

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)

OK
R. of S.

L.D. 2384

(Filing No. S-715)

2
4
6
8
10
12
14
16
18
20
22
24
26
28
30
32
34
36
40
42
44

STATE OF MAINE
SENATE
115TH LEGISLATURE
SECOND REGULAR SESSION

SENATE AMENDMENT "F" to COMMITTEE AMENDMENT "A" to S.P.
929, L.D. 2384, Bill, "An Act to Restructure State Government"

Amend the amendment by inserting after Part D the following:

PART E

- Sec. E-1. 5 MRSA c. 383, sub-c. I, as amended, is repealed.
- Sec. E-2. 10 MRSA c. 901, as amended, is repealed.
- Sec. E-3. 26 MRSA c. 19, as amended, is repealed.
- Sec. E-4. 26 MRSA c. 19-A is enacted to read:

CHAPTER 19-A

DEPARTMENT OF LABOR AND COMMERCE

§1403. Definitions

As used in this chapter, unless the context otherwise indicates, the following terms have the following meanings.

- 1. Commissioner. "Commissioner" means the Commissioner of Labor and Commerce.
- 2. Department. "Department" means the Department of Labor and Commerce.
- 3. Director. "Director" means the administrative head of a bureau, regardless of the title assigned to the position.

SENATE AMENDMENT

R. of S.

2 §1404. Department of Labor and Commerce established;
4 responsibilities

6 The department is established as the principal labor and
8 business department of State Government. On July 1, 1993, the
10 department shall assume the responsibilities enumerated in this
12 section.

14 1. Labor services. The department shall:

16 A. Achieve the most effective utilization of employment and
18 training resources of the State by developing and
20 maintaining an accountable state employment training policy;

22 B. Ensure safe working conditions and protect against loss
24 of income; and

26 C. Enhance opportunities of individuals to improve their
28 economic status.

30 2. Commerce services. The department shall:

32 A. Regulate financial institutions, insurance companies,
34 nonprofit hospital and medical service organizations, health
36 maintenance organizations, entities subject to regulation
38 under Title 9-A, employers who self-insure their obligations
40 under the Workers' Compensation Act and commercial sports;

42 B. License and regulate professions and occupations;

44 C. Provide programs that encourage business investment,
46 business assistance and industry-wide assistance and market
48 development; and

D. Provide assistance to independent agencies that promote
statewide economic development.

§1405. Commissioner appointment

The department is under the supervision and control of the
commissioner who is appointed by the Governor, subject to review
by the joint standing committee of the Legislature having
jurisdiction over state government matters and to confirmation by
the Senate. The commissioner serves at the pleasure of the
Governor.

§1406. Provision of services

2 The department and its subunits, in achieving the purposes
4 for which they are established, shall work closely with all state
6 departments and agencies to provide services promptly and in a
8 cooperative manner.

10 §1407. Powers and duties of commissioner

12 1. Deputy; assistant. The commissioner may appoint a
14 deputy commissioner who shall perform the duties of the
16 commissioner during the commissioner's absence, in addition to
18 the deputy commissioner's regular duties. The commissioner may
20 appoint and employ an assistant to the commissioner to be under
22 the commissioner's immediate supervision, direction and control
24 who serves at the commissioner's pleasure and shall perform such
26 duties as the commissioner prescribes, except as otherwise
28 provided by law.

30 2. Other employees. The commissioner may employ such other
32 deputies, directors and assistants as necessary, subject to the
34 Civil Service Law, except that the Superintendent of Banking, the
36 Superintendent of Insurance and the Superintendent of Consumer
38 Protection are nominated by the commissioner and are subject to
40 review by the joint standing committee of the Legislature having
42 jurisdiction over banking and insurance matters and to
44 confirmation by the Senate.

46 In the event of a vacancy in the office of the commissioner
48 because of death, resignation, removal from office or other
 cause, the various directors, deputies, assistants and other
 employees continue in office and shall perform their assigned
 duties until the vacancy is filled by the appointment and
 qualification of a new commissioner.

3. Duties. Commencing on July 1, 1993, the commissioner
 shall:

A. Serve as the principal aide to the Governor on labor and
 commerce matters;

B. Supervise and direct the activities of the various
 bureaus, commissions, councils and boards designated by law
 to be under the department;

C. Prepare a budget for the department;

D. Appoint, to serve at the commissioner's pleasure, the:

R. of S.

- 2 (1) Deputy Commissioner of Labor and Commerce;
- 4 (2) Assistant to the Commissioner of Labor and
Commerce;
- 6 (3) Director of the Bureau of Business;
- 8 (4) Director of the Bureau of Labor Standards;
- 10 (5) Executive Director of the Bureau of Unemployment
Security;
- 12 (6) Executive Secretary of the Maine Occupational
Information Coordinating Committee;
- 14 (7) Director of the Bureau of Employment and Training
Programs;
- 16 (8) Superintendent of the Bureau of Consumer Credit
Protection;
- 18 (9) Director of the Bureau of Administrative Services;
and
- 20 (10) Director of the Bureau of Licensing and
Enforcement;
- 22 E. Coordinate the purchase and use of all department
equipment; and
- 24 F. Exercise other powers and perform other duties as
designated by law.

34 4. Interim authority limited. Notwithstanding the
establishment of the department in this chapter, the commissioner
36 may not undertake the administration of programs or services
under section 1408 administered by the Department of Labor, the
38 Department of Economic and Community Development or the
Department of Professional and Financial Regulation until July 1,
40 1993.

42 **§1408. Department organization**

44 The commissioner shall organize the department in the
following manner.

46 1. Bureaus. The commissioner shall organize the department
48 into bureaus, each with a director, as follows:

- 2 A. The Bureau of Unemployment Security, the chief of which
4 is the Director of the Bureau of Unemployment Security;
- 6 B. The Bureau of Labor Standards, the chief of which is the
8 Director of the Bureau of Labor Standards;
- 10 C. The Bureau of Employment and Training Programs, the
12 chief of which is the Director of the Bureau of Employment
14 and Training Programs;
- 16 D. The Bureau of Administrative Services, the chief of
18 which is the Director of the Bureau of Administrative
20 Services;
- 22 E. The Bureau of Licensing and Enforcement, the chief of
24 which is the Director of the Bureau of Licensing and
26 Enforcement;
- 28 F. The Bureau of Banking, the chief of which is the
30 Superintendent of Banking;
- 32 G. The Bureau of Consumer Credit Protection, the chief of
34 which is the Superintendent of Consumer Credit Protection;
- 36 H. The Bureau of Insurance, the chief of which is the
38 Superintendent of Insurance; and
- 40 I. The Bureau of Business, the chief of which is the
42 Director of the Bureau of Business.
- 44 2. Commissions. The department includes the following
46 commissions:
 - 48 A. The Maine Unemployment Insurance Commission;
 - B. The Mandated Benefits Advisory Commission;
 - C. The Maine Athletic Commission;
 - D. The Real Estate Commission; and
 - E. The Maine State Pilotage Commission.
- 3. Councils. The department includes the following
 councils:
 - A. The Human Resource Development Council.

R. of S.

2
4
6
8
10
12
14
16
18
20
22
24
26
28
30
32
34
36
38
40
42
44
46
48

- 4. Boards. The department includes the following boards:
- A. State Board of Registration of Architects and Landscape Architects;
- B. State Board of Cosmetology;
- C. Board of Dental Examiners;
- D. Board of Registration in Medicine;
- E. State Board of Nursing;
- F. Board of Optometric Examiners;
- G. Board of Osteopathic Examination and Registration;
- H. Board of Examiners of Podiatrists;
- I. State Board of Registration for Professional Engineers;
- J. Arborist Examining Board;
- K. Board of Licensing of Auctioneers;
- L. Board of Barbering and Cosmetology;
- M. Board of Commercial Driver Education;
- N. Board of Licensing of Dietetic Practice;
- O. Electricians' Examining Board;
- P. State Board of Licensure for Professional Foresters;
- Q. State Board of Funeral Service;
- R. State Board of Certification for Geologists and Soil Scientists;
- S. Board of Hearing Aid Dealers and Fitters;
- T. Manufactured Housing Board;
- U. Nursing Home Administrators Licensing Board;
- V. Board of Occupational Therapy Practice;

- 2 W. Oil and Solid Fuel Board;
4 X. Board of Examiners in Physical Therapy;
6 Y. Plumbers' Examining Board;
8 Z. Radiologic Technology Board of Examiners;
10 AA. Board of Respiratory Care Practitioners;
12 BB. Board of Examiners on Speech Pathology and Audiology;
14 CC. State Board of Veterinary Medicine;
16 DD. Acupuncture Licensing Board;
18 EE. Board of Commissioners of the Profession of Pharmacy;
20 FF. Board of Licensure for Professional Land Surveyors;
22 GG. Maine State Board for Licensure of Architects and
24 Landscape Architects;
26 HH. Board of Chiropractic Examination and Registration;
28 II. Board of Licensure of Railroad Personnel;
30 JJ. Board of Licensing Counseling Professionals Licensure;
 and
32 KK. Board of Real Estate Appraisers.

34 5. Independent agencies; affiliation. The commissioner
36 shall closely coordinate the activities of the department with
 those of the following independent agencies:

- 38 A. Maine World Trade Association;
40 B. Finance Authority of Maine;
42 C. Maine Tourism Commission;
44 D. Maine Small Business Commission; and
46 E. Maine Science and Technology Commission.

2 **Sec. E-5. Reorganization of labor and commerce services.** It is
3 the intent of the Legislature that the Department of Labor, the
4 Department of Professional and Financial Regulation and the
5 Department of Economic and Community Development be abolished on
6 July 1, 1993. The functions of the Department of Labor, the
7 Department of Professional and Financial Regulation and the
8 Department of Economic and Community Development, Office of
9 Business Development existing prior to that date are transferred
10 to the newly created Department of Labor and Commerce.

11 The positions of Commissioner of Labor, Commissioner of
12 Professional and Financial Regulation and Commissioner of
13 Economic and Community Development are abolished.

14 **Sec. E-6. Independent status.** It is the intent of the
15 Legislature that the agencies listed in the Maine Revised
16 Statutes, Title 26, section 1408, subsection 5 are independent
17 entities within State Government regardless of any administrative
18 relationships described in law.

19 **Sec. E-7. Transition provisions.** The Commissioner of Labor, in
20 consultation with the affected parties, shall submit the
21 necessary implementing legislation to the Legislative Council no
22 later than January 1, 1993. In addition to providing for the
23 creation of the new Department of Labor and Commerce, the
24 implementing legislation must provide for the appropriate
25 reassignment of all community development responsibilities of the
26 former Department of Economic and Community Development.

27 **Sec. E-8. Effective date.** Sections 1 to 4 of this Part take
28 effect on July 1, 1993.

29 Further amend the amendment by relettering the Parts to read
30 consecutively.

31 **FISCAL NOTE**

32 This amendment will result in savings as a result of
33 eliminating certain positions. The total savings that will
34 result from the merger of 3 existing departments into the
35 Department of Labor and Commerce can not be determined at this
36 time.

STATEMENT OF FACT

2
4
6
8
10
12
14
16
18
20
22

This amendment adds a part to the committee amendment that creates a new department in State Government called the Department of Labor and Commerce. It abolishes the Department of Labor, the Department of Economic and Community Development and the Department of Professional and Financial Regulation. The new department assumes all the duties and functions of the Department of Labor, the Department of Professional and Financial Regulation and the Department of Economic and Community Development, except those portions dealing with community development. Additional commissions, boards and independent agencies are also added to the new department.

(President PRAY)
SPONSORED BY:



COUNTY: Penobscot

Reproduced and Distributed Pursuant to Joint Rule 12.
(3/26/92) (Filing No. S-715)