

MAINE STATE LEGISLATURE

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BUSINESS AND ECONOMIC DEVELOPMENT

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**STATE OF MAINE
HOUSE OF REPRESENTATIVES
117TH LEGISLATURE
FIRST REGULAR SESSION**

COMMITTEE AMENDMENT "A" to H.P. 1102, L.D. 1549, Bill, "An Act to Create Uniformity in Laws Governing Various Professional Licensing Boards and Commissions"

Amend the bill by inserting after the enacting clause the following:

'Sec. 1. 9-A MRSA §6-116, sub-§2, as enacted by PL 1985, c. 763, Pt. A, §51, is amended to read:

2. Financial information not normally available to the public that is submitted in confidence by an applicant for a license individual or organization to comply with the licensing, registration or other regulatory functions of the administrator; and'

Further amend the bill in section 10 in subsection 38 in the blocked paragraph in the 2nd line (page 3, line 28 in L.D.) by striking out the following: "registration functions:" and inserting in its place the following: 'regulation functions: licensure of athletic trainers:'

Further amend the bill by inserting after section 12 the following:

'Sec. 13. 30-A MRSA §3962, sub-§1, ¶B-1, as enacted by PL 1993, c. 59, §2, is amended to read:

B-1. The terms of redemption or repurchase, including any reduction in the finance charge for early redemption or

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repurchase and the right of the consumer to at least one extension of 31-days one month at the same rate of interest upon request in writing or in person; and

Sec. 14. 30-A MRSA §3963, sub-§5, as enacted by PL 1993, c. 59, §3, is amended to read:

5. **Extension required upon request.** A consumer is entitled to at least one extension of the pawn transaction of 31-days one month at the same rate of interest upon request in writing or in person.'

Further amend the bill in section 13 in that part designated "§60-H." by inserting at the end 2 new paragraphs to read:

' "Actual expenses" include, but are not limited to, travel expenses and the proportionate part of the salaries and other expenses of investigators or inspectors, hourly costs of hearing officers not to exceed \$800, costs associated with record retrieval and the costs of transcribing or reproducing the administrative record.

The board or commission, as soon as feasible after finding a violation, shall give the licensee notice of the assessment. The licensee shall pay the assessment in the time specified by the board, which may not be less than 30 days.'

Further amend the bill by inserting after section 37 the following:

Sec. 38. 32 MRSA §2153-A, sub-§11, as enacted by PL 1993, c. 600, Pt. A, §123, is amended to read:

11. **Budget.** Shall submit to the Commissioner of Professional and Financial Regulation its budgetary requirements in the same manner as is provided in Title 5, section 1665 and the commissioner shall in turn transmit these requirements to the Bureau of the Budget without any revision or exchange, alteration or change, unless alterations are mutually agreed upon by the Department of Professional and Financial Regulation and the board or the board's designee. The budget submitted by the board to the commissioner must be sufficient to enable the board to comply with this subchapter;

Sec. 39. 32 MRSA §2153-A, last ¶, as enacted by PL 1993, c. 600, Pt. A, §123, is repealed and the following enacted in its place:

The Commissioner of Professional and Financial Regulation shall act as a liaison between the board and the Governor. The commissioner may not exercise or interfere with the exercise of

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discretionary, regulatory or licensing authority granted by statute to the board. The commissioner may require the board to be accessible to the public for complaints and questions during regular business hours and to provide any information the commissioner requires in order to ensure that the board is operating administratively within the requirements of this chapter.'

Further amend the bill by inserting after section 95 the following:

'Sec. 96. 32 MRSA §11002, sub-§2, as enacted by PL 1985, c. 702, §2, is amended to read:

2. Conducting business in this State. "Conducting business in this State" means the collection or attempted collection of a debt due another by a debt collector located in this State or; the face-to-face solicitation of creditors in this State as clients, and the collection or attempted collection of their debts, by a debt collector, wherever located; or the collection or attempted collection of debts incurred between a consumer in this State and creditor in this State by a debt collector, wherever located.'

Further amend the bill by inserting after section 121 the following:

'Sec. 122. Allocation. The following funds are allocated from Other Special Revenue to carry out the purposes of this Act.

	1995-96	1996-97
PROFESSIONAL AND FINANCIAL REGULATION, DEPARTMENT OF		
Accountancy - Board of		
Positions - Other Count	(-1.0)	(-1.0)
Personal Services	(\$30,222)	(\$40,294)
All Other	(37,284)	(51,672)
TOTAL	(\$67,506)	(\$91,966)

Deallocates funds to accomplish a funding transfer to the Division of Licensing and Enforcement.

Acupuncture Licensing Board

A. et S.

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2 All Other (\$2,078) (\$2,853)

4 Deallocates funds to
6 accomplish a funding transfer
to the Division of Licensing
and Enforcement.

Arborist Examining Board

10 Personal Services (\$563) (\$750)

12 All Other (3,464) (4,699)

14 TOTAL (\$4,027) (\$5,449)

16 Deallocates funds to
18 accomplish a funding transfer
to the Division of Licensing
and Enforcement.

**Architects, Landscape Architects
and Interior Designers - Maine
State Board for Licensure of**

24 Positions - Other Count (-1.0) (-1.0)

26 Personal Services (\$28,107) (\$37,143)

28 All Other (32,414) (46,124)

TOTAL (\$60,521) (\$83,267)

30 Deallocates funds to
32 accomplish a funding transfer
to the Division of Licensing
and Enforcement.

Maine Athletic Commission

38 Personal Services (\$1,500) (\$2,000)

40 All Other (5,146) (6,861)

TOTAL (\$6,646) (\$8,861)

42 Deallocates funds to
44 accomplish a funding transfer
to the Division of Licensing
and Enforcement.

**Barbering and Cosmetology -
Board of**

50

R. & S.

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2	Positions - Other Count	(-7.0)	(-7.0)
	Personal Services	(\$198,494)	(\$262,904)
	All Other	(85,143)	(116,151)
4			
6	TOTAL	<u>(\$283,637)</u>	<u>(\$379,055)</u>

8 Deallocates funds to accomplish a funding transfer to the Division of Licensing and Enforcement.

12 **Chiropractic Licensure - Board of**

14	Positions - Other Count	(-1.0)	(-1.0)
	Personal Services	(\$24,511)	(\$33,538)
16	All Other	(10,438)	(14,239)
18	TOTAL	<u>(\$39,949)</u>	<u>(\$47,777)</u>

20 Deallocates funds to accomplish a funding transfer to the Division of Licensing and Enforcement.

24 **Commercial Driver Education**

26	Personal Services	(\$315)	(\$420)
28	All Other	(10,727)	(14,490)
30	TOTAL	<u>(\$11,042)</u>	<u>(\$14,910)</u>

32 Deallocates funds to accomplish a funding transfer to the Division of Licensing and Enforcement.

36 **Counseling Professionals Licensure - Board of**

40	Positions - Other Count	(-0.5)	(-0.5)
42	Personal Services	(\$17,231)	(\$22,811)
	All Other	(24,627)	(34,060)
44	TOTAL	<u>(\$41,858)</u>	<u>(\$56,871)</u>

46 Deallocates funds to accomplish a funding transfer to the Division of Licensing and Enforcement.

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Electricians' Examining Board

2			
	Positions - Other Count	(-8.0)	(-8.0)
4	Personal Services	(\$254,932)	(\$339,995)
	All Other	(69,706)	(92,908)
6			
	TOTAL	<u>(\$324,638)</u>	<u>(\$432,903)</u>

8
10 Deallocates funds to
12 accomplish a funding transfer
to the Division of Licensing
and Enforcement.

**14 Foresters - State Board of
Licensure for**

16			
	Personal Services	(\$1,125)	(\$1,500)
18	All Other	(10,355)	(14,186)
20			
	TOTAL	<u>(\$11,480)</u>	<u>(\$15,686)</u>

22 Deallocates funds to
24 accomplish a funding transfer
to the Division of Licensing
and Enforcement.

Funeral Service - State Board of

28			
	Personal Services	(\$7,586)	(\$10,408)
30	All Other	(10,156)	(13,874)
32			
	TOTAL	<u>(\$17,742)</u>	<u>(\$24,282)</u>

34 Deallocates funds to
36 accomplish a funding transfer
to the Division of Licensing
and Enforcement.

**40 Geologists and Soil Scientists -
State Board of Certification for**

42			
	Personal Services	(\$735)	(\$980)
44	All Other	(1,882)	(2,583)
46			
	TOTAL	<u>(\$2,617)</u>	<u>(\$3,563)</u>

48 Deallocates funds to
accomplish a funding transfer
to the Division of Licensing
and Enforcement.

R. G. S.

2 **Hearing Aid Dealers and Fitters -
Board of**

4	Personal Services	(\$3,780)	(\$5,040)
6	All Other	(5,446)	(7,458)
8	TOTAL	(\$9,226)	(\$12,498)

10 Deallocates funds to
12 accomplish a funding transfer
to the Division of Licensing
and Enforcement.

14
16 **Land Surveyors - Board of
Registration for**

18	Personal Services	(\$2,250)	(\$3,000)
20	All Other	(16,814)	(23,242)
22	TOTAL	(\$19,064)	(\$26,242)

24 Deallocates funds to
accomplish a funding transfer
to the Division of Licensing
and Enforcement.

28 **Licensing of Auctioneers -
Board of**

30	Personal Services	(\$1,350)	(\$1,800)
32	All Other	(4,545)	(6,089)
34	TOTAL	(\$5,895)	(\$7,889)

36 Deallocates funds to
38 accomplish a funding transfer
to the Division of Licensing
and Enforcement.

40
42 **Licensing and Enforcement**

44	Positions - Other Count	(32.0)	(32.0)
46	Personal Services	\$999,701	\$1,331,735
48	All Other	685,022	935,926
50	TOTAL	\$1,684,723	\$2,267,661

Allocates funds to accomplish
the consolidation of 35

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2 professional regulatory board
3 programs into one program.
4 This funding transfer
5 includes all operating costs
6 and the following positions:
7 one Clerk Typist III position
8 from the Board of
9 Accountancy; one Clerk Typist
10 III position from the State
11 Board for Licensure of
12 Architects, Landscape
13 Architects and Interior
14 Designers; 2 Clerk Typist II
15 positions, 2 Clerk Typist III
16 positions, 2 Compliance
17 Officer positions and one
18 Case Compliance Coordinator
19 position from the Board of
20 Barbering and Cosmetology;
21 one Clerk Typist II position
22 from the Board of
23 Chiropractic Licensure; 1/2
24 Clerk Typist II position from
25 the Board of Counseling
26 Professionals Licensure; one
27 Clerk Typist II position, one
28 Clerk Typist III position, 5
29 Electrical Inspector
30 positions and one Senior
31 Electrical Inspector position
32 from the Electricians'
33 Examining Board; 1/2 Clerk
34 Typist II position, one Clerk
35 Typist III position, one
36 Manufactured Housing
37 Inspector position and one
38 Executive Director position
39 from the Manufactured Housing
40 Board; one Clerk Typist III
41 position, 2 Oilburner
42 Inspector positions and one
43 Senior Oilburner Inspector
44 position from the Oil and
45 Solid Fuel Board; one Clerk
46 Typist II position, one Clerk
47 Typist III position, one
48 Plumbing Inspector position
49 and one Senior Plumbing
50 Inspector position from the
Plumbers' Examining Board;

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2 and one Clerk Typist II
position and one Clerk Typist
4 III position from the State
Board of Social Worker
Licensure.

6

8 **Licensing of Dietetic Practice -
Board of**

10	Personal Services	(\$1,050)	(\$1,400)
	All Other	(4,658)	(6,280)
12			
	TOTAL	(\$5,708)	(\$7,680)

14

16 Deallocates funds to
accomplish a funding transfer
to the Division of Licensing
18 and Enforcement.

20 **Manufactured Housing Board**

22	Positions - Other Count	(-3.5)	(-3.5)
	Personal Services	(\$112,091)	(\$147,806)
24	All Other	(70,052)	(93,403)
26			
	TOTAL	(\$182,143)	(\$241,209)

28 Deallocates funds to
accomplish a funding transfer
30 to the Division of Licensing
and Enforcement.

32

34 **Nursing Home Administrators
Licensing Board**

36	Personal Services	(\$2,205)	(\$2,940)
	All Other	(7,743)	(10,660)
38			
	TOTAL	(\$9,948)	(\$13,600)

40

42 Deallocates funds to
accomplish a funding transfer
to the Division of Licensing
44 and Enforcement.

46 **Occupational Therapists - Board of**

48	Personal Services	(\$1,050)	(\$1,400)
	All Other	(1,877)	(2,574)
50			

100

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2 TOTAL (\$2,927) (\$3,974)

4 Deallocates funds to

6 accomplish a funding transfer

8 to the Division of Licensing

10 and Enforcement.

8 Oil and Solid Fuel Board

10 Positions - Other Count (-4.0) (-4.0)

12 Personal Services (\$124,977) (\$168,017)

14 All Other (25,043) (34,254)

16 TOTAL (\$150,020) (\$202,271)

18 Deallocates funds to

20 accomplish a funding transfer

22 to the Division of Licensing

24 and Enforcement.

22 Pharmacy - Board of Commissioners of the Profession of

24 Personal Services (\$2,940) (\$3,920)

26 All Other (37,279) (50,904)

28 TOTAL (\$40,219) (\$54,824)

30 Deallocates funds to

32 accomplish a funding transfer

34 to the Division of Licensing

36 and Enforcement.

36 Physical Therapy - Board of Examiners

38 Personal Services (\$1,125) (\$1,500)

40 All Other (11,423) (15,847)

42 TOTAL (\$12,548) (\$17,347)

44 Deallocates funds to

46 accomplish a funding transfer

48 to the Division of Licensing

50 and Enforcement.

48 Maine State Pilotage Commission

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2 All Other (\$482) (\$659)

4 Deallocates funds to
accomplish a funding transfer
6 to the Division of Licensing
and Enforcement.

8 **Plumbers' Examining Board**

10 Positions - Other Count (-4.0) (-4.0)

12 Personal Services (\$116,036) (\$155,377)

12 All Other (30,089) (40,510)

14 TOTAL (\$146,125) (\$195,887)

16 Deallocates funds to
18 accomplish a funding transfer
to the Division of Licensing
and Enforcement.

20 **Licensure of Podiatric
22 Medicine - Board of**

24 Personal Services (\$938) (\$1,250)

26 All Other (5,103) (7,006)

TOTAL (\$6,041) (\$8,256)

28 Deallocates funds to
30 accomplish a funding transfer
32 to the Division of Licensing
and Enforcement.

34 **Psychologists - Board of
Examiners**

36 Personal Services (\$4,523) (\$5,670)

38 All Other (20,378) (28,235)

40 TOTAL (\$24,901) (\$33,905)

42 Deallocates funds to
44 accomplish a funding transfer
to the Division of Licensing
and Enforcement.

46 **Radiologic Technology Board of
48 Examiners**

50 All Other (\$7,107) (\$9,766)

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2 Deallocates funds to
4 accomplish a funding transfer
to the Division of Licensing
and Enforcement.

6

**Real Estate Appraisers -
Board of**

8

10	Personal Services	(\$1,838)	(\$2,450)
	All Other	(46,328)	(64,204)
12			
	TOTAL	<u>(\$48,166)</u>	<u>(\$66,654)</u>

14

16 Deallocates funds to
accomplish a funding transfer
to the Division of Licensing
and Enforcement.

18

**20 Respiratory Care Practitioners -
Board of**

22

24	Personal Services	(\$2,100)	(\$2,800)
	All Other	(7,211)	(9,911)
26			
	TOTAL	<u>(\$9,311)</u>	<u>(\$12,711)</u>

28

30 Deallocates funds to
accomplish a funding transfer
to the Division of Licensing
and Enforcement.

32

**34 Social Worker Licensure -
State Board of**

36

36	Positions - Other Count	(-2.0)	(-2.0)
	Personal Services	(\$51,319)	(\$68,212)
38	All Other	(57,780)	(79,805)
40			
	TOTAL	<u>(\$109,099)</u>	<u>(\$148,017)</u>

42

44 Deallocates funds to
accomplish a funding transfer
to the Division of Licensing
and Enforcement.

46

**48 Speech Pathology and Audiology -
Board of Examiners on**

50

50	Personal Services	(\$1,838)	(\$2,450)
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2	All Other	(4,403)	(5,835)
4	TOTAL	<u>(\$6,241)</u>	<u>(\$8,285)</u>

10 **Substance Abuse Counselors - State Board of**

12	All Other	(\$12,468)	(\$17,189)
14	Deallocates funds to		
16	accomplish a funding transfer		
18	to the Division of Licensing and Enforcement.		

20 **Veterinary Medicine - State Board of**

22	Personal Services	(\$2,970)	(\$3,960)
24	All Other	(5,373)	(7,395)
26	TOTAL	<u>(\$8,343)</u>	<u>(\$11,355)</u>
28	Deallocates funds to		
30	accomplish a funding transfer		
32	to the Division of Licensing and Enforcement.		

34 **DEPARTMENT OF PROFESSIONAL AND FINANCIAL REGULATION TOTAL**

<u>\$-0-</u>	<u>\$-0-</u>
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36 Further amend the bill by relettering or renumbering any
38 nonconsecutive Part letter or section number to read
40 consecutively.

42 Further amend the bill by inserting at the end before the
statement of fact the following:

46 **FISCAL NOTE**

48 This bill consolidates for financial purposes 35
professional regulatory boards into the Division of Licensing and
Enforcement within the Department of Professional and Financial
50 Regulation. Deallocations totalling \$1,684,723 and \$2,267,661

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for fiscal years 1995-96 and 1996-97, respectively, will be required from the 35 boards and allocations of the same amounts will be made to the division. This funding transfer will not result in any net changes to the allocations for the Department of Professional and Financial Regulation.

This bill may also increase prosecutions for civil violations. The additional workload and administrative costs associated with the minimal number of new cases filed in the court system can be absorbed within the budgeted resources of the Judicial Department. The collection of additional fines may increase General Fund revenue by minor amounts.'

STATEMENT OF FACT

The bill makes a number of changes in the authority and responsibility of the Department of Professional and Financial Regulation and the various boards under it.

This amendment does the following:

1. Adds licensing of athletic trainers to the functions of the department;

2. Creditors must submit a variety of confidential financial information to the Bureau of Consumer Credit Protection for regulatory purposes. This amendment protects this proprietary information from public disclosure, unless the records become part of a judicial proceeding or administrative hearing;

3. Allows a board or commission, upon finding a violation, to assess the violator for investigatory and enforcement expenses;

4. Amends the pawnbroker laws to make the extension time period consistent with other such periods in the State's pawnbroker laws;

5. Corrects an error made last year when 2 bills amended the same section of the law, resulting in the omission of material from a departmental bill concerning the State Board of Nursing; and

6. Clarifies that a debt collector must be licensed in order to collect a debt incurred between a consumer in this State and a creditor in this State. It addresses a loophole that allows a business in this State to send a delinquent account to its out-of-state headquarters, which then hires an unlicensed collection agency to collect against a consumer of this State.

RMS

COMMITTEE AMENDMENT "A" to H.P. 1102, L.D. 1549

- 2 7. Adds an allocation section and a fiscal note to the bill.

COMMITTEE AMENDMENT