

MAINE STATE LEGISLATURE

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L.D. 2398

(Filing No. H-623)

STATE OF MAINE
HOUSE OF REPRESENTATIVES
111TH LEGISLATURE
SECOND REGULAR SESSION

HOUSE AMENDMENT "A" to H.P. 1813, L.D. 2398,
Bill, "AN ACT Regarding the Administration of Seven
Boards Affiliated with the Department of Business,
Occupational and Professional Regulation."

Amend the bill by inserting after the enacting
clause the following:

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

§8001. Department; agencies within department

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

- Banking, Bureau of;
- Consumer Credit Protection, Bureau of;
- Insurance, Bureau of;
- Athletic Commission, Maine;
- Penobscot Bay and River Pilotage Commission;
- Real Estate Commission;
- Running Horse Racing Commission, State;
- Arborist Examining Board;

HOUSE AMENDMENT "A" to H.P. 1813, L.D. 2398

- 1 Auctioneers Advisory Board;
- 2 Commercial Driver Education, Board of;
- 3 Electricians' Examining Board;
- 4 Foresters, State Board of Registration for Pro-
- 5 fessional;
- 6 Funeral Service, State Board of;
- 7 Geologists and Soil Scientists, State Board of
- 8 Certification for;
- 9 Hearing Aid Dealers and Fitters, Board of;
- 10 Manufactured Housing Board;
- 11 Oil and Solid Fuel Board;
- 12 Physical Therapy, Board of Examiners in;
- 13 Plumbers' Examining Board;
- 14 Psychologists, State Board of Examiners of;
- 15 Social Worker Registration, State Board of;
- 16 Speech Pathology and Audiology, Board of Examin-
- 17 ers on; and
- 18 Substance Abuse Counselors, Board of Registration
- 19 of.'
- 20 Further amend the bill by striking out everything
- 21 after section 11 and inserting in its place the fol-
- 22 lowing:
- 23 'Sec. 12. 38 MRSA §85-A is enacted to read:
- 24 §85-A. Definitions

HOUSE AMENDMENT "A" to H.P. 1813, L.D. 2398

1 For purposes of sections 85 to 105, the following
2 words have the following meanings.

3 1. Commissioner. "Commissioner" means the Com-
4 missioner of Business, Occupational and Professional
5 Regulation.

6 2. Department. "Department" means the Depart-
7 ment of Business, Occupational and Professional Regu-
8 lation.

9 Sec. 13. 38 MRSA §90-A, as amended by PL 1981,
10 c. 456, Pt. A, §121, is further amended to read:

11 §90-A. Reports; liaison; limitations

12 On or before August 1st of each year, the commis-
13 sion shall submit to the ~~Commissioner of Business~~
14 Regulation commissioner, for the preceding fiscal
15 year ending June 30th its annual report of its opera-
16 tions and financial position, together with such com-
17 ments and recommendations as the commission deems es-
18 sential.

19 The ~~commissioner~~ shall act as a liaison between
20 the commission and the Governor.

21 The ~~commissioner~~ shall not have the authority to
22 exercise or interfere with the exercise of discre-
23 tionary, regulatory or licensing authority granted by
24 statute to the ~~commissioner~~.

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

27 §90-B. Budget

28 The commission shall submit to the ~~Commissioner~~
29 of Business Regulation commissioner its budgetary re-
30 quirements in the same manner as is provided in Title
31 5, section 1665; and the ~~commissioner~~ shall in turn

HOUSE AMENDMENT "A" to H.P. 1813, L.D. 2398

1 transmit these requirements to the Bureau of the Bud-
2 get without any revision, alteration or change.

3 Sec. 15. 38 MRSA §90-C is enacted to read:

4 §90-C. Employees

5 With the advice of the board, the commissioner
6 may appoint, subject to the Personnel Law, such em-
7 ployees as may be necessary to carry out the duties
8 of the board. Any person so employed shall be lo-
9 located in the department and under the administrative
10 and supervisory direction of the commissioner.

11 Sec. 16. 38 MRSA §92, as enacted by PL 1969, c.
12 410, §1, is amended to read:

13 §92. Duration and renewal of licenses

14 Licenses issued by the pilot commission shall run
15 for 5 years from date of issue be renewed every 5
16 years on or before the expiration date established by
17 the commissioner.

18 Further amend the bill by renumbering the sec-
19 tions to read consecutively.

20 STATEMENT OF FACT

21 The purpose of this amendment is to bring the
22 Penobscot Bay and River Pilotage Commission within
23 the Department of Business, Occupational and Profes-
24 sional Regulation.

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