24 is made within 2 years from the date of the expira-
25 tion.

26 Sec. 8. 32 MRSA §301, sub-§§4 and 5 are enacted
27 to read:

28 4. Commissioner. "Commissioner" means the Com-
29 missioner of Business, Occupational and Professional
30 Regulation.

31 5. Department. "Department" means the Depart-
32 ment of Business, Occupational and Professional Regu-
33 lation.

34 Sec. 9. 32 MRSA §351, sub-§3, as amended by PL
35 1977, c. 604, §9, is repealed and the following en-
36 acted in its place:

37 3. Employees. With the advice of the board, the
38 commissioner may appoint, subject to the Personal
39 Law, such employees as may be necessary to carry out
40 this chapter. Any person so employed shall be lo-
41 cated in the department and under the administrative
42 and supervisory direction of the commissioner.

1 Sec. 10. 32 MRSA §351, sub-§4, as enacted by PL
2 1977, c. 398, §7, is amended to read:

3 4. Compensation. The members of the board shall
4 receive as compensation for their services \$35 per
5 day for no more than 18 days per calendar year, or,
6 in the case of the chairman for no more than 25 days
7 per calendar year, and in addition thereto all neces-
8 sary expenses incurred in the discharge of their du-
9 ties whether or not compensated for those services.
10 Expenses as related to duties out of the State shall
11 be reimbursable for no more than 5 calendar days per
12 calendar year unless approved in advance by the
13 Governer commissioner.

14 Sec. 11. 32 MRSA §352, sub-§1, as amended by PL
15 1983, c. 413, §24, is further amended to read:

16 1. Board to administer, coordinate and enforce.
17 The board shall administer, coordinate and enforce
18 this chapter, evaluate the qualifications and super-
19 vise the examinations of applicants for registration
20 under this chapter and shall, at its discretion, in-
21 vestigate allegations of violations of this chapter.
22 The board shall keep such records and minutes as are
23 necessary to the ordinary dispatch of its functions.

24 The board shall cause sanitary inspections to be made
25 at least twice a year of all shops and other estab-
26 lishments subject to license under this chapter. In
27 addition, Any any member or employee of the board may
28 enter and make reasonable examination of any barber
29 shop during business hours for the purpose of ascer-
30 taining whether or not the rules are being observed.

31 The board shall submit to the Commissioner of Busi-
32 ness Regulation commissioner its budgetary require-
33 ments in the same manner as is provided in Title 5,
34 section 1665, and the commissiонер shall in turn
35 transmit these requirements to the Bureau of the Bud-
36 get without any revision, alteration or change.

37 Sec. 12. 32 MRSA §406, as repealed and replaced
38 by PL 1977, c. 398, §9, is amended to read:

39 §406. Technicians

1 Every barber technician, ~~in order to avail him-~~
2 ~~self of this chapter,~~ shall, before entering employ-
3 ment as a barber technician, file with the secretary
4 of the board, on forms which shall be provided by the
5 board, the name and place of business of the employ-
6 er, the date on which employment will be commenced
7 and the barber technician's full name and age. That
8 age shall not be less than 17 years. The forms shall
9 be accompanied by a registration fee of \$5. Any bar-
10 ber technician who shall change his place of employ-
11 ment shall promptly notify the board and furnish it
12 with the name and place of business of the new em-
13 ployer and the date of the change.

14 The board shall furnish to each barber technician
15 a certificate of registration ~~in the form prescribed~~
16 ~~by the board, bearing the seal of the board,~~ certifi-
17 ing that the holder is a barber technician. It shall
18 be the duty of the holder of such a certificate of
19 registration to post it in a conspicuous place where
20 it may readily be seen by all persons, ~~on or before~~
21 ~~the first day of January in each year.~~ The fee for
22 such a certificate shall be \$10 in the first instance
23 and \$10 for each biennial renewal thereof. ~~The cer-~~
24 ~~tificate shall run from the first day of January of~~
25 ~~each biennium. Certificates shall expire biennially~~
26 on a date established by the commissioner.

27 A barber technician shall not be considered an
28 apprentice nor shall any time which he has been reg-
29 istered and been employed as a barber technician
30 count toward training for eligibility to obtain a
31 certificate of registration as a barber.

32 Sec. 13. 32 MRSA §407, as amended by PL 1983, c.
33 413, §29, is further amended to read:

34 §407. Certificates; renewal; fees

35 The board shall furnish to each registered barber
36 a certificate of registration ~~bearing the seal of the~~
37 ~~board and the names of all of its members,~~ certifying
38 that the holder thereof is entitled to practice bar-
39 bering in this State. It shall be the duty of the
40 holder of such certificate of registration to post it
41 in a conspicuous place where it may be readily seen
42 by all persons served.

1 The certificate of registration shall be renewed
2 ~~on or before the first day of January~~ biennially on
3 or before the expiration date established by the
4 commissioner, and the holder of the certificate of
5 registration shall pay the sum of \$50 for each bien-
6 nial renewal.

7 A license may be renewed up to 90 days after the
8 date of its expiration upon payment of a late fee of
9 \$10 in addition to the renewal fee. Any person who
10 submits an application for renewal more than 90 days
11 after the license expiration date shall be subject to
12 all requirements governing new applicants under this
13 chapter, except that the board may in its discretion,
14 giving due consideration to the protection of the
15 public, waive examination if the renewal application
16 is made within 2 years from the date of the expira-
17 tion.

18 Sec. 14. 32 MRSA §1251, sub-§§1-A and 1-B, are
19 enacted to read:

20 1-A. Commissioner. "Commissioner" means the
21 Commissioner of Business, Occupational and Profes-
22 sional Regulation.

23 1-B. Department. "Department" means the Depart-
24 ment of Business, Occupational and Professional Regu-
25 lation.

26 Sec. 15. 32 MRSA §1303 is amended to read:

27 §1303. Compensation and expenses

28 No member of the board, ~~except as provided in~~
29 ~~section 1307, shall~~ may receive any compensation for
30 his services as a member of the board, but shall be
31 reimbursed for all actual traveling and incidental
32 expenses necessarily incurred in carrying out this
33 chapter. No clerical expenses ~~shall~~ may be allowed
34 any member of the board except as provided in section
35 1307.

36 Sec. 16. 32 MRSA §1307 is amended to read:

37 §1307. Receipts and disbursements

1 The secretary of the board shall receive and ac-
2 count for all moneys derived under this chapter and
3 shall pay the same, as provided by law, to the Trea-
4 surer of State, who shall keep such moneys in a sepa-
5 rate fund to be known as the "Professional Engineers'
6 Fund." ~~The secretary of the board shall receive a~~
7 ~~salary and allowance for clerical hire as recommended~~
8 ~~by the board, in addition to the expenses provided~~
9 ~~for in section 1303.~~ The board may make other expend-
10 itures from this fund, upon itemized vouchers ap-
11 proved by the chairman of the board, which in the
12 opinion of the board are reasonably necessary for the
13 proper performance of its duties under this chapter.

14 With the advice of the board, the commissioner
15 may appoint, subject to the Personnel Law, such em-
16 ployees as may be necessary to carry out this chap-
17 ter. Any person so employed shall be located in the
18 department and under the administrative and supervi-
19 sory direction of the commissioner.

20 Sec. 17. 32 MRSA §1308, as repealed and replaced
21 by PL 1983, c. 413, §46, is amended to read:

22 §1308. Records and reports

23 The board shall keep such records and minutes as
24 are necessary to the ordinary dispatch of its func-
25 tions.

26 Not later than August 1st of each year, the board
27 shall submit to the ~~Commissioner of Business~~
28 ~~Regulation~~ commissioner a report of its transactions
29 of the preceding fiscal year ending June 30th and
30 shall transmit to him a complete statement of the re-
31 ceipts and expenditures of the board, attested by af-
32 fidavits of its chairman and its secretary.

33 The commissioner shall act as a liaison between
34 the board and the Governor.

35 The commissioner shall not have the authority to
36 exercise or interfere with the exercise of discre-
37 tionary, regulatory or licensing authority granted by
38 statute to the board.

1 The board shall submit to the Commissioner of
2 Business Regulation commissioner its budgetary re-
3 quirements in the same manner as is provided in Title
4 5, section 1665, and the commissioner shall in turn
5 transmit these requirements to the Bureau of the Bud-
6 get without any revision, alteration or change.

7 Sec. 18. 32 MRSA §1355, first ¶ is amended to
8 read:

9 The board shall issue a certificate of registra-
10 tion upon payment of registration fee as provided for
11 in this chapter, to any applicant who, in the opinion
12 of the board, has satisfactorily met all the require-
13 ments of this chapter. The certificate shall autho-
14 rize the practice of "professional engineering." Cer-
15 tificates of registration shall show the full name of
16 the registrant, shall have a serial number and shall
17 be signed by the chairman and the secretary of the
18 board under seal of the board.

19 Sec. 19. 32 MRSA §1357, as amended by PL 1983,
20 c. 413, §50, is further amended to read:

21 §1357. Expiration and renewals

22 Certificates of registration shall expire on the
23 last day of December of odd-numbered years following
24 their issuance or renewal biennially on a date estab-
25 lished by the commissioner and shall become invalid
26 on that date unless renewed. It shall be the duty of
27 the secretary of the board to notify every person
28 registered under this chapter of the date of the ex-
29 piration of his certificate and the amount of the fee
30 that shall be required for its renewal for a 2-year
31 period, except when the applicant has become regis-
32 tered during the first year of the 2-year period,
33 then the renewal fee shall be for the remaining one
34 year of that 2-year period. The notice shall be
35 mailed at least one month in advance of the date of
36 the expiration of the certificate. Renewal may be ef-
37 fected at any time during the month of ~~December~~ prior
38 to expiration by the payment of a fee designated by
39 the board, which shall not exceed \$15 annually nor be
40 less than \$5 annually. Registration may be renewed
41 up to 90 days after the date of expiration upon pay-
42 ment of a late fee of \$10 in addition to the renewal

1 fee. Any person who submits an application for re-
2 newal more than 90 days after the registration renew-
3 al date shall be subject to all requirements govern-
4 ing new applicants under this chapter, except that
5 the board may in its discretion, giving due consider-
6 ation to the protection of the public, waive examina-
7 tion if the renewal application is made within 3
8 years from the date of the expiration.

9 Sec. 20. 32 MRSA §1551, sub-§§2-A and 3-A are
10 enacted to read:

11 2-A. Commissioner. "Commissioner" means the
12 Commissioner of Business, Occupational and Profes-
13 sional Regulation.

14 3-A. Department. "Department" means the Depart-
15 ment of Business, Occupational and Professional Regu-
16 lation.

17 Sec. 21. 32 MRSA §1601, sub-§3, as amended by PL
18 1977, c. 604, §17, is repealed and the following en-
19 acted in its place:

20 3. Employees. With the advice of the board, the
21 commissioner may appoint, subject to the Personnel
22 Law, such employees as may be necessary to carry out
23 this chapter. Any person so employed shall be lo-
24 cated in the department and under the administrative
25 and supervisory direction of the commissioner.

26 Sec. 22. 32 MRSA §1601, sub-§4, as enacted by PL
27 1977, c. 398, §10, is amended to read:

28 4. Compensation. The members of the board shall
29 receive as compensation for their services \$35 per
30 day for no more than 18 days per calendar year, or,
31 in the case of the chairman, for no more than 25 days
32 per calendar year, and in addition thereto all neces-
33 sary expenses incurred in the discharge of their du-
34 ties whether or not compensated for said services.
35 Expenses as related to duties out of the State shall
36 be reimbursable for no more than 5 calendar days per
37 calendar year unless approved in advance by the
38 Governer ~~commissioner~~.

39 Sec. 23. 32 MRSA §1602, sub-§1, as amended by PL
40 1983, c. 413, §68, is further amended to read:

1 1. Board to administer, coordinate and en-
2 force. The board shall administer, coordinate and
3 enforce this chapter, evaluate the qualifications and
4 supervise the examinations of applicants for regis-
5 tration under this chapter and shall, at its discre-
6 tion, investigate allegations of violations of this
7 chapter. The board shall keep such records and min-
8 utes as are necessary to the ordinary dispatch of its
9 functions.

10 The board shall cause sanitary inspections to be made
11 at least twice a year of all shops and other estab-
12 lishments subject to license under this chapter. In
13 addition, Any any member or employee of the board may
14 enter and make reasonable examination of any beauty
15 shop during business hours for the purpose of ascer-
16 taining whether or not the rules are being observed.

17 Sec. 24. 32 MRSA §1602, last four paragraphs, as
18 enacted by PL 1977, c. 604, §18, are amended to read:

19 On or before August 1st of each year, the board
20 shall submit to the Commissioner of Business
21 Regulation commissioner, for the preceding fiscal
22 year ending June 30th, its annual report of its oper-
23 ations and financial position, together with such
24 comments and recommendations as the commissioner
25 deems essential.

26 The commissioner shall act as a liaison between
27 the board and the Governor.

28 The commissioner shall not have the authority to
29 exercise or interfere with the exercise of discre-
30 tionary, regulatory or licensing authority granted by
31 statute to the board.

32 The board shall submit to the Commissioner of
33 Business Regulation commissioner its budgetary re-
34 quirements in the same manner as is provided in Title
35 5, section 1665, and the commissioner shall in turn
36 transmit these requirements to the Bureau of the Bud-
37 get without any revision, alteration or change.

38 Sec. 25. 32 MRSA §1651, third ¶, as repealed and
39 replaced by PL 1977, c. 398, §10, is amended to read:

1 No person, firm or corporation shall operate or
2 cause to be operated a shop where cosmetology is
3 practiced unless that shop has been duly licensed.
4 The fee for a license to operate a beauty shop shall
5 be \$30 for a new shop or change in location or owner-
6 ship and \$20 but not exceeding \$35 for each biennial
7 renewal thereof. ~~The license shall run from the first~~
8 ~~day of July biennially and the fee shall be payable~~
9 ~~to the board.~~ These licenses shall expire biennially
10 on a date established by the commissioner and may be
11 renewed at any time during the month prior to expira-
12 tion upon payment of the renewal fee. Booths, at-
13 tached to or within a beauty shop that are operated
14 independently thereof, shall be subject to license
15 fees in the same manner as an independent shop.

16 Sec. 26. 32 MRS §1652, fourth ¶, as repealed
17 and replaced by PL 1977, c. 398, §10, is repealed and
18 the following enacted in its place:

19 An application fee and an examination fee may be
20 established by the board in amounts which are reason-
21 able and necessary for their respective purposes.

22 Sec. 27. 32 MRS §1656, sub-§1, as amended by PL
23 1981, c. 501, §60, is further amended to read:

24 1. Demonstrators. Any person registered to prac-
25 tice cosmetology may apply to the board ~~of~~ for regis-
26 tration as a demonstrator. A certificate of regis-
27 tration limited to demonstrations only may be issued
28 upon complying with such requirements as may be de-
29 termined by the board and upon payment of the fee of
30 \$25 for an initial license, which is valid until the
31 next renewal date. Certificates shall be renewed
32 expire biennially on or before July 1st by paying a
33 renewal fee of \$30 a date established by the commis-
34 sioner and may be renewed at any time during the
35 month prior to expiration upon payment of the renewal
36 fee of \$30.

37 Sec. 28. 32 MRS §1657, as amended by PL 1983,
38 c. 413, §73, is further amended to read:

39 §1657. Certificates; renewal; fees

1 The board shall furnish to each registered cosme-
2 tologist a certificate of registration ~~bearing the~~
3 ~~seal of the board and the names of all of its mem-~~
4 ~~bers,~~ certifying that the holder thereof is entitled
5 to practice cosmetology in this State. It shall be
6 the duty of the holder of such certificate of regis-
7 tration to post it in a conspicuous place where it
8 may be readily seen by all persons served.

9 The certificate of registration shall be renewed
10 ~~on or before the first day of July biennially~~ expire
11 biennially on a date established by the commissioner
12 and may be renewed at any time during the month prior
13 to expiration. The holder of the certificate of reg-
14 istration shall pay the board for the biennial renew-
15 al a sum between \$20 and \$35, as determined by the
16 board.

17 A license may be renewed up to 90 days after the
18 date of its expiration upon payment of a late fee of
19 \$10 in addition to the renewal fee. Any person who
20 submits an application for renewal more than 90 days
21 after the license expiration date shall be subject to
22 all requirements governing new applicants under this
23 chapter, except that the board may in its discretion,
24 giving due consideration to the protection of the
25 public, waive examination if the renewal application
26 is made within 2 years from the date of the expira-
27 tion.

28 Sec. 29. 32 MRSA §1662, sub-§§4 and 5 are en-
29 acted to read:

30 4. Commissioner. "Commissioner" means the Com-
31 missioner of Business, Occupational and Professional
32 Regulation.

33 5. Department. "Department" means the Depart-
34 ment of Business, Occupational and Professional Regu-
35 lation.

36 Sec. 30. 32 MRSA §1673, as enacted by PL 1967,
37 c. 423, §1, is amended to read:

38 §1673. Compensation and expenses

1 No member of the board, ~~except as provided in~~
2 ~~section 1677, shall~~ may receive any compensation for
3 his services as a member of the board, but shall be
4 reimbursed for all actual traveling and incidental
5 expenses necessarily incurred in carrying out this
6 chapter. No clerical expenses ~~shall~~ may be allowed
7 any member of the board except as provided in section
8 1677.

9 Sec. 31. 32 MRSa §1677, as enacted by PL 1967,
10 c. 423, §1, is amended to read:

11 §1677. Receipts and disbursements

12 The ~~secretary of the~~ board shall receive and ac-
13 count for all moneys derived under this chapter and
14 shall pay the same to the Treasurer of State, who
15 shall keep such moneys in a separate fund to be known
16 as the "Land Surveyors Fund." ~~The secretary of the~~
17 ~~board shall receive a salary and allowance for clerical~~
18 ~~hire as recommended by the board, in addition to~~
19 ~~the expenses provided for in section 1673-~~

20 The board may make ~~other~~ expenditures from this
21 fund, upon itemized vouchers approved by the chairman
22 of the board, which in the opinion of the board are
23 reasonably necessary for the proper performance of
24 its duties under this chapter.

25 With the advice of the board, the commissioner
26 may appoint, subject to the Personnel Law, such em-
27 ployees as may be necessary to carry out this chap-
28 ter. Any person so employed shall be located in the
29 department and under the administrative and supervi-
30 sory direction of the commissioner.

31 Sec. 32. 32 MRSa §1678, as repealed and replaced
32 by PL 1983, c. 413, §94, is amended to read:

33 §1678. Records and reports

34 The board shall keep such records and minutes as
35 are necessary to the ordinary dispatch of its func-
36 tions.

37 On or before August 1st of each year, the board
38 shall submit to the ~~Commissioner of Business~~

1 Regulation commissioner, for the preceding fiscal
2 year ending June 30th, its annual report of its oper-
3 ations and financial position, together with such
4 comments and recommendations as the board deems es-
5 sential.

6 The commissioner shall act as a liaison between
7 the board and the Governor.

8 The commissioner shall not have the authority to
9 exercise or interfere with the exercise of discre-
10 tionary, regulatory or licensing authority granted by
11 statute to the board.

12 The board shall submit to the Commissioner of
13 Business Regulation commissioner its budgetary re-
14 quirements in the same manner as is provided in Title
15 5, section 1665, and the commissioner shall in turn
16 transmit these requirements to the Bureau of the Bud-
17 get without any revision, alteration or change.

18 Sec. 33. 32 MRSA §1687, 2nd ¶, as enacted by PL
19 1967, c. 423, §1, is repealed.

20 Sec. 34. 32 MRSA §1689, first ¶, as repealed and
21 replaced by PL 1983, c. 413, §100, is amended to
22 read:

23 Certificates of registration for land surveyors
24 shall expire ~~on the last day of December of odd-~~
25 ~~numbered years following their issuance or renewal~~
26 biennially on a date established by the commissioner
27 and shall become invalid on that date unless renewed.
28 The ~~secretary of the~~ board shall notify every person
29 registered under this chapter of the date of the ex-
30 piration of his certificate and the amount of the fee
31 that shall be required for its renewal for 2 years.
32 The notice shall be mailed at least one month in ad-
33 vance of the date of the expiration of the certifi-
34 cate. Renewal may be effected at any time during the
35 month ~~of December~~ prior to expiration by the payment
36 of the fee designated by the board, not to exceed \$20
37 per biennium.

38 Sec. 35. 32 MRSA §3961, sub-§§1-A and 1-B, are
39 enacted to read:

1 1-A. Commissioner. "Commissioner" means the
2 Commissioner of Business, Occupational and Profes-
3 sional Regulation.

4 1-B. Department. "Department" means the Depart-
5 ment of Business, Occupational and Professional Regu-
6 lation.

7 Sec. 36. 32 MRSA §3972, first ¶, as repealed and
8 replaced by PL 1983, c. 413, §161, is amended to
9 read:

10 The board shall meet at least once a year to con-
11 duct its business and elect its officers. Additional
12 meetings shall be held as necessary to conduct the
13 business of the board, and may be convened at the
14 call of the chairman or a majority of the board mem-
15 bers. Annually, the members shall elect from their
16 number a chairman, a secretary who shall be a certi-
17 fied public accountant and a treasurer. The offices
18 of secretary and treasurer may be held by the same
19 person. The board may adopt a seal. Four members
20 shall constitute a quorum for the transaction of
21 business. All fees and other moneys collected by
22 the board shall be promptly transmitted by the trea-
23 ~~surer of the board~~ to the Treasurer of State, togeth-
24 er with an account of these receipts. The moneys are
25 to be used only for expenses of the board upon requi-
26 sition drawn on the State Controller. Each member of
27 the board shall receive \$10 per hour and his neces-
28 sary expenses, while engaged in the discharge of his
29 official duties. Travel expense reimbursement shall
30 not exceed the rate paid to state employees. If re-
31 ceipts of the board are not sufficient to cover all
32 expenses and compensation of the board, the board may
33 reduce equitably the compensation of its individual
34 members.

35 Sec. 37. 32 MRSA §3973, as enacted by PL 1977,
36 c. 604, §32, is repealed and the following enacted in
37 its place:

38 §3973. Employees; report

39 With the advice of the board, the commissioner
40 may appoint, subject to the Personnel Law, such em-

1 ployees as may be necessary to carry out this chap-
2 ter. Any person so employed shall be located in the
3 department and under the administrative and supervi-
4 sory direction of the commissioner.

5 On or before August 1st of each year, the board
6 shall submit to the commissioner, for the preceding
7 fiscal year ending June 30th, its annual report of
8 its operations and financial position, together with
9 such comments and recommendations as the commissioner
10 deems essential.

11 Sec. 38. 32 MRSA §3974, as enacted by PL 1977,
12 c. 604, §32, is amended to read:

13 §3974. Budget

14 The board shall submit to the ~~Commissioner of~~
15 Business Regulation ~~commissioner~~ its budgetary re-
16 quirements in the same manner as is provided in Title
17 5, section 1665, and the ~~commissioner~~ shall in turn
18 transmit these requirements to the Bureau of the Bud-
19 get without any revision, alteration or change.

20 Sec. 39. 32 MRSA §3989, first ¶, as amended by
21 PL 1979, c. 517, §4, is further amended to read:

22 Each corporation, formed pursuant to Title 13,
23 chapter 22, partnership or office engaged in or es-
24 tablished for the practice of public accounting in
25 the State of Maine shall register with the Maine
26 Board of Accountancy ~~on or before July 1st~~ annually
27 on a date established by the commissioner, but no fee
28 shall be charged for such registration. Application
29 for registration shall be in the form prescribed by
30 the board and the requirements for registration shall
31 be as follows.

32 Sec. 40. 32 MRSA §3990, sub-§1, as enacted by PL
33 1979, c. 517, §5, is amended to read:

34 1. Issuance, renewal. Permits to engage in the
35 practice of public accounting in this State shall be
36 issued by the board to holders of the certificate of
37 certified public accountant and to holders of the
38 certificate of public accountant, provided all of-
39 fices of the certificate holder are maintained and

1 registered as required under section 3989. There
2 shall be an initial permit fee in an amount to be de-
3 termined by the board not to exceed \$50. All permits
4 shall expire on the last day of June of each year an-
5 nually on a date established by the commissioner and
6 may be renewed annually for a period of one year by
7 certificate holders in good standing upon payment of
8 an annual renewal fee of not to exceed \$50. Reregis-
9 tration forms must be mailed by the board to all per-
10 mit holders by May 31st annually at least 30 days in
11 advance of the expiration date. Any certificate
12 holder who continues to practice public accounting
13 and who fails to apply for that annual permit, on or
14 before the last day of June in each year permit expi-
15 ration date shall be liable, in addition to the regu-
16 lar permit fee, for a penalty of \$5 or 5% of the an-
17 nual fee, whichever is greater, for each month or
18 fraction thereof during which his failure continues.
19 If the failure continues for more than one year, the
20 certificate holder shall pay, in addition to the pen-
21 alty, the annual fee or fees for the year or years
22 during which the failure continues. Any certificate
23 holder whose employment by any government agency pro-
24 hibits or precludes his practice of public accounting
25 in the State of Maine, by application to the board,
26 shall be excused from paying the annual permit fee
27 during the period of employment.

28 Sec. 41. 38 MRSA §85-A is enacted to read:

29 §85-A. Definitions

30 For purposes of sections 85 to 105, the following
31 words have the following meanings.

32 1. Commissioner. "Commissioner" means the Com-
33 missioner of Business, Occupational and Professional
34 Regulation.

35 2. Department. "Department" means the Depart-
36 ment of Business, Occupational and Professional Regu-
37 lation.

38 Sec. 42. 38 MRSA §90-A, as amended by PL 1981,
39 c. 456, Pt. A, §121, is further amended to read:

40 §90-A. Reports; liaison; limitations

1 On or before August 1st of each year, the commis-
2 sion shall submit to the Commissioner of Business
3 Regulation commissioner, for the preceding fiscal
4 year ending June 30th its annual report of its opera-
5 tions and financial position, together with such com-
6 ments and recommendations as the commission deems es-
7 sential.

8 The commissioner shall act as a liaison between
9 the commission and the Governor.

10 The commissioner shall not have the authority to
11 exercise or interfere with the exercise of discre-
12 tionary, regulatory or licensing authority granted by
13 statute to the commission.

14 Sec. 43. 38 MRSA §90-B, as amended by PL 1981,
15 c. 456, Pt. A, §122, is further amended to read:

16 §90-B. Budget

17 The commission shall submit to the Commissioner
18 of Business Regulation commissioner its budgetary re-
19 quirements in the same manner as is provided in Title
20 5, section 1665, and the commissioner shall in turn
21 transmit these requirements to the Bureau of the Bud-
22 get without any revision, alteration or change.

23 Sec. 44. 38 MRSA §90-C is enacted to read:

24 §90-C. Employees

25 With the advice of the board, the commissioner
26 may appoint, subject to the Personnel Law, such em-
27 ployees as may be necessary to carry out the duties
28 of the board. Any person so employed shall be lo-
29 cated in the department and under the administrative
30 and supervisory direction of the commissioner.

31 Sec. 45. 38 MRSA §92, as enacted by PL 1969, c.
32 410, §1, is amended to read:

33 §92. Duration and renewal of licenses

34 Licenses issued by the pilot commission shall run
35 for 5 years from date of issue be renewed every 5
36 years on or before the expiration date established by

1 The public interest would be better served by
2 having these boards in or out of the department.
3 This bill proposes to resolve these problems by
4 putting the 7 boards which are attached to the De-
5 partment of Business, Occupational and Professional
6 Regulation into the department, on the same basis as
7 the other 18 boards.

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