

# MAINE STATE LEGISLATURE

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# 115th MAINE LEGISLATURE

## FIRST REGULAR SESSION-1991

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Legislative Document

No. 1092

H.P. 758

House of Representatives, March 13, 1991

Received by the Clerk of the House on March 11, 1991. Referred to the Committee on Business Legislation and 1400 ordered printed pursuant to Joint Rule 14.

A handwritten signature in cursive script that reads "Ed Pert".

EDWIN H. PERT, Clerk

Presented by Representative DORE of Auburn.

Cosponsored by Representative LARRIVÉE of Gorham, Representative RAND of Portland and Representative GRAHAM of Houlton.

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STATE OF MAINE

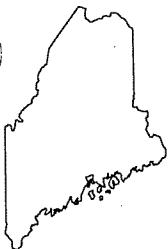
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IN THE YEAR OF OUR LORD  
NINETEEN HUNDRED AND NINETY-ONE

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An Act to Provide Licensing Bureaus, Boards and Commissions with the  
Authority to Order Restitution to Injured Consumers.

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

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4 10 MRSA §8003, sub-§5, ¶A-1, as enacted by PL 1989, c. 450,  
§6, is amended to read:

6 A-1. For each violation of applicable laws, rules or  
8 conditions of licensure or registration, the bureau, board  
or commission may take one or more of the following actions:

10 (1) Issue warnings, censures or reprimands to a  
12 licensee or registrant. Each warning, censure and  
reprimand issued ~~shall~~ must be based upon violations of  
14 different applicable laws, rules or conditions of  
licensure or ~~shall-be-based~~ upon separate instances of  
actionable conduct or activity;

16 (2) Suspend a license or registration for up to 90  
18 days for each violation of applicable laws, rules and  
conditions of licensure or registration or for instance  
20 of actionable conduct or activity. Suspensions may be  
set to run concurrently or consecutively and, in total,  
22 may not exceed one year. Execution of all or any  
portion of a term of suspension may be stayed pending  
24 successful completion of conditions of probation,  
although the suspension ~~shall-remain~~ remains part of  
26 the licensee's or registrant's record;

28 (3) Impose civil penalties of up to \$1,500 for each  
violation of applicable laws, rules and conditions of  
30 licensure or registration or for instances of  
actionable conduct or activity; and

32 (4) Impose conditions of probation upon an applicant,  
34 licensee or registrant. Probation may run for such  
time period as the bureau, board or commission deems  
36 determines appropriate. Probation may include such  
conditions as: additional continuing education;  
38 medical, psychiatric or mental health consultations or  
evaluations; mandatory professional or occupational  
40 supervision of the applicant, licensee or registrant;  
and such other conditions as the bureau, board or  
42 commission deems determines appropriate. Costs  
incurred in the performance of terms of probation shall  
44 be are borne by the applicant, licensee or registrant.  
Failure to comply with the conditions of probation  
46 ~~shall-be~~ is a ground for disciplinary action against a  
licensee or registrant; and

48 (5) Order restitution to persons injured by the  
50 violation.

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## STATEMENT OF FACT

4           This bill provides licensing bureaus, boards or commissions  
6 under the Department of Professional and Financial Regulation  
8 with the authority to order the equitable remedy of restitution  
10 to persons who contract with the licensee or registrant and who  
are subsequently injured by the licensee's or registrant's  
violation of the applicable laws, rules and conditions of  
licensure or registration.