

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

1 (EMERGENCY)
2 (New Draft of H.P. 1548, L.D. 2187)
3 SECOND REGULAR SESSION
4

5 ONE HUNDRED AND TWELFTH LEGISLATURE
6

7 Legislative Document

No. 2355

8
9 H.P. 1670 House of Representatives, April 10, 1986
10 Reported by Representative Rolde from the Committee on Labor and
11 printed under Joint Rule 2. Original bill submitted by the Joint Standing
12 Committee on Audit and Program Review pursuant to Maine Revised Statutes
Annotated, Title 3, Chapter 23.

EDWIN H. PERT, Clerk

13
14 STATE OF MAINE
15

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

19 AN ACT Relating to Periodic Justification of
20 Departments and Agencies of State
21 Government under the Maine Sunset
22 Laws.
23

24 Emergency preamble. Whereas, Acts of the Legis-
25 lature do not become effective until 90 days after
26 adjournment unless enacted as emergencies; and

27 Whereas, the 90-day period may not terminate un-
28 til after the beginning of the next fiscal year; and

29 Whereas, certain obligations and expenses inci-
30 dent to the operation of departments and agencies
31 will become due and payable on or immediately after
32 July 1, 1986; and

33 Whereas, certain independent agencies will termi-
34 nate unless continued by the Legislature prior to
35 June 30, 1986; and

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

7 Be it enacted by the People of the State of Maine as
8 follows:

9 PART A

10 Sec. 1. 1 MRSA §118, last ¶, as enacted by PL
11 1979, c. 294, is amended to read:

12 The Maine State Arts Commission ~~on the Arts and~~
13 ~~Humanities~~ shall make appropriate information availa-
14 ble to the people and the schools within the limits
15 of its budget.

16 Sec. 2. 3 MRSA §507, sub-§7, ¶A, as amended by
17 PL 1985, c. 481, Pt. A, §2, is further amended to
18 read:

19 A. The evaluations and analyses of the justifi-
20 cation reports for the programs of the following
21 Group D-1 departments shall be reviewed by the
22 Legislature no later than June 30, 1986:

23 (1) Department of Business, Occupational
24 and Professional Regulation; and

25 (2) Department of Educational and Cultural
26 Services, but limited to the cultural bu-
27 reaus, library services, State Museum Bu-
28 roau, and the Arts and Humanities Bureau,
29 Historic Preservation Commission, and the
30 Management Information Division, higher edu-
31 cation services and the Bryant Pond Conser-
32 vation School.

33 Sec. 3. 3 MRSA §507, sub-§7, ¶B, as amended by
34 PL 1985, c. 481, Pt. A, §2, is repealed and the fol-
35 lowing enacted in its place:

1 B. The evaluations and analyses of the justifi-
2 cation reports for the programs of the following
3 Group D-2 departments shall be reviewed by the
4 Legislature no later than June 30, 1987: The De-
5 partment of Educational and Cultural Services,
6 excluding the State Museum Bureau, the Arts Bu-
7 reau and the vocational-technical institutes.

8 Sec. 4. 3 MRSA §507, sub-§8, ¶¶A and B, as re-
9 pealed and replaced by PL 1983, c. 819, Pt. A, §3,
10 are repealed and the following enacted in their
11 place:

12 A. Unless continued or modified by law, the fol-
13 lowing Group D-1 independent agencies shall ter-
14 minate, not including the grace period, no later
15 than June 30, 1986:

- 16 (1) Maine Arts Commission; and
- 17 (2) Maine State Museum.

18 B. Unless continued or modified by law, the fol-
19 lowing Group D-2 independent agencies shall ter-
20 minate, not including the grace period, no later
21 than June 30, 1987:

- 22 (1) Advisory Committee on Maine Public
23 Broadcasting;
- 24 (2) Real Estate Commission;
- 25 (3) Maine Athletic Commission;
- 26 (4) Electricians' Examining Board;
- 27 (5) State Claims Board;
- 28 (6) Board of Examiners on Speech Pathology
29 and Audiology;
- 30 (7) State Board of Social Worker Registra-
31 tion;
- 32 (8) Board of Accountancy;
- 33 (9) Arborist Examining Board;

1 (10) Maine State Board for Registration of
2 Architects and Landscape Architects;

3 (11) Board of Examiners for the Examination
4 of Applicants for Admission to the Bar;

5 (12) State Board of Barbers;

6 (13) State Board of Cosmetology;

7 (14) Manufactured Housing Board;

8 (15) State Running Horse Racing Commission;

9 (16) Board of Registration of Substance
10 Abuse Counselors;

11 (17) State Board of Registration for Pro-
12 fessional Foresters;

13 (18) State Board of Certification for
14 Geologists and Soil Scientists;

15 (19) Board of Examiners in Physical Thera-
16 py;

17 (20) Maine Criminal Justice Planning and
18 Assistance Agency;

19 (21) Maine Occupational Information Coordi-
20 nating Committee;

21 (22) Bryant Pond Conservation School;

22 (23) State Historian;

23 (24) Historic Preservation Commission;

24 (25) Maine Historical Society;

25 (26) Oil and Solid Fuel Board; and

26 (27) State Board of Examiners of Psycholo-
27 gists.

28 Sec. 5. 3 MRSA §507, sub-§8-A is enacted to
29 read:

1 8-A. Groups E-1 and E-2 departments and independent agencies.
2

3 A. The evaluations and analyses of the justification reports for the programs of the following Group E-1 department shall be reviewed by the Legislature no later than June 30, 1988: That part of the Department of Educational and Cultural Services concerning the vocational-technical institutes.
4
5
6
7
8
9

10 B. The evaluations and analyses of the justification reports for the programs of the following Group E-2 independent agencies shall be reviewed by the Legislature no later than June 30, 1988:
11
12
13

14 (1) Board of Trustees of the University of
15 Maine;

16 (2) Board of Trustees of the Maine Maritime
17 Academy;

18 (3) State Government Internship Advisory
19 Committee;

20 (4) Maine Vocational Development Commis-
21 sion; and

22 (5) Post-secondary Education Commission of
23 Maine.

24 Sec. 6. 3 MRSA §507, sub-§9, as repealed and re-
25 placed by PL 1983, c. 819, Pt. A, §3, is amended to
26 read:

27 9. Group F-1 and F-2 departments.

28 A. The evaluations and analyses of the justifi-
29 cation reports for the programs of the following
30 Group E-~~1~~ F-1 departments shall be reviewed by
31 the Legislature no later than June 30, ~~1988~~ 1989:

32 (1) Maine State Retirement System;

33 (2) Department of the Attorney General;

34 (3) Department of Personnel; and

1 (4) Department of Labor.

2 B. The evaluations and analyses of the justifi-
3 cation reports for the programs of the following
4 Group E-2 F-2 departments shall be reviewed by
5 the Legislature no later than June 30, ~~1989~~ 1990:

6 (1) Department of Finance and Administra-
7 tion;

8 (2) (Office of) Treasurer of State; and

9 (3) Department of Audit.

10 Sec. 7. 3 MRSA §507, sub-§10, as repealed and
11 replaced by PL 1983, c. 819, Pt. A, §4, is amended to
12 read:

13 10. Group G-1 and G-2 independent agencies.

14 A. Unless continued or modified by law, the fol-
15 lowing Group E-~~1~~ G-1 independent agencies shall
16 terminate, not including the grace period, no la-
17 ter than June 30, ~~1988~~ 1989:

18 (1) Board of Trustees, Group Accident and
19 Sickness or Health Insurance;

20 (2) Maine Commission for Women;

21 (3) Maine Human Rights Commission;

22 (4) Maine Labor Relations Board;

23 (5) Governor's Office of State Employee Re-
24 lations;

25 (6) State Personnel Board;

26 (7) Educational Leave Advisory Board; and

27 (8) Workers' Compensation Commission.

28 B. Unless continued or modified by law, the fol-
29 lowing Group E-2 G-2 independent agencies shall
30 terminate, not including the grace period, no la-
31 ter than June 30, ~~1989~~ 1990. The Board of Emer-

1 agency Municipal Finance, the Finance Authority of
2 Maine and the Maine Municipal Bond Bank shall not
3 terminate, but shall be reviewed by the Legisla-
4 ture no later than June 30, ~~1989~~ 1990:

- 5 (1) Board of Emergency Municipal Finance;
- 6 (2) Finance Authority of Maine;
- 7 (3) Maine Municipal Bond Bank;
- 8 (4) Municipal Valuation Appeals Board;
- 9 (5) Land Classification Appeals Board;
- 10 (6) State Liquor Commission;
- 11 (7) Capitol Planning Commission;
- 12 (8) State Board of Assessment Review; and
- 13 (9) Maine Health Care Finance Commission.

14 Sec. 8. 3 MRSA §507-B, sub-§9 is enacted to
15 read:

16 9. Agencies scheduled for termination on June
17 30, 1986. Pursuant to section 507, subsection 6,
18 paragraph B, the following agencies are continued or
19 modified by an Act of the Legislature passed prior to
20 June 30, 1985:

21 A. Maine Sardine Council;

22 B. Atlantic States Marine Fisheries Commission;

23 C. Board of Directors, Maine Municipal and Rural
24 Electrification Cooperative Agency;

25 D. Lobster Advisory Council; and

26 E. Board of Environmental Protection.

27 Sec. 9. 5 MRSA §5007, sub-§3 is enacted to read:

28 3. Repeal. As of July 1, 1987, this section is
29 repealed pursuant to Title 3, chapter 23.

1 Sec. 10. 5 MRSA §5008, as enacted by PL 1975, c.
2 587, §5, is amended by adding at the end a new para-
3 graph to read:

4 As of July 1, 1987, this section is repealed pur-
5 suant to Title 3, chapter 23.

6 Sec. 11. 5 MRSA §12004, sub-§1, first ¶, as
7 amended, is further amended to read:

8 1. Occupational and professional licensing
9 boards. The primary responsibilities of occupational
10 and professional licensing boards include the exami-
11 nation of applicants, issuance of licenses or certifi-
12 cates, registration of licenses and regulation of
13 licensees with respect to the practice of a particu-
14 lar occupation or profession. The primary powers of
15 these boards include the authority to hold hearings,
16 the adoption of rules, the establishment of standards
17 and procedures, the issuance of licenses and initia-
18 tion of action for the revocation or suspension of
19 occupational or professional licenses. For the pur-
20 poses of any occupational or professional licensing
21 boards which has a public member or members, "public
22 member" means that this person shall have no sub-
23 stantial financial interest in the profession regu-
24 lated by the board to which they have been appointed,
25 nor shall that person possess or have ever possessed
26 the degree or degrees of regulation bestowed by that
27 particular board. This meaning shall only apply to
28 those public members appointed after July 1, 1986.

29 Sec. 12. 5 MRSA §12004, sub-§10, ¶A, sub-¶¶(15)
30 and (53), as amended, are repealed and the following
31 enacted in their place:

32 (15) Education Maine Arts Expenses 27 MRSA
33 Commission Only §401

34 (53) Marine Re- Lobster Advi- Expenses 12 MRSA
35 Sources: In- sory Council Only §6462
36 dustry

37 (a) Total expenses for
38 council shall not ex-
39 ceed \$2,500 per year.

40 Sec. 13. 9 MRSA c. 360, as amended, is repealed.

1 Sec. 14. 9 MRSA c. 381, as amended, is repealed.

2 Sec. 15. 9-A MRSA §1-106, sub-§1, as enacted by
3 PL 1973, c. 762, §1, is amended to read:

4 1. From time to time the dollar amounts in this
5 Act designated as subject to change shall change, as
6 provided in this section, according to ~~and to the ex-~~
7 ~~tent of~~ changes in the Consumer Price Index for Urban
8 Wage Earners and Clerical Workers: U.S. City Average,
9 All Items, 1967=100, compiled by the Bureau of Labor
10 Statistics, United States Department of Labor, and
11 hereafter referred to as the Index. The Index for De-
12 cember, ~~1972~~ 1984, is the Reference Base Index.

13 Sec. 16. 9-A MRSA §1-106, sub-§2, as amended by
14 PL 1985, c. 121, is further amended to read:

15 2. The designated dollar amounts ~~shall~~ may
16 change on July ~~1~~ 1st of ~~each~~ every 4th even-numbered
17 year if the percentage of change, calculated to the
18 nearest whole percentage point, between the Index at
19 the end of the preceding year and the Reference Base
20 Index is 20% or more, except that:

21 A. The portion of the percentage change in the
22 Index in excess of a multiple of 20% shall be
23 disregarded and the dollar amounts shall change
24 only in multiples of 20% of the amounts appearing
25 in this Act on the date of enactment; and

26 B. The dollar amounts shall not change if the
27 amounts required by this section are those cur-
28 rently in effect pursuant to this Act as a result
29 of earlier application of this section.

30 Sec. 17. 9-A MRSA § 1-106, sub-§4, as enacted by
31 PL 1973, c. 762, §1, is repealed and the following
32 enacted in its place:

33 4. On or before April 30th of each year in which
34 dollar amounts are to change, the administrator shall
35 commence a rule-making proceeding to implement the
36 changes authorized under subsection 2, except that if
37 testimony is presented that demonstrates to the ad-
38 ministrator that a change in any particular dollar
39 amount is not warranted by price increase experience

1 in this State or that adverse impacts on lending pro-
2 grams will result to the ultimate detriment of con-
3 sumers, he may implement a lesser change in dollar
4 amount or no change at all. In any case, the admin-
5 istrator may adjust dollar amounts to the nearest
6 whole number for dollar amounts of less than \$10, to
7 the nearest multiple of \$10 for dollar amounts be-
8 tween \$10 and \$100 and to the nearest multiple of
9 \$100 for dollar amounts above \$100. The rule shall
10 also provide the title of any index superseding the
11 index specified in this section.

12 Sec. 18. 9-A MRSA §1-301, sub-§11, ¶C, as en-
13 acted by PL 1973, c. 762, §1, is repealed.

14 Sec. 19. 9-A MRSA §1-301, sub-§14, ¶C, as en-
15 acted by PL 1973, c. 762, §1, is repealed.

16 Sec. 20. 9-A MRSA §1-301, sub-§20-B is enacted
17 to read:

18 20-B. "Insurance premium loan" means a consumer
19 loan that:

20 A. Is made for the sole purpose of financing the
21 payment by or on behalf of an insured of the pre-
22 mium on one or more policies or contracts issued
23 by or on behalf of an insurer;

24 B. Is secured by an assignment by the insured to
25 the lender of the unearned premium on the policy
26 or contract; and

27 C. Contains an authorization to cancel the poli-
28 cy or contract financed.

29 Sec. 21. 9-A MRSA §2-201, sub-§2, ¶A, as enacted
30 by PL 1973, c. 762, §1, is amended to read:

31 A. The total of:

32 (i) 30% per year on that part of the unpaid
33 balances of the amount financed which is
34 \$300 \$700 or less;

35 (ii) 21% per year on that part of the un-
36 paid balances of the amount financed which

1 is more than ~~\$300~~ \$700 but does not exceed
2 ~~\$1,000~~ \$2,000; and

3 (iii) 15% per year on that part of the un-
4 paid balances of the amount financed which
5 is more than ~~\$1,000~~ \$2,000; or

6 Sec. 22. 9-A MRSA §2-201, sub-§7, as repealed
7 and replaced by PL 1983, c. 598, is repealed and the
8 following enacted in its place:

9 7. The finance charge on any transaction involv-
10 ing the credit sale of goods or services used in the
11 modernization, rehabilitation, repair, alteration or
12 improvement of real property, in which the seller or
13 his agent installs the goods or provides the services
14 related to the modernization, rehabilitation, repair,
15 alteration or improvement of the real property, may
16 not exceed 18% per year on the unpaid balance of the
17 amount financed.

18 Sec. 23. 9-A MRSA §2-201, sub-§8, as enacted by
19 PL 1973, c. 762, §1, is amended to read:

20 8. The amounts of ~~\$300~~ \$700 and ~~\$1,000~~ \$2,000 in
21 subsection 2 are subject to change pursuant to the
22 provisions on adjustment of dollar amounts, section
23 1-106.

24 Sec. 24. 9-A MRSA §2-301, first ¶, as amended by
25 PL 1983, c. 212, §3, is further amended to read:

26 Unless a person is a supervised financial organi-
27 zation or has first obtained a license pursuant to
28 this Act ~~or the Insurance Premium Finance Company~~
29 ~~Act, Title 9, section 4054,~~ from the administrator
30 authorizing him to make supervised loans, he shall
31 not engage in the business of:

32 Sec. 25. 9-A MRSA §2-302, sub-§2, as amended by
33 PL 1983, c. 720, §7, is further amended to read:

34 2. No license shall may be issued unless the ad-
35 ministrator, upon investigation, finds that the fi-
36 nancial responsibility, character and fitness of the
37 applicant, and of the members thereof, if the appli-
38 cant is a copartnership or association, and of the

1 officers and directors thereof, if the applicant is a
2 corporation, are such as to warrant belief that the
3 business will be operated honestly and fairly within
4 the purposes of this Act. In determining the finan-
5 cial responsibility of an applicant proposing to en-
6 gage in making insurance premium loans, the adminis-
7 trator shall consider the liabilities the lender may
8 incur for erroneous cancellation of insurance.

9 A. Every applicant shall also, at the time of
10 filing such application, file with the adminis-
11 trator, if he so requires, a bond satisfactory to
12 the administrator in an amount not to exceed
13 \$25,000. The bond shall run to the State for the
14 use of the State and of any person or persons who
15 may have a cause of action against the licensee
16 under this Act. The bond shall be conditional
17 that the licensee will faithfully conform to and
18 abide by the provisions of this Act and to all
19 rules and regulations lawfully made by the admin-
20 istrator hereunder and will pay to the State and
21 to any such person or persons any and all amounts
22 of money that may become due or owing to the
23 State or to such person or persons from the li-
24 censee under and by virtue of this Act during the
25 calendar year for which the bond is given;

26 B. As used in this section, the term "financial
27 responsibility" means that the applicant has
28 available for the operation of the licensed busi-
29 ness net assets of at least \$25,000 and upon is-
30 suance of a license, each licensee shall maintain
31 net assets of at least \$25,000 which are either
32 used or readily available for use in the conduct
33 of the business of each office of the licensee in
34 which supervised loans are made.

35 Sec. 26. 9-A MRSA §2-303, sub-§4 is enacted to
36 read:

37 4. No revocation, suspension, annulment or with-
38 drawal of a license is lawful unless, prior to the
39 institution of proceedings by the administrator, he
40 gave notice by mail to the licensee of facts or con-
41 duct which warrant the intended action, and the li-
42 censee was given an opportunity to show compliance
43 with all lawful requirements for the retention of the
44 license.

1 Sec. 27. 9-A MRSA §2-307, sub-§2, as amended by
2 PL 1985, c. 137, §1, is further amended to read:

3 2. With respect to a supervised loan in which
4 the amount financed is ~~§1,000~~ \$2,000 or less, a lender
5 may not take a security interest in the principal
6 residence of the consumer. This subsection does not
7 apply when the lender holds a first mortgage on the
8 residence at the time the loan is made or when the
9 loan is made pursuant to an open-end credit plan in-
10 volving a commitment to advance amounts in excess of
11 ~~§1,000~~ \$2,000. Notwithstanding Title 14, no judgment
12 of foreclosure of a mortgage upon the principal resi-
13 dence of a consumer may be entered on account of the
14 consumer's failure to repay supervised loans under an
15 open-end credit plan, unless the consumer's outstand-
16 ing balance described in section 8-205, subsection 2,
17 paragraph I, has at some time exceeded ~~§1,000~~ \$2,000
18 and the consumer has not paid the account in full
19 subsequent to the date of the last periodic statement
20 showing an outstanding balance in excess of ~~§1,000~~
21 \$2,000.

22 Sec. 28. 9-A MRSA §2-307, sub-§3, as enacted by
23 PL 1985, c. 137, §2, is amended to read:

24 3. The amount of ~~§1,000~~ \$2,000 in subsection 2
25 is subject to change pursuant to the provisions on
26 adjustment of dollar amounts, section 1-106.

27 Sec. 29. 9-A MRSA §2-308, sub-§1, as amended by
28 PL 1985, c. 113, §1, is further amended to read:

29 1. Except as provided in section 3-308, super-
30 vised loans, not made pursuant to open-end credit and
31 in which the amount financed is \$1,000 or less and
32 the principal of which is payable in more than a sin-
33 gle payment, shall be scheduled to be payable in sub-
34 stantially equal installments at equal periodic in-
35 tervals except to the extent that the schedule of
36 payments is adjusted to the seasonal or irregular in-
37 come of the debtor; and over a period of not more
38 than 25 months.

39 A- Over a period of not more than 37 months if
40 the amount financed is more than \$300; or

1 E. Over a period of not more than 25 months if
2 the amount financed is \$300 or less.

3 Sec. 30. 9-A MRSA §2-308, sub-§2, as enacted by
4 PL 1973, c. 762, §1, is amended to read:

5 2. The amounts of ~~\$300~~ and ~~\$1,000~~ amount of \$700
6 in subsection 1 are is subject to change pursuant to
7 the provisions on adjustment of dollar amounts, sec-
8 tion 1-106.

9 Sec. 31. 9-A MRSA §2-401, sub-§2, ¶A, as enacted
10 by PL 1973, c. 762, §1, is amended to read:

11 A. The total of:

12 (i) 30% per year on that part of the unpaid
13 balances of the amount financed which is
14 ~~\$300~~ \$700 or less;

15 (ii) 21% per year on that part of the un-
16 paid balances of the amount financed which
17 is more than ~~\$300~~ \$700 but does not exceed
18 ~~\$1,000~~ \$2,000; and

19 (iii) 15% per year on that part of the un-
20 paid balances of the amount financed which
21 is more than ~~\$1,000~~ \$2,000; or

22 Sec. 32. 9-A MRSA §2-401, sub-§6, as enacted by
23 PL 1973, c. 762, §1, is amended to read:

24 6. The amounts of ~~\$300~~ \$700 and ~~\$1,000~~ \$2,000 in
25 subsection 2 are subject to change pursuant to the
26 provisions on adjustment of dollar amounts, section
27 1-106.

28 Sec. 33. 9-A MRSA §2-401, sub-§9 is enacted to
29 read:

30 9. Notwithstanding any other subsection, the fi-
31 nance charge on an insurance premium loan may not ex-
32 ceed 18% per year on the unpaid balances of the
33 amount financed, except for any minimum charge that
34 may be allowed pursuant to subsection 7.

1 Sec. 34. 9-A MRSA §2-502, sub-§1, ¶A, as enacted
2 by PL 1973, c. 762, §1, is amended to read:

3 A. An amount, not exceeding \$5 \$10, which is 5%
4 of the unpaid amount of the ~~instalment~~
5 installment; or

6 Sec. 35. 9-A MRSA §2-502, sub-§5, as enacted by
7 PL 1973, c. 762, §1, is amended to read:

8 5. The amount of \$5 \$10 in subsection 1 is sub-
9 ject to change pursuant to the provisions on adjust-
10 ment of dollar amounts, section 1-106.

11 Sec. 36. 9-A MRSA §3-301, sub-§1, as amended by
12 PL 1985, c. 316, §2, is further amended to read:

13 1. With respect to a consumer credit sale, a
14 seller may take a security interest in the property
15 sold. In addition, a seller may take a security in-
16 terest in goods upon which services are performed or
17 in which goods sold are installed or to which they
18 are annexed, or in land to which the goods are af-
19 fixed or which is maintained, repaired or improved as
20 a result of the sale of the goods or services, if in
21 the case of a security interest in land the debt se-
22 cured is ~~\$1,000~~ \$2,000 or more, and, where there is
23 ~~an existing home, the transaction is subject to Title~~
24 ~~9, chapter 360,~~ or, in the case of a security inter-
25 est in goods, the debt secured is ~~\$300~~ \$700 or more.
26 Except as provided with respect to cross-collateral,
27 section 3-302, a seller may not otherwise take a se-
28 curity interest in property of the buyer to secure
29 the debt arising from a consumer credit sale.

30 Sec. 37. 9-A MRSA §3-301, sub-§4, as enacted by
31 PL 1973, c. 762, §1, is amended to read:

32 4. The amounts of ~~\$1,000~~ \$2,000 and ~~\$300~~ \$700 in
33 subsection 1 are subject to change pursuant to the
34 provisions on adjustment of dollar amounts, section
35 1-106.

36 Sec. 38. 9-A MRSA §3-310, sub-§4, as amended by
37 PL 1983, c. 212, §8, is further amended to read:

1 4. This section does not apply to a consumer
2 loan secured by a savings or time deposit ~~subject to~~
3 ~~federal law or regulations governing interest on de-~~
4 ~~posits,~~ and if the difference between the rate of in-
5 terest on the savings or time deposit and the annual
6 percentage rate on the loan at no time exceeds the
7 difference between the 2 when the loan was made.

8 Sec. 39. 9-A MRSA §4-112, sub-§2, as enacted by
9 PL 1973, c. 762, §1, is repealed.

10 Sec. 40. 9-A MRSA §4-301, sub-§§3 and 5, as en-
11 acted by PL 1975, c. 368, §2, are amended to read:

12 3. With respect to a transaction, except pursu-
13 ant to open-end credit, a creditor may not contract
14 for or receive a separate charge for insurance
15 against loss of or damage to property, unless the
16 amount financed exclusive of charges for the insur-
17 ance is ~~\$500~~ \$1,000 or more and the cash price of the
18 item or property is ~~\$500~~ \$1,000 or more.

19 5. The amounts of ~~\$500~~ \$1,000 in subsection 3
20 are subject to change pursuant to the provisions on
21 adjustment of dollar amounts, section 1-106.

22 Sec. 41. 9-A MRSA §5-103, sub-§§2 and 6, as en-
23 acted by PL 1973, c. 762, §1, are amended to read:

24 2. If a creditor takes possession of or volun-
25 tarily accepts surrender of goods in which he has a
26 security interest to secure a debt and the amount fi-
27 nanced is ~~\$1,000~~ \$2,000 or less, the consumer and any
28 sureties are not personally liable to the creditor
29 for the unpaid balance of the debt.

30 6. The amount of ~~\$1,000~~ \$2,000 in subsection 2
31 is subject to change pursuant to the provisions on
32 adjustment of dollar amounts, section 1-106.

33 Sec. 42. 9-A MRSA §5-110, sub-§3, as repealed
34 and replaced by PL 1975, c. 429, §2, is amended to
35 read:

36 3. If the consumer credit transaction is ~~subject~~
37 ~~to the Insurance Premium Finance Company Act~~ an in-
38 surance premium loan, the notice shall conform to the

1 requirements of subsection 2 and a notice in substan-
2 tially the form specified in that subsection complies
3 with this subsection, except for the following:

4 A. In lieu of a brief identification of the
5 credit transaction, the notice shall identify the
6 transaction as an insurance premium ~~finance~~
7 transaction loan and each insurance policy or
8 contract that may be cancelled;

9 B. In lieu of the statement in the form of no-
10 tice specified in subsection 2 that the creditor
11 may exercise his rights under the law, the state-
12 ment that each policy or contract identified in
13 the notice may be cancelled; and

14 C. The last paragraph of the form of notice
15 specified in subsection 2 shall be omitted.

16 Sec. 43. 9-A MRS §5-111, sub-§1, as amended by
17 PL 1985, c. 336, §11, is further amended to read:

18 1. With respect to a consumer credit transac-
19 tion, except as provided in subsection 2, after a de-
20 fault consisting only of the consumer's failure to
21 make a required payment, a creditor, because of that
22 default, may neither accelerate maturity of the un-
23 paid balance of the obligation, nor take possession
24 of or otherwise enforce a security interest in goods
25 that are collateral until 14 days after a notice of
26 the consumer's right to cure, as provided in section
27 5-110, is given, nor with respect to a ~~transaction~~
28 subject to the Insurance Premium Finance Company Act
29 an insurance premium loan, give notice of cancella-
30 tion as provided in subsection 4 until 10 days after
31 a notice of the consumer's right to cure, as provided
32 in section 5-110, is given. For purposes of this
33 section, goods that are collateral shall include any
34 right of set-off that the creditor may have. Until
35 expiration of the minimum applicable period after the
36 notice is given, the consumer may cure all defaults
37 consisting of a failure to make the required payment
38 by tendering the amount of all unpaid sums due at the
39 time of the tender, without acceleration, plus any
40 unpaid delinquency or deferral charges. Cure restores
41 the consumer to his rights under the agreement as
42 though the defaults had not occurred.

1 Sec. 44. 9-A MRSA §5-111, sub-§2, as amended by
2 PL 1985, c. 336, §12, is further amended to read:

3 2. With respect to defaults on the same obligation
4 ~~either than an obligation subject to the Insurance~~
5 ~~Premium Finance Company Act~~ and subject to sub-
6 section 1, after a creditor has once given a notice
7 of consumer's right to cure, as provided in section
8 5-110, this section gives the consumer no right to
9 cure and imposes no limitation on the creditor's
10 right to proceed against the consumer or goods that
11 are collateral with respect to a default that occurs
12 within 12 months after an earlier default as to which
13 a creditor has given a notice of consumer's right to
14 cure, as provided in section 5-110. For the purpose
15 of this section, in open-end credit, the obligation
16 is the unpaid balance of the account.

17 Sec. 45. 9-A MRSA §5-111, sub-§4, as enacted by
18 PL 1975, c. 429, §2, is amended to read:

19 4. If a default on ~~transaction~~ subject to the
20 ~~Insurance Premium Finance Company Act~~ an insurance
21 premium loan is not cured, the ~~creditor~~ lender may
22 give notice of cancellation of each insurance policy
23 or contract to be cancelled. If given, the notice of
24 cancellation shall be in writing and given to the in-
25 surer who issued the policy or contract and to the
26 insured. The insurer, within 2 business days after
27 receipt of the notice of cancellation together with a
28 copy of the insurance premium ~~finance loan~~ agreement
29 if not previously given to him, shall give any notice
30 of cancellation required by the policy, contract or
31 law and, within 10 business days after the effective
32 date of the cancellation, pay to the ~~creditor~~ lender
33 any premium unearned on the policy or contract as of
34 that effective date. Within 10 business days after
35 receipt of the unearned premium, the ~~creditor~~ lender
36 shall pay to the consumer indebted upon the insurance
37 premium ~~finance loan~~ agreement any excess of the un-
38 earned premium received over the amount owing by the
39 consumer upon the insurance premium ~~finance agreement~~
40 loan.

41 Sec. 46. 9-A MRSA §5-201, sub-§2, as enacted by
42 PL 1973, c. 762, §1, is amended to read:

1 2. If a creditor has violated the provisions of
2 this Act applying to authority to make supervised
3 loans, section 2-301, ~~the loan is void and~~ the debtor
4 is not obligated to pay ~~either the principal or~~ loan
5 finance charge. If he has paid any part of ~~the prin-~~
6 ~~icipal or~~ of the loan finance charge, he has a right
7 to recover the payment from the person violating this
8 Act or from an assignee of that person's rights who
9 undertakes direct collection of payments or enforce-
10 ment of rights arising from the debt. With respect to
11 violations arising from loans made pursuant to open-
12 end credit, no action pursuant to this subsection may
13 be brought more than 2 years after the violation oc-
14 curred. With respect to violations arising from other
15 loans, no action pursuant to this subsection may be
16 brought more than one year after the due date of the
17 last scheduled payment of the agreement pursuant to
18 which the charge was paid.

19 Sec. 47. 9-A MRSA §5-201, sub-§7, as enacted by
20 PL 1973, c. 762, §1, is amended to read:

21 7. A creditor has no liability under subsection
22 1 or subsection 4 if, within ~~±5~~ 60 days after discov-
23 ering an error, and prior to the institution of an
24 action under this section or the receipt of written
25 notice of the error, the creditor notifies the person
26 concerned of the error and corrects the error. If the
27 violation consists of a prohibited agreement, giving
28 the debtor a corrected copy of the writing containing
29 the error is sufficient notification and correction.
30 If the violation consists of an excess charge, cor-
31 rection shall be made by an adjustment or refund.

32 Sec. 48. 9-A MRSA §6-103, as amended by PL 1983,
33 c. 553, §9, is further amended to read:

34 §6-103. Administration

35 There is created and established the Bureau of
36 Consumer Credit Protection within the Department of
37 Business Regulation. The Superintendent of Consumer
38 Credit Protection is the head of Consumer Credit Pro-
39 tection. As used in this Act, "administrator" means
40 the Superintendent of the Bureau of Consumer Credit
41 Protection. He shall be appointed by the Governor
42 and subject to review by the joint standing committee

1 of the Legislature having jurisdiction over business
2 legislation and to confirmation by the Legislature.
3 He shall be appointed for a term of 5 years or until
4 a successor is appointed and qualified. Any vacancy
5 occurring shall be filled by appointment for the un-
6 expired portion of the term. He may be removed from
7 office for cause by impeachment or by the Governor on
8 the address of both branches of the Legislature and
9 Title 5, section 711, paragraph B, shall not apply.
10 ~~No person may be eligible for that office unless he~~
11 ~~shall have been a resident of the State for at least~~
12 ~~2 years.~~ During his term of office the administrator
13 shall engage in no other business or profession. The
14 administrator's salary shall be paid from the General
15 Fund.

16 Sec. 49. 9-A MRSA §6-104, sub-§§4 and 5 are en-
17 acted to read:

18 4. In addition to other rule-making requirements
19 imposed by law, the administrator shall:

20 A. Adopt as a rule a description of the organi-
21 zation of his office, stating the general course
22 and method of the operations of his office and
23 the methods whereby the public may obtain infor-
24 mation or make submissions or requests;

25 B. Adopt rules of practice setting forth the na-
26 ture and requirements of all formal and informal
27 procedures available, including a description of
28 all forms and instructions used by the adminis-
29 trator or his office;

30 C. Make available for public inspection all
31 rules and all other written statements of policy
32 or interpretations formulated, adopted or used by
33 the administrator in the discharge of his func-
34 tions; and

35 D. Make available for public inspection all fi-
36 nal orders, decisions and opinions.

37 5. No rule, order or decision of the administra-
38 tor is valid or effective against any person or par-
39 ty, nor may it be invoked by the administrator or any
40 party, for any purpose, until it has been made avail-

1 able for public inspection as herein required. This
2 provision is not applicable in favor of any person or
3 party who has actual knowledge thereof.

4 Sec. 50. 9-A MRSA §6-108, sub-§7 is enacted to
5 read:

6 7. No order may be issued under this section if
7 the creditor establishes by a preponderance of evi-
8 dence that a violation was unintentional or the re-
9 sult of a bona fide error, notwithstanding the main-
10 tenance of procedures reasonably adapted to avoid any
11 such violation or error except that this subsection
12 shall not apply where the violation had previously
13 been brought to the attention of the creditor by way
14 of examination, investigation or formal complaint
15 through the administrator, or where the violation in-
16 volves the obligation to refund excess charges, as
17 specified in section 5-201, subsections 2 and 3.

18 Sec. 51. 9-A MRSA §6-116 is enacted to read:

19 §6-116. Confidentiality of records

20 The following records of the Bureau of Consumer
21 Credit Protection shall be confidential, unless those
22 records become part of the record of a judicial pro-
23 ceeding or administrative hearing:

24 1. Records that identify consumers by name or
25 identify accounts with information from which consum-
26 ers can be identified by name, provided that, if the
27 names and other information identifying consumers has
28 been deleted, copies of any such records shall be
29 public records;

30 2. Financial information not normally available
31 to the public that is submitted in confidence by an
32 applicant for a license; and

33 3. Proposed loan documents and other commercial
34 paper submitted to be approved for use and not yet
35 available to the general public or customers of the
36 submitting institution or firm.

37 Sec. 52. 9-A MRSA §6-204, sub-§§2 and 3, as
38 amended by PL 1983, c. 720, §21, are further amended
39 to read:

1 2. No penalty may be imposed if the fees re-
2 quired by section 6-203, subsections 1 to 3, are paid
3 not more than 30 days after the date established in
4 section 6-202, subsection 1, or if the expenses of
5 examination incurred by the administrator pursuant to
6 section 6-203, subsection 4, are paid within the time
7 period prescribed by the administrator which shall
8 not be less than 30 days of receipt of notice by the
9 examinee of their assessment.

10 3. If a licensee fails to pay the fees required
11 by section 6-203, subsections 1 to 3 on or before
12 February 20th of any year, or if the licensee fails
13 to pay the expenses of examination of the administra-
14 tor within the time period prescribed by the adminis-
15 trator which shall not be less than 30 days of re-
16 ceipt of the notice of assessment, the failure may be
17 treated by the administrator as grounds for revoca-
18 tion of the license.

19 Sec. 53. 9-A MRSA §6-401, as enacted by PL 1973,
20 c. 762, §1, is repealed.

21 Sec. 54. 9-A MRSA §6-402, as amended by PL 1977,
22 c. 694, §155-J, is repealed.

23 Sec. 55. 9-A MRSA §6-403, as enacted by PL 1973,
24 c. 762, §1, is repealed.

25 Sec. 56. 9-A MRSA §6-404, as repealed and re-
26 placed by PL 1977, c. 694, §155-K, is repealed.

27 Sec. 57. 9-A MRSA §6-405, as repealed and re-
28 placed by PL 1977, c. 694, §155-L, is repealed.

29 Sec. 58. 9-A MRSA §6-409, as repealed and re-
30 placed by PL 1977, c. 694, §155-P, is repealed.

31 Sec. 59. 9-A MRSA §6-410, as repealed and re-
32 placed by PL 1977, c. 694, §155-Q, is repealed.

33 Sec. 60. 9-A MRSA §6-411, as amended by PL 1983,
34 c. 212, §13, is repealed.

35 Sec. 61. 9-A MRSA §6-412, as enacted by PL 1973,
36 c. 762, §1, is repealed.

1 1. Agreement. "Agreement" means any writing
2 which is substantially prepared in advance of a con-
3 sumer loan or consumer lease and which a supervised
4 lender or lessor furnishes to a consumer for the con-
5 sumer to sign in connectⁱon with that loan or lease.

6 3. Consumer. "Consumer" means an individual to
7 whom a consumer loan or consumer lease is made.

8 Sec. 68. 10 MRSA §1122, sub-§3-A is enacted to
9 read:

10 3-A. Consumer lease. "Consumer lease" means a
11 lease of goods to a consumer by a lessor for person-
12 al, family or household purposes, which is for a term
13 exceeding 4 months and which is not made pursuant to
14 a lender credit card.

15 Sec. 69. 10 MRSA §1122, sub-§4-A is enacted to
16 read:

17 4-A. Lessor. "Lessor" means a person who, in
18 the ordinary course of business, regularly leases,
19 offers to lease or arranges for the lease of personal
20 property under a consumer lease.

21 Sec. 70. 10 MRSA §1123, as enacted by PL 1979,
22 c. 483, is amended to read:

23 §1123. Scope

24 1. Application. Except as provided in subsection
25 2, this chapter applies to any agreement signed in
26 connection with a consumer loan or consumer lease en-
27 tered into in this State between a consumer who is a
28 resident of this State at the time of the loan or
29 lease and a supervised lender or lessor.

30 2. Exclusions. This chapter does not apply:

31 A. To consumer loans or consumer leases in which
32 the amount financed or in the case of consumer
33 leases, the capitalized cost of the leased prop-
34 erty, exceeds \$100,000; and

35 B. To language or arrangement which is specifi-
36 cally required by federal or state law, regula-

1 tion or official agency interpretation; or to
2 agreements, the form or any part of which is re-
3 quired by any governmental instrumentality as a
4 condition of the assignability of the agreement.

5 Sec. 71. 10 MRSA §1124, first ¶, as amended by
6 PL 1981, c. 551, §1, is further amended to read:

7 After October 1, 1982, every consumer loan agree-
8 ment, and after January 1, 1987, every consumer lease
9 agreement, shall be:

10 Sec. 72. 10 MRSA §1125, as enacted by PL 1979,
11 c. 483, is amended to read:

12 §1125. Enforcement

13 A supervised lender's or lessor's failure to com-
14 ply with the requirements of section 1124 shall con-
15 stitute a violation of Title 9-A which shall be en-
16 forceable under Title 9-A, section 6-108.

17 Sec. 73. 10 MRSA §1126, sub-§1, as amended by PL
18 1981, c. 551, §2, is further amended to read:

19 1. Certification. A supervised lender or lessor,
20 or any trade organization or association acting on
21 behalf of supervised lenders or lessors, may submit
22 any proposed form of agreement to the Bureau of Con-
23 sumer Credit Protection. ~~Before October 1, 1982,~~
24 ~~within 60 days,~~ and after October 1, 1982, ~~within~~
25 Within 45 days, the bureau shall either certify the
26 form as complying with the requirements of section
27 1124, or refuse to certify the form as complying,
28 setting forth written reasons for its refusal. Fail-
29 ure by the bureau to act under this section within 45
30 days ~~or 60 days,~~ as the case may be, shall be consid-
31 ered a certification of the form's compliance. A cer-
32 tification of compliance under this section shall be
33 an absolute bar to any legal proceeding by the super-
34 intendent for failure to comply with the requirements
35 of section 1124.

36 Sec. 74. 20-A MRSA §202, sub-§§7 and 8, as en-
37 acted by PL 1981, c. 693, §§5 and 8, are amended to
38 read:

1 7. Maine Arts Commission. The Maine State Arts
2 Commission ~~on the Arts and the Humanities~~;

3 8. Arts Bureau. The Arts and Humanities Bureau;

4 Sec. 75. 20-A MRSA §203, sub-§2 is enacted to
5 read:

6 2. Appointment of directors and others. Each
7 cultural bureau shall be under the direction of a
8 person appointed as follows.

9 A. The Director of the Maine State Museum Bureau
10 shall be qualified by training or by experience
11 in museum work and shall be appointed by the
12 Maine State Museum Commission with the approval
13 of the commissioner. The director shall serve
14 for an indefinite term, subject to removal for
15 cause. Compensation shall be fixed by the Govern-
16 nor.

17 B. The Director of the Arts Bureau shall be
18 qualified by training or by experience and shall
19 be appointed by the Maine Arts Commission with
20 the approval of the commissioner. The director
21 shall serve for an indefinite term, subject to
22 removal for cause. Compensation shall be fixed
23 by the Governor.

24 C. The Director of the Maine State Library Bu-
25 reau shall be qualified by training or by experi-
26 ence in library work and shall be appointed by
27 the commissioner with the approval of the Govern-
28 nor. The director shall be known as the State
29 Librarian and shall serve for an indefinite term,
30 subject to removal for cause. Compensation shall
31 be fixed by the Governor.

32 D. The Director of the Maine State Historic
33 Preservation Bureau shall be qualified by train-
34 ing or by experience and shall be appointed by
35 the Maine State Historic Preservation Commission
36 with the approval of the commissioner. The di-
37 rector shall serve for an indefinite term, sub-
38 ject to removal for cause. Compensation shall be
39 fixed by the Governor.

1 Sec. 76. 20-A MRSA §256, sub-§3, as enacted by
2 PL 1981, c. 693, §§5 and 8, are amended to read:

3 3. Limit on authority. The commissioner may not
4 exercise or interfere with the exercise of discre-
5 tionary authority granted to the Maine State Museum
6 Commission and the Maine State Arts Commission on the
7 Arts and the Humanities.

8 Sec. 77. 27 MRSA §86, as amended by PL 1973, c.
9 625, §173, is further amended to read:

10 §86. Acquisition, ownership and disposition of prop-
11 erty and size and storage of collection

12 1. Acquisition. The Maine State Museum is autho-
13 rized to accept donations of property for the sole
14 use of the museum provided ~~such~~ the donations are of
15 a nature to carry out and promote the purposes of
16 this chapter. The Maine State Museum may purchase
17 works of art, artifacts and specimens for the enrich-
18 ment of the collections from funds provided in the
19 budget, secured from private donations or bequests or
20 generated from the disposition of deaccessioned
21 items.

22 2. Ownership. The museum shall hold its collec-
23 tions and property for the State ~~of Maine~~ and shall
24 not sell, mortgage, transfer or dispose of in any
25 manner ~~or remove from the Maine State Museum any ar-~~
26 ~~ticle thereof, or part of same, without, except as~~
27 provided under this section or other authority of
28 law.

29 3. Disposition. Notwithstanding any contrary
30 provisions of law, the museum may sell or exchange
31 any duplicates or other property determined to be
32 ~~useless unnecessary~~ which the museum may have or ob-
33 tain, and may transfer to other institutions of the
34 State property not deemed applicable or necessary for
35 the purposes of the museum. Funds generated by the
36 disposition of artifacts shall be deposited into a
37 revolving fund to be used exclusively for the in-
38 crease and care of museum collections, including the
39 purchase of other artifacts, specimens or works of
40 art, or the conservation and preservation of state
41 collections. Disposition of property may be through

1 return of property to the original donor, as deemed
2 appropriate by the Maine State Museum Commission.

3 5. Size and storage of collections. The Maine
4 State Museum shall endeavor to continually upgrade
5 the scope and quality of the collections. New acqui-
6 sitions are to be sought to fulfill this objective.
7 In order to refine existing holdings the museum shall
8 also maintain an on-going program of artifact dispo-
9 sition permitting the improvement of collections
10 within a finite storage space available for them.

11 Sec. 78. 27 MRSA §87, as amended by PL 1971, c.
12 485, §1, is further amended to read:

13 §87. Assistance from other state agencies

14 The heads of the various state departments, agen-
15 cies and institutions are authorized to consult with
16 the Maine State Museum upon request concerning any
17 aspect of museum operations. The Maine State Arts
18 Commission ~~on the Arts and Humanities~~ shall furnish
19 the Maine State Museum Commission with such assist-
20 ance as necessary to administer section 86-A.

21 Sec. 79. 27 MRSA §93, sub-§1, as enacted by PL
22 1979, c. 526, §2, is amended to read:

23 1. Selection. The executor, administrator or
24 trustee of any estate, desiring to pay all or part of
25 an estate tax or inheritance tax owed the State in
26 one or more works of art, shall notify the commission
27 of his desire to do so. The commission shall, within
28 a reasonable period of time and after consulting with
29 the Maine State Arts Commission ~~on the Arts and the~~
30 ~~Humanities~~, notify the executor, administrator or
31 trustee, and the State Tax Assessor, as to whether,
32 in the judgment of the commission, it would be advan-
33 tageous to the State to accept one or more works of
34 art as payment for the estate or inheritance tax. The
35 commission's decision shall be final and
36 nonappealable.

37 Acceptance of a work of art is advantageous to the
38 State if its acceptance:

39 A. Encourages the preservation of original or
40 noteworthy works of art;

1 B. Furthers the preservation and understanding
2 of fine arts traditions which have existed in
3 Maine;

4 C. Furthers the understanding of the fine arts
5 by the people of Maine; or

6 D. Aids in establishment of important state col-
7 lections of works of art.

8 Sec. 80. 27 MRSA c. 15, first 2 lines, as
9 amended, are repealed and the following enacted in
10 their place:

11 CHAPTER 15

12 THE ARTS

13 Sec. 81. 27 MRSA §401, as amended by PL 1983, c.
14 812, §169, is further amended to read:

15 §401. Commission

16 A state commission, to be known as the "Maine
17 State Arts Commission on the Arts and the
18 Humanities," as established by Title 5, section
19 12004, subsection 10, shall consist of not less than
20 15 nor more than 21 members, ~~broadly representative~~
21 of all artistic and cultural fields each of whom
22 shall have a continuing interest in the fields of art
23 and culture in the State, to be appointed by the Gov-
24 ernor from among citizens of Maine ~~who are widely~~
25 ~~known for their competence and experience in connec-~~
26 ~~tion with these fields.~~ In making such appointments,
27 due consideration shall be given to the recommenda-
28 tions made by representative civic, educational and
29 professional associations and groups concerned with
30 or engaged in artistic and cultural fields generally.

31 Sec. 82. 27 MRSA §452, sub-§3, as enacted by PL
32 1979, c. 525, is amended to read:

33 3. Commission. "Commission" means the Maine
34 State Arts Commission on the Arts and the Humanities.

35 Sec. 83. 32 MRSA c. 43, as amended, is repealed.

1 Sec. 84. 32 MRSA §3840, as enacted by PL 1985,
2 c. 481, Pt. A, §64, is repealed and the following en-
3 acted in its place:

4 §3840. Coordinated licensure-certification processes

5 1. Established. There is established a Joint
6 Committee on Licensure-Certification for School Psy-
7 chological Service Providers.

8 2. Purpose. The purpose of the Joint Committee
9 on Licensure-Certification for School Psychological
10 Service Providers shall be to coordinate the licens-
11 ing and certification processes of the Board of Exam-
12 iners of Psychologists and the Department of Educa-
13 tional and Cultural Services respectively to provide
14 accessible and timely services to meet the needs of
15 the school systems in the State.

16 3. Membership. The joint committee shall consist
17 of 6 members. Three shall be appointed by the State
18 Board of Examiners of Psychologists from the present
19 membership of the State Board of Examiners of Psy-
20 chologists and 3 shall be appointed by the State
21 Board of Education from the present membership of the
22 State Board of Education.

23 4. Chairman. The joint committee shall convene
24 for the first time at the call of the chairman of the
25 State Board of Examiners of Psychologists at which
26 time the Joint Committee on Licensure-Certification
27 for School Psychological Service Providers shall se-
28 lect a chairman.

29 5. Term of office. Members shall be appointed
30 for a minimum term of one year or until the expira-
31 tion of their term on the board of appointment,
32 whichever comes first.

33 6. Meetings. The committee shall meet as neces-
34 sary to fulfill its purposes and duties.

35 7. Quorum. Attendance of 2 members of the State
36 Board of Examination of Psychologists and 2 members
37 of the State Board of Education shall be necessary to
38 conduct official business.

1 8. Compensation. Committee members shall be com-
2 pensated according to the provisions of Title 5,
3 chapter 379. Compensation shall be paid by the board
4 of appointment.

5 9. Records. The joint committee shall keep
6 records and minutes of its activities and meetings.
7 The records and minutes shall be housed by the De-
8 partment of Educational and Cultural Services or the
9 Department of Business, Occupational and Professional
10 Regulation and made easily accessible to the public
11 and shall be provided expeditiously upon request.

12 10. Vacancies. Vacancies shall be filled by the
13 appointing authority to complete the term of the ap-
14 pointee who vacated the position.

15 11. Responsibilities and duties. The responsi-
16 bilities and duties of the joint committee are as
17 follows.

18 A. The Joint Committee on Licensure - Certifica-
19 tion for School Psychological Service Providers
20 shall be responsible for developing and
21 overseeing a plan for coordinating the licensing
22 of psychologists and psychological examiners and
23 the certification of persons providing school
24 psychological services. The plan shall be pre-
25 sent to the 2 appointing boards in the form of
26 recommendations for standards and procedures to
27 be included in the rules of the respective
28 boards.

29 B. The criteria for certification to provide
30 school psychological services adopted by the
31 State Board of Education shall be based, in part,
32 on the granting of a license as a psychologist or
33 psychological examiner.

34 C. The joint committee shall issue a written re-
35 port of its recommendations to the State Board of
36 Examination of Psychologists and the State Board
37 of Education. The joint committee shall meet pe-
38 riodically to accomplish its purposes.

39 D. The joint committee shall report to the joint
40 standing committees of the Legislature having ju-

1 risdiction over audit and program review and
2 business and commerce and education by the First
3 Regular Session of the 113th Legislature.

4 Sec. 85. 32 MRSA §4682, as amended by PL 1983,
5 c. 553, §46, is further amended to read:

6 §4682. State registration

7 Every person including the self-employed, or
8 those who employ one or more transient sellers of
9 consumer merchandise shall apply to the Department of
10 Business, Occupational and Professional Regulation
11 and acquire a state ~~license~~ registration in the man-
12 ner set forth in section 4684 before engaging in
13 sales of consumer merchandise in this State.

14 Sec. 86. 32 MRSA §4682-A, as amended by PL 1985,
15 c. 236, §1, is further amended to read:

16 §4682-A. Registrations

17 1. Issuance. The Department of Business, Occu-
18 sional and Professional Regulation shall issue to
19 each transient seller and employee of that transient
20 seller a ~~license~~ registration which, among other
21 things, shall indicate that the person whose name ap-
22 pears thereon is a ~~licensed~~ registered seller or em-
23 ployee of a ~~licensed~~ registered seller under this
24 chapter.

25 2. Possession and presentation. Every transient
26 seller of consumer merchandise and each of the
27 seller's employees shall have a valid ~~license~~
28 registration, as required by this chapter, in his im-
29 mediate possession at all times when engaging in
30 sales of consumer merchandise in this State and shall
31 present the ~~license~~ registration for inspection upon
32 request of any person.

33 3. Penalty. A violation of subsection 2 is a
34 civil violation for which a forfeiture of not more
35 than \$200 may be adjudged.

36 Sec. 87. 32 MRSA §4682-B, as enacted by PL 1985,
37 c. 269, is amended to read:

1 §4682-B. Disclosure of registration number and per-
2 manent place of business

3 1. Registration number and permanent place of
4 business disclosed in advertisements. Every time a
5 transient seller of consumer merchandise advertises
6 in this State for the sale of merchandise, whether in
7 print or electronic media, the advertisement shall
8 disclose the transient seller's license registration
9 number in the following manner: "State Department of
10 Business, Occupational and Professional Regulation
11 Transient Seller's License Registration Number:
12 (Fill in number)" and shall disclose the address of
13 the seller's permanent place of business.

14 2. Registration number and place of business
15 disclosed in written receipt. Every time a transient
16 seller of consumer merchandise sells merchandise to a
17 consumer in this State, he shall provide the purchas-
18 er with a written receipt, at the time of sale, dis-
19 closing the transient seller's license registration
20 number in the following manner: "State Department of
21 Business, Occupational and Professional Regulation
22 Transient Seller's License Registration Number: (Fill
23 in number)" and disclosing the transient seller's
24 name and permanent place of business.

25 Sec. 88. 32 MRSA §4683, as enacted by PL 1977,
26 c. 440, §2, is amended to read:

27 §4683. Local registration

28 Nothing in this chapter ~~shall affect~~ affects the
29 right of any town or municipality to make such regu-
30 lations relative to transient sellers of consumer
31 merchandise as may be permissible under the general
32 law or under any municipal charter.

33 Sec. 89. 32 MRSA §4684, first ¶, as amended by
34 PL 1983, c. 553, §46, is further amended to read:

35 Each application for a transient seller of con-
36 sumer merchandise license registration shall be made
37 upon a form prescribed by the Department of Business,
38 Occupational and Professional Regulation and shall be
39 sworn thereto and shall include:

1 Sec. 90. 32 MRSA §4684, last ¶, as enacted by PL
2 1977, c. 440, §2, is amended to read:

3 Any false statement in an application, either
4 original or supplementary, for a license registration
5 shall subject the applicant to the same penalty as if
6 he had no license registration.

7 Sec. 91. 32 MRSA §4685, as amended by PL 1983,
8 c. 553, §46 is further amended to read: is amended to
9 read:

10 §4685. Registration fee and security deposit

11 1. Fee. Every person, including the self-
12 employed or those who employ one or more transient
13 sellers of consumer merchandise, shall pay to the De-
14 partment of Business, Occupational and Professional
15 Regulation the following fees at the time an appli-
16 cation is made for the license registration or renew-
17 al:

18 A. For an original or renewal transient seller's
19 license registration, \$15; and

20 B. For a license registration of each employee
21 of transient sellers and for renewals thereof,
22 \$5.

23 2. Dedicated revenues. All fees received under
24 this chapter shall be paid to the Treasurer of State
25 to be used for carrying out this chapter. Any bal-
26 ance of these fees shall not lapse, but shall be car-
27 ried forward as a continuing account to be expended
28 for the same purpose in the following fiscal year.

29 3. Security deposit. Every person, including
30 the self-employed or those who employ one or more
31 transient sellers of consumer merchandise, shall also
32 make a security deposit of \$10,000 or of a sum equal
33 to the anticipated yearly gross revenues in this
34 State, whichever is less, with the Department of
35 Business, Occupational and Professional Regulation
36 for the protection of consumers as described in sec-
37 tion 4687. The security deposit may be made by a bond
38 as drawn by the Department of Business, Occupational
39 and Professional Regulation and as secured by a sure-

1 ty approved by the Department of Business, Occupa-
2 tional and Professional Regulation. Only one securi-
3 ty deposit shall be required of each business entity
4 engaged in transient sales of consumer merchandise.

5 4. Registration issued. The Department of Busi-
6 ness, Occupational and Professional Regulation shall
7 issue to a transient seller of consumer merchandise
8 and to employees of that transient seller a license
9 registration upon receipt of a completed application
10 in proper form, appropriate fees and a security de-
11 posit.

12 Sec. 92. 32 MRSA §4686, as enacted by PL 1983,
13 c. 553, §46, is further amended to read:

14 §4686. Expiration

15 1. Registrations. Licenses Registrations issued
16 under section 4685 shall expire:

17 A. On the date that the licensee registrant es-
18 tablishes a permanent place of business and sur-
19 renders his license registration to the Depart-
20 ment of Business, Occupational and Professional
21 Regulation;

22 B. When the licensee registrant fails to file a
23 renewal application as required by section
24 4684-A-; or

25 C. Upon the surrender of the license
26 registration for cancellation.

27 Sec. 93. 32 MRSA §4687, as amended by PL 1983,
28 c. 553, §46, is further amended to read:

29 §4687. Security deposit subject to claims; order of
30 preference; return of security deposit

31 Each security deposit made under section 4685
32 shall be subject, so long as it remains in the hands
33 of the Department of Business, Occupational and Pro-
34 fessional Regulation, to the attachment and execution
35 in behalf of consumers whose claims arise in connec-
36 tion with the transient sale of consumer merchandise
37 in this State. The Department of Business, Occupa-

1 tional and Professional Regulation may be impleaded
2 as a trustee in any civil action brought against any
3 licensee registrant, and shall pay over, under order
4 of court, such sum of money as the Department of
5 Business, Occupational and Professional Regulation
6 may be found chargeable. The security deposit shall
7 be subject to the payment of any and all fines and
8 penalties incurred by the licensee registrant through
9 any of the provisions of this chapter, and the clerk
10 of the court in which such fine or penalty is imposed
11 shall thereupon notify the Department of Business,
12 Occupational and Professional Regulation of the name
13 of the licensee registrant against whom such fine or
14 penalty is adjudged and of the amount of such fine or
15 penalty. The Department of Business, Occupational and
16 Professional Regulation, if they have in their hands
17 a sufficient sum deposited by such licensee
18 registrant, shall pay the sum so specified to the
19 clerk. If the Department of Business, Occupational
20 and Professional Regulation shall not have a suffi-
21 cient sum so deposited, they shall make payment of so
22 much as they have in their hands. All claims upon the
23 deposit shall be satisfied after judgment, fine and
24 penalty, in the order in which the order of court is
25 entered in the respective suits, until all claims are
26 satisfied or the security deposit is exhausted. No
27 security deposit shall be paid over by the Department
28 of Business, Occupational and Professional Regulation
29 to a licensee registrant so long as there are any
30 outstanding claims or notices of claims which are
31 subject of suit against the licensee registrant, in
32 which case the Department of Business, Occupational
33 and Professional Regulation shall retain only such
34 sum of the security deposit as is subject of claim.

35 The security deposit shall be returned to the
36 person so designated in the licensee's registrant's
37 application for license registration 12 months fol-
38 lowing the expiration of the license registration.

39 Sec. 94. 32 MRSA §4688, as enacted by PL 1977,
40 c. 440, §2, is amended to read:

41 §4688. Violations and penalties

42 Any person engaging in transient sales of consum-
43 er merchandise without a license registration lawfully

1 ly issued pursuant to this chapter shall be punished
2 for each offense as a Class D crime pursuant to Title
3 17-A.

4 Failure to comply with this chapter shall consti-
5 tute a violation of Title 5, chapter 10, Unfair Trade
6 Practices Act.

7 Sec. 95. 32 MRSA §10009, as enacted by PL 1985,
8 c. 496, Pt. A, §2, is amended to read:

9 §10009. Certification requirements for persons work-
10 ing as underground oil storage tank install-
11 ers or in the business of underground oil
12 storage tank installation

13 1. Certification requirements for persons now
14 working as underground oil storage tank installers or
15 in the business of underground oil storage tank in-
16 stallation. A certificate may be granted to those
17 persons who have been employed either as underground
18 oil storage tank installers or in the business of un-
19 derground oil storage tank installation for at least
20 2 years preceding creation of this board, by one of
21 the following means:

22 A. The person has passed an oral test based on
23 Title 38, chapter 3, subchapter II-B, and any
24 rules promulgated thereunder by the Board of En-
25 vironmental Protection Underground Oil Storage
26 Tank Installers concerning underground oil stor-
27 age tank installations;

28 B. The person has passed a written test based on
29 Title 38, chapter 3, subchapter II-B, and any
30 rules promulgated thereunder by the Board of En-
31 vironmental Protection Underground Oil Storage
32 Tank Installers concerning underground oil stor-
33 age tank installations; or

34 C. The person has completed successful installa-
35 tion of an underground oil storage tank under the
36 supervision of a designated representative of the
37 Department of Environmental Protection.

38 Sec. 96. 32 MRSA §§10010-A and 10010-B are en-
39 acted to read:

1 §10010-A. Certification requirements regarding the
2 on-site installation of an underground
3 storage tank under the supervision of a
4 designated representative of the Depart-
5 ment of Environmental Protection

6 Pending completion of the on-site installation of
7 an underground oil storage tank under the supervision
8 of a designated representative of the Department of
9 Environmental Protection, the Board of Underground
10 Oil Storage Tank Installers may issue a provisional
11 certificate valid for no more than 6 months after is-
12 suance to tank installers with less than 2 years' ex-
13 perience who have successfully completed the written
14 examination pursuant to Title 32, section 10010.

15 When the board determines that reasonable extenu-
16 ating circumstances prevent the administration or
17 completion of an on-site installation within the
18 6-month provisional certification period, it may
19 grant one renewal of a provisional certificate for a
20 specific limited time not to exceed 3 months.

21 The board shall establish a written set of crite-
22 ria to be used as a checklist by the representative
23 of the Department of Environmental Protection desig-
24 ated to supervise the on-site installation to ensure
25 that each installation is evaluated consistently and
26 equitably.

27 §10010-B. Certification of employees of the depart-
28 ment

29 Employees of the Department of Environmental Pro-
30 tection may be certified for the purposes of carrying
31 out their assigned duties and responsibilities but
32 remain subject to the conditions set forth in Title
33 5, section 18.

34 Sec. 97. 35 MRSA §4003, §§4 and 5, as enacted by
35 PL 1981, c. 422, are amended to read:

36 4. Cooperative. "Cooperative" means any corpora-
37 tion organized as of January 1, 1981, under chapters
38 221 to 227 or on a cooperative plan under the laws of
39 the State and supplying or authorized to supply elec-
40 tric energy.

1 5. Municipality. "Municipality" means any munic-
2 ipal, plantation or quasi-municipal electric, or
3 electric and utility, corporation, or municipal elec-
4 tric, or electric and utility, system within the
5 State which, as of January 1, 1981, was authorized to
6 and engaged in the manufacture, generation, transmis-
7 sion, distribution, purchase or sale of electricity
8 to the general public.

9 Sec. 98. 38 MRSA §567, as enacted by PL 1985, c.
10 496, Pt. A, §14, is amended to read:

11 §567. Certification of underground tank installers

12 No person may install an underground oil storage
13 facility or tank after May 1, 1986, without first
14 having been certified by the Board of Underground Oil
15 Storage Tank Installers, pursuant to Title 32, chap-
16 ter 105. Prior to December 31, 1986, when the board
17 determines that reasonable extenuating circumstances
18 prevent the administration or completion of a certi-
19 fication test by May 1, 1986, pursuant to Title 32,
20 sections 10009 and 10010, it may issue a provisional
21 certificate valid until December 31, 1986.

22 Sec. 99. Reorganization of Maine State Museum.
23 There shall be a reorganization of the Maine State
24 Museum as provided for in Part B of this Act.

25 It is the Legislature's intent that the reorgani-
26 zation be accomplished within the existing resources
27 of the museum. The establishment of new positions
28 shall be effective upon the termination of the old
29 positions provided that the occupants of the old po-
30 sitions shall remain on staff until the new positions
31 are filled.

32 Sec. 100. Storage facilities used by the Maine
33 State Museum and the Law and Legislative Reference
34 Library. The Maine State Museum and Law and Legisla-
35 tive Reference Library shall not be moved from their
36 present storage facilities in the Burleigh and Nash
37 Buildings, respectively, until adequate alternative
38 storage facilities are provided. The definition of
39 adequate storage facilities shall be determined by
40 the Joint Standing Committee on Audit and Program Re-
41 view.

1 PART B

2 Adjustments to General Fund. In order to provide
3 for necessary adjustments of the General Fund to im-
4 plement the recommendations of the Joint Standing
5 Committee on Audit and Program Review, appropriations
6 are adjusted by the amounts designated in the follow-
7 ing tabulations.

8 1986-87

9 EDUCATIONAL AND CULTURAL SERVICES,
10 DEPARTMENT OF

11 Maine State Museum

12 01267.1 Museum Administration

13 Positions (-4)
14 Personal Services \$(101,591)
15 Deauthorizes vacant Busi-
16 ness Manager I and Museum
17 Specialist III positions.
18 Deauthorizes Museum Tech-
19 nician I and Clerk Typist
20 II positions to accom-
21 plish the reorganization
22 of the Maine State Muse-
23 um.

24 01267.1 Museum Administration

25 Positions (4)
26 Personal Services \$ 90,280
27 Provides for the authori-
28 zation of the positions
29 of Assistant Director,
30 Museum Specialist I,
31 Clerk IV and Clerk Steno
32 III to accomplish the re-
33 organization of the Maine
34 State Museum.

35 01267.3 Exhibit Design and
36 Preparation-Museum

37 Positions (-2)

1		Personal Services	\$(59,960)
2		Deauthorizes Museum Spe-	
3		cialist I and Museum Spe-	
4		cialist III positions to	
5		accomplish the reorgani-	
6		zation of the Maine State	
7		Museum.	
8	01267.3	Exhibit Design and	
9		Preparation-Museum	
10		Positions	(1)
11		Personal Services	\$ 39,892
12		Authorizes an Architect	
13		position to accomplish	
14		the reorganization of the	
15		Maine State Museum.	
16	01267.4	Research and Collect-	
17		ions-Museum	
18		Positions	(-1)
19		Personal Services	\$(21,291)
20		Deauthorizes a Museum	
21		Technician I to accom-	
22		plish the reorganization	
23		of the Maine State Muse-	
24		um.	
25	01267.4	Research and Collect-	
26		ions-Museum	
27		Positions	(2)
28		Personal Services	\$46,743
29		Authorizes a Museum Spe-	
30		cialist I, Archaeology,	
31		and a Museum Specialist	
32		II, Conservation, to ac-	
33		complish the reorganiza-	
34		tion of the Maine State	
35		Museum.	
36			
37	TOTAL PART B		<u>\$(5,927)</u>

38

PART C

1 Adjustments to the Insurance Regulatory Fund. In
2 order to provide for necessary adjustments of the In-
3 surance Regulatory Fund to implement the recommenda-
4 tions of the Joint Standing Committee on Audit and
5 Program Review, allocations are adjusted by the
6 amounts designated in the following tabulation.

7		<u>1986-87</u>
8	<u>BUSINESS, OCCUPATIONAL AND</u>	
9	<u>PROFESSIONAL REGULATION,</u>	
10	<u>DEPARTMENT OF</u>	
11	Bureau of Insurance	
12	Positions	(-1)
13	Personal Services	\$(12,200)
14	Deauthorizes a va-	
15	cant Clerk Typist I	
16	position.	
17		
18	TOTAL PART C	<u>\$(12,200)</u>

19 Emergency clause. In view of the emergency cited
20 in the preamble, this Act shall take effect July 1,
21 1986.

22 STATEMENT OF FACT

23 PART A

24 Section 1 changes the title of the Commission on
25 the Arts and the Humanities.

26 Sections 2 to 8 reorganize the sunset schedule by
27 continuing the review of the Department of Education-
28 al and Cultural Services and the review of independ-
29 ent agencies such as the Bryant Pond Conservation
30 School, the State Historian, the Historic Preserva-
31 tion Commission, the Maine Historical Society and the
32 Oil and Solid Fuel Board into the next year to be
33 completed no later than June 30, 1987. In addition,
34 these sections advance the review schedules for the
35 vocational-technical institutions, the Maine Maritime
36 Academy and the university system by one year, to be

1 completed no later than June 30, 1988. Further,
2 these sections move up the remaining audit schedule,
3 each by one year, to accommodate the work load in the
4 next 2 years. Section 7 continues those independent
5 agencies scheduled for review this year and this ter-
6 minates the State Energy Resources Advisory Committee
7 by failing to continue it. Finally, the State Board
8 of Examiners of Psychologists is continued for one
9 year.

10 Sections 9 and 10 repeal authorizing laws of the
11 State Energy Resources Advisory Board pursuant to the
12 one-year grace period mandated by the Maine Sunset
13 Act.

14 Section 11 creates a definition of public member
15 for all occupational and professional licensing
16 boards.

17 Section 12 changes the title of the Commission of
18 the Arts and the Humanities and also increases the
19 limit on annual expenditures of the Lobster Advisory
20 Council.

21 Section 13 repeals the Home Repair Financing Act.

22 Section 14 repeals the Insurance Premium Finance
23 Company Act.

24 Sections 15, 16 and 17 adjust dollar amounts for
25 the Maine Consumer Credit Code and amend the process
26 by which dollar amounts are adjusted.

27 Sections 18 and 19 repeal a part of the dollar
28 adjustment mechanism of the Maine Consumer Credit
29 Code.

30 Section 20 defines insurance premium loan under
31 the Maine Consumer Credit Code.

32 Sections 21 and 23 adjust dollar amounts in the
33 Maine Consumer Credit Code.

34 Section 22 replaces language which refers to the
35 repealed Home Repair Financing Act with a section re-
36 allocated from that Act.

1 Section 24 deletes a reference to the Insurance
2 Premium Finance Company Act.

3 Section 25 amends the Maine Consumer Credit Code
4 to include authority for the superintendent to con-
5 sider the particular liabilities for those creditors
6 who wish to offer insurance premium loans.

7 Sections 26 and 62 reallocate a section of the
8 Maine Consumer Credit Code which specifies due pro-
9 cess for licenses to a section of the Code that deals
10 with licenses.

11 Sections 27 and 28 adjust dollar amounts in the
12 Maine Consumer Credit Code.

13 Section 29 adjusts the maximum number of
14 permissible payments for certain consumer loans in
15 the Maine Consumer Credit Code.

16 Section 30 adjusts dollar amounts in the Maine
17 Consumer Credit Code.

18 Sections 31 and 32 adjust dollar amounts in the
19 Maine Consumer Credit Code.

20 Section 33 amends the Maine Consumer Credit Code
21 to set limits on finance charges made on insurance
22 premium loans.

23 Sections 34 and 35 adjust dollar amounts in the
24 Maine Consumer Credit Code.

25 Section 36 deletes unnecessary references to the
26 Home Repair Financing Act and adjusts dollar amounts
27 in the Maine Consumer Credit Code.

28 Section 37 adjusts dollar amounts in the Maine
29 Consumer Credit Code.

30 Section 38 deletes an outdated reference in the
31 Maine Consumer Credit Code to the federal regulation
32 of interest rates.

33 Section 39 repeals an unnecessary requirement
34 that the Superintendent of Insurance follow provi-
35 sions of the Code which are also repealed in this new

1 draft.

2 Sections 40 and 41 adjust dollar amounts in the
3 Maine Consumer Credit Code.

4 Section 42 deletes references to the Insurance
5 Premium Finance Company Act and amends references in
6 the Maine Consumer Credit Code to insurance premium
7 financing transactions.

8 Sections 43 and 44 delete references to the In-
9 surance Premium Finance Company Act and amend refer-
10 ences in the Maine Consumer Credit Code to insurance
11 premium financing transactions.

12 Section 45 deletes references to the Insurance
13 Premium Finance Company Act and amends references in
14 the Maine Consumer Credit Code to insurance premium
15 financing transactions.

16 Section 46 modifies the penalty for making unli-
17 censed loans to ensure a reasonable penalty.

18 Section 47 increases the grace period by which a
19 creditor can correct error without penalty from 15
20 days to 60 days.

21 Section 48 removes the 2-year residency require-
22 ment for the Superintendent of the Bureau of Consumer
23 Credit Protection.

24 Section 49 reallocates a section of the Maine
25 Consumer Credit Code which specifies powers and du-
26 ties of the administrator to the part of the Code
27 that list these powers clearly.

28 Section 50 allows certain bona fide, first-time
29 creditor errors without penalty.

30 Section 51 establishes the confidentiality of
31 certain records kept by the Bureau of Consumer Credit
32 Protection.

33 Section 52 increases the time limit by which
34 creditors must pay invoices to the Bureau of Consumer
35 Credit Protection.

1 Section 53 repeals legislation which duplicates
2 the Maine Administrative Procedure Act.

3 Section 54 repeals legislation which duplicates
4 the Maine Administrative Procedure Act.

5 Section 55 repeals unnecessary legislation which
6 refers to the Maine Administrative Procedure Act.

7 Section 56 repeals unnecessary legislation.

8 Section 57 repeals legislation which duplicates
9 the Maine Administrative Procedure Act.

10 Section 58 repeals unnecessary legislation which
11 makes reference to the Maine Administrative Procedure
12 Act.

13 Section 59 repeals legislation which duplicates
14 the Maine Administrative Procedure Act.

15 Section 60 repeals legislation which duplicates
16 the Maine Administrative Procedure Act.

17 Section 61 repeals legislation which duplicates
18 the Maine Administrative Procedure Act.

19 Sections 62 and 63 repeal legislation which du-
20 plicates the Maine Administrative Procedure Act, the
21 Maine Revised Statutes, Title 5, chapter 375.

22 Section 64 changes the mandated examination cycle
23 for financial institutions from at least once in ev-
24 ery 18 months to at least once in every 36 months to
25 provide increased flexibility.

26 Section 65 includes consumer leases under the
27 plain language law.

28 Section 66 includes consumer leases under the
29 plain language law.

30 Section 67 includes consumer leases under the
31 plain language law.

32 Section 68 includes consumer leases under the
33 plain language law.

1 Section 69 includes consumer leases under the
2 plain language law.

3 Section 70 includes consumer leases under the
4 plain language law.

5 Section 71 includes consumer leases under the
6 plain language law.

7 Section 72 includes consumer leases under the
8 plain language law.

9 Section 73 includes consumer leases under the
10 plain language law.

11 Section 74 changes the title of the Commission on
12 the Arts and the Humanities and changes the title of
13 the Arts and Humanities Bureau.

14 Section 75 reinstates the various authorities to
15 appoint directors of the cultural bureaus. Apparent-
16 ly, these authorities were unintentionally repealed
17 in 1983.

18 Section 76 changes the title of the Commission on
19 the Arts and the Humanities.

20 Section 77 clarifies and strengthens the process
21 of artifact acquisition and disposition for the Maine
22 State Museum.

23 Section 78 changes the title of the Commission on
24 the Arts and the Humanities.

25 Section 79 changes the title of the Commission on
26 the Arts and the Humanities.

27 Section 80 changes the title of the Commission on
28 the Arts and Humanities.

29 Section 81 changes the title of the Commission on
30 the Arts and the Humanities and broadens the criteria
31 for members of the commission.

32 Section 82 changes the title of the Commission on
33 the Arts and the Humanities.

1 Section 83 repeals the Maine Revised Statutes,
2 Title 32, chapter 43, which requires the licensure of
3 itinerant photographers.

4 Section 84 clarifies the intent of the law re-
5 specting the establishment of a joint committee on
6 the licensing and certification of school psychologi-
7 cal services. The original law, Public Law 1985,
8 chapter 481, section 64, appeared to require one
9 joint licensing-certification process administered by
10 an autonomous joint committee. The joint committee
11 was established without all the powers and authority
12 necessary to implement and enforce the
13 license-certificates it was to issue. The law also
14 inconsistently referred to a "simultaneous" process
15 of licensing and certification to be administered by
16 the existing Board of Examiners of Psychologists and
17 the Department of Educational and Cultural Services,
18 suggesting continuation of existing procedures.

19 Section 84 also clarifies the law so as to re-
20 quire the joint committee to devise a plan for coord-
21 ination of the licensing and certification processes
22 administered by the Board of Examiners of Psycholo-
23 gists and the Department of Educational and Cultural
24 Services.

25 Section 85 changes the level of regulation for
26 transient sellers from licensure to registration.

27 Section 86 changes the level of regulation for
28 transient sellers from licensure to registration.

29 Section 87 changes the level of regulation for
30 transient sellers from licensure to registration.

31 Section 88 changes the level of regulation for
32 transient sellers from licensure to registration.

33 Sections 89 and 90 change the level of regulation
34 for transient sellers from licensure to registration.

35 Section 91 changes the level of regulation for
36 transient sellers from licensure to registration.

37 Section 92 changes the level of regulation for
38 transient sellers from licensure to registration.

1 Section 93 changes the level of regulation for
2 transient sellers from licensure to registration.

3 Section 94 changes the level of regulation for
4 transient sellers from licensure to registration.

5 Section 95 authorizes people who have been in the
6 business of underground oil storage tank installation
7 for at least 2 years to have the option of being cer-
8 tified by passing an oral test, a written test or an
9 on-site practicum; just as is now available to those
10 who have been employed as installers for 2 years.

11 Section 95 also corrects an oversight in the
12 original bill, changing the reference to the Board of
13 Environmental Protection to the Board of Underground
14 Oil Storage Tank Installers.

15 Section 96 accomplishes 4 objectives. First, it
16 authorizes the Board of Underground Oil Storage Tank
17 Installers to issue provisional certificates to those
18 installers who are required to take both a written
19 exam and an on-site practicum. The provisional cer-
20 tificate would be issued for the period between the
21 prospective installer's successful completion of the
22 written examination and the administration of the on-
23 site practicum, thereby allowing the prospective in-
24 staller to work as an installer pending completion of
25 the on-site practicum.

26 Second, this section authorizes the Board of Un-
27 derground Oil Storage Tank Installers to renew a pro-
28 visional certificate for one 3-month period due to
29 reasonable extenuating circumstances.

30 Third, this section directs the Board of Under-
31 ground Oil Storage Tank Installers to establish a
32 written set of criteria to be used as a checklist by
33 the Department of Environmental Protection represen-
34 tative who supervises the on-site practicum to ensure
35 that each practicum is judged on a consistent and eq-
36 uitable basis.

37 Section 96 also clarifies that the Department of
38 Environmental Protection employees may be certified
39 for the purpose of carrying out their assigned duties
40 and responsibilities but that they remain subject to

1 the conditions imposed by the Maine Revised Statutes,
2 Title 5, section 18 regarding the participation of
3 Executive Department employees in certain matters.

4 The intent of this provision is to enable the
5 board to ensure than an adequate number of tank in-
6 stallers are available in the State to install tanks
7 without added delay due to the statutory requirement
8 that all installers must be certified by May 1, 1986.

9 Section 97 deletes certain dates which restricted
10 municipalities and cooperatives from benefiting from
11 the Maine Municipal and Rural Electrification Cooper-
12 ative Agency Act.

13 Section 97 authorizes the Board of Underground
14 Oil Storage Tank Installers until the end of the year
15 to issue provisional certificates to underground oil
16 storage tank installers who are not able to complete
17 a certification test by May 1, 1986, due to reason-
18 able extenuating circumstances. These provisional
19 certificates will be valid only until December 31,
20 1986.

21 Section 98 authorizes the Board of Underground
22 Oil Storage Tank Installers until the end of the year
23 to issue provisional certificates to underground oil
24 storage tank installers who are not able to complete
25 a certification test by May 1, 1986, due to reason-
26 able extenuating circumstances. These provisional
27 certificates will be valid only until December 31,
28 1986.

29 The intent of this provision is to enable the
30 board to ensure that an adequate number of tank in-
31 stallers are available in the State to install tanks
32 without added delay due to the statutory requirement
33 that all installers must be certified by May 1, 1986.

34 Section 99 specifies the intent of the Legisla-
35 ture to reorganize the Maine State Museum and in-
36 cludes a transition clause for present employees.

37 Section 100 ensures that the Maine State Museum
38 and the Law and Legislative Reference Library will
39 have adequate storage facilities.

1

PART B

2

3

4

5

6

Part B accomplishes the reorganization of the Maine State Museum. This reorganization will result in net savings to the General Fund of \$5,927 for fiscal year 1986-87 without eliminating positions for current employees.

7

PART C

8

9

10

11

12

Part C deauthorizes the vacant position of Clerk Typist I in the Bureau of Insurance. This deauthorization will reduce the bureau's requirements from the Insurance Regulatory Fund by \$12,200 in fiscal year 1986-87.

13

7056040886