

# MAINE STATE LEGISLATURE

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1 (EMERGENCY)  
2 FIRST REGULAR SESSION  
3

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4 ONE HUNDRED AND TWELFTH LEGISLATURE  
5

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6 Legislative Document

No. 1044

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8 H.P. 735

House of Representatives, March 13, 1985

9 Referred to the Committee on State Government. Sent up for  
10 concurrence and ordered printed.

11 EDWIN H. PERT, Clerk

Presented by Representative Theriault of Fort Kent.

12 Cosponsored by Representative Lisnik of Presque Isle, Representative  
Brannigan of Portland, and Senator Violette of Aroostook.

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13 STATE OF MAINE  
14

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15 IN THE YEAR OF OUR LORD  
16 NINETEEN HUNDRED AND EIGHTY-FIVE  
17

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18 RESOLVE, to Establish the Commission on the  
19 Evaluation of Occupational and Professional  
20 Licensing Boards.  
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22 Emergency preamble. Whereas, Acts and resolves  
23 of the Legislature do not become effective until 90  
24 days after adjournment unless enacted as emergencies;  
25 and

26 Whereas, the impact of occupational and profes-  
27 sional licensing and certification upon Maine citi-  
28 zens is very significant; and

29 Whereas, the substantial number of occupational  
30 and professional licensing boards, the diverse proce-  
31 dures of these boards and the numerous and diverse  
32 powers and duties of each board create a study of  
33 considerable magnitude; and

34 Whereas, the period of time between the ordinary  
35 effective date of legislation enacted during the

1 First Regular Session is insufficient to complete  
2 this study; and

3 Whereas, in the judgment of the Legislature,  
4 these facts create an emergency within the meaning of  
5 the Constitution of Maine and require the following  
6 legislation as immediately necessary for the preser-  
7 vation of the public peace, health and safety; now,  
8 therefore,

9 Be it enacted by the People of the State of Maine as  
10 follows:

11 Purpose. Resolved: That the Legislature finds  
12 that there are 41 statutorily created occupational  
13 and professional licensing boards in Maine. They li-  
14 cense over 50 occupations and professions. The Leg-  
15 islature further finds that proposals to create addi-  
16 tional licensing boards are made each year. A study  
17 is necessary to determine if existing and proposed  
18 licensing boards are necessary, if they are the least  
19 restrictive and expensive means of protecting the  
20 public and if each has adequate, but not excessive,  
21 authority and financial means to meet its responsi-  
22 bilities; and be it further

23 Commission; appointment of members. Resolved:  
24 That the Commission on the Evaluation of Occupational  
25 and Professional Licensing Boards is established to  
26 consist of 7 members. One member shall be a member  
27 of the Senate and shall be appointed by the President  
28 of the Senate. Two members shall be members of the  
29 House of Representatives and shall be appointed by  
30 the Speaker of the House of Representatives. Four  
31 members shall be appointed by the Governor, 2 of whom  
32 shall be public members who have never held occupa-  
33 tional or professional licenses from the State. Of  
34 the 2 remaining members, one shall be a member of a  
35 licensing board within the Department of Business,  
36 Occupational and Professional Regulation and the oth-  
37 er member shall be a member of a licensing board  
38 which is neither in nor attached to that department.  
39 In the event of the death or resignation of any mem-  
40 ber, the replacement member shall be appointed in the  
41 same manner as was the original appointment; and be  
42 it further

1           **Duties. Resolved:** That the Commission on the  
2 Evaluation of Occupational and Professional Licensing  
3 Boards shall study and evaluate occupational and pro-  
4 fessional licensing in this State with respect to the  
5 effect of occupational and professional licensing on  
6 the citizens of the State, the quality of licensed or  
7 certified persons and the supply of licensed or cer-  
8 tified persons in regulated occupations and profes-  
9 sions. In addition, the commission shall evaluate  
10 the degree of efficiency of current licensing and  
11 certification procedures and alternatives to the  
12 present system; and be it further

13           **Meetings. Resolved:** That the commission shall  
14 convene for its first meeting at the call of the  
15 chairman of the Legislative Council. The first meet-  
16 ing shall be called following the appointment of 4  
17 members to the commission. Four members shall con-  
18 stitute a quorum. No official commission decision  
19 may be made unless a quorum is present and voting.

20           At the first meeting, the commission shall or-  
21 ganize and elect a chairman and vice-chairman; and be  
22 it further

23           **Expenses. Resolved:** That the members of the  
24 commission shall serve without compensation, but may  
25 be reimbursed for expenses in accordance with the  
26 Maine Revised Statutes, Title 5, chapter 379; and be  
27 it further

28           **Report. Resolved:** That the commission shall re-  
29 port its findings, together with any necessary legis-  
30 lation, to the Second Regular Session of the 112th  
31 Legislature, no later than February 3, 1986, at which  
32 time the commission shall expire. The report may in-  
33 clude any revisions in professional and occupational  
34 licenses, procedures of licensing and certification  
35 and any other changes it further deems necessary or  
36 in the best interest of the State; and be it further

37           **Staff assistance. Resolved:** That the Legisla-  
38 tive Council shall provide staff for the commission;  
39 and be it further

40           **Appropriation. Resolved.** That the following  
41 funds are appropriated from the General Fund to carry  
42 out the purposes of this resolve.

2 COMMISSION ON THE EVALUATION  
3 OF OCCUPATIONAL AND PROFESSIONAL  
4 LICENSING BOARDS

5 All Other \$2,500

6 **Emergency clause.** In view of the emergency cited  
7 in the preamble, this resolve shall take effect when  
8 approved.

9 STATEMENT OF FACT

10 The State has created 41 occupational and profes-  
11 sional licensing boards. Twenty are in the Depart-  
12 ment of Business, Occupational and Professional Regu-  
13 lation, 6 are located elsewhere, but report and bud-  
14 get through it, and the remaining 15 are located  
15 elsewhere and report and budget through other depart-  
16 ments or are completely autonomous. Each recent ses-  
17 sion of the Legislature is presented with proposals  
18 to create additional licensing boards.

19 Approximately one of every 6 Maine adults is the  
20 holder of an occupational or professional license.  
21 Every Maine citizen is affected by the activities of  
22 licensing boards.

23 The study to be conducted by this commission will  
24 include an address of the following fundamental ques-  
25 tions: Is there a truly public purpose being served  
26 by each existing licensing board and is licensing the  
27 least restrictive and most economical means of pro-  
28 tecting the public? The commission's study will, of  
29 necessity, include an address of all secondary ques-  
30 tions arising from statutory content or construction,  
31 and those related to the rules, administration and  
32 operations of licensing boards.

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