

# MAINE STATE LEGISLATURE

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1 SECOND REGULAR SESSION  
2

3 ONE HUNDRED AND ELEVENTH LEGISLATURE  
4

5 Legislative Document

No. 2145  
6

7 H.P. 1621

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 Separate Seven Affiliated  
18 Boards from the Department of Business,  
19 Occupational and Professional Regulation.  
20

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

23 Sec. 1. 32 MRSA §217, as amended by PL 1977, c.  
24 604, §7, is further amended to read:

25 §217. Reports

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

33 Sec. 2. 32 MRSA §217-A, as enacted by PL 1977,  
34 c. 604, §8, is repealed.

1           Sec. 3. 32 MRSA §217-B, as enacted by PL 1977,  
2           c. 604, §8, is amended to read:

3           §217-B. Budget

4           The board shall submit to the ~~Commissioner of~~  
5           ~~Business Regulation State Budget Officer~~ its budget-  
6           ary requirements in the same manner as is provided in  
7           Title 5, section 1665; ~~and the commissioner shall in~~  
8           ~~turn transmit these requirements to the Bureau of the~~  
9           ~~Budget without any revision, alteration or change.~~

10           Sec. 4. 32 MRSA §351, sub-§3, as amended by PL  
11           1977, c. 604, §9, is further amended to read:

12           3. Employees. The board shall employ, subject to  
13           the Personnel Law, an executive secretary. The salary  
14           of the executive secretary shall be determined by the  
15           State Personnel Board and shall be paid from funds  
16           received under this chapter. The executive secretary  
17           of the board shall keep a record of all proceedings,  
18           certificates of registration and licenses; issue all  
19           notices, except those required to be issued by the  
20           Administrative Court Judge under Title 4, chapter 25;  
21           attest all such papers and orders as the board shall  
22           direct; make sanitary inspections at least twice a  
23           year of shops and other establishments subject to li-  
24           cense under this chapter as directed by the board,  
25           and shall, on or before August 1st of each year, sub-  
26           mit a report to the ~~Commissioner of Business~~  
27           ~~Regulation Governor~~, for the preceding fiscal year  
28           ending June 30th, giving a full ~~statement~~ statement of  
29           all receipts and expenditures and a statement of the  
30           work performed by the board during the year, together  
31           with such recommendations as deemed necessary. The  
32           board shall employ, subject to the Personnel Law, in-  
33           spectors who may be registered barbers and who shall,  
34           under the direction of the executive secretary, make  
35           inspections of shops and other establishments subject  
36           to license. The salary of such inspectors shall be  
37           determined by the State Personnel Board and shall be  
38           paid from funds received under this chapter. The  
39           board shall have the right to dismiss, for cause, the  
40           executive secretary or the inspectors.

41           Sec. 5. 32 MRSA §352, sub-§1, as amended by PL  
42           1983, c. 413, §24, is further amended to read:

1           1. Board to administer, coordinate and enforce.  
2     The board shall administer, coordinate and enforce  
3     this chapter, evaluate the qualifications and super-  
4     vise the examinations of applicants for registration  
5     under this chapter and shall, at its discretion, in-  
6     vestigate allegations of violations of this chapter.  
7     The board shall keep such records and minutes as are  
8     necessary to the ordinary dispatch of its functions.

9     Any member or employee of the board may enter and  
10    make reasonable examination of any barber shop during  
11    business hours for the purpose of ascertaining wheth-  
12    er or not the rules are being observed.

13    The board shall submit to the Commissioner of Busi-  
14    ness Regulation State Budget Officer its budgetary  
15    requirements in the same manner as is provided in Ti-  
16    tle 5, section 1665, ~~and the commissioner shall in~~  
17    ~~turn transmit these requirements to the Bureau of the~~  
18    ~~Budget without any revision, alteration or change.~~

19           Sec. 6. 32 MRSA §1308, 2nd ¶, as repealed and  
20    replaced by PL 1983, c. 413, §46, is amended to read:

21           Not later than August 1st of each year, the board  
22    shall submit to the Commissioner of Business  
23    Regulation Transportation a report of its transac-  
24    tions of the preceding fiscal year ending June 30th  
25    and shall transmit to him a complete statement of the  
26    receipts and expenditures of the board, attested by  
27    affidavits of its chairman and its secretary.

28           Sec. 7. 32 MRSA §1308, last ¶, as repealed and  
29    replaced by PL 1983, c. 413, §46, is amended to read:

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

36           Sec. 8. 32 MRSA §1601, sub-§3, as amended by PL  
37    1977, c. 604, §17, is further amended to read:

38           3. Employees. The board shall employ, subject to  
39    the Personnel Law, an executive secretary. The salary

1 of the executive secretary shall be determined by the  
2 State Personnel Board and shall be paid from funds  
3 received under this chapter. The executive secretary  
4 of the board shall keep a record of all proceedings,  
5 certificates of registration and licenses; issue all  
6 notices, except those required to be issued by the  
7 Administrative Court Judge under Title 4, chapter 25;  
8 attest all papers and orders as the board shall di-  
9 rect; make sanitary inspections at least twice a year  
10 of shops and other establishments subject to a li-  
11 cense under this chapter as directed by the board,  
12 and shall report annually on or before August 1st of  
13 each year to the ~~Commissioner of Business Regulation~~  
14 Governor, for the preceding fiscal year ending June  
15 30th, giving a full statement of all receipts and ex-  
16 penditures and a statement of the work performed by  
17 the board during the year, together with recommenda-  
18 tions as deemed necessary. The board shall employ,  
19 subject to the Personnel Law, inspectors who may be  
20 registered cosmetologists and who shall, under the  
21 direction of the executive secretary, make inspec-  
22 tions of shops and other establishments subject to  
23 license. The salary of such inspectors shall be de-  
24 termined by the State Personnel Board and shall be  
25 paid from funds received under this chapter. The  
26 board shall have the right to dismiss, for cause, the  
27 executive secretary or the inspectors.

28 **Sec. 9.** 32 MRSA §1602, last 4 paragraphs, as en-  
29 acted by PL 1977, c. 604, §18, are repealed and the  
30 following enacted in their place:

31 The board shall submit its budgetary requirements  
32 to the State Budget Officer in the same manner as is  
33 provided in Title 5, section 1665.

34 **Sec. 10.** 32 MRSA §1678, 2nd ¶, as repealed and  
35 replaced by PL 1983, c. 413, §49, is amended to read:

36 On or before August 1st of each year, the board  
37 shall submit to the Commissioner of ~~Business~~  
38 Regulation Transportation, for the preceding fiscal  
39 year ending June 30th, its annual report of its oper-  
40 ations and financial position, together with such  
41 comments and recommendations as the board deems es-  
42 sential.

1           Sec. 11. 32 MRSA §1678, last ¶, as repealed and  
2 replaced by PL 1983, c. 413, §94, is amended to read:

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

9           Sec. 12. 32 MRSA §3973, as enacted by PL 1977,  
10 c. 604, §32, is repealed and the following enacted in  
11 its place:

12           §3973. Report

13           On or before August 1st of each year, the board  
14 shall submit to the Governor, for the preceding fis-  
15 cal year ending June 30th, its annual report of its  
16 operations and financial position, together with such  
17 comments and recommendations as it deems essential.

18           Sec. 13. 32 MRSA §3974, as enacted by PL 1977,  
19 c. 604, §32, is amended to read:

20           §3974. Budget

21           The board shall submit to the ~~Commissioner of~~  
22 Business Regulation State Budget Officer its budget-  
23 ary requirements in the same manner as is provided in  
24 Title 5, section 1665, and the commissioner shall in  
25 turn transmit these requirements to the Bureau of the  
26 Budget without any revision, alteration or change.

27           Sec. 14. 38 MRSA §90-A, first ¶, as amended by  
28 PL 1981, c. 456, Pt. A, §121, is further amended to  
29 read:

30           On or before August 1st of each year, the commis-  
31 sion shall submit to the Commissioner of Business  
32 Regulation Transportation, for the preceding fiscal  
33 year ending June 30th its annual report of its opera-  
34 tions and financial position, together with such com-  
35 ments and recommendations as the commission deems es-  
36 sential.

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

1     §90-B. Budget

2             The commission shall submit to the Commissioner  
3 of Business Regulation Transportation its budgetary  
4 requirements in the same manner as is provided in Title  
5 5, section 1665, and the commissioner shall in  
6 turn transmit these requirements to the Bureau of the  
7 Budget without any revision, alteration or change.

8             Sec. 16. Transition provision. All appointments  
9 heretofore made by the Governor and other persons referred  
10 to in this Act shall continue in force and effect  
11 on the effective date of this Act. All current  
12 regulations of the boards and commission whose statutes  
13 are affected by this Act shall remain in force  
14 and effect until rescinded, amended or otherwise  
15 changed by the boards.

16   STATEMENT OF FACT

17             In Maine most occupational and professional li-  
18 censing is conducted by autonomous agencies called,  
19 examining, registering, or licensing boards. Licens-  
20 ing which isn't, for example lobster-fisherman li-  
21 censing, is conducted by an executive department.

22             The State has 41 occupational and professional  
23 licensing boards. Eighteen of them are within the De-  
24 partment of Business, Occupational and Professional  
25 Regulation. Seven more, the subjects of this bill,  
26 are attached to or affiliated with that department.  
27 They are the boards which license barbers,  
28 hairdressers, accountants, engineers, land surveyors,  
29 architects and landscape architects and Penobscot Bay  
30 river pilots. A few of the remaining 16 are affili-  
31 ated with other departments. Most are completely in-  
32 dependent of any executive department.

33             The 7 boards named above appear under the Depart-  
34 ment of Business, Occupational and Professional Regu-  
35 lation in the Maine State Government Annual Reports,  
36 and in other publications and directories. Conse-  
37 quently, the department routinely receives visits,  
38 calls and correspondence from licensees from Maine  
39 and from other states, as well as from consumers,  
40 legislators and from the general public. The depart-

1 ment is unable to provide them any service, to answer  
2 their questions, to address their problems or to re-  
3 solve their complaints.

4 The public interest would be better served by  
5 having these boards in or out of the department. This  
6 bill proposes to resolve these problems by severing  
7 the attachment of these 7 boards to the Department of  
8 Business, Occupational and Professional Regulation.  
9 It returns each of them to the department from whence  
10 it came or to totally independent status.

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