

MAINE STATE LEGISLATURE

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117th MAINE LEGISLATURE

FIRST REGULAR SESSION-1995

Legislative Document

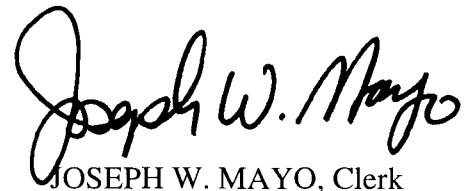
No. 1549

H.P. 1102

House of Representatives, May 24, 1995

An Act to Create Uniformity in Laws Governing Various Professional Licensing Boards and Commissions.

Reference to the Committee on Business and Economic Development suggested and
ordered printed.


JOSEPH W. MAYO, Clerk

Presented by Representative VIGUE of Winslow. (GOVERNOR'S BILL)

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

Sec. 1. 10 MRSA c. 901 is amended by repealing the chapter headnote and enacting the following in its place:

CHAPTER 901

DEPARTMENT OF PROFESSIONAL AND FINANCIAL REGULATION

Sec. 2. 10 MRSA §8001, first ¶, as repealed and replaced by PL 1991, c. 548, Pt. B, §1, is amended to read:

There is created and established the Department of Professional and Financial Regulation, in this chapter referred to as the "department," to regulate financial institutions, insurance companies, commercial sports, grantors of consumer credit and to license and regulate professions and occupations. The department is composed of the following ~~bureaus,--boards--and commissions:~~

Sec. 3. 10 MRSA §8001, sub-§§1 to 3, as repealed and replaced by PL 1991, c. 548, Pt. B, §1, are amended to read:

1. **Bureau of Banking.** Bureau of Banking,--Bureau-of;

2. **Bureau of Consumer Credit Protection.** Bureau of Consumer Credit Protection,--Bureau-of;

3. **Bureau of Insurance.** Bureau of Insurance,--Bureau-of;

Sec. 4. 10 MRSA §8001, sub-§§4 to 22, as repealed and replaced by PL 1991, c. 548, Pt. B, §1, are repealed.

Sec. 5. 10 MRSA §8001, sub-§22-A, as enacted by PL 1993, c. 600, Pt. A, §6, is repealed.

Sec. 6. 10 MRSA §8001, sub-§§23 to 32, as repealed and replaced by PL 1991, c. 548, Pt. B, §1, are repealed.

Sec. 7. 10 MRSA §8001, sub-§32-A, as amended by PL 1993, c. 389, §3, is repealed.

Sec. 8. 10 MRSA §8001, sub-§33, as amended by PL 1993, c. 600, Pt. A, §7, is repealed.

Sec. 9. 10 MRSA §8001, sub-§§35 to 36, as repealed and replaced by PL 1991, c. 548, Pt. B, §1, are repealed.

Sec. 10. 10 MRSA §8001, sub-§§37 and 38 are enacted to read:

2 37. Real Estate Commission. Real Estate Commission; and

4 38. Division of Licensing and Enforcement. Division of
6 Licensing and Enforcement. The Division of Licensing and
8 Enforcement is composed of the following:

10 A. Board of Accountancy;

12 B. Acupuncture Licensing Board;

14 C. Arborist Examining Board;

16 D. Maine State Board for Licensure of Architects, Landscape
18 Architects and Interior Designers;

20 E. Maine Athletic Commission;

22 F. Board of Licensing of Auctioneers;

24 G. Board of Barbering and Cosmetology;

26 H. Board of Chiropractic Licensure;

28 I. Board of Commercial Driver Education;

30 J. Board of Counseling Professionals Licensure;

32 K. Board of Licensing of Dietetic Practice;

34 L. Electricians' Examining Board;

36 M. State Board of Licensure for Professional Foresters;

38 N. State Board of Funeral Service;

40 O. State Board of Certification for Geologists and Soil
42 Scientists;

44 P. Board of Hearing Aid Dealers and Fitters;

46 Q. Board of Licensure for Professional Land Surveyors;

48 R. Manufactured Housing Board;

50 S. Nursing Home Administrators Licensing Board;

T. Board of Occupational Therapy Practice;

U. Oil and Solid Fuel Board;

2 V. Board of Commissioners of the Profession of Pharmacy;

4 W. Board of Examiners in Physical Therapy;

6 X. Maine State Pilotage Commission;

8 Y. Plumbers' Examining Board;

10 Z. Board of Licensure of Podiatric Medicine;

12 AA. State Board of Examiners of Psychologists;

14 BB. Radiologic Technology Board of Examiners;

16 CC. Board of Real Estate Appraisers;

18 DD. Board of Respiratory Care Practitioners;

20 EE. State Board of Social Worker Licensure;

22 FF. Board of Examiners on Speech Pathology and Audiology;

24 GG. State Board of Substance Abuse Counselors; and

26 HH. State Board of Veterinary Medicine.

28 The Division of Licensing and Enforcement also has the following
30 registration functions: registration of massage therapists;
32 registration of persons pursuant to the Charitable Solicitations
34 Act; and registration of transient sellers, including
36 door-to-door home repair transient sellers.

38 **Sec. 11. 10 MRSA §8003, sub-§2, as amended by PL 1987, c. 609,**
40 **§2, is further amended to read:**

42 **2. Division of Licensing and Enforcement.** There is created
44 a Division of Licensing and Enforcement, which ~~shall constitute~~
46 constitutes a division within the department, to provide
48 assistance to the commissioner and to direct the agencies boards
and commissions within the department division, as set forth in
section 8001, subsection 38, in complaint procedure and
investigation, disciplinary actions and enforcement, and--in
examinations and licensing examinations, and to perform such
other duties as the commissioner may designate. The commissioner
may employ a ~~Director~~ Regulatory Board Administrator of Licensing
and Enforcement and such clerical and technical assistants as are
necessary to discharge the duties of the division, and shall
outline their duties and fix their compensation, subject to the

Civil Service Law. The division has the following powers, duties and functions:

B. To prepare and administer, with the advice of the boards and commissions, budgets necessary to carry out the regulatory functions of the boards and commissions. There is one divisional budget that includes a separate account for each board or commission. The division has the authority to disapprove expenditures by boards and commissions that are not necessary to protect the public health and welfare or would seriously jeopardize a board's or commission's fiscal well-being; and

C. To provide all staffing necessary and appropriate to assist the various boards and commissions. All clerks, technical support staff and supervisors must be assigned to the division and allocated to the various boards and commissions according to need.

Sec. 12. 10 MRSA §9003, sub-§5, as amended by PL 1993, c. 642, §10, is repealed.

Sec. 13. 32 MRSA §§60-B to 60-I are enacted to read:

§60-B. Compensation

Members of a board or commission are entitled to compensation in accordance with Title 5, chapter 379. If the fees collected by a board or commission are insufficient to pay the compensation provided by Title 5, chapter 379, the members are entitled to a pro rata payment in any year in which those fees are insufficient.

§60-C. Disposition of fees

All money received by a board or commission must be paid to the Treasurer of State and credited to the account for that board or commission within the budget of the Division of Licensing and Enforcement.

Money received by a board or commission must be used for the expenses of administering its statutory responsibilities, including, but not limited to, the costs of conducting investigations, taking testimony and procuring the attendance of witnesses, the costs of all legal proceedings initiated for enforcement and administrative expenses.

Any balance of these fees may not lapse but must be carried forward as a continuing account to be expended for the same purposes in the following fiscal years.

§60-D. Contracts

A board or commission may enter into contracts to carry out its statutory responsibilities. The Department of Professional and Financial Regulation, Division of Licensing and Enforcement may enter into contracts in its own right, or on behalf of boards and commissions, in order to ensure the provision of goods and services necessary to fulfill statutory responsibilities.

§60-E. Budget

The budget account of a board or commission must be prepared and administered as provided in Title 10, section 8003.

§60-F. Employees

The Commissioner of Professional and Financial Regulation shall appoint, subject to the Civil Service Law, employees as may be necessary to carry out the duties and functions of the various boards and commissions. A person so employed must be located in the department, allocated to the Division of Licensing and Enforcement and under the administrative and supervisory direction of the commissioner.

§60-G. Disciplinary actions

1. Filing of complaints. A board or commission shall file complaints received from a person or initiated by a board or commission with the Division of Licensing and Enforcement.

2. Investigation of allegations of unlicensed practice; prosecution. Allegations of unlicensed practice may be investigated by a board's or commission's complaint officer or inspector in conjunction with the division's case compliance coordinator. If sufficient evidence of unlicensed practice is uncovered, the evidence must be compiled and presented to the Department of the Attorney General or the local district attorney's office for prosecution.

§60-H. Investigations; enforcement duties; assessments

When there is a finding of a violation, a board or commission may assess the licensed person or entity for actual expenses incurred by the board, commission or its agents for investigations and enforcement duties performed.

§60-I. Citations and fines

Any board or commission may adopt by rule a list of violations for which citations may be issued by professional technical support staff. A violation may carry a fine not to exceed \$200. Citations issued by the Division of Licensing and Enforcement must expressly inform the licensee that the licensee may pay the fine or request a hearing before the board or commission regarding the violation.

Sec. 14. 32 MRSA §63-A, sub-§§4 and 5, as amended by PL 1993, c. 600, Pt. A, §28, are repealed.

Sec. 15. 32 MRSA §63-A, sub-§6, as amended by PL 1991, c. 341, §3, is repealed.

Sec. 16. 32 MRSA §63-A, sub-§7, as amended by PL 1993, c. 600, Pt. A, §28, is further amended to read:

7. Reports; budget. No later than August 1st of each year, the board shall submit to the commissioner a report of its transactions of the preceding fiscal year ending June 30th and shall transmit to the commissioner a complete statement of all receipts and expenditures of the board, attested by affidavit of its chair. ~~The board shall submit to the commissioner its budgetary requirements in the same manner as provided in Title 5, section 1665.~~

Sec. 17. 32 MRSA §63-B, sub-§7, as enacted by PL 1985, c. 233, §6, is repealed.

Sec. 18. 32 MRSA §213-A, as amended by PL 1991, c. 396, §§6 and 7, is repealed.

Sec. 19. 32 MRSA §214, sub-§3, as enacted by PL 1983, c. 413, §6, is repealed.

Sec. 20. 32 MRSA §217-B, as amended by PL 1987, c. 395, Pt. A, §113, is repealed.

Sec. 21. 32 MRSA §217-C, as enacted by PL 1991, c. 396, §10, is repealed.

Sec. 22. 32 MRSA §271-A, as amended by PL 1985, c. 748, §31, is repealed.

Sec. 23. 32 MRSA §501, as amended by PL 1993, c. 600, Pt. A, §43, is further amended to read:

§501. Membership; qualifications; term; removal

2 The Board of Chiropractic Licensure, as established by Title
3 5, section 12004-A, subsection 8, and in this chapter called the
4 "board," consists of 7 individuals appointed by the Governor.
5 These individuals must be residents of this State, 5 of whom must
6 be graduates of a legally chartered chiropractic school, college
7 or university having the power to confer degrees in chiropractic
8 and must be, at the time of their appointment, actively engaged
9 in the practice of their profession for a period of at least 3
10 years in this State. Two members must be representatives of the
11 public. Each appointment is for a period of 3 years. Appointments
12 of members must comply with section 60. A member of the board
13 may be removed from office for cause by the Governor. ~~Members of~~
14 ~~the board are entitled to compensation in accordance with the~~
15 ~~provisions of Title 5, chapter 379.~~

16 **Sec. 24. 32 MRSA §506**, as amended by PL 1993, c. 600, Pt. A,
17 §47, is further amended to read:

18 **§506. License expiration**

19 ~~The board shall submit to the Commissioner of Professional~~
20 ~~and Financial Regulation its budgetary requirements in the same~~
21 ~~manner as provided in Title 5, section 1665, and the commissioner~~
22 ~~shall in turn transmit these requirements to the Bureau of the~~
23 ~~Budget without revision or change.~~

24 ~~With the advice of the board, the commissioner may appoint,~~
25 ~~subject to the Civil Service Law, employees necessary to carry~~
26 ~~out this chapter. Employees must be located in the department~~
27 ~~and shall act under the administrative and supervisory direction~~
28 ~~of the commissioner.~~

29 All licenses expire ~~bienially~~ biennially, beginning on
30 December 31, 1992 or at any other time the commissioner
31 designates.

32 **Sec. 25. 32 MRSA §1151, last ¶**, as amended by PL 1991, c. 438,
33 §1, is repealed.

34 **Sec. 26. 32 MRSA §1152, first ¶**, as amended by PL 1993, c. 220,
35 §1, is further amended to read:

36 ~~The Commissioner of Professional and Financial Regulation,~~
37 ~~with the advice and consent of the board, may appoint, subject to~~
38 ~~the Civil Service Law, such employees as may be necessary to~~
39 ~~carry out this chapter.~~ At no time may there be fewer than 6
40 electrical inspectors to carry out the mandates of this chapter.
41 The board shall raise funds as necessary to support the costs of
42 its employees and their administrative support. ~~Any person se~~

2 ~~employed must be located in the Department of Professional and~~
3 ~~Financial Regulation and under the administrative and supervisory~~
4 ~~direction of the Commissioner of Professional and Financial~~
5 ~~Regulation.~~

6 **Sec. 27. 32 MRSA §1154**, as amended by PL 1983, c. 553, §27,
7 is repealed.

8 **Sec. 28. 32 MRSA §1451, 4th ¶**, as amended by PL 1983, c. 812,
9 §206, is repealed.

10 **Sec. 29. 32 MRSA §1451, 5th ¶**, as amended by PL 1983, c. 553,
11 §30, is further amended to read:

12 The board shall keep a record of all proceedings, issue all
13 notices, certificates of registration and licenses and cause
14 inspections to be made at least once every 3 years of all
15 establishments or places of business of any person engaged in the
16 profession of funeral service in the State. The inspection ~~shall~~
17 must be for the purpose of determining that these establishments
18 and places are maintained in a clean and sanitary manner and that
19 suitable equipment for their proper conduct is maintained and
20 that the laws and the regulations of the board and of the
21 Department of Human Services relating to the conduct of these
22 establishments are observed. ~~The board may employ one or more~~
23 ~~inspectors to carry out the duties of inspection imposed by this~~
24 ~~section, and the~~ The inspection may be made by members of the
25 board upon authorization by the board, ~~and may otherwise enter~~
26 ~~into contracts to carry out its responsibilities under this~~
27 ~~chapter or by professional technical staff.~~

28 **Sec. 30. 32 MRSA §1452-B**, as amended by PL 1981, c. 703, Pt.
29 A, §47, is repealed.

30 **Sec. 31. 32 MRSA §1453**, as amended by PL 1967, c. 253, §3, is
31 repealed.

32 **Sec. 32. 32 MRSA §1660-B, sub-§6-A**, as enacted by PL 1983, c.
33 413, §84, is repealed.

34 **Sec. 33. 32 MRSA §1660-B, sub-§10**, as amended by PL 1985, c.
35 785, Pt. B, §133, is repealed.

36 **Sec. 34. 32 MRSA §1660-D**, as corrected by RR 1993, c. 1, §86,
37 is repealed.

38 **Sec. 35. 32 MRSA §2001, last ¶**, as repealed and replaced by PL
39 1983, c. 812, §215, is repealed.

2 **Sec. 36. 32 MRSA §2002, sub-§4**, as enacted by PL 1983, c. 413,
§104, is repealed.

4 **Sec. 37. 32 MRSA §2004**, as amended by PL 1987, c. 735, §62,
is repealed.

6 **Sec. 38. 32 MRSA §2273, sub-§4**, as repealed and replaced by PL
8 1983, c. 862, §77, is repealed.

10 **Sec. 39. 32 MRSA §2274, sub-§5**, as enacted by PL 1983, c. 746,
§2, is repealed.

12 **Sec. 40. 32 MRSA §2275, sub-§2**, as amended by PL 1985, c. 785,
14 Pt. B, §134, is repealed.

16 **Sec. 41. 32 MRSA §2275, sub-§3**, as enacted by PL 1983, c. 746,
§2, is repealed.

18 **Sec. 42. 32 MRSA §2351, 5th ¶**, as repealed and replaced by PL
20 1983, c. 812, §219, is repealed.

22 **Sec. 43. 32 MRSA §2354**, as amended by PL 1991, c. 198, §17,
is repealed.

24 **Sec. 44. 32 MRSA §3112, sub-§2**, as amended by PL 1983, c. 812,
26 §227, is further amended to read:

28 **2. Meetings.** The board shall meet at least once a year to
conduct its business and to elect a ~~ehairman~~ chair and a
30 secretary~~u~~ who shall serve for 2 years. Additional meetings
shall ~~must~~ be held as necessary to conduct the business of the
32 board, and may be convened at the call of the ~~ehairman~~ chair or a
majority of the board members. The board shall keep ~~such~~ records
34 and minutes as are necessary to the ordinary dispatch of its
functions. ~~Members-of-the-board-shall-be-compensated-according~~
36 ~~to-the-provisions-of-Title-5,-chapter-379.~~

38 **Sec. 45. 32 MRSA §3112, sub-§5, ¶I**, as amended by PL 1983, c.
553, §46, is further amended to read:

40 I. To submit, no later than August 1st of each year to the
42 Commissioner of Professional and Financial Regulation for
the preceding fiscal year ending June 30th, an annual report
44 of its operations and financial position together with such
comments and recommendations as the board ~~deems~~ considers
46 essential~~u~~.

48 **Sec. 46. 32 MRSA §3112, sub-§5, ¶J**, as amended by PL 1985, c.
785, Pt. B, §137, is repealed.

50

2 **Sec. 47. 32 MRSA §3112, sub-§5, ¶K,** as enacted by PL 1983, c.
413, §131, is repealed.

4 **Sec. 48. 32 MRSA §3119,** as enacted by PL 1985, c. 389, §15,
is repealed.

6 **Sec. 49. 32 MRSA §3401, last ¶,** as enacted by PL 1987, c. 597,
8 §9, is amended to read:

10 Any member of the board may be removed from office for
cause, by the Governor. ~~The members of the board shall each be~~
12 ~~compensated according to the provisions of Title 5, chapter 379.~~

14 **Sec. 50. 32 MRSA §3402, first ¶,** as amended by PL 1985, c. 785,
Pt. B, §138, is repealed.

16 **Sec. 51. 32 MRSA §3405,** as amended by PL 1985, c. 389, §20,
18 is repealed.

20 **Sec. 52. 32 MRSA §3603,** as amended by PL 1993, c. 600, Pt. A,
§236, is repealed.

22 **Sec. 53. 32 MRSA §3605-B, sub-§5,** as enacted by PL 1993, c.
24 600, Pt. A, §239, is repealed.

26 **Sec. 54. 32 MRSA §3606,** as amended by PL 1993, c. 659, Pt. B,
§17, is repealed.

28 **Sec. 55. 32 MRSA §3823,** as amended by PL 1985, c. 389, §21,
30 is further amended to read:

32 **§3823. Grants**

34 ~~All fees charged and collected by the board shall be~~
~~deposited by it in the State Treasury to the credit of the~~
36 ~~board. The board may accept grants from foundations or~~
~~institutions, which shall also. These grants must be deposited~~
38 ~~in the State Treasury to the credit of the board. All these~~
~~moneys are appropriated to be used by the board in carrying out~~
40 ~~this chapter. The expenditures of the board may be paid only from~~
~~these moneys. Any balance of these fees shall not lapse, but~~
42 ~~shall be carried forward as a continuing account to be expended~~
~~for the same purposes in the following fiscal years.~~

44 **Sec. 56. 32 MRSA §3824, sub-§4,** as corrected by RR 1993, c. 1,
46 §88, is repealed.

48 **Sec. 57. 32 MRSA §4855, 2nd ¶,** as enacted by PL 1975, c. 477,
50 §4, is repealed.

2 **Sec. 58. 32 MRSA §4855, 3rd ¶**, as amended by PL 1985, c. 785,
Pt. B, §141, is repealed.

4 **Sec. 59. 32 MRSA §4858**, as repealed and replaced by PL 1983,
c. 812, §242, is repealed.

6 **Sec. 60. 32 MRSA §4907, sub-§3**, as repealed and replaced by PL
8 1983, c. 812, §244, is repealed.

10 **Sec. 61. 32 MRSA §4907, sub-§6**, as enacted by PL 1983, c. 413,
§176, is repealed.

12 **Sec. 62. 32 MRSA §4908, 2nd ¶**, as repealed and replaced by PL
14 1979, c. 300, §3, is repealed.

16 **Sec. 63. 32 MRSA §4908, sub-§2**, as amended by PL 1987, c. 395,
Pt. A, §176, is further amended to read:

18 **2. Reports.** On or before August 1st of each year, the board
20 shall submit to the Commissioner of Professional and Financial
22 Regulation for the preceding fiscal year ending June 30th, its
annual report of its operations and financial position, together
24 with such comments and recommendations as the commissioner deems
considers essential.

26 ~~The board shall submit to the Commissioner of Professional and~~
~~Financial Regulation its budgetary requirements in the same~~
28 ~~manner as is provided in Title 5, section 1665, and the~~
~~commissioner shall in turn transmit these requirements to the~~
30 ~~Bureau of the Budget.~~

32 **Sec. 64. 32 MRSA §4908, sub-§3**, as amended by PL 1987, c. 395,
Pt. A, §177, is repealed.

34 **Sec. 65. 32 MRSA §5006**, as repealed and replaced by PL 1983,
36 c. 812, §246, is repealed.

38 **Sec. 66. 32 MRSA §5009, sub-§4**, as enacted by PL 1983, c. 413,
§189, is repealed.

40 **Sec. 67. 32 MRSA §5010**, as repealed and replaced by PL 1985,
42 c. 389, §23, is repealed.

44 **Sec. 68. 32 MRSA §5011-B**, as amended by PL 1989, c. 450, §32,
is repealed.

46 **Sec. 69. 32 MRSA §5011-C**, as amended by PL 1989, c. 450, §33,
48 is repealed.

2 **Sec. 70. 32 MRSA §5018, 3rd ¶**, as amended by PL 1987, c. 395,
Pt. A, §190, is further amended to read:

4 The board is empowered to designate a person or persons to
investigate and report to it upon the charge. Such person or
6 persons so designated ~~shall--be--reimbursed~~ are entitled to
reimbursement for expenses in the same manner as prescribed for
8 the board in ~~section-5010~~ this chapter and section 60-B.

10 **Sec. 71. 32 MRSA §6012**, as repealed and replaced by PL 1983,
c. 812, §248, is repealed.

12 **Sec. 72. 32 MRSA §6013, sub-§5**, as enacted by PL 1983, c. 413,
14 §202, is repealed.

16 **Sec. 73. 32 MRSA §6028, last ¶**, as enacted by PL 1975, c. 705,
§4, is repealed.

18 **Sec. 74. 32 MRSA §6029**, as enacted by PL 1975, c. 705, §4, is
20 amended to read:

22 **§6029. Notice**

24 The board shall publish, in an appropriate manner, the
licensure standards prescribed by this chapter, any amendments
26 ~~thereto to those standards~~ and such rules ~~and-regulations~~ as it
may promulgate adopt under the authority vested by ~~section-6012~~
28 this chapter.

30 **Sec. 75. 32 MRSA §6211**, as amended by PL 1983, c. 812, §251,
is repealed.

32 **Sec. 76. 32 MRSA §6212, sub-§5**, as enacted by PL 1977, c. 466,
34 §2, is repealed.

36 **Sec. 77. 32 MRSA §6222**, as enacted by PL 1985, c. 389, §25,
is repealed.

38 **Sec. 78. 32 MRSA §7028**, as repealed and replaced by PL 1987,
40 c. 113, §1, is repealed.

42 **Sec. 79. 32 MRSA §7030, sub-§4**, as enacted by PL 1983, c. 413,
§225, is repealed.

44 **Sec. 80. 32 MRSA §7061**, as repealed and replaced by PL 1985,
46 c. 389, §26, is repealed.

48 **Sec. 81. 32 MRSA §9553-A, sub-§5**, as enacted by PL 1983, c.
434, §234, is repealed.

2 **Sec. 82. 32 MRSA §9554**, as repealed and replaced by PL 1983,
c. 812, §255, is repealed.

4 **Sec. 83. 32 MRSA §9606**, as enacted by PL 1981, c. 456, Pt. A,
§113, is repealed.

6 **Sec. 84. 32 MRSA §9703, sub-§4**, as amended by PL 1989, c. 503,
8 Pt. B, §152, is repealed.

10 **Sec. 85. 32 MRSA §9704, sub-§5**, as enacted by PL 1985, c. 288,
§3, is repealed.

12 **Sec. 86. 32 MRSA §9704, sub-§7**, as amended by PL 1985, c. 785,
14 Pt. B, §145, is repealed.

16 **Sec. 87. 32 MRSA §9704, sub-§8**, as enacted by PL 1985, c. 288,
§3, is repealed.

18 **Sec. 88. 32 MRSA §9853, sub-§4**, as repealed and replaced by PL
20 1985, c. 295, §49, is repealed.

22 **Sec. 89. 32 MRSA §9853, sub-§6, ¶¶H and I**, as enacted by PL
24 1983, c. 524, are amended to read:

26 H. To conduct hearings to assist with investigations and to
determine whether grounds exist for suspension, revocation
or denial of a license, or as otherwise ~~deemed~~ determined
28 necessary to the fulfillment of its responsibilities under
this chapter.

30 The board shall ~~may~~ not refuse to renew a license for any
32 reason other than failure to pay a required fee, unless it
has afforded the licensee an opportunity for an adjudicatory
34 hearing. The board shall hold an adjudicatory hearing at
the written request of any person who is denied a license
36 without a hearing for any reason other than failure to pay a
required fee, provided that the request for hearing is
38 received by the board within 30 days of the applicant's
receipt of a written notice of the denial of ~~his~~ the
40 application, the reasons ~~therefor~~ for the denial and ~~his~~ the
applicant's right to request a hearing. Hearings shall ~~must~~
42 be conducted in conformity with the Maine Administrative
Procedure Act, Title 5, chapter 375, subchapter IV, to the
44 extent applicable. The board may subpoena witnesses,
records and documents in any hearing it conducts; and

46 I. After hearing, to censure or proceed as provided in
48 section 9860~~7~~-and.

50 **Sec. 90. 32 MRSA §9853, sub-§6, ¶J**, as enacted by PL 1983, c.
524, is repealed.

2 **Sec. 91. 32 MRSA §9862**, as enacted by PL 1983, c. 524, is
repealed.

4 **Sec. 92. 32 MRSA §9903, sub-§4**, as enacted by PL 1985, c. 389,
6 §28, is repealed.

8 **Sec. 93. 32 MRSA §9904, sub-§5**, as enacted by PL 1985, c. 389,
10 §28, is repealed.

12 **Sec. 94. 32 MRSA §9905**, as amended by PL 1987, c. 313, §4, is
repealed.

14 **Sec. 95. 32 MRSA §9911, sub-§2**, as enacted by PL 1985, c. 389,
16 §28, is repealed.

18 **Sec. 96. 32 MRSA §12214, sub-§§2, 3, 5, 8 and 10**, as enacted by PL
1987, c. 489, §2, are repealed.

20 **Sec. 97. 32 MRSA §12406, sub-§5**, as enacted by PL 1987, c.
22 488, §3, is repealed.

24 **Sec. 98. 32 MRSA §12407, sub-§§5 and 6**, as enacted by PL 1987,
c. 488, §3, are repealed.

26 **Sec. 99. 32 MRSA §12410, sub-§3**, as enacted by PL 1987, c.
28 488, §3, is repealed.

30 **Sec. 100. 32 MRSA §13504**, as enacted by PL 1987, c. 395, Pt.
A, §212, is repealed.

32 **Sec. 101. 32 MRSA §13507, sub-§4**, as enacted by PL 1987, c.
34 395, Pt. A, §212, is repealed.

36 **Sec. 102. 32 MRSA §13716, sub-§3**, as enacted by PL 1987, c.
710, §5, is repealed.

38 **Sec. 103. 32 MRSA §13717**, as enacted by PL 1987, c. 710, §5,
40 is repealed.

42 **Sec. 104. 32 MRSA §13719**, as enacted by PL 1987, c. 710, §5,
is repealed.

44 **Sec. 105. 32 MRSA §13723, sub-§9**, as enacted by PL 1987, c.
46 710, §5, is repealed.

48 **Sec. 106. 32 MRSA §13731, sub-§6**, as enacted by PL 1987, c.
710, §5, is repealed.

2 **Sec. 107. 32 MRSA §13852, sub-§6**, as enacted by PL 1989, c.
465, §3, is repealed.

4 **Sec. 108. 32 MRSA §13853, sub-§§6, 7 and 9**, as enacted by PL
1989, c. 465, §3, are repealed.

6 **Sec. 109. 32 MRSA §13902, sub-§3**, as enacted by PL 1989, c.
8 346, §3, is repealed.

10 **Sec. 110. 32 MRSA §13903, sub-§§4, 5 and 7**, as enacted by PL
1989, c. 346, §3, are repealed.

12 **Sec. 111. 32 MRSA §13910, sub-§2**, as enacted by PL 1989, c.
14 346, §3, is repealed.

16 **Sec. 112. 32 MRSA §13967, sub-§§7 and 9**, as enacted by PL 1989,
18 c. 806, §3, are repealed.

20 **Sec. 113. 32 MRSA §13968, sub-§§6, 7, and 9**, as enacted by PL
1989, c. 806, §3, are repealed.

22 **Sec. 114. 32 MRSA §14211, sub-§§3 and 4**, as enacted by PL 1991,
24 c. 397, §6, are repealed.

26 **Sec. 115. 32 MRSA §14212, sub-§§5 and 7**, as enacted by PL 1991,
c. 397, §6, are repealed.

28 **Sec. 116. 32 MRSA §14214**, as enacted by PL 1991, c. 397, §6,
30 is repealed.

32 **Sec. 117. 32 MRSA §14238, sub-§2**, as enacted by PL 1991, c.
397, §6, is repealed.

34 **Sec. 118. 32 MRSA §14303**, as enacted by PL 1991, c. 403, §1,
36 is repealed.

38 **Sec. 119. 38 MRSA §90-B**, as amended by PL 1983, c. 758, §15,
is repealed and the following enacted in its place:

40 **§90-B. Budget**

42 The commission's budget must be prepared and administered as
44 provided in Title 10, section 8003.

46 **Sec. 120. 38 MRSA §90-C** is enacted to read:

48 **§90-C. Employees**

50 The Commissioner of Professional and Financial Regulation
52 may appoint employees as necessary, as provided in Title 32,
section 60-F.

2 **Sec. 121. 38 MRSA §106**, as enacted by PL 1985, c. 389, §40,
is repealed and the following enacted in its place:

4 **§106. Disposition of fees**

6 All money received by the commission must be paid to the
7 Treasurer of State and credited to the account for the commission
8 within the budget of the Division of Licensing and Enforcement
9 within the Department of Professional and Financial Regulation.

10 Money received by the commission must be used for the
11 expenses of administering its statutory responsibilities,
12 including, but not limited to, the costs of conducting
13 investigations, taking testimony and procuring the attendance of
14 witnesses, the costs of all legal proceedings initiated for
15 enforcement and administrative expenses.

16 Any balance of these fees may not lapse but must be carried
17 forward as a continuing account to be expended for the same
18 purposes in the following fiscal years.

19 **Sec. 122. Transition provisions.** All employees of the following
20 boards are employees of the Department of Professional and
21 Financial Regulation and allocated to the Division of Licensing
22 and Enforcement: the Electricians' Examining Board; the State
23 Board of Social Worker Licensure; the Manufactured Housing Board;
24 the Board of Chiropractic Licensure; the Board of Barbering and
25 Cosmetology; the State Board of Funeral Service; the Board of
26 Counseling Professionals Licensure; the State Board for Licensure
27 of Architects, Landscape Architects and Interior Designers; the
28 Board of Accountancy; the Oil and Solid Fuel Board; and the
29 Plumbers' Examining Board. The accrued fringe benefits of those
30 employees, including vacation and sick leave, health and life
31 insurance, seniority and retirement, remain with those employees.

32 **STATEMENT OF FACT**

33 This bill clarifies the structure of the Department of
34 Professional and Financial Regulation by appropriately assigning
35 boards and commissions under the Division of Licensing and
36 Enforcement.

37 The bill creates one divisional budget for the Division of
38 Licensing and Enforcement with a separate account for each board
39 and commission and assigns all employees to the division.

40 The bill provides for the compensation of members of boards
41 and commissions.

2 The bill further provides uniform language for boards and
commissions for disposing of fees, entering into contracts to
4 comply with statutory responsibilities and preparing and
administering their respective budgets.

6 The bill provides uniform language for the Commissioner of
Professional and Financial Regulation to appoint employees to
8 carry out the duties of the boards and commissions.

10 The bill requires boards and commissions to file complaints
with the division and provides authority for the division to file
12 allegations of unlicensed practice with the Department of the
Attorney General or the local district attorney's office.

14 The bill uniformly enables all boards and commissions to
16 assess investigative and enforcement costs when there is a
finding of a violation and to adopt rules listing violations for
18 which citations may be issued and fines not exceeding \$200 may be
levied.

20