

MAINE STATE LEGISLATURE

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SECOND REGULAR SESSION

ONE HUNDRED AND THIRTEENTH LEGISLATURE

Legislative Document

No. 1992

S.P. 733 In Senate, January 7, 1988
Submitted by the Department of Professional and Financial
Regulations pursuant to Joint Rule 24.

Reference to the Committee on Business Legislation
suggested and ordered printed.

JOY J. O'BRIEN, Secretary of the Senate

Presented by Senator BRANNIGAN of Cumberland.

Cosponsored by Representative STEVENS of Sabattus,
Representative REED of Falmouth, Representative RACINE of
Biddeford.

STATE OF MAINE

IN THE YEAR OF OUR LORD
NINETEEN HUNDRED AND EIGHTY-EIGHT

**AN ACT to Strengthen the Disciplinary
Authority of Various State Regulatory
Boards.**

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5 Be it enacted by the People of the State of Maine as
6 follows:

7 **Sec. 1.** 4 MRSA §1151, sub-§2, as repealed and
8 replaced by PL 1987, c. 141, Pt. B, §1; c. 395, Pt. A,
9 §15; and c. 402, Pt. A, §9, is repealed and the
10 following enacted in its place:

1 2. Licensing jurisdiction. Except as provided in
2 Title 5, section 10004; Title 10, section 8003,
3 subsection 5; Title 29; Title 32, chapter 113; and
4 Title 35-A, section 3132, the Administrative Court
5 shall have exclusive jurisdiction upon complaint of an
6 agency or, if the licensing agency fails or refuses to
7 act within a reasonable time, upon complaint of the
8 Attorney General, to revoke or suspend licenses issued
9 by the agency, and shall have original jurisdiction
10 upon complaint of a licensing agency to determine
11 whether renewal or reissuance of a license of that
12 agency may be refused. The Administrative Court shall
13 have original concurrent jurisdiction to grant
14 equitable relief in proceedings initiated by an agency
15 or the Department of the Attorney General alleging any
16 violation of a license or licensing laws or rules.

17 Notwithstanding any other provisions of law, no
18 licensing agency may reinstate or otherwise affect a
19 license suspended, revoked or modified by the
20 Administrative Court pursuant to a complaint filed by
21 the Attorney General, without the approval of the
22 Attorney General.

23 Sec. 2. 10 MRSA §8003, sub-§5, ¶A, as enacted
24 by PL 1985, c. 748, §18, is amended to read:

25 A. Suspend a violator's license for up to 90
26 days, ~~or~~ and impose a civil penalty of up to
27 \$500, ~~for~~ any violation of the applicable laws,
28 rules or license terms under its jurisdiction; or

29 STATEMENT OF FACT

30 The first section of this bill corrects an
31 erroneous reference in the Maine Revised Statutes,
32 Title 4, section 1151, subsection 2 to Title 10,
33 section 8003-A. The correct reference should be to
34 Title 10, section 8003, subsection 5.

35 The second section of this bill expands the
36 regulatory power of boards within the Department of

1 Professional and Financial Regulation to both fine
2 licensees and suspend their license; whereas, current
3 law does not allow both disciplinary actions
4 concurrently.

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