

# MAINE STATE LEGISLATURE

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1 (New Draft of H.P. 1620, L.D. 2144)  
2 (New Title)

3 SECOND REGULAR SESSION  
4

5 ONE HUNDRED AND ELEVENTH LEGISLATURE  
6

7 Legislative Document

No. 2398

9 H.P. 1813

House of Representatives, March 29, 1984

10 Reported by Representative Murray from the Committee on Business  
11 Legislation and printed under Joint Rule 2.

12 Original bill presented by Representative Rolde of York. Cosponsored by  
Senator Sewall of Lincoln, Representative Perkins of Brooksville and Senator  
Diamond of Cumberland.

EDWIN H. PERT, Clerk

14 STATE OF MAINE  
15

16 IN THE YEAR OF OUR LORD  
17 NINETEEN HUNDRED AND EIGHTY-FOUR  
18

19 AN ACT Regarding the Administration of  
20 Seven Boards Affiliated with the Department of  
21 Business, Occupational and Professional  
22 Regulation.  
23

24 Be it enacted by the People of the State of Maine as  
25 follows:

26 Sec. 1. 32 MRSA §217-A, 2nd ¶, as enacted by PL  
27 1977, c. 604, §8, is amended to read:

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. The commissioner may require  
32 the board to be accessible to the public for com-  
33 plaints and questions during regular business hours,  
34 to maintain copies of all application materials with

1 the department and to provide any information the  
2 commissioner requires in order to assure that the  
3 board is operating administratively within the re-  
4 quirements of this chapter.

5       Sec. 2. 32 MRSA §217-B, as amended by PL 1983,  
6 c. 553, §46, is further amended to read:

7 §217-B. Budget

8       The board shall submit to the Commissioner of  
9 Business, Occupational and Professional Regulation  
10 its budgetary requirements in the same manner as is  
11 provided in Title 5, section 1665, ~~and the commis-~~  
12 ~~sioner shall in turn transmit these requirements to~~  
13 ~~the Bureau of the Budget without any revision, alter-~~  
14 ~~ation or change.~~

15       Sec. 3. 32 MRSA §352, sub-§1, as amended by PL  
16 1983, c. 553, §46, is further amended to read:

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

25 Any member or employee of the board may enter and  
26 make reasonable examination of any barber shop during  
27 business hours for the purpose of ascertaining wheth-  
28 er or not the rules are being observed.

29 The board shall submit to the Commissioner of Busi-  
30 ness, Occupational and Professional Regulation its  
31 budgetary requirements in the same manner as is pro-  
32 vided in Title 5, section 1665, ~~and the commissiонер~~  
33 ~~shall in turn transmit these requirements to the Bu-~~  
34 ~~reau of the Budget without any revision, alteration~~  
35 ~~or change.~~

36 The commissioner may require the board to be accessi-  
37 ble to the public for complaints and questions during  
38 regular business hours, to maintain copies of all ap-  
39 plication materials with the department and to pro-

1 vide any information the commissioner requires in or-  
2 der to assure that the board is operating administra-  
3 tively within the requirements of this chapter.

4 Sec. 4. 32 MRSA §1308, 4th ¶, as repealed and  
5 replaced by PL 1983, c. 413, §46, is amended to read:

6 The commissioner shall not have the authority to  
7 exercise or interfere with the exercise of discre-  
8 tionary, regulatory or licensing authority granted by  
9 statute to the board. The commissioner may require  
10 the board to be accessible to the public for com-  
11 plaints and questions during regular business hours,  
12 to maintain copies of all application materials with  
13 the department and to provide any information the  
14 commissioner requires in order to assure that the  
15 board is operating administratively within the re-  
16 quirements of this chapter.

17 Sec. 5. 32 MRSA §1308, 5th ¶, as amended by PL  
18 1983, c. 553, §46, is further amended to read:

19 The board shall submit to the Commissioner of  
20 Business, Occupational and Professional Regulation  
21 its budgetary requirements in the same manner as is  
22 provided in Title 5, section 1665; ~~and the commis-~~  
23 ~~sioner shall in turn transmit these requirements to~~  
24 ~~the Bureau of the Budget without any revision, alter-~~  
25 ~~ation or change.~~

26 Sec. 6. 32 MRSA §1602, next to last ¶, as en-  
27 acted by PL 1977, c. 604, §18, is amended to read:

28 The commissioner ~~shall not have the authority to~~  
29 ~~may not exercise or interfere with the exercise of~~  
30 ~~discretionary, regulatory or licensing authority~~  
31 ~~granted by statute to the board. The commissioner~~  
32 ~~may require the board to be accessible to the public~~  
33 ~~for complaints and questions during regular business~~  
34 ~~hours, to maintain copies of all application materi-~~  
35 ~~als with the department, and to provide any informa-~~  
36 ~~tion the commissioner requires in order to assure~~  
37 ~~that the board is operating administratively within~~  
38 ~~the requirements of this chapter.~~

39 Sec. 7. 32 MRSA §1602, last ¶, as amended by PL  
40 1983, c. 553, §46, is amended to read:

1           The board shall submit to the Commissioner of  
2 Business, Occupational and Professional Regulation  
3 its budgetary requirements in the same manner as is  
4 provided in Title 5, section 1665; ~~and the commis-~~  
5 ~~sioner shall in turn transmit these requirements to~~  
6 ~~the Bureau of the Budget without any revision; alter-~~  
7 ~~ation or change.~~

8           Sec. 8. 32 MRSA §1678, next to last ¶, as re-  
9 pealed and replaced by PL 1983, c. 413, §94, is  
10 amended to read:

11           The commissioner shall not have the authority to  
12 exercise or interfere with the exercise of discre-  
13 tionary, regulatory or licensing authority granted by  
14 statute to the board. The commissioner may require  
15 the board to be accessible to the public for com-  
16 plaints and questions during regular business hours,  
17 to maintain copies of all application materials with  
18 the department, and to provide any information the  
19 commissioner requires in order to assure that the  
20 board is operating administratively within the re-  
21 quirements of this chapter.

22           Sec. 9. 32 MRSA §1678, last ¶, as amended by PL  
23 1983, c. 553, §46, is further amended to read:

24           The board shall submit to the Commissioner of  
25 Business, Occupational and Professional Regulation  
26 its budgetary requirements in the same manner as is  
27 provided in Title 5, section 1665; ~~and the commis-~~  
28 ~~sioner shall in turn transmit these requirements to~~  
29 ~~the Bureau of the Budget without any revision; alter-~~  
30 ~~ation or change.~~

31           Sec. 10. 32 MRSA §3973, last ¶, as enacted by PL  
32 1977, c. 604, §32, is amended to read:

33           The commissioner shall not have the authority to  
34 exercise or interfere with the exercise of discre-  
35 tionary, regulatory or licensing authority granted by  
36 statute to the board. The commissioner may require  
37 the board to be accessible to the public for com-  
38 plaints and questions during regular business hours,  
39 to maintain copies of all application materials with  
40 the department and to provide any information the  
41 commissioner requires in order to assure that the

1 board is operating administratively within the re-  
2 quirements of this chapter.

3       Sec. 11. 32 MRSA §3974, as amended by PL 1983,  
4 c. 553, §46, is further amended to read:

5 §3974. Budget

6       The board shall submit to the Commissioner of  
7 Business, Occupational and Professional Regulation  
8 its budgetary requirements in the same manner as is  
9 provided in Title 5, section 1665, ~~and the commis-~~  
10 ~~sioner shall in turn transmit these requirements to~~  
11 ~~the Bureau of the Budget without any revision, alter-~~  
12 ~~ation or change.~~

13       Sec. 12. 38 MRSA §90-A, last ¶, as enacted by PL  
14 1977, c. 604, §42, is amended to read:

15       The commissioner shall not have the authority to  
16 exercise or interfere with the exercise of discre-  
17 tionary, regulatory or licensing authority granted by  
18 statute to the commission. The commissioner may re-  
19 quire the commission to be accessible to the public  
20 for complaints and questions during regular business  
21 hours, to maintain copies of all application materi-  
22 als with the department and to provide any informa-  
23 tion the commissioner requires in order to assure  
24 that the commission is operating administratively  
25 within the requirements of this chapter.

26       Sec. 13. 38 MRSA §90-B, as amended by PL 1983,  
27 c. 553, §46, is further amended to read:

28       The commission shall submit to the Commissioner  
29 of Business, Occupational and Professional Regulation  
30 its budgetary requirements in the same manner as is  
31 provided in Title 5, section 1665, ~~and the commis-~~  
32 ~~sioner shall in turn transmit these requirements to~~  
33 ~~the Bureau of the Budget without any revision, alter-~~  
34 ~~ation or change.~~

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STATEMENT OF FACT

This new draft gives the Commissioner of Business, Occupational and Professional Regulation some limited additional authority over 7 boards affiliated with the department. Specifically, the commissioner would receive some authority in budget and administrative matters.

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