

MAINE STATE LEGISLATURE

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115th MAINE LEGISLATURE

FIRST REGULAR SESSION-1991

Legislative Document

No. 1676

H.P. 1151

House of Representatives, April 24, 1991

Submitted by the Department of Professional and Financial Regulation pursuant to Joint Rule 24.

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

A handwritten signature in black ink that reads "Ed Pert".

EDWIN H. PERT, Clerk

Presented by Representative STEVENS of Sabattus.

Cosponsored by Senator BALDACCI of Penobscot, Representative SHELTRA of Biddeford and Senator RICH of Cumberland.

STATE OF MAINE

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

**An Act to Make Technical Adjustments to Various Licensing Board
Laws and to Adjust Budgetary Constraints Affecting Various Boards.**

(EMERGENCY)

Emergency preamble. Whereas, Acts of the Legislature do not
become effective until 90 days after adjournment unless enacted
as emergencies; and

Whereas, it is vital that the funds provided for in this
legislation are available for the beginning of fiscal year
1991-92; and

Whereas, that fiscal year will begin before the expiration
of the 90-day period; and

Whereas, in the judgment of the Legislature, these facts
create an emergency within the meaning of the Constitution of
Maine and require the following legislation as immediately
necessary for the preservation of the public peace, health and
safety; now, therefore,

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

Sec. 1. 10 MRSA §8003, sub-§3, as repealed and replaced by PL
1983, c. 553, §13, is amended to read:

3. License defined. For purposes of this section, the term
"license" ~~is--used--to--mean~~ means a license, certification,
registration, permit, approval or other similar document
evidencing admission to or granting authority to engage in a
profession, occupation, business or industry but does not mean a
registration, permit, approval or similar document evidencing the
granting of authority to engage in the business of banking
pursuant to Title 9-B.

Sec. 2. 10 MRSA §8003, sub-§5, as amended by PL 1989, c. 450,
§6, is further amended by repealing and replacing the first 2
paragraphs to read:

5. Authority of bureaus, boards or commissions. In addition
to authority otherwise conferred, unless expressly precluded by
language of denial in its own governing law, each bureau,
licensing board and commission within or affiliated with the
department may take one or more of the following actions, except
that this subsection does not apply to the Bureau of Banking.

Sec. 3. 10 MRSA §8003, sub-§§7, 8 and 9 are enacted to read:

7. Evidentiary effect of certificate. Notwithstanding any
provision of law or rule of evidence, the certificate of the
commissioner under the seal of the State must be received by any
court in this State as prima facie evidence of the issuance,
suspension or revocation of any license issued by the department.

2 8. Display of license. In addition to authority otherwise
4 conferred, bureaus, boards or commissions within or affiliated
6 with the department may specify by rule the conditions under
 which a licensee's number, name and address are to be displayed
 to the public.

8 9. Construction. Nothing in this section may be construed
10 to deprive any bureau, board or commission within or affiliated
12 with the department of any power set forth in another statute or
 of its statutory duty and sole authority to regulate its
 profession, occupation or industry.

14 Sec. 4. 10 MRSA §8003-A, as enacted by PL 1985, c. 748, §19,
16 is amended by adding after the first paragraph a new paragraph to
 read:

18 Investigative personnel of the Division of Licensing and
20 Enforcement, during the normal conduct of their work for
22 regulatory boards within the division, may conduct
24 investigations, issue citations, serve summonses and order
 corrections of violations in accordance with specific statutory
 authority. When specific authority does not exist to appeal an
 order to correct, that process must be established by rule by the
 respective boards.

26 Sec. 5. 32 MRSA §1658-A, sub-§§1 and 2, as amended by PL 1987,
28 c. 597, §1, are further amended to read:

30 1. License for person. No person may engage in the sale of
32 or practice of fitting and dealing in hearing aids or display a
34 sign or in any other way advertise as or ~~represent-himself-as~~
36 profess to be a person who practices the fitting, dealing and
38 sale of hearing aids, unless he that person holds a valid license
40 issued by the board as provided in section 1658-I. The board
42 shall issue a license to any person who applies for the license
44 and who is qualified for the license pursuant to section 1658-I,
46 upon payment of a fee ~~of \$100~~ not to exceed \$200. Licenses shall
 expire annually on January 31st or on such other date as the
 Commissioner of Professional and Financial Regulation determines.
 The license required by this chapter shall must be conspicuously
 posted in the licensee's office or place of business. The board
 shall, ~~without--requiring--additional--payment~~ for cost, issue
 duplicate licenses to license holders operating more than one
 office. A license issued under this chapter shall ~~confer~~ confers
 on the holder the right to select, fit and sell hearing aids.

48 2. License for business organization. Any corporation,
50 partnership, trust, association or other like organization
 engaged in the business of selling or offering for sale hearing
 aids at retail in the State shall apply to the board for a

2 license to engage in that business. No business entity may so
3 engage in the business of selling or offering for sale hearing
4 aids without a license to do so. The board shall issue a license
5 upon payment by the business entity of a fee in such amount as
6 the board may establish up to \$150 \$250 and upon filing of a
7 sworn statement from a person with authority from the business
8 entity. That sworn statement shall must list the names and
9 addresses of all hearing aid dealers and fitters directly or
10 indirectly employed by the entity and shall must certify that the
11 entity employs only hearing aid dealers and fitters who are duly
12 licensed by the State. Licenses shall expire annually on January
13 31st or on such other date as the Commissioner of Professional
14 and Financial Regulation determines. Licenses may be renewed
15 annually by each such business engaged in the fitting and sale of
16 hearing aids by filing an application for a renewal of its
17 license accompanied by a fee in such amount as the board may
18 establish up to \$150 \$250. A license may be renewed up to 90
19 days after the date of its expiration upon payment of a late fee
20 of \$10 in addition to the renewal fee. Any application for
21 renewal submitted more than 90 days after the license expiration
22 date shall ~~be~~ is subject to all requirements governing new
23 applicants under this chapter. The commissioner may establish
24 dates for the renewal of licenses.

25
26 The license required by this chapter shall must be conspicuously
27 posted in the licensee's office or place of business.
28 ~~Notwithstanding this subsection, the board may, whenever it deems
29 necessary, extend existing licenses so that an equal number
30 expire each month to allow for the equal distribution of
31 relicensure throughout the year.~~

32 **Sec. 6. 32 MRSA §1658-C, sub-§4, ¶D**, as amended by PL 1987, c.
33 597, §3, is further amended to read:

34
35 D. The notice shall must state that the purchaser may
36 cancel the transaction if he the purchaser consults an
37 audiologist or a licensed physician with ~~specialized
38 training in the field of otolaryngology~~ who in writing
39 states that the hearing aid is not advisable and in writing
40 specifies the audiological or medical reason or both
41 therefor. This notice shall must state that the purchaser
42 may cancel only if the written opinion from the audiologist
43 or physician is submitted to the seller within 60 calendar
44 days from the date of purchase. If the purchaser cancels a
45 transaction pursuant to this paragraph, the seller-licensee
46 shall within 60 days of the notice of the cancellation and
47 the return by the purchaser of the hearing aid or aids
48 refund to the purchaser the amount paid less 10% of the
49 purchase price of one or more hearing aids and less the
50 reasonable price of the ear mold or molds and lab fees.

2 **Sec. 7. 32 MRSA §1658-M**, as repealed and replaced by PL
3 1983, c. 413, §79, is amended to read:

4 **§1658-M. Annual renewal of license; fees; effect of failure**
5 **to renew**

6
7 Licenses issued pursuant to section 1658-A, subsection 1,
8 may be renewed annually upon application by the licensee
9 accompanied by a fee in such amount as the board may establish up
10 to ~~\$100~~ **\$200**. The board shall notify every such licensee of the
11 date of expiration of his the license and the amount of the fee
12 required for renewal for a 12-month period. The notice shall
13 must be mailed to the licensee's last known address at least 30
14 days in advance of the expiration of the license. The license
15 may be renewed up to 90 days after the date of its expiration
16 upon payment of a late fee of \$10 in addition to the renewal
17 fee. Any person who submits an application for renewal more than
18 90 days after the license expiration date shall ~~be~~ is subject to
19 all requirements governing new applicants under this chapter,
20 except that the board may ~~in its discretion~~, giving consideration
21 to the protection of the public, waive examination if the renewal
22 application is made within 2 years from the date of the
23 expiration.

24
25 Notwithstanding this section, no annual renewal certificate
26 may be issued by the board until such time as the applicant
27 submits proof satisfactory to the board that during the year
28 preceding his the applicant's application for renewal, he ~~has~~
29 ~~participated in not fewer than 8 clock hours for courses of~~
30 ~~continuing education in fitting and dealing in hearing aids~~
31 ~~offered by an institution approved by the board~~ the applicant has
32 met any continuing education requirements that the board sets by
33 rule.

34
35 **Sec. 8. 32 MRSA §2272, sub-§6**, as enacted by PL 1983, c. 746,
36 §2, is repealed.

37 **Sec. 9. 32 MRSA §2277, sub-§§2 and 3**, as enacted by PL 1983, c.
38 746, §2, are amended to read:

39 **2. Students or trainees.** Any person pursuing a supervised
40 course of study leading to a degree or certificate in
41 occupational therapy at an accredited or approved educational
42 program, if the person is designated by a title which clearly
43 indicates his that person's status as a student or trainee; or

44 **3. Supervised fieldworkers.** Any person fulfilling the
45 supervised fieldwork experience requirements of section 2279,
46 subsection 4, if the experience constitutes a part of the
47 experience necessary to meet the requirement of that subsection.

2 Sec. 10. 32 MRSA §2277, sub-§§4 and 5, as enacted by PL 1983,
c. 746, §2, are repealed.

4 Sec. 11. 32 MRSA §2278, as enacted by PL 1983, c. 746, §2, is
6 amended to read:

8 **§2278. Temporary license**

10 A temporary license may be granted to a person who has
12 completed the education and experience requirements of this
chapter. This permit allows the person to practice occupational
14 therapy in association with a licensed occupational therapist.
This permit is valid until the person is issued a license under
16 section 2281 or 2282, ~~or until~~ and the results of the national
exam taken by the person are available to the board. This
18 limited permit may be renewed one time if the person has failed
the examination.

20 Sec. 12. 32 MRSA §2279, sub-§3, ¶¶A and B, as enacted by PL
22 1983, c. 746, §2, are amended to read:

24 A. The occupational therapy educational program shall must
be accredited by the Committee on Allied Health Education
26 and Accreditation of the American Medical Association in
collaboration with the American Occupational Therapy
Association Certification Board.

28 B. The occupational therapy assistant educational program
30 shall must be approved by the American Occupational Therapy
Association Certification Board.

32 Sec. 13. 32 MRSA §2280, sub-§5 is enacted to read:

34 5. National exams. In lieu of administering its own
36 examinations, the board may recognize exam scores of candidates
38 who have taken a nationally recognized examination in the
practice of occupational therapy.

40 Sec. 14. 32 MRSA §2281, as enacted by PL 1983, c. 746, §2, is
42 amended to read:

44 **§2281. Waiver of requirements for licensure**

46 The board shall grant a license to any person who, prior to
~~the effective date of this chapter~~ July 25, 1984, has
48 successfully completed an examination administered by the
Psychological Corporation under contract with the American
Occupational Therapy Association Certification Board if that
50 person meets the requirements of section 2279, subsections 1, 2,
3 and 4.

2 **Sec. 15. 32 MRSA §2283, sub-§2**, as enacted by PL 1983, c. 746,
3 §2, is repealed.

4 **Sec. 16. 32 MRSA §2283, sub-§3**, as enacted by PL 1983, c. 746,
5 §2, is amended to read:

6 **3. Continuing education.** Each license renewal shall ~~shall~~ must
7 be accompanied with evidence of continuing ~~competencies~~ education
8 as established by board rule.

9 **Sec. 17. 32 MRSA §2285, sub-§1**, as enacted by PL 1983, c. 746,
10 §2, is amended to read:

11 **1. Amount.** Fees may be established by the board in amounts
12 which that are reasonable and necessary for their respective
13 purposes. The fees may not exceed the following amounts:

14 A. For an initial application, \$80 \$100;

15 B. For biennial renewal of a license, \$80 \$150; and

16 C. For a temporary license, \$25 \$50.

17 **Sec. 18. 32 MRSA §2311, sub-§7**, as amended by PL 1989, c. 443,
18 §88, is further amended to read:

19 **7. Journeyman oil burner technician.** "Journeyman oil
20 burner technician" means any person licensed under this chapter
21 to install, clean, service, alter or repair oil burning
22 equipment. A journeyman oil burner technician shall install oil
23 burning equipment only under the supervision of a master oil
24 burner technician licensed under this chapter and shall must at
25 all times be under the supervision of, or in the employ of, a
26 master oil burner technician licensed under this chapter.
27 Applicants for a license of this classification shall present
28 evidence satisfactory to the board of at least one year's
29 licensed practical experience, or 6 months of licensed practical
30 experience and completion of a an oil burner technician course at
31 a Maine technical college, regional vocational center, vocational
32 region, or comparable institute from Maine or another state,
33 ~~provided that the course has been approved by the board and the~~
34 ~~applicant presents evidence of 6 months' practical experience~~
35 consisting, at a minimum, of 160 hours of study of which at least
36 75 hours are made up of laboratory work on oil burner equipment
37 and related systems.

38 **Sec. 19. 32 MRSA §2311, sub-§8**, as amended by PL 1979, c. 606,
39 §8, is further amended to read:

40 **8. Master oil burner technician.** "Master oil burner
41 technician" shall ~~mean~~ means a person who is licensed under this

chapter to engage in the business of installing or servicing oil burning equipment. Applicants for a license of this classification shall present to the board satisfactory evidence that they have 4 years of licensed practical experience and related knowledge, or such other requirement as the Oil and Solid Fuel Board may establish. Effective January 1, 1994, an applicant for a license of this classification shall present to the board satisfactory evidence that the applicant has 4 years of licensed practical experience as a journeyman oil burner technician and related knowledge, or other such requirement as the Oil and Solid Fuel Board may establish.

Sec. 20. 32 MRSA §2311, sub-§9, as enacted by PL 1979, c. 569, §4, is amended to read:

9. **Master solid fuel burner technician.** "Master solid fuel burner technician" ~~shall-mean~~ means a person who is licensed under this chapter to engage in the business of installing and servicing solid fuel burning equipment. An applicant for a license of this classification shall must be a person who shall ~~present~~ presents to the board satisfactory evidence of at least 2 years of licensed practical experience and related knowledge; or a person having a master oil burner technician's license issued under this chapter who shall ~~present~~ presents to the board satisfactory evidence of knowledge of solid fuel burning equipment; or a person having a bachelor degree in engineering from an accredited university who shall ~~present~~ presents to the board satisfactory evidence of knowledge of solid fuel burning equipment.

Sec. 21. 32 MRSA §2316, as amended by PL 1989, c. 320, §4, is further amended to read:

§2316. Failure to comply with order of compliance officer

If the owner, occupant of any building or an installer neglects or refuses, without justification, for more than 10 days to comply with any order of an oil or solid fuel burner compliance officer concerning oil or solid fuel burner installations as provided by this chapter, that person commits a civil violation for which a forfeiture of not less than \$5 \$100 for each day's neglect may be adjudged.

Sec. 22. 32 MRSA §2352, as amended by PL 1987, c. 395, Pt. A, §170, is further amended to read:

§2352. Employees

The Commissioner of Professional and Financial Regulation, with the advice and ~~consent~~ of the board, shall ~~be empowered to~~ may appoint, subject to the Civil Service Law, such employees as

2 may be necessary to carry out this chapter. Any persons so
employed shall ~~be~~ is located in the Department of Professional
4 and Financial Regulation and under the administrative and
supervisory direction of the Commissioner of Professional and
6 Financial Regulation. In addition, the board may enter into
contracts to carry out its responsibilities under this chapter.

8 Oil and solid fuel burner compliance officers appointed
under this section shall have ~~the same~~ powers throughout the
10 several counties of the State, similar to those as sheriffs have
in their respective counties, relating to enforcement of the
12 provisions of this chapter, and standards and rules adopted
~~thereunder and rules or regulations promulgated thereunder~~ under
14 this chapter. These powers are limited to the power to conduct
investigations, issue citations, serve summonses and order
16 corrections of violations in accordance with the specific
statutory authority set forth in this chapter.

18
20 **Sec. 23. 32 MRSA §2402, sub-§2, as amended by PL 1987, c. 395,**
Pt. A, §172, is further amended to read:

22 **2. Fees.** An application fee and an examination fee may be
established by the board in amounts which are reasonable and
24 necessary for their respective purposes. Original and renewal
license fees may be established by the board in amounts which are
26 reasonable and necessary for their respective purposes. The fees
may not exceed the following amounts:

28 A. Master, original license, ~~---\$100;~~ and biennial renewal
30 fee, \$200;

32 B. Journeyman, original license, ~~---\$50;~~ and biennial renewal
34 fee, \$100; and

36 C. Apprentice, original license, ~~---\$20;~~ and biennial renewal
fee, \$40.

38 ~~When the unexpired term of license of an applicant is or will be~~
~~more than one year at time of licensure, the board may require~~
40 ~~the applicant to pay an additional fee not to exceed 1/2 the~~
~~biennial renewal fee.~~

42 ~~A person holding a license as a master oil burner technician is~~
44 ~~not required to pay a fee to be licensed as a master solid fuel~~
~~burner technician, as long as he meets all other requirements and~~
46 ~~pays the examination fee required by section 2403. A person~~
~~holding a license as a master solid fuel burner technician is not~~
48 ~~required to pay a fee to be licensed as a master oil burner~~
~~technician, as long as he meets all other requirements and pays~~
50 ~~the examination fee required by section 2403. Any person who has~~

2 ~~paid a fee for both master licenses held simultaneously shall be~~
3 ~~given a credit for one license fee less the examination fee,~~
4 ~~which shall be applied to the next renewal.~~

6 Applicants applying for an initial license with a term of one
7 year or less are required to pay only 1/2 the biennial license
8 fee.

10 Sec. 24. 32 MRS §2404, as amended by PL 1983, c. 413, §125,
11 is further amended to read:

12 **§2404. Renewals**

14 All licenses shall expire biennially on December 31st as to
15 a master technician and biennially on June 30th as to other
16 licenses. The expiration dates for licenses issued under this
17 chapter may be established at such other times as the
18 Commissioner of Professional and Financial Regulation may
19 designate. The licenses may be renewed on a biennial basis
20 without further examination upon the payment of the proper fee.
21 The board shall notify everyone registered under this chapter of
22 the date of expiration of his the license and the amount of fee
23 required for its renewal for a 2-year period. The notice shall
24 must be mailed to the person's last known address at least 30
25 days in advance of the expiration date of his the license. A
26 license may be renewed up to 90 days after the date of expiration
27 upon payment of a late fee of \$10 in addition to the renewal
28 fee. Any person who submits an application for renewal more than
29 90 days after the license renewal date ~~shall be~~ is subject to all
30 requirements governing new applicants under this chapter, except
31 that the board may ~~in its discretion,~~ giving due consideration to
32 the protection of the public, waive examination ~~if the renewal~~
33 ~~application is made within 2 years from the date of the~~
34 expiration or other requirements. The board may assess penalties
35 for late renewals more than 90 days after the date of expiration.

36 Sec. 25. 32 MRS §2405, as amended by PL 1981, c. 561, is
37 repealed.

40 Sec. 26. 32 MRS §3402, 2nd ¶, as amended by PL 1989, c. 483,
41 Pt. A, §51, is further amended to read:

42 State plumbing inspectors appointed under this section shall
43 have ~~the same~~ powers throughout the several counties of the State
44 as similar to those sheriffs have in their respective counties,
45 relating to enforcement of this chapter and rules ~~promulgated~~
46 adopted under this chapter. These powers are limited to the
47 power to issue citations, the power to serve summonses, to
48 conduct investigations and to order corrections of violations by
49 licensees in accordance with the specific statutory authority set
50 forth in this chapter. If any state plumbing inspector finds any

2 plumbing installation in any building or structure which does not
3 comply with the adopted state plumbing code that inspector shall,
4 with the consent of the local plumbing inspector, order that the
5 installation be removed or remedied and that order must be
6 complied with immediately by the owner or occupant of the
7 premises or building or the installer of the plumbing in
8 violation. ~~If~~ If any state plumbing inspector finds any plumbing
9 installation in any building or structure which creates a danger
10 to other property or to the public, the inspector may forbid use
11 of the building or structure by serving a written order upon the
12 owner and the occupant, if any, to vacate within a reasonable
13 period of time to be stated in the order.

14 **Sec. 27. 32 MRSA §3501, sub-§5**, as amended by PL 1987, c. 597,
15 §12, is further amended to read:

16 **5. Examinations.** ~~The following applicants~~ Applicants for
17 license shall present to the board a written application for
18 examination and license, containing such information as the board
19 may require, accompanied by a required fee as set forth by board
20 rules. Examinations shall must be in whole or in part in
21 writing, ~~shall be conducted by the board~~ and shall be of a
22 thorough and practical character commensurate with the
23 responsibilities of the prospective license holder.

24 ~~Applications for a first examination shall be received by the~~
25 ~~board at least 15 days prior to a scheduled meeting of the board.~~

26 The board shall establish by rule cutoff dates for applications
27 for examinations.

28 The passing grade on any examination shall ~~be~~ may not be less
29 than 70%. A candidate failing one examination may apply for
30 reexamination, which may be granted upon payment of a fee
31 established by the board. Any candidate for ~~registration~~
32 licensure having an average grade of less than 50% may not apply
33 for reexamination for one year.

34 ~~When the unexpired term of license of an applicant is or will be~~
35 ~~more than one year at the time of licensure, the board may~~
36 ~~require the applicant to pay an additional fee not to exceed 1/2~~
37 ~~the biennial license fee.~~

38 Applicants applying for an initial license with a term of one
39 year or less are required to pay only 1/2 of the biennial license
40 fee.

41 **Sec. 28. 32 MRSA §4863**, as amended by PL 1989, c. 450, §31,
42 is further amended to read:

2 **§4863. License renewal**

4 All licenses shall expire annually on December 31st, or
6 other such date as the commissioner may designate, and shall may
8 be renewed by registration with the board and payment of a
10 renewal fee established by the board. ~~On or before December 1st~~
12 of each year At least 30 days prior to the annual renewal date,
14 the secretary Department of Professional and Financial Regulation
16 shall mail a notice to each licensed veterinarian that the
18 license will expire on ~~December 31st~~ the renewal date and provide
20 a form for reregistration. The secretary department shall issue
22 a renewal certificate to all persons registering under this
24 chapter.

16 ~~Any person who practices veterinary medicine after the~~
18 ~~expiration of his license and willfully or by neglect fails to~~
20 ~~renew such license shall be practicing in violation of this~~
22 ~~chapter; provided that any person may renew an expired license~~
24 ~~within one year of the date of its expiration by making written~~
26 ~~application for renewal and paying the current renewal fee plus~~
28 ~~all delinquent renewal fees. After one year has elapsed since the~~
30 ~~date of the expiration, the holder must make application for a~~
32 ~~new license. Licenses may be renewed up to 90 days after the~~
34 ~~date of expiration upon payment of a late fee of \$10 in addition~~
36 ~~to the renewal fee. A person who submits an application for~~
38 ~~renewal more than 90 days after the license renewal date is~~
40 ~~subject to all requirements governing new applicants under this~~
42 ~~chapter, except that the board may, giving due consideration to~~
44 ~~the protection of the public, waive examination if that renewal~~
46 ~~application is made within 2 years from the date of the~~
48 ~~expiration. In addition, the board may levy penalties for~~
50 ~~nonrenewal.~~

34 By rule the board may waive the payment of the registration
36 renewal fee of a licensed veterinarian during the period when he
38 that veterinarian is on active duty with any branch of the Armed
40 Services of the United States, not to exceed the longer of 3
42 years or the duration of a national emergency.

40 Sec. 29. 32 MRSA §4912, as repealed and replaced by PL 1983,
42 c. 413, §183, is amended to read:

44 **§4912. Fees**

46 An application fee and an examination fee may be established
48 by the board in amounts which that are reasonable and necessary
50 for their respective purposes.

50 The initial and renewal fees for certification as a
 geologist or soil scientist shall ~~be \$20~~ are \$60 per year.

2 **Sec. 30. 32 MRSA §6028, first ¶**, as amended by PL 1983, c. 413,
§207, is further amended to read:

4
6 An application fee and an examination fee may be established
8 by the board in amounts which are reasonable and necessary for
10 their respective purposes. Every person to whom an initial
12 license is issued pursuant to this chapter shall pay a license
14 fee of up to \$50 ~~\$100~~. The fee for a temporary license shall ~~may~~
16 not exceed \$50 ~~\$100~~. The fee for biennial renewal of a license
18 shall ~~may~~ not exceed \$100 ~~\$200~~. The board may, by rule, provide
for the waiver of all or part of the fee for an initial license,
if it is issued less than 120 days before the date on which it
will expire. When the unexpired term of an initial license of an
applicant is or will be more than one year at time of licensure,
the board may, by rule, require the applicants to pay an
additional fee not to exceed 1/2 the biennial renewal fee.

20 **Sec. 31. 32 MRSA §6215**, as amended by PL 1989, c. 831, §8, is
further amended to read:

22 **§6215. Application; membership fees**

24 Application for registration as a registered substance abuse
26 counselor, licensure as a licensed substance abuse counselor or
28 certification as an associate substance abuse counselor must be
on forms prescribed and furnished by the board. Application and
30 examination fees may be established by the board in amounts that
are reasonable and necessary for their respective purposes. A An
32 original and a biennial registration fee for registered substance
abuse counselors must be established by the board in an amount
not to exceed \$50 ~~\$100~~ biennially. A An original and a biennial
34 registration fee for licensed substance abuse counselors and
associate substance abuse counselors must be established by the
board in an amount not to exceed \$100 ~~\$200~~ biennially. The
36 payment of fees is suspended during the term of inactive status.

38 **Sec. 32. 32 MRSA §6219, first ¶**, as amended by PL 1989, c. 831,
§10, is further amended to read:

40
42 The license and certificate of registration expire
44 biennially on August 31st or at such other time as the
Commissioner of Professional and Financial Regulation may
46 designate. Licensure or registration may be renewed for the
succeeding 2-year period upon written application of the
48 registrant, the approval of the board and the payment of the fee
provided for in section 6215. ~~A fee for renewal of license or~~
50 ~~certificate of registration is \$100 biennially for licensing and~~
~~\$50 biennially for registration, due and payable on or before the~~
~~expiration date.~~ Before a license or certificate of registration

2 may be renewed, the applicant must present evidence of continued
professional learning and training of a type acceptable to the
4 board.

6 **Sec. 33. 32 MRSA §6221**, as enacted by PL 1979, c. 96, §5, is
amended to read:

8 **§6221. Treatment of minors**

10 Any person licensed under this chapter who renders
12 counseling services to a minor for the treatment of problems
associated with the abuse of drugs or alcohol is under no
14 obligation to obtain the consent of that minor's parent or
guardian or to inform that parent or guardian of that treatment.
16 Nothing in this section shall may be construed so as to prohibit
the licensed person rendering that treatment from informing that
18 parent or guardian. For the purposes of this section "abuse of
drugs" means the use of drugs solely for their stimulant,
20 depressant or hallucinogenic effect upon the higher functions of
the central nervous system and not as a therapeutic agent
22 recommended by a practitioner in the course of medical treatment.

24 **Sec. 34. 32 MRSA §9710, sub-§1**, as amended by PL 1989, c.
450, §46, is repealed and the following enacted in its place:

26 1. Amount. Application and examination fees may be
28 established by the board in amounts that are reasonable and
necessary for their respective purposes. Original and renewal
30 license fees for respiratory care practitioner licenses may not
exceed \$150 biennially. Temporary license fees may not exceed
\$70.

32 **Sec. 35. 32 MRSA §9859**, as enacted by PL 1983, c. 524, is
34 amended to read:

36 **§9859. Biennial licensure renewal; fees**

38 All licenses shall must be renewed by biennially on or
before August 31st of each even-numbered year or at such other
40 times as the board Commissioner of Professional and Financial
Regulation may designate. The original and biennial licensure
42 renewal fee shall may not exceed \$70 \$120. The board shall
notify each licensee, at his the licensee's last known address,
44 60 30 days in advance of the expiration of his the license.
Renewal notices shall must be on forms provided by the board
46 Department of Professional and Financial Regulation. Any license
not renewed by August--31st the designated renewal date
48 automatically expires. The board may renew an expired license
without penalty if the renewal notice is returned within 30 days
50 of the expiration date. Licenses may be renewed up to 90 days
after the date of expiration upon payment of a late fee of \$10 in

2 addition to the renewal fee. Any person who submits an
3 application for renewal more than 90 days after the licensing
4 renewal date is subject to all requirements governing new
5 applicants under this chapter, except that the board may, giving
6 due consideration to the protection of the public, waive
7 examination or other requirements. The board may assess
8 penalties for late renewals more than 90 days after the
9 expiration.

10 **Sec. 36. 32 MRSA §9907, sub-§1, ¶D,** as amended by PL 1987, c.
11 664, §2, is further amended to read:

12
13 D. The applicant must have successfully completed an
14 examination given by the American Dietetic Association or
15 its equivalent as determined and administered by the board.
16 The examination requirement of this paragraph shall does not
17 apply to an applicant who presents evidence of having
18 practiced as a dietitian without censure for a period of 10
19 years immediately prior to September 30, 1987.

20
21 **Sec. 37. 32 MRSA §9909, sub-§1,** as amended by PL 1987, c. 313,
22 §5, is further amended to read:

23
24 1. **Biennial renewal.** A license shall ~~expire~~ annually
25 expires biennially on December 31st or on such other date as the
26 commissioner may determine. Notice of expiration shall must be
27 mailed to each licensee's last known address at least 30 days in
28 advance of the expiration of the license. The notice shall must
29 include any requests for information necessary for renewal.

30
31 Licenses may be renewed up to 90 days after the date of
32 expiration upon payment of a late fee of \$10 in addition to the
33 renewal fee. Any person who submits an application for renewal
34 more than 90 days after the licensing renewal date shall ~~be~~ is
35 subject to all requirements governing new applicants under this
36 chapter. In addition, the board may assess penalties for
37 renewals more than 90 days after expiration.

38
39 **Sec. 38. 32 MRSA §9911, sub-§1,** as amended by PL 1987, c. 313,
40 §7, is further amended to read:

41
42 1. **Amount.** Application fees may be established by the
43 board in amounts which that are reasonable and necessary.
44 Licensing fees may not exceed the following amounts:

45
46 A. For an original dietitians dietitian's or dietetic
47 technicians technician's license, \$80 \$160; or

48
49 B. For a renewal dietitians dietitian's or dietetic
50 technicians technician's license, \$40 \$160.

2 **Sec. 39. 32 MRSA §10602, sub-§1, ¶C,** as enacted by PL 1985, c.
400, §2, is amended to read:

4 C. Bar that person from association with any licensed
6 broker-dealer or investment adviser in this State, but in
each case only after compliance with section 10708,
8 subsection 6; ~~or~~

10 **Sec. 40. 32 MRSA §10602, sub-§1, ¶D,** as amended by PL 1989, c.
542, §47, is further amended to read:

12 D. Request that the Attorney General bring an action for
14 any relief authorized by section 10603 or bring any other
civil or criminal action which the Attorney General is
16 authorized to bring in the courts of this State, another
state or the United States; ~~or~~

18 **Sec. 41. 32 MRSA §10602, sub-§1, ¶E** is enacted to read:

20 E. Issue an order imposing a civil penalty that may not
22 exceed \$1500 for a single violation, but in each case only
after compliance with section 10708, subsection 6.

24 **Sec. 42. 32 MRSA §13901, sub-§5,** as enacted by PL 1989, c.
26 346, §3, is amended to read:

28 5. ~~Land surveyor-in-training.~~ "~~Professional--land~~ Land
30 surveyor-in-training" means any person who has been licensed as
a ~~professional~~ land surveyor-in-training by the board.

32 **Sec. 43. 32 MRSA §13904, sub-§1,** as enacted by PL 1989, c.
34 346, §3, is amended to read:

36 1. License required. No Except as provided in section
38 13912, a person may not practice land surveying or profess to be
a professional land surveyor or ~~professional~~ land
surveyor-in-training unless the person is licensed in accordance
with this chapter.

40 **Sec. 44. 32 MRSA §13905, sub-§1,** as enacted by PL 1989, c.
42 346, §3, is amended to read:

44 1. Land surveyor-in-training licensing. An applicant for
46 licensing as a ~~professional~~ land surveyor-in-training shall file
a written application on forms provided by the board, showing to
the satisfaction of the board that the applicant meets the
48 following requirements.

50 A. A college graduate with a baccalaureate degree, which
~~shall-include~~ includes a minimum surveying core curriculum

- 2 approved by the board, who has passed a written examination
3 in the fundamentals of land surveying shall must be licensed
4 as a ~~professional~~ land surveyor-in-training, if the
5 applicant is otherwise qualified.
- 6 B. A college graduate with an associate degree, which shall
7 ~~include~~ includes a minimum surveying core curriculum
8 approved by the board, who has had 2 years of surveying
9 experience acceptable to the board and has passed a written
10 examination in the fundamentals of land surveying shall must
11 be licensed as a ~~professional~~ land surveyor-in-training, if
12 the applicant is otherwise qualified.
- 13 C. A person who has completed a minimum surveying core
14 curriculum approved by the board, has had 6 years of
15 surveying experience acceptable to the board, and has passed
16 a written examination in the fundamentals of land surveying
17 shall must be licensed as a ~~professional~~ land
18 surveyor-in-training, if the applicant is otherwise
19 qualified.
- 20 D. A person who has had 7 years of surveying experience
21 acceptable to the board and has passed a written examination
22 in the fundamentals of land surveying shall must be
23 licensed as a ~~professional~~ land surveyor-in-training, if the
24 applicant is otherwise qualified.
- 25 E. A person holding a license as a surveyor-in-training
26 issued on comparable qualifications from a state, territory
27 or possession of the United States with experience
28 satisfactory to the board shall must be given comity
29 consideration. The applicant may be required to take
30 examinations as the board determines necessary to determine
31 the applicant's qualifications.
- 32 F. Any person certified as a land surveyor-in-training on
33 ~~the effective date of this section shall be~~ September 30,
34 1989 is allowed to continue in that capacity until the
35 certification is due for renewal. At that time and upon
36 payment of the appropriate fee, the person shall must be
37 granted a license as a ~~professional~~ land
38 surveyor-in-training, notwithstanding any other requirement
39 of this section.
- 40 G. Any person whose application for certification as a land
41 surveyor-in-training has been received by the board before
42 ~~the effective date of this legislation shall come under~~
43 September 30, 1989 is subject to the licensure provisions of
44 the law then in effect. This provision shall also ~~include~~
45 includes any person who had submitted and had approved by
46 the board in writing a minimum course of study to satisfy
47 the licensing requirements then in effect.

2 **Sec. 45. 32 MRSA §13905, sub-§2, ¶A**, as enacted by PL 1989, c.
346, §3, is amended to read:

4
6 A. A ~~professional~~ land surveyor-in-training with a specific
record of 2 additional years of progressive combined office
and field experience satisfactory to the board which ~~shall~~
8 ~~have been~~ under the supervision responsible charge of a
professional land surveyor shall must be admitted to a
10 written examination in the principles and practice of land
surveying. Upon passing the examination, the applicant
12 shall must be granted a license to practice land surveying
in this State, ~~provided~~ if the applicant is otherwise
14 qualified.

16 **Sec. 46. 32 MRSA §13907**, as enacted by PL 1989, c. 346, §3,
is amended to read:

18 **§13907. License; seals; stamps**

20 The board shall issue a license, upon payment of a license
22 fee as provided in this chapter, to any applicant who, in the
opinion of the board, has satisfactorily met the requirements of
24 this chapter. The license shall ~~authorize~~ authorizes the
practice of land surveying.

26 The issuance of a license by the board shall ~~be~~ is evidence
28 that the person named in the license is entitled to all the
rights and privileges of a licensed professional land surveyor or
30 professional land surveyor-in-training while the license remains
unrevoked or unexpired.

32 Each applicant upon licensing shall obtain a seal of the
34 design authorized by the board, bearing the licensee's name and
the legend "~~licensed professional land surveyor~~" ~~or~~ "~~professional~~
36 ~~land-surveyor-in-training.~~"

38 All final documents, including plans, descriptions, reports,
maps, plats or other drawings ~~issued by a licensed professional~~
40 ~~land-surveyor or professional land-surveyor-in-training shall~~
must be stamped with the respective seal and signature signed and
42 sealed by the issuing professional land surveyor, as prescribed
in the rules of the board, ~~during the life of the licensee's~~
44 license. If an item bearing the seal of a professional land
surveyor ~~or professional land-surveyor-in-training~~ is altered,
46 the altering professional land surveyor ~~or professional land-~~
~~surveyor-in-training shall affix to the item that altering~~
48 ~~surveyor's seal,~~ surveyor's seal and signature must be affixed
with the notation "altered by" followed by the signature of that
50 ~~altering surveyor,~~ the date of ~~the alteration~~ and a specific
description of the alteration. No official of this State, or of

2 any city, county, town or village in the State, charged with the
enforcement of laws, rules, ordinances or regulations may accept
4 or approve any plans or other documents, prepared within the
meaning and intent of this chapter, that are not stamped and
6 sealed and signed by the licensed professional land surveyor or
professional land surveyor in training under whose direct
supervision responsible charge they were completed.

8
10 **Sec. 47. 32 MRSA §13910, sub-§1, ¶B,** as enacted by PL 1989, c.
346, §3, is amended to read:

12 B. The license and renewal fees for professional land
surveyors-in-training shall must be established by the board
14 in an amount not to exceed \$100 biennially.

16 **Sec. 48. 32 MRSA §13912, sub-§§2 and 3,** as enacted by PL 1989,
c. 346, §3, are amended to read:

18
20 **2. Federal Government employees.** Officers and employees of
the Federal Government while engaged within this State in the
practice of land surveying for the Federal Government; or

22
24 **3. Interstate commerce corporation employees.** An officer
or employee of a corporation engaged in interstate commerce as
26 defined in the Act of Congress entitled "An Act to Regulate
Commerce" approved February 4, 1887, as amended, or in interstate
28 communication as defined in the Act of Congress entitled
"Communications Act of 1934" approved June 9, 1934, while working
solely as an employee of that corporation, provided an officer or
30 employee of that corporation customarily in responsible charge of
the surveying work of that corporation within this State shall be
32 is licensed under this chapter; or

34 **Sec. 49. 32 MRSA §13912, sub-§4** is enacted to read:

36 **4. Employees.** All employees working under the responsible
charge of a professional land surveyor.

38
40 **Sec. 50. 38 MRSA §85-A, sub-§§1 and 2,** as enacted by PL 1983,
c. 758, §13, are amended to read:

42 1. Commissioner. "Commissioner" means the Commissioner of
Business, Occupational and Professional and Financial Regulation.

44
46 2. Department. "Department" means the Department of
Business, Occupational and Professional and Financial Regulation.

48 **Sec. 51. 38 MRSA §92,** as amended by PL 1983, c. 758, §17, is
further amended to read:

2 **§92. Duration and renewal of licenses**

4 Licenses issued by the pilot commission shall ~~run for 5~~
6 ~~years from date of issue~~ must be renewed every 2 years on or
 before the expiration date established by the commissioner.

8 Sec. 52. 38 M RSA §93, as enacted by PL 1969, c. 410, §1, is
 amended to read:

10 **§93. License fees**

12 Every new application for a license to act as a pilot on
14 these waters shall must be accompanied by a fee of \$75 payable to
16 ~~the commission~~ an application fee not to exceed \$150 as set by
 rule by the commission. Each application for the renewal of said
18 license shall be accompanied by a fee of \$50 payable to the
 commission. The commission may set original and annual renewal
20 license fees in amounts not to exceed \$100. Licenses may be
 renewed up to 90 days after the date of expiration upon payment
22 of a late fee of \$10 in addition to the renewal fee. Any person
 who submits an application for renewal more than 90 days after
24 the licensing renewal date is subject to all requirements
 governing new applicants under this chapter.

26 A holder of a license on the effective date of this
 paragraph is not required to renew that license until its
28 expiration.

30 Sec. 53. 38 M RSA §94, as enacted by PL 1969, c. 410, §1, is
 amended to read:

32 **§94. Accounts of fees; payments to commission**

34 Once in every 6 months each pilot licensed by the commission
36 shall render to the commission an accurate account of all moneys
 received by such pilot as fees for pilotage and the commission
38 may impose a charge not to exceed 1% 2% per year upon each pilot
 for the operation of the commission.

40 Sec. 54. 38 M RSA §95, as enacted by PL 1969, c. 410, §1, is
42 repealed.

44 Emergency clause. In view of the emergency cited in the
46 preamble, this Act takes effect when approved.

48 **STATEMENT OF FACT**

50 1. The bill makes several changes to various licensing
52 board laws under the authority of the Department of Professional
 and Financial Regulation. The bill authorizes the Commissioner

of Professional and Financial Regulation to submit evidence of
license status to any court in this State. It further gives
agencies within or affiliated with the department the authority
to specify requirements and conditions by rule under which
licensees' numbers, names and addresses are to be displayed to
the public in order to properly inform the public of the
licensees' license status. The bill further clarifies the
investigative powers given to investigative personnel of the
Department of Professional and Financial Regulation.

2. The bill exempts the Bureau of Banking from certain
administrative powers.

3. The bill clarifies the authority of bureaus, boards and
commissions within or affiliated with the department.

4. The bill makes the following changes to the laws
concerning the Board of Hearing Aid Dealers and Fitters:

A. Increases the cap on license fees to address the
additional funding needed to meet legislatively mandated
salary increases as well as other increased operating costs;

B. Deletes the requirement that physicians consulted by
purchasers have specialized training in the field of
otolaryngology; and

C. Allows the board to establish continuing education
requirements by rule.

5. The bill makes the following changes to the laws
concerning the Board of Occupational Therapy Practice:

A. Repeals the license category of "occupational therapy
aide," a category that is no longer recognized by the
industry. No one is currently licensed in Maine in this
category;

B. Repeals the exemptions concerning "associates" and
"occupational therapy aides";

C. Amends the term of temporary license to require that the
permit is valid until the person is fully licensed and
examination results are available to the board;

D. Reflects the change of the name of the American
Occupational Therapy Association to the American
Occupational Therapy Certification Board;

E. Allows the board to recognize national examination
scores relating to the practice of occupational therapy in
lieu of administering its own examination;

- 2 F. Repeals the "inactive status" category of licensure,
4 since no licensee has ever applied for this category since
the creation of this law;
- 6 G. Changes the term "continuing competency" to "continuing
8 education"; and
- 10 H. Increases the cap on license fees to address the
12 additional funding needed to meet legislatively mandated
salary increases as well as other increased operating costs
the board may require.
- 14 6. The bill makes the following changes to the laws
concerning the Oil and Solid Fuel Board:
- 16 A. Redefines practical experience to include only
18 "licensed" practical experience;
- 20 B. Further defines the minimum hours of study required and
22 the content of those hours to obtain a journeyman oil burner
technician license;
- 24 C. Establishes a new requirement for master oil burner
26 technician licensure;
- 28 D. Increases the minimum forfeiture amount for any civil
violation;
- 30 E. Clarifies the powers of the oil and solid fuel burner
32 compliance officers;
- 34 F. Allows the board to standardize fees for original and
renewal licenses and removes confusing language pertaining
36 to unexpired licenses and allows the board to charge only
half a license fee for individuals becoming licensed in the
38 2nd half of a biennium;
- 40 G. Gives the board power to waive requirements for a lapsed
license and to levy penalties to cover administrative costs;
42 and
- 44 H. Repeals a no longer necessary grandfathering clause.
- 46 7. The bill makes the following changes to the laws
concerning the Plumbers' Examining Board:
- 48 A. Clarifies the powers of state plumbing inspectors; and
- 50 B. Allows the board, by rule, to establish cutoff dates for
examinations and clarifies that individuals applying in the
52 2nd year of the biennium pay only 1/2 the license fee.

2 8. The bill changes the laws concerning the State Board of
4 Veterinary Medicine by changing license renewal requirements to
6 standardize language to conform to other boards within the
Division of Licensing and Enforcement.

8 9. The bill increases the cap on license fees to address
10 the additional funding needed to meet legislatively mandated
12 salary increases as well as other increased operating costs the
State Board of Certification for Geologists and Soil Scientists
will require to function financially.

14 10. The bill increases the cap on license fees to address
16 the additional funding needed to meet legislatively mandated
18 salary increases as well as other increased operating costs the
State Board of Examiners on Speech Pathology and Audiology
requires.

20 11. The bill makes the following changes to the laws
concerning the State Board of Substance Abuse Counselors:

22 A. Increases the cap on license fees to address the
24 additional funding needed to meet legislatively mandated
salary increases as well as other increased operating costs;

26 B. Clarifies the fee requirement to include original
license;

28 C. Deletes redundant wording; and

30 D. Redefines the treatment of minors related to "problems
32 associated with" the abuse of drugs or alcohol.

34 12. The bill changes the cap on license fees to address
36 additional funding needed to meet legislatively mandated salary
38 increases as well as the increased operating costs that the Board
of Respiratory Care Practitioners requires to function
financially.

40 13. The bill makes the following changes to the laws
concerning the Radiologic Technology Board of Examiners:

42 A. Increases the cap on license fees to address additional
44 funding needed to meet legislatively mandated salary
46 increases as well as other increased operating costs; and

48 B. Standardizes language concerning license renewal to
50 conform to other boards within the Division of Licensing and
Enforcement.

52 14. The bill makes the following changes to the laws
concerning the Board of Licensing of Dietetic Practice:

2 A. Amends the 10-year licensure requirement for examination
4 exemption to clarify that the 10 years must be immediately
prior to September 30, 1987;

6 B. Changes license renewals from annual to biennial;

8 C. Gives the board the power to assess penalties for late
10 renewals to cover administrative costs; and

12 D. Increases the cap on license fees to address additional
14 funding needed to meet legislatively mandated salary
increases as well as other increased operating costs.

16 15. The bill authorizes a civil penalty under the Maine
Revised Securities Act.

18 16. The bill makes the following technical changes and
20 corrections to the laws concerning the Board of Licensure for
Professional Land Surveyors:

22 A. The titles for the persons licensed by the board are
24 made uniform and consistent with the national industry
practices. All references to the "licensed professional
26 land surveyor" have been replaced with "professional land
surveyor" and all references to "professional land
28 surveyors-in-training" have been replaced by "land
surveyors-in-training";

30 B. Deletes all references to seals of land
32 surveyors-in-training since land surveyors-in-training may
not seal plans or other materials under the law; and

34 C. Makes clear that specified persons working for a
36 professional land surveyor do not need to be licensed
themselves.

38 17. The bill makes the following changes to the Maine State
40 Pilotage Commission laws:

42 A. Changes the term of license from 5 to 2 years and
clarifies that the "commissioner" is the Commissioner of
44 Professional and Financial Regulation;

46 B. Increases the cap on license fees to address additional
48 funding needed to meet legislatively mandated salary
increases as well as other increased operating costs;

50 C. Standardizes language concerning license renewal to
conform to other boards within the division;

- 2 D. Allows for current licenses to remain in effect until
their expiration;
- 4
- 6 E. Increases the operating fee charged to pilots from 1% to
2% per year; and
- 8
- 10 F. Repeals the requirement that pilots licensed in Maine
post a surety bond with the commission as this requirement
12 has been made unnecessary by the substantial disciplinary
powers given the commission under the Maine Revised
Statutes, Title 32, section 8003, subsection 5.