

MAINE STATE LEGISLATURE

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1 FIRST REGULAR SESSION
2

3 ONE HUNDRED AND TWELFTH LEGISLATURE
4

5 Legislative Document

No. 1502

6
7 S.P. 556

In Senate, May 9, 1985

8 Reference to the Committee on Business and Commerce suggested and
9 ordered printed.

10 JOY J. O'BRIEN, Secretary of the Senate

Presented by Senator Danton of York.

11 Cosponsored by Senator Sewall of Lincoln, Representative Rydell of
Brunswick and Representative Stevens of Bangor.

12 STATE OF MAINE
13

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

17 AN ACT Affecting the Statutes of Agencies
18 within the Department of Business,
19 Occupational and Professional
20 Regulation.
21

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

24 Sec. 1. 5 MRSA §12004, sub-§1, ¶A, as amended by
25 PL 1983, c. 862, §§17 to 19, is further amended to
26 read:

27 A. This classification includes the following
28 boards:

| 29 | NAME OF | RATE OF | STATUTORY |
|----|--------------------------|--------------|---------------|
| 30 | ORGANIZATION | COMPENSATION | REFERENCE |
| 31 | (1) Board of Accountancy | \$35/Day | 32 MRSA §3971 |
| 32 | (2) Arborist Examining | \$25/Day | 32 MRSA §2001 |
| 33 | Board | | |

| | | | | |
|----|------|------------------------|-------------|---------------|
| 1 | (3) | Maine State Board | \$35/Day | 32 MRSA §211 |
| 2 | | for Registration of | | |
| 3 | | Architects and Land- | | |
| 4 | | scape Architects | | |
| 5 | (4) | Board of Examiners | Legislative | 4 MRSA §801 |
| 6 | | of Applicants for | Per Diem | |
| 7 | | Admission to the Bar | | |
| 8 | (5) | State Board of | \$35/Day | 32 MRSA §351 |
| 9 | | Barbers | | |
| 10 | (6) | Board of Boiler | Expenses | 26 MRSA §171 |
| 11 | | Rules | Only | |
| 12 | (7) | Board of Chiro- | \$25/Day | 32 MRSA §501 |
| 13 | | practic Exami- | | |
| 14 | | nation and | | |
| 15 | | Registration | | |
| 16 | (8) | State Board of | \$35/Day | 32 MRSA §1601 |
| 17 | | Cosmetology | | |
| 18 | (9) | Board of Dental | \$35/Day | 32 MRSA §1071 |
| 19 | | Examiners | | |
| 20 | (10) | Board of Commer- | \$35/Day | 32 MRSA §9552 |
| 21 | | cial Driver | Public | |
| 22 | | Education | Member | |
| 23 | (11) | Electricians' | \$30/Day | 32 MRSA §1151 |
| 24 | | Examining Board | | |
| 25 | (12) | Board of Elevator | Expenses | 26 MRSA §475 |
| 26 | | and Tramway Safety | Only | |
| 27 | (13) | State Board of | Expenses | 32 MRSA §1301 |
| 28 | | Registration for | Only | |
| 29 | | Professional Engi- | | |
| 30 | | neers | | |
| 31 | (14) | State Board of | Expenses | 32 MRSA §5004 |
| 32 | | Registration for | Only | |
| 33 | | Professional Foresters | | |
| 34 | (15) | State Board of | \$20/Day | 32 MRSA §1451 |
| 35 | | Funeral Service | | |

| | | | | |
|----|--------|-----------------------|---------------|---------------|
| 1 | (16) | State Board of | Expenses | 32 MRSA §4907 |
| 2 | | Certification for | Only | |
| 3 | | Geologists and Soil | | |
| 4 | | Scientists | | |
| 5 | (17) | Board of Examiners | Expenses | 12 MRSA §7301 |
| 6 | | for the Licensing of | Only | |
| 7 | | Guides | | |
| 8 | (18) | Junior Maine Guides | Expenses | 12 MRSA §7302 |
| 9 | | and Trip Leaders' | Only | |
| 10 | | Curriculum Board | | |
| 11 | (19) | Board of Hearing Aid | \$35/Day | 32 MRSA §1658 |
| 12 | | Dealers and Fitters | | |
| 13 | (20) | State Board of | Expenses | 32 MRSA §1671 |
| 14 | | Registration for | Only | |
| 15 | | Land Surveyors | | |
| 16 | (21) | Manufactured | \$35/Day | 10 MRSA §9003 |
| 17 | | Housing Board | | |
| 18 | (22) | State Board of | \$30/Day | 32 MRSA §63 |
| 19 | | Licensure of | | |
| 20 | | Administrators of | | |
| 21 | | Medical Care | | |
| 22 | | Facilities other | | |
| 23 | | than Hospitals | | |
| 24 | (23) | Board of Registration | \$1,250/Year- | 32 MRSA §3263 |
| 25 | | in Medicine | Member | |
| 26 | | | \$1,500/Year- | |
| 27 | | | Chairman | |
| 28 | | | \$7,500/Year- | |
| 29 | | | Secretary | |
| 30 | (24) | State Board of | Legislative | 32 MRSA §2151 |
| 31 | | Nursing | Per Diem | |
| 32 | (24-A) | Board of Occupa- | Expenses | 32 MRSA §2273 |
| 33 | | tional Therapy | Only | |
| 34 | | Practice | | |
| 35 | (25) | Oil and Solid Fuel | \$30/Day | 32 MRSA §2351 |
| 36 | | Board | | |

| | | | | |
|----|------|--------------------------|-------------|-----------------|
| 1 | (26) | State Board of | \$25/Day | 32 MRSA §2415 |
| 2 | | Optometry | | |
| 3 | (27) | Board of Osteopathic | Legislative | 32 MRSA §2561 |
| 4 | | Examination and | Per Diem | |
| 5 | | Registration | | |
| 6 | (28) | Board of Commis- | \$25/Day | 32 MRSA §2851 |
| 7 | | sioners of the Pro- | | |
| 8 | | fession of Pharmacy | | |
| 9 | (29) | Board of Examiners | \$25/Day | 32 MRSA §3112 |
| 10 | | in Physical Therapy | | |
| 11 | (30) | Plumbers' Examining | \$35/Day | 32 MRSA §3401 |
| 12 | | Board | | |
| 13 | (31) | Board of Examiners | \$25/Day | 32 MRSA §3601 |
| 14 | | of Podiatrists | | |
| 15 | (32) | State Board | \$35/Day | 32 MRSA §3821 |
| 16 | | of Examiners of | | |
| 17 | | Psychologists | | |
| 18 | (33) | Real Estate | \$35/Day | 32 MRSA §4051-A |
| 19 | | Commission | | |
| 20 | (34) | State Board of | Expenses | 32 MRSA §7026 |
| 21 | | Social Worker | Only | |
| 22 | | Registration | | |
| 23 | (35) | Board of Examiners | \$25/Day | 32 MRSA §6010 |
| 24 | | on Speech Pathology | | |
| 25 | | and Audiology | | |
| 26 | (36) | Board of Registration | Not | 32 MRSA §6201 |
| 27 | | of Substance Abuse | Authorized | |
| 28 | | Counselors | | |
| 29 | (37) | State Board of | Legislative | 32 MRSA §4854 |
| 30 | | Veterinary Medicine | Per Diem | |
| 31 | (38) | <u>Penobscot Bay and</u> | Not | 38 MRSA §89 |
| 32 | | <u>River Maine State</u> | Authorized | |
| 33 | | Pilotage Commission | | |
| 34 | (39) | Maine Athletic | | 8 MRSA §141 |

1 Commission

2 (a) The total per diem compensation
3 for each member shall not exceed \$1,000
4 per year.

5 Sec. 2. 8 MRSA §152, first ¶, as amended by PL
6 1983, c. 862, §29, is further amended to read:

7 The promoter or promoters of all boxing contests
8 or exhibitions and all professional wrestling
9 matches, shows or exhibitions held under this chapter
10 shall pay to the Treasurer of State, for credit to
11 the Athletic Commission Fund, a tax of 5% of the
12 gross receipts from the contest or exhibition up to a
13 maximum tax of \$2,500. This section shall apply to
14 all boxing and wrestling contests or exhibitions
15 which are shown over closed circuit television.

16 Sec. 3. 8 MRSA §653, as amended by PL 1981, c.
17 577, §§1 to 4, is repealed.

18 Sec. 4. 8 MSA §654-A, as enacted by PL 1977, c.
19 340, §4, is repealed.

20 Sec. 5. 9-B MRSA §212-A is enacted to read:

21 §212-A. Securities Division

22 There is created a Securities Division, which
23 shall constitute a division within the Bureau of
24 Banking, to provide for registration and regulation
25 of securities to be sold in the State, the licensing
26 of agents and broker-dealers authorized to sell secu-
27 rities in the State and enforcement of laws designed
28 to protect state investors

29 1. Securities administrator and other personnel.
30 The superintendent may appoint, subject to the the
31 Personnel Law, an Administrator of the Securities Di-
32 vision and one or more professionals who shall, under
33 the direction of the superintendent, have charge of
34 the enforcement of the Maine Securities Act and make
35 any necessary investigations under that Act. The
36 salaries and expenses of the Administrator of the Se-
37 curities Division and staff and all expenses of ad-
38 ministration and enforcement shall be paid out of
39 such amounts as the Legislature may appropriate.

1 Sec. 6. 10 MRSA §8001, as amended by PL 1983, c.
2 746, §1 and c. 758, §1, is repealed and the following
3 enacted in its place:

4 §8001. Department; agencies within department

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

13 Banking, Bureau of;

14 Consumer Credit Protection, Bureau of;

15 Insurance, Bureau of;

16 Athletic Commission, Maine;

17 Pilotage Commission, Maine State;

18 Real Estate Commission;

19 Running Horse Racing Commission, State;

20 Arborist Examining Board;

21 Auctioneers Advisory Board;

22 Commercial Driver Education, Board of;

23 Electricians' Examining Board;

24 Foresters, State Board of Registration for Pro-
25 fessional;

26 Funeral Service, State Board of;

27 Geologists and Soil Scientists, State Board of
28 Certification for;

29 Hearing Aid Dealers and Fitters, Board of;

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

12 Sec. 7. 10 MRSA §9083, as enacted by PL 1983, c.
13 553, §17, is repealed and the following enacted in
14 its place:

15 §9083. Fees

16 The board shall establish a fee for a license to
17 operate a mobile home park within the meaning of this
18 subchapter. The fee shall be based upon the size of
19 the park and may exceed \$100, provided that it is not
20 more than \$5 per site. This fee must accompany each
21 application for license, including applications for
22 mobile home park expansion and renewal of license.

23 The license fee shall cover the initial licensure
24 inspection, one follow-up inspection and issuance of
25 license if the applicant is determined to have met
26 all requirements. When additional inspections are
27 required to determine an applicant's eligibility for
28 licensure, or continued licensure, the board may
29 charge an additional fee not to exceed \$50 to cover
30 the costs of each additional inspection or visit.
31 Failure to pay these charges within 90 days of the
32 billing date constitutes grounds for revocation of
33 license, unless an extension for a period not to ex-
34 ceed 90 days is granted in writing by the board.

1 The board may also establish an additional fee
2 not to exceed \$100 necessary to cover costs incurred
3 in reviewing engineering and site plans and in pro-
4 viding other statutorily required services prior to
5 the filing of a full license application.

6 All fees collected by the board shall be depos-
7 ited in the Manufactured Housing Fund. No fees may
8 be refunded. No license issued under this subchapter
9 may be assigned or transferred.

10 Sec. 8. 20-A MRSA §10110, sub-§1, as enacted by
11 PL 1983, c. 693, §§5 and 8, is repealed.

12 Sec. 9. 32 MRSA §271, 2nd ¶, as amended by PL
13 1983, c. 812, §195, is further amended to read:

14 The board shall be composed of 3 members, 2 of
15 whom shall be auctioneers and one of whom shall be a
16 public member. Members shall be appointed by the
17 commissioner and shall be compensated according to
18 the provisions of Title 5, chapter ~~375~~ 379.

19 Sec. 10. 32 MRSA §303-A is enacted to read:

20 §303-A. Instructors of barbering

21 No person may be engaged to instruct in any of
22 the branches of barbering unless that person has a
23 certificate to practice barbering issued under this
24 chapter.

25 The board and the Department of Educational and
26 Cultural Services shall make rules for the examina-
27 tion of applicants for certificates of registration
28 as instructors of barbering, in accordance with the
29 Maine Administrative Procedure Act, Title 5, chapter
30 375, subchapter II. Examination applications shall
31 be furnished by the board. The application shall be
32 filed with the secretary of the board and shall be
33 accompanied by an examination fee of \$35. If exami-
34 nation is satisfactory, the applicant shall pay a fee
35 of \$15 to receive the initial instructor certificate
36 of registration, which shall be valid until the next
37 renewal period. The renewal fee for instructor cer-
38 tificate of registration shall be \$15 biennially.

1 Sec. 11. 32 MRSA §801, as amended by PL 1973, c.
2 585, §11, is repealed.

3 Sec. 12. 32 MRSA §1101, sub-§1, as amended by PL
4 1981, c. 577, §5, is further amended to read:

5 1. Apprentice electrician. "Apprentice electrician"
6 shall mean means a person who is as defined in
7 Title 26, chapter 11 and who is engaged in such a
8 written agreement to work at and learn the trade of
9 an electrician under the direct supervision of a
10 master or journeyman electrician or a limited electrician
11 or limited energy electrician. Experience
12 gained under a limited electrician is applicable to
13 the same category license only. Experience gained
14 under a limited energy electrician is applicable
15 toward a limited energy license only. The biennial
16 renewal fee for an apprentice electrician license
17 shall be \$20.

18 Sec. 13. 32 MRSA §1101, sub-§1-A is enacted to
19 read:

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

23 Sec. 14. 32 MRSA §1101, sub-§2, as repealed and
24 replaced by PL 1973, c. 363, is amended to read:

25 2. Electrical installations. "Electrical instal-
26 lations" shall mean the installation, repair, altera-
27 tion and maintenance of means electrical and optical
28 conductors, apparatus, equipment, fittings, devices
29 and fixtures for heating, lighting, power purposes or
30 heat activated fire alarms and electrically super-
31 vised manual fire alarms and sprinkler systems howev-
32 er described. They shall not include the installa-
33 tion or repair of portable appliances and other por-
34 table electrical equipment, installation of which in-
35 volves only the insertion of an attachment plug into
36 a fixed receptacle outlet. It is the meaning and in-
37 tent of this subsection that the word "portable"
38 shall not include or apply to any type of fixed elec-
39 trically operated or driven equipment. It is also
40 the meaning and intent of this subsection that the
41 phrase "electrical installations" includes any and

1 all electrical and optical conductors, apparatus,
2 equipment, fittings, devices and fixtures and all
3 other items described in and regulated by any edition
4 of the National Electrical Code which is adopted by
5 the board by rule.

6 Sec. 15. 32 MRSA §1101, sub-§3, as amended by PL
7 1981, c. 577, §6, is further amended to read:

8 3. Helper electrician. "Helper electrician"
9 shall mean a person who is engaged in assisting in
10 making electrical installations under the direct su-
11 pervision of a master or journeyman electrician, or a
12 limited electrician or limited energy electrician.
13 Experience gained under a limited electrician is ap-
14 licable to the same category license only. Experi-
15 ence gained under a limited energy electrician is ap-
16 licable toward a limited energy license only, but
17 does not qualify under subsection 1. The biennial
18 renewal fee for a helper electrician license shall be
19 \$20.

20 Sec. 16. 32 MRSA §1101, sub-§4, as repealed and
21 replaced by PL 1983, c. 413, §31, is amended to
22 read:

23 4. Journeyman electrician. "Journeyman electri-
24 cian" means a person ~~doing work of installing elec-~~
25 trical wires, conduits, apparatus, fixtures and other
26 electrical equipment making, repairing, altering or
27 maintaining electrical installations in the employ-
28 ment of a master electrician. The biennial renewal
29 fee for a journeyman electrician license is \$40.

30 Sec. 17. 32 MRSA §1101, sub-§4-A, as enacted by
31 PL 1983, c. 413, §32, is amended to read:

32 4-A. Supervision. Each master electrician or
33 journeyman electrician, limited electrician or lim-
34 ited energy electrician may have one apprentice elec-
35 trician or one helper electrician working with him
36 and under his personal supervision. A master elec-
37 trician, who teaches an electrical course at a Maine
38 regional vocational-technical center, a Maine voca-
39 tional region or a Maine vocational-technical insti-
40 tute, may have a maximum of 12 helper electricians
41 under his direct supervision while making electrical

1 installations which are a part of the instructional
2 program of the school, provided that the total value
3 of each installation does not exceed \$1,000. No elec-
4 trical installation may be commenced pursuant to this
5 subsection without the prior approval of the director
6 of the school at which the master electrician is an
7 instructor. These installations are limited to those
8 done in buildings or facilities owned or controlled
9 by:

10 A. School administrative units;

11 B. Nonprofit organizations; and

12 C. Households as defined in Title 36, section
13 6103, where the household income as defined in
14 that section is within the limits established for
15 one or 2 member households by Title 36, section
16 6108, except that if there are more than 2 mem-
17 bers in a household, an additional \$500 of house-
18 hold income shall be allowed for each additional
19 member of the household in computing the income
20 limitation and provided that the household is
21 owner-occupied.

22 The Electricians' Examining Board and the municipal
23 electrical inspector of the municipality in which the
24 installation is to be made, if the municipality has
25 an inspector, shall be notified of all installation
26 projects entered into pursuant to this subsection
27 prior to the commencement of the project. There shall
28 be an inspection by a state electrical inspector or
29 by the municipal electrical inspector of the munici-
30 pality in which the installation has been made, if
31 the municipality has an inspector, before any wiring
32 on the project is concealed.

33 Sec. 18. 32 MRSA §1101, sub-§6, as amended by PL
34 1981, c. 577, §9, is further amended to read:

35 6. Master electrician. "Master electrician"
36 ~~shall mean~~ means a person, firm or corporation, qual-
37 ified under this chapter, engaging in, or about to
38 engage in, the business of ~~installing electrical~~
39 ~~wires, conduits, apparatus, fixtures and other elec-~~
40 ~~trical equipment making, repairing, altering or~~
41 maintaining electrical installations. The certificate

1 shall specify the name of the person, who, in case of
2 a firm, shall be one of its members or employees and
3 in case of a corporation, one of its officers or em-
4 ployees passing said examination, by which he or it
5 shall be authorized to enter upon or engage in busi-
6 ness as set forth in this chapter. In the case of a
7 firm or corporation, the license shall become void
8 upon the death of, or the severance from the company
9 of, said person. The biennial renewal fee for a
10 master electrician's license shall be \$100.

11 Sec. 19. 32 MRSA §1101, sub-§7 is enacted to
12 read:

13 7. Limited energy license. A limited energy li-
14 cence entitles the holder to install, repair, alter
15 or maintain systems of limited energy as defined by
16 the board, such as, but not limited to, fire alarm
17 and burglar systems, Community Antenna Television and
18 Community Cable Television systems, communications,
19 energy management systems, optical fiber systems and
20 data processing. Installations are further limited
21 to nonclassified hazardous areas only. The biennial
22 renewal fee for a limited energy electrician shall be
23 \$60.

24 Sec. 20. 32 MRSA §1102-B, sub-§1, as enacted by
25 PL 1981, c. 543, §2, is repealed and the following
26 enacted in its place:

27 1. Permits required. Except as otherwise pro-
28 vided in this section, no electrical installation may
29 be made or altered without a permit from the
30 Electrician's Examining Board.

31 Sec. 21. 32 MRSA §1102-B, sub-§4, as enacted by
32 PL 1981, c. 543, §2, is repealed and the following
33 enacted in its place:

34 4. Procedures and fees. Pursuant to the Maine
35 Administrative Procedure Act, Title 5, chapter 375,
36 the board may adopt permit fees, as well as proced-
37 ures for permit applications and the conduct of in-
38 spections pursuant to section 1153. The combined fee
39 for permit and inspection shall be paid with every
40 application for a permit.

1 Sec. 22. 32 MRSA §1102-B, sub-§5, ¶F, as enacted
2 by PL 1981, c. 543, §2, is amended to read:

3 F. Any electrical ~~equipment and work, including~~
4 ~~construction,~~ installation, operation, ~~mainte-~~
5 ~~nance and repair in,~~ on or about ~~either the~~ prop-
6 erties, equipment or buildings, residential or of
7 any other kind, owned or operated by a person en-
8 gaged in industrial or manufacturing operations
9 provided that the work is done under the supervi-
10 sion of an electrical engineer or master electri-
11 cian in the full-time employ of that person.

12 Sec. 23. 32 MRSA §1153-A, as repealed and re-
13 placed by PL 1973, c. 363, is amended to read:

14 §1153-A. Standards; installation

15 All electrical installations of electrical
16 equipment shall comply with the then current edition
17 of the National Electrical Code, pamphlet #70, pub-
18 lished by the National Fire Protection Association as
19 may be, from time to time, adopted by the board pur-
20 suant to section 1153, and with applicable statutes
21 of the State and all applicable ordinances, orders,
22 rules ~~and regulations~~ of any city or town or the
23 Electricians' Examining Board.

24 Sec. 24. 32 MRSA §1201, as repealed and replaced
25 by PL 1973, c. 363, is amended to read:

26 §1201. License required

27 No electrical installations ~~shall~~ may be made,
28 repaired, altered or maintained, except as provided
29 in this chapter, unless made by an electrician or
30 other person licensed by the board. No license is-
31 sued under this chapter may be assignable or trans-
32 ferable.

33 Sec. 25. 32 MRSA §1202, sub-§1, as amended by PL
34 1981, c. 670, is repealed and the following enacted
35 in its place:

36 1. Application; qualifications. The board shall
37 issue a license to any person who files a sworn ap-
38 plication for a license, who satisfactorily passes an

1 examination conducted by the board, as provided in
2 section 1203, and who meets the following qualifica-
3 tions:

4 A. For a journeyman electrician's or limited li-
5 cence, at least 8,000 hours of service as an ap-
6 prentice or helper electrician or at least 8,000
7 hours of experience in electrical installations,
8 as defined in section 1101, and satisfactory com-
9 pletion of a program of study comprising 576
10 hours, as approved by the Electricians' Examining
11 Board, and completion of a course of not less
12 than 45 hours in the current National Electrical
13 Code, the course to be approved by the board;

14 B. For a master electrician's license, at least
15 4,000 hours of service as a journeyman electri-
16 cian, a valid journeyman electrician's license
17 and completion of a course of not less than 45
18 hours in the current National Electrical Code,
19 the course to be approved by the Electricians'
20 Examining Board; and

21 C. For a limited energy license, at least 4,000
22 hours of experience as a helper or apprentice and
23 satisfactory completion of a program of study
24 comprising 270 hours as approved by the Electri-
25 cians' Examining Board. Any person currently in-
26 volved in the installation of limited energy sys-
27 tems will be grandfathered, provided that he
28 shows proof of at least 4,000 hours of experience
29 and apply within one year of the effective date
30 of this paragraph.

31 The board may evaluate all proffered experience and
32 education on a case-by-case basis and may reject
33 proffered experience which was not accrued under the
34 presently applicable National Electrical Code, or
35 which was partially, or in whole, obtained prior to
36 the applicant's 16th birthday or for any other reason
37 which is reasonably related to the applicant's fit-
38 ness.

39 Sec. 26. 32 MRSA §1202, sub-§2, as amended by PL
40 1981, c. 577, §10, is further amended to read:

1 2. Apprentice or helper. The board may issue a
2 license upon payment of a fee of \$10 to any person
3 who applies therefor, without examination, provided
4 such applicant submits evidence satisfactory to the
5 board that he has entered the employ of a ~~licensed~~
6 master, limited or limited energy electrician as an
7 apprentice electrician or to assist him as an
8 electrician's helper or is a full-time student in an
9 electrical course at a regional vocational-technical
10 center, a Maine vocational region, or a
11 vocational-technical institute. Any such person em-
12 ployed by ~~an~~ a master, limited or limited energy
13 electrician as an apprentice for the purpose of qual-
14 ifying for any license mentioned in section 1203, or
15 as electrician's helper, shall apply for a license as
16 such immediately after commencing such employment or
17 immediately after starting school in an electrical
18 course.

19 Sec. 27. 32 MRSAs §1203, as amended by PL 1983,
20 c. 553, §29, is repealed and the following enacted in
21 its place:

22 §1203. Examinations

23 Applicants for a master, journeyman, limited or
24 limited energy license shall present to the board a
25 written application for examination, containing such
26 information as the board may require, accompanied by
27 a fee prescribed. Examinations shall be in whole or
28 in part in writing, shall be conducted by the board
29 and shall be of a thorough and practical character
30 commensurate with the responsibilities of the pro-
31 spective license holder. Examinations shall include
32 such provisions of the National Electrical Code as
33 the board may deem appropriate. Any person failing
34 to pass his first examination in any one category may
35 be reexamined at a time agreeable to the board upon
36 payment of the examination fee and within a time pe-
37 riod set by the board.

38 Sec. 28. 32 MRSAs §1203-A is enacted to read:

39 §1203-A. Fees

40 1. Application fee; examination fee. An appli-
41 cation fee and an examination fee may be established

1 by the board in amounts which are reasonable and nec-
2 essary for their respective purposes. Original and
3 renewal license fees shall be as follows:

4 A. Master, original license, \$50; biennial re-
5 newal fee, \$100;

6 B. Journeyman, original license, \$20; biennial
7 renewal fee, \$40;

8 C. Limited, original license, \$30; biennial re-
9 newal fee, \$60;

10 D. Limited energy, original license, \$30; bien-
11 ennial renewal fee, \$60;

12 E. Helper, original license, \$10; biennial re-
13 newal fee, \$20; and

14 F. Apprentice, original license, \$10; biennial
15 renewal fee, \$20.

16 2. Additional fee. When the unexpired term of
17 license of an applicant is or will be more than one
18 year at the time of licensure, the board may require
19 the applicant to pay an additional fee not to exceed
20 1/2 the biennial license renewal fee.

21 Sec. 29. 32 MRSa §1204, as amended by PL 1983,
22 c. 553, §46, is further amended to read:

23 §1204. Renewals

24 All licenses Each license issued shall expire Oc-
25 tober 31st of each biennial period as to master elec-
26 tricians and April 30th of each biennial period as to
27 other licensees biennially on a date established by
28 the commissioner for that license category and they
29 it may be renewed thereafter for 2-year periods with-
30 out further examination, upon the payment of the
31 proper renewal fee as set forth in section 1101. The
32 expiration dates for licenses issued under this chap-
33 ter may be established at such other times as the
34 Commissioner of Business, Occupational and Profes-
35 sional Regulation may designate. The board shall no-
36 tify everyone registered under this chapter of the
37 date of expiration of his license and the fee re-

1 quired for its renewal for a 2-year period. The notice shall be mailed to the person's last known address at least 30 days in advance of the expiration date of his license.

5 A license may be renewed up to 90 days after the date of its expiration upon payment of a late fee of \$10 in addition to the renewal fee. Any person who submits an application for renewal more than 90 days after the license expiration date shall be subject to all requirements governing new applicants under this chapter, except that the board may in its discretion, giving due consideration to the protection of the public, waive ~~examination~~ any requirement if the renewal application is made within 2 years from the date of the expiration. Notwithstanding any other provision of this chapter, the board shall waive examination if a renewal application is made within 90 days after separation from the United States Armed Forces, under conditions other than dishonorable, by a person who has failed to renew his license because he was on active duty in the Armed Forces; provided that the waiver of examination shall not be granted if the person served more than 4 years in the Armed Forces, except if he is required by some mandatory provision to serve a longer period and he shall submit satisfactory evidence of this mandatory provision to the board.

28 Any master electrician giving up his master's license for a lower grade license shall be required to successfully pass an examination in order to reinstate his master license.

32 Sec. 30. 32, MRSA §1452-B, as amended by PL 33 1981, c. 703, Pt. A, §47, is further amended to read:

34 §1452-B. Budget

35 The board shall submit to the commissioner its budgetary requirements in the same manner as is provided in Title 5, section 1665, and the commissioner shall in turn transmit these requirements to the Bureau of the Budget ~~without any revision, alteration or change.~~

41 Sec. 31. 32 MRSA c. 25, as amended, is repealed.

1 Sec. 32. 32 MRS §2311, sub-§7, as enacted by PL
2 1979, c. 569, §4, is repealed and the following en-
3 acted in its place:

4 7. Journeyman oil burner technician. "Journeyman
5 oil burner technician" means any person licensed under
6 this chapter to install, clean, service, alter or
7 repair oil burning equipment. A journeyman oil burner
8 technician shall install oil burning equipment only
9 under the supervision of a master oil burner techni-
10 cian licensed under this chapter and shall at all
11 times be under the supervision of, or in the employ
12 of, a master oil burner technician licensed under
13 this chapter. Applicants for a license of this clas-
14 sification shall present evidence satisfactory to
15 the board of at least one year's practical experi-
16 ence, or completion of a course at a Maine
17 vocational-technical institute or comparable insti-
18 tute from another state, provided that the course has
19 been approved by the board and the applicant presents
20 evidence of 6 months' practical experience.

21 Sec. 33. 32 MRS §2355, last ¶, as enacted by PL
22 1983, c. 413, §120, is repealed and the following en-
23 acted in its place:

24 Any person whose license is suspended or revoked
25 for more than 90 days shall establish that he meets
26 all requirements governing new applicants under this
27 chapter as a condition of reinstatement or return of
28 his license, except that the board may in its discre-
29 tion, giving due consideration to the protection of
30 the public, waive examination if the period of sus-
31 pension is less than 2 years or, in the case of revo-
32 cation of license, the applicant is both eligible and
33 has made application for reinstatement of license
34 within 2 years of the effective date of revocation.

35 Sec. 34. 32 MRS §3119 is enacted to read:

36 §3119. Receipts and disbursements

37 All fees received by the board under this chapter
38 shall be used to carry out the purposes of this chap-
39 ter. Any balance of these fees shall not lapse, but
40 shall be carried forward as a continuing account to
41 be expended for the same purposes in the following
42 fiscal years.

1 Sec. 35. 32 MRSA §3301, sub-§§1-A and 1-B are
2 enacted to read:

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

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

9 Sec. 36. 32 MRSA §3402, as amended by PL 1983,
10 c. 553, §46, is further amended to read:

11 §3402. Employees

12 The Commissioner of Business, Occupational and
13 Professional Regulation commissioner, with the advice
14 and consent of the board, may appoint, subject to the
15 Personnel Law, such employees as may be necessary to
16 carry out this chapter. Any person so employed shall
17 be located in the Department of Business, Occupati-
18 al and Professional Regulation department and under
19 the administrative and supervisory direction of the
20 Commissioner of Business Regulation commissioner.

21 Plumbing inspectors appointed under this section
22 shall have the same powers throughout the several
23 counties of the State as sheriffs have in their re-
24 spective counties, relating to enforcement of this
25 chapter and rules promulgated under this chapter.

26 In addition to any other powers, plumbing inspec-
27 tors shall have the right of entry during usual busi-
28 ness hours to inspect any and all buildings and
29 premises in the performance of their duties. They
30 may enter any building only with the permission of
31 the owner, occupant or person having control of the
32 building or pursuant to an order of court.

33 Sec. 37. 32 MRSA §3403-A, sub-§§4 and 5 are en-
34 acted to read:

35 4. Fees. An application fee and an examination
36 fee may be established by the board in amounts which
37 are reasonable and necessary for their respective
38 purposes.

1 5. Orders. The board and any person designated
2 by the board may issue an order to enjoin the instal-
3 lation or substantial alteration of plumbing systems
4 by any person not licensed by the board. Any such
5 order is immediately effective, but must include an
6 opportunity for hearing before the board. If the or-
7 der is verbal, the opportunity must be provided with-
8 in 5 working days, otherwise with 30 calendar days.
9 Refusal, failure or neglect to comply with any such
10 order shall be considered a violation of this chap-
11 ter.

12 Sec. 38. 32 MRSA §3405, as amended by PL 1983,
13 c. 553, §42, is further amended to read:

14 §3405. Disposal of fees

15 All fees received by the board shall be paid into
16 the State Treasury and may be used for carrying out
17 this chapter. Any balance of these fees shall not
18 lapse, but shall be carried forward as a continuing
19 account to be expended for the same purposes in the
20 following fiscal years.

21 Sec. 39. 32 MRSA §3823, as amended by PL 1983,
22 c. 413, §150, is further amended to read:

23 §3823. Disposal of fees

24 All fees charged and collected by the board shall
25 be deposited by it in the State Treasury to the cred-
26 it of the board. The board may accept grants from
27 foundations or institutions, which shall also be de-
28 posited in the State Treasury to the credit of the
29 board. All those moneys are appropriated to be used
30 by the board in carrying out this chapter. The ex-
31 penditures of the board may be paid only from those
32 moneys. Any balance of these fees shall not lapse,
33 but shall be carried forward as a continuing account
34 to be expended for the same purposes in the following
35 fiscal years.

36 Sec. 40. 32 MRSA §4920 is enacted to read:

37 §4920. Receipts and disbursements

1 All fees received by the board under this chapter
2 shall be used to carry out the purposes of this chap-
3 ter. Any balance of these fees shall not lapse, but
4 shall be carried forward as a continuing account to
5 be expended for the same purposes in the following
6 fiscal years.

7 Sec. 41. 32 MRSA §5010, as enacted by PL 1975,
8 c. 490, is repealed and the following enacted in its
9 place:

10 §5010. Receipts and disbursements

11 All fees received by the board under this chapter
12 shall be used to carry out the purposes of this chap-
13 ter. Any balance of these fees shall not lapse, but
14 shall be carried forward as a continuing account to
15 be expended for the same purposes in the following
16 fiscal years.

17 Sec. 42. 32 MRSA §5011-A, 3rd ¶, as enacted by
18 PL 1977, c. 604, §35, is repealed.

19 Sec. 43. 32 MRSA §6222 is enacted to read:

20 §6222. Receipts and disbursements

21 All fees received by the board under this chapter
22 shall be used to carry out the purposes of this chap-
23 ter. Any balance shall not lapse, but shall be car-
24 ried forward as a continuing account to be expended
25 for the same purposes in the following fiscal years.

26 Sec. 44. 32 MRSA §7061, as enacted by PL 1977,
27 c. 673, §3, is repealed and the following enacted in
28 its place:

29 §7061. Receipts and disbursements

30 All fees received by the board under this chapter
31 shall be used to carry out the purposes of this chap-
32 ter. Any balance of these fees shall not lapse, but
33 shall be carried forward as a continuing account to
34 be expended for the same purposes in the following
35 fiscal years.

36 Sec. 45. 38 MRSA §81, as amended by PL 1975, c.
37 771, §413, is repealed.

1 Sec. 46. 38 MRSA §82 is repealed

2 Sec. 47. 38 MRSA §83, as amended by PL 1975, c.
3 771, §414, is repealed.

4 Sec. 48. 38 MRSA §84 is repealed.

5 Sec. 49. 38 MRSA §§85 and 86, as enacted by PL
6 1969, c. 410, §1, are amended to read:

7 §85. Declaration of policy

8 It is declared to be the policy and intent of the
9 Legislature and the purpose of this section and sec-
10 tions 85 86 to ~~105 106~~ to provide for a system of
11 state pilotage ~~for the Penobscot Bay and River~~ in or-
12 der to provide maximum safety from the dangers of
13 navigation for vessels entering or leaving the waters
14 ~~of this area, described in this subchapter,~~ to main-
15 tain a state pilotage system devoted to the preserva-
16 tion and protection of lives, property and vessels
17 entering or leaving ~~the these~~ waters of Penobscot Bay
18 and River at the highest standard of efficiency and
19 to insure an adequate supply of pilots well qualified
20 for the discharge of their duties in aid of commerce
21 and navigation.

22 §86. Vessels required to take pilot

23 Every foreign vessel and every American vessel
24 under register, with a draft of 9 feet or more, en-
25 tering or departing from any port or harbor within
26 the waters of Penobscot Bay and River north of a line
27 drawn from Marshall Point Light at Port Clyde, thence
28 to Matinicus Reef Light, thence to Western Head Isle
29 au Haut, described in section 86-A shall take a pilot
30 licensed under this chapter, and in. In case of re-
31 fusal to take such pilot, the master, owner, agent or
32 consignee of any such vessel shall pay the estab-
33 lished pilot fee as if a pilot had been employed.

34 Sec. 50. 38 MRSA §86-A is enacted to read:

35 §86-A. Jurisdiction over coastal waters and rivers

36 This subchapter applies to the following de-
37 scribed coastal waters and rivers:

1 1. Seguin Island to Bath. Seguin Island to Bath
2 via Kennebec River;

3 2. Penobscot Bay. Penobscot Bay north of a line
4 drawn from Marshall Point Light to Port Clyde, thence
5 to Matinicus Rock Light, thence to Western Head Isle
6 au Haut;

7 3. Penobscot River. Penobscot River from Fort
8 Point Light to Bangor;

9 4. Frenchman's Bay. Frenchman's Bay landward of
10 a line drawn from Schoodic Point to Otter Point; and

11 5. Eastport Harbor, Cobscook Bay, Penamquan Riv-
12 er and Friar Roads. Eastport Harbor, Cobscook Bay,
13 Penamquan River and Friar Roads via Head Harbor pas-
14 sage.

15 Sec. 51. 38 MRSA §87, as enacted by PL 1969, c.
16 410, §1, is repealed.

17 Sec. 52. 38 MRSA §87-A is enacted to read:

18 §87-A. Exceptions

19 1. Vessels exempt. Sections 85 to 106 shall not
20 apply to:

21 A. Vessels under enrollment;

22 B. Fishing vessels;

23 C. Vessels powered by sail; or

24 D. The motor vessel Bluenose, or any vessel sub-
25 stituted for the Bluenose, operating on a pub-
26 lished regular schedule sailing between Bar Har-
27 bor, Maine, and Yarmouth, Nova Scotia, provided
28 that:

29 (1) The qualifications and experience of
30 any licensed master of the Bluenose, or its
31 substitute, meet those established by regu-
32 lations of the United States Coast Guard;

1 (2) A federal pilot, or a pilot licensed
2 under this subchapter, shall pilot the
3 Bluenose, or its substitute, on the licensed
4 master's initial arrival and departure dur-
5 ing each calendar year, except that a relief
6 licensed master may make his initial arrival
7 and departure trip for the calendar year,
8 with another licensed master who has made a
9 familiarization trip during the calendar
10 year; and

11 (3) The licensed master of any substitute
12 vessel has piloted the Bluenose, or a sub-
13 stitute, in the waters of Frenchman's Bay
14 for not less than 12 trips between Bar Har-
15 bor, Maine, and Yarmouth, Nova Scotia, with-
16 in a period of 2 years.

17 2. Limitation. If any such vessel employs a pi-
18 lot, the pilot shall be entitled to receive as com-
19 penensation for his service pilotage fees in an amount
20 not to exceed the rates established by the commis-
21 sion.

22 Sec. 53. 38 MRSA §89, as amended by PL 1983, c.
23 812, §288, is repealed and the following enacted in
24 its place:

25 §89. Maine State Pilotage Commission

26 The Maine State Pilotage Commission, as estab-
27 lished by Title 5, section 12004, subsection 1, shall
28 consist of 5 members appointed by the Governor as
29 follows: Three shall be licensed pilots representing
30 Penobscot Bay and River, Bar Harbor and Bath; one
31 shall represent the marine industry interests; and
32 one, with a marine background, shall represent the
33 public. Each member shall serve for a term of 3
34 years or until his successor is appointed and quali-
35 fied. Any vacancy which may occur in the commission
36 shall be filled by the Governor for the remainder of
37 the unexpired term. Any member shall be eligible to
38 succeed himself. The members of the commission shall
39 be compensated according to Title 5, chapter 379.

40 Sec. 54. 38 MRSA §90, sub-§1, ¶H, as enacted by
41 PL 1969, c. 410, §1, is amended to read:

1 H. Select only such number of pilots, ~~not to ex-~~
2 ~~ceed 12 in number~~, as would be necessary to per-
3 mit adequate pilotage in these waters;

4 Sec. 55. 38 MRSA §91, as enacted by PL 1969, c.
5 410, §1, is amended to read:

6 §91. Qualifications of licensees

7 Every person who shall apply for a license to act
8 as a pilot in the waters of ~~the Penobscot Bay and~~
9 ~~River~~ covered in this subchapter shall be a citizen
10 of the United States and the State of Maine. He shall
11 possess a federal first class pilot's endorsement,
12 issued by a duly constituted authority of the United
13 States, covering the waters of ~~Penobscot Bay and~~
14 ~~River~~ described in section 86-A. An applicant for a
15 license shall satisfy the ~~board~~ commission that he
16 has or will have proper means available to him for
17 boarding and leaving vessels which he may be called
18 upon to pilot.

19 Sec. 56. 38 MRSA §99, as amended by PL 1977, c.
20 694, §748, is further amended to read:

21 §99. Grounds for disciplinary action

22 The Administrative Court may suspend any pilot
23 for any period that it may deem proper, and may sus-
24 pend, revoke or annul any pilot's license which shall
25 be issued under sections 85 to ~~105~~ 106, upon satis-
26 factory proof that such pilot has willfully disobeyed
27 or violated any of the provisions of sections 85 to
28 ~~105~~ 106 or any rule ~~or regulation~~ established by the
29 commission; or such pilot has negligently lost or
30 damaged any vessel under his care; or such pilot is
31 ~~so addicted to the habits of intoxication habitually~~
32 intemperate in the use of alcohol or habitually uses
33 narcotic or hypnotic or other substances so as to be
34 unfit to be entrusted with the charge of a vessel; or
35 the pilot is so mentally or physically incapable as
36 to be unfit to carry on the duties of a pilot.

37 Sec. 57. 38 MRSA §106 is enacted to read:

38 §106. Receipts and disbursements

1 All fees received by the commission under this
2 chapter shall be used to carry out the purpose of
3 this chapter. Any balance of these fees shall not
4 lapse, but shall be carried forward as a continuing
5 account to be expended for the same purposes in the
6 following fiscal years.

7 STATEMENT OF FACT

8 This bill makes changes in the statutes of a num-
9 ber of agencies within the Department of Business,
10 Occupational and Professional Regulation.

11 Section 1 changes the name of the Penobscot Bay
12 and River Pilotage Commission to the Maine State
13 Pilotage Commission. See sections 45 to 56.

14 Section 2 extends the application of the 5% gross
15 receipts tax, which is already assessed on the gates
16 of live boxing and wrestling contests and upon closed
17 circuit boxing, to closed circuit wrestling. This is
18 a function of the Maine Athletic Commission.

19 Sections 3 and 4 repeal the motion picture
20 projectionist license requirements, established prior
21 to 1939 and administered by the Electricians' Examining
22 Board. Changes in motion picture technology have
23 made projectionist licensing unnecessary.

24 Sections 5 and 11 establish explicit statutory
25 authority for the existence of a Securities Divi-
26 sions, which has operated within the Bureau of Bank-
27 ing since 1931.

28 Section 6 changes the name of the Penobscot Bay
29 and River Pilotage Commission to the Maine State
30 Pilotage Commission. See sections 45 to 56.

31 Section 7 changes the fee limits of the mobile
32 home park licensing program administered by the Manu-
33 factured Housing Board, as recent revenues have been
34 insufficient to cover actual costs. The maximum fee
35 for an annual mobile home park license is increased
36 to allow the fee to relate to the size of the park.
37 The fee for additional park inspections is increased
38 from \$10 to \$50, which more accurately represents the

1 cost of this function. Finally, the board is autho-
2 rized to establish a fee for services rendered prior
3 to submission of a license application. The board is
4 required by statute to review plans for new parks or
5 park expansions prior to their construction and cur-
6 rently cannot charge for this service.

7 Section 9 corrects a typographical error in the
8 statutes of the Auctioneers Advisory Board.

9 Section 10 reestablishes the authority of the
10 Board of Barbers to license instructors in schools of
11 barbering and provides that standards applicable to
12 their examination be adopted jointly by that board
13 and by the Department of Educational and Cultural
14 Services which regulates schools of barbering.

15 Sections 12 to 29 make various changes in the
16 statutes of the Electricians' Examining Board. A
17 limited license program is established for those per-
18 sons who work on electrical systems which are low
19 voltage, such as fire alarm, cable and data process-
20 ing systems. The procedures governing permits and
21 inspections are simplified. The board is authorized
22 to adopt the National Electrical Code by rule instead
23 of the periodic statutory adoption of the code now
24 required. The qualifications required for a
25 journeyman's license are adjusted by the repeal of
26 the Maine Revised Statutes, Title 20-A, section
27 10110, subsection 1, see section 8 of the bill, so
28 that all journeyman applicants will be required to
29 obtain the same amount of experience. A loophole
30 which allows a person with an expired journeyman's
31 license to apply for a master's license without the
32 576 hours of study now required for a journeyman's
33 license is closed. The board is authorized to charge
34 reasonable and necessary examination and application
35 fees, using a provision which is standard for the
36 other boards in the department. Provisions governing
37 late renewal of license would be changed so that they
38 are the same as other departmental boards. The re-
39 maining changes clarify existing language.

40 Sections 30, 35 and 42 make technical changes to
41 the statutes of the boards governing funeral direc-
42 tors, plumbers and foresters and conform them to
43 standard language.

1 Section 31 repeals the licensing requirements for
2 manufacturers and sellers of lightning rods. These
3 licensing requirements were established prior to 1944
4 and are no longer necessary for the protection of the
5 public.

6 Sections 32 and 33 affect the statutes of the Oil
7 and Solid Fuel Board. Section 32 makes clear the re-
8 quirement that a journeyman oil burner technician
9 must be either in the employ of or under the supervi-
10 sion of a licensed master, in order to prohibit a
11 journeyman being self-employed and obtaining the as-
12 sistance of a master only when making installations.
13 This section also adjusts the educational require-
14 ments for a journeyman's license by requiring comple-
15 tion of a course at a Maine vocational-technical in-
16 stitute, or a comparable out-of-state institute, pro-
17 vided that the course has been approved by the board
18 and 6-months' practical experience has been obtained.
19 Section 33 changes the standard governing reinstatement
20 of license after suspension or revocation to
21 conform to the standard applicable to reinstatement
22 after lapse of a license due to failure to renew in a
23 timely fashion.

24 Sections 36 and 37 give the plumbing inspector
25 employed by the Plumbers' Examining Board similar
26 powers to those of the inspectors for the Electricians'
27 Examining Board. Section 37 also authorizes
28 the Plumbers' Examining Board to establish reasonable
29 and necessary application and examination fees, using
30 standard statutory language.

31 Sections 34, 38, 39, 40, 41, 43, 44 and 57 allow
32 dedicated revenue account balances to be carried for-
33 ward to the following fiscal years by adding standard
34 language to the statutes of the boards governing
35 physical therapists, plumbers, psychologists,
36 geologists and soil scientists, foresters, substance
37 abuse counselors and social workers. These sections
38 establish in statute authority for long established
39 practices.

40 Sections 45 to 56 expand the jurisdiction of the
41 Penobscot Bay and River Pilotage Commission to in-
42 clude all other navigable waters in the State except
43 Portland Harbor, which is currently subject to sepa-

1 rate pilotage regulation, and change its name accord-
2 ingly to the Maine State Pilotage Commission. On Au-
3 gust 13, 1982, the United States Coast Guard adopted
4 temporary regulations for licensed pilots in waters
5 for which no state requirements exist. This tempo-
6 rary measure was adopted due to the increase in ves-
7 sel traffic in unregulated waters. The temporary
8 regulations are in effect pending the development and
9 publication of federal regulations addressing these
10 waters or until the State requires compulsory
11 pilotage vessels in these waters. The commisson be-
12 lieves that state regulations should be enacted to
13 govern the pilotage of large vessels in these areas,
14 and the United States Coast Guard encourages this
15 measure.

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