

# MAINE STATE LEGISLATURE

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# 118th MAINE LEGISLATURE

## SECOND REGULAR SESSION-1998

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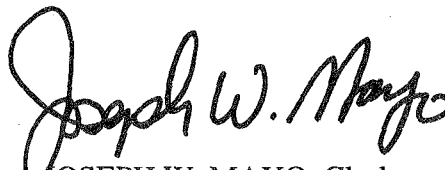
House of Representatives, February 6, 1998

**An Act to Implement the Recommendations Relating to the Review of the Department of Professional and Financial Regulation's Office of the Commissioner, Office of Consumer Credit Regulation and Office of Licensing and Registration under the State Government Evaluation Act.**

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Submitted by the Joint Standing Committee on Business and Economic Development pursuant to the Maine Revised Statutes, Title 3, section 955, subsection 4.

Reference to the Joint Standing Committee on Business and Economic Development suggested and printing ordered.

  
JOSEPH W. MAYO, Clerk

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

PART A

Sec. A-1. 3 MRSA §959, sub-§1, ¶B, as enacted by PL 1995, c. 488, §2, is amended to read:

B. The joint standing committee of the Legislature having jurisdiction over banking and insurance matters shall use the following list as a guideline for scheduling reviews:

(1) State Employee Health Commission in 1999; and

(2) Department of Professional and Financial Regulation, in conjunction with the joint standing committee of the Legislature having jurisdiction over business and economic development matters, in 2007.

Sec. A-2. 3 MRSA §959, sub-§1, ¶C, as amended by PL 1995, c. 671, §§1 to 3 and PL 1997, c. 245, §19, is further amended by amending subparagraph (5) to read:

(5) Department of Professional and Financial Regulation, in conjunction with the joint standing committee of the Legislature having jurisdiction over banking and insurance matters, in 1997 2007;

Sec. A-3. 10 MRSA §8002, first ¶, as amended by PL 1995, c. 502, Pt. H, §9, is further amended to read:

The commissioner is the chief administrative officer of the department and is responsible for supervising the administration of the department. The commissioner is appointed by the Governor, subject to review by a joint select committee appointed by the President of the Senate and the Speaker of the House comprised of 5 members from the joint standing committee of the Legislature having jurisdiction over banking and insurance matters and 5 members from the joint standing committee of the Legislature having jurisdiction over business and economic development matters, and to confirmation by the Legislature. The commissioner serves at the pleasure of the Governor. As chief administrative officer of the department, the commissioner has the following duties and authority to:

Sec. A-4. 10 MRSA §8002, sub-§§7 and 8, as enacted by PL 1995, c. 502, Pt. H, §9, are amended to read:

7. **Delegate authority.** Authorize the heads of bureaus, offices, boards and commissions within the department to carry out the commissioner's duties and authority; and



licensee under this Act. The bond shall ~~must~~ be conditional that the licensee will faithfully conform to and abide by the provisions of this Act and to all rules and ~~regulations~~ lawfully made by the administrator hereunder and will pay to the State and to any such person or persons any and all amounts of money that may become due or owing to the State or to such person or persons from the licensee under and by virtue of this Act during the period for which the bond is given;

**Sec. B-5. 9-A MRSA §2-307, sub-§2**, as amended by PL 1985, c. 763, Pt. A, §27, is further amended to read:

2. With respect to a supervised loan in which the amount financed is ~~\$2,000~~ \$2,800 or less, a lender may not take a security interest in the principal residence of the consumer. This subsection does not apply when the lender holds a first mortgage on the residence at the time the loan is made or when the loan is made pursuant to an open-end credit plan involving a commitment to advance amounts in excess of ~~\$2,000~~ \$2,800. Notwithstanding Title 14, no judgment of foreclosure of a mortgage upon the principal residence of a consumer may be entered on account of the consumer's failure to repay supervised loans under an open-end credit plan, unless the consumer's outstanding balance described in section 8-205, subsection 2, paragraph I, has at some time exceeded ~~\$2,000~~ \$2,800 and the consumer has not paid the account in full subsequent to the date of the last periodic statement showing an outstanding balance in excess of ~~\$2,000~~ \$2,800.

**Sec. B-6. 9-A MRSA §2-307, sub-§3**, as amended by PL 1985, c. 763, Pt. A, §28, is repealed.

**Sec. B-7. 9-A MRSA §2-308, sub-§1**, as amended by PL 1985, c. 819, Pt. A, §11, is further amended to read:

1. Except as provided in section 3-308, supervised loans, not made pursuant to open-end credit and in which the amount financed is ~~\$700~~ \$1,000 or less and the principal of which is payable in more than a single payment, shall ~~must~~ be scheduled to be payable in substantially equal installments at equal periodic intervals except to the extent that the schedule of payments is adjusted to the seasonal or irregular income of the debtor and over a period of not more than 25 months.

**Sec. B-8. 9-A MRSA §2-308, sub-§2**, as amended by PL 1985, c. 763, Pt. A, §30, is repealed.

**Sec. B-9. 9-A MRSA §2-401, sub-§2, ¶A**, as repealed and replaced by PL 1987, c. 129, §39, is amended to read:

- 2           A. The total of:
- 4           (i) 30% per year on that part of the unpaid balances  
6           of the amount financed which that is \$700 \$1,000 or  
8           less;
- 10           (ii) 21% per year on that part of the unpaid balances  
12           of the amount financed which that is more than \$700  
14           \$1,000 but does not exceed \$2,000 \$1,000; and
- 16           (iii) 15% per year on that part of the unpaid balances  
18           of the amount financed which that is more than \$2,000  
20           \$2,800; or

22           **Sec. B-10. 9-A MRSA §2-401, sub-§6**, as amended by PL 1985, c.  
24           763, Pt. A, §32, is repealed.

26           **Sec. B-11. 9-A MRSA §2-502, sub-§5**, as amended by PL 1985, c.  
28           763, Pt. A, §35, is repealed.

30           **Sec. B-12. 9-A MRSA §3-301, sub-§1**, as amended by PL 1985, c.  
32           763, Pt. A, §36, is further amended to read:

34           1. With respect to a consumer credit sale, a seller may  
36           take a security interest in the property sold. In addition, a  
38           seller may take a security interest in goods upon which services  
40           are performed or in which goods sold are installed or to which  
42           they are annexed, or in land to which the goods are affixed or  
44           which is maintained, repaired or improved as a result of the sale  
46           of the goods or services, if in the case of a security interest  
48           in land the debt secured is \$2,000 \$2,800 or more, or, in the  
50           case of a security interest in goods, the debt secured is \$700  
\$1,000 or more. Except as provided with respect to  
cross-collateral, section 3-302, a seller may not otherwise take  
a security interest in property of the buyer to secure the debt  
arising from a consumer credit sale.

38           **Sec. B-13. 9-A MRSA §3-301, sub-§4**, as amended by PL 1985, c.  
40           763, Pt. A, §37, is repealed.

42           **Sec. B-14. 9-A MRSA §4-301, sub-§3**, as amended by PL 1985, c.  
44           763, Pt. A, §40, is further amended to read:

46           3. With respect to a transaction, except pursuant to  
48           open-end credit, a creditor may not contract for or receive a  
50           separate charge for insurance against loss of or damage to  
property, unless the amount financed exclusive of charges for the  
insurance is \$1,000 \$1,400 or more and the cash price of the item  
or property is \$1,000 \$1,400 or more.

2           **Sec. B-15. 9-A MRSA §4-301, sub-§5**, as amended by PL 1985, c.  
763, Pt. A, §40, is repealed.

4           **Sec. B-16. 9-A MRSA §5-103, sub-§2**, as amended by PL 1985, c.  
6           763, Pt. A, §41, is further amended to read:

8           2. If a creditor takes possession of or voluntarily accepts  
10           surrender of goods in which ~~he~~ that creditor has a security  
12           interest to secure a debt and the amount financed is \$2,000  
\$2,800 or less, the consumer and any sureties are not personally  
liable to the creditor for the unpaid balance of the debt.

14           **Sec. B-17. 9-A MRSA §5-103, sub-§6**, as amended by PL 1985, c.  
16           763, Pt. A, §41, is repealed.

18           **Sec. B-18. 9-A MRSA §6-106, sub-§6**, as enacted by PL 1987, c.  
129, §67, is amended to read:

20           6. The expenses of the administrator necessarily incurred  
22           in the examination or investigation of any person engaged in  
24           conduct governed by this Act ~~shall~~ must be chargeable to that  
26           person. The expenses of the administrator incurred in the  
examination of supervised financial organizations must be  
assessed in accordance with the provisions of Title 9-B, section  
214, subsection 1. That With respect to any other person, that  
28           person ~~shall~~ must be assessed for the actual expenses incurred by  
30           the administrator, including, but not necessarily limited to,  
32           travel expenses and the proportionate part of the salaries and  
34           expenses of examiners engaged in the examination or  
36           investigation. Notwithstanding this subsection, for a person  
other than a supervised financial organization, the administrator  
may adjust the examination assessments to make more equitable  
travel-related costs that result from a creditor's location in  
this State. Notice of the assessment of those costs ~~shall~~ must  
38           be given to the person by the administrator as soon as feasible  
after the close of the examination or investigation and the  
person ~~shall~~ must have the time specified by the administrator to  
pay the assessment, which may not be less than 30 days.

40           **Sec. B-19. 9-A MRSA §6-201**, as amended by PL 1989, c. 70, §2,  
42           is further amended to read:

44           **§6-201. Applicability**

46           This Part applies to a person engaged in this State in  
48           entering into consumer credit transactions and to a person having  
an office or place of business in this State who takes  
assignments of and undertakes direct collection of payments from  
50           or enforcement of rights against debtors arising from these

2 transactions. In addition, this Part applies to a person,  
3 wherever located, who takes assignments of and undertakes direct  
4 collection of payments from or enforcement of rights against  
5 debtors arising from a consumer credit sale of a motor vehicle  
6 subject to this Title.

7 **Sec. B-20. 9-A MRSA §10-202,** as enacted by PL 1989, c. 70,  
8 §3, is amended to read:

9 **§10-202. Bond**

10 Each application shall must be accompanied by evidence of a  
11 surety bond, in a form approved by the administrator in the  
12 aggregate amount of \$10,000, to run to the State for use by the  
13 State and any person or persons who may have a cause of action  
14 against a credit services organization. The terms of the bond  
15 must run concurrent with the period of time during which the  
16 license will be in effect.

17 **Sec. B-21. 32 MRSA §11032,** as enacted by PL 1985, c. 702, §2,  
18 is amended to read:

19 **§11032. Bond**

20 The ~~superintendent~~ administrator shall require each licensee  
21 to file and maintain in force a surety bond, in a form prescribed  
22 by ~~the superintendent~~ and acceptable to ~~him~~, the administrator  
23 and in such sum as ~~he~~ the administrator may deem reasonably  
24 necessary, to safeguard the interests of the public. The terms  
25 of the bond must run concurrent with the period of time during  
26 which the license will be in effect. The bond may be cancelled  
27 by the surety on the bond by giving 30 days' notice to the  
28 ~~superintendent~~ administrator, but the cancellation shall may not  
29 in any manner affect the liability of the surety as to anything  
30 occurring prior to the cancellation.

31 **Sec. B-22. 32 MRSA §11036, sub-§1,** as enacted by PL 1985, c.  
32 702, §2, is amended to read:

33 1. **Financial statements.** The ~~superintendent~~ administrator  
34 may at any time require a licensee to submit to the bureau a  
35 ~~verified--financial---statement~~ such financial statements as  
36 determined necessary for examination by the ~~superintendent~~  
37 administrator so that ~~he~~ the administrator may determine whether  
38 or not the licensee is financially responsible to carry on a debt  
39 collector's business.

40 **PART C**



2           **Sec. C-1. 10 MRSA §8001, sub-§38, ¶X**, as enacted by PL 1995,  
c. 397, §11, is repealed.

4           **Sec. C-2. 10 MRSA §9003, sub-§2, ¶A**, as repealed and replaced  
by PL 1995, c. 462, Pt. A, §26, is repealed.

6           **Sec. C-3. 10 MRSA §9003, sub-§2, ¶B**, as repealed and replaced  
8 by PL 1995, c. 462, Pt. A, §26, is repealed and the following  
enacted in its place:

10           B. Three public members, at least one of whom lives in  
12           manufactured housing;

14           **Sec. C-4. 22 MRSA §42, sub-§3**, as amended by PL 1991, c. 827,  
§1 and affected by §2, is further amended to read:

16           **3. Subsurface sewage disposal.** The department shall adopt  
18 minimum rules relating to ~~plumbing~~ and subsurface sewage disposal  
systems. All rules, including installation and inspection rules,  
20 must be consistent with Title 30-A, chapter 185, subchapter III,  
and Title 32, chapter 49, but this does not preempt the authority  
22 of municipalities under Title 30-A, section 3001, to adopt more  
restrictive ordinances. The department shall hold hearings on  
24 the first Tuesday of February of each year for the purpose of  
considering changes in the rules pertaining to ~~plumbing~~ and  
26 subsurface sewage disposal systems and the installation and  
inspection thereof. These rules may regulate the location of  
28 water supply wells to provide minimum separation distances from  
subsurface sewage disposal systems. The department may require a  
30 deed covenant or deed restriction when determined necessary.

32 Any person who violates the rules adopted under this subsection,  
or who violates a municipal ordinance adopted pursuant to Title  
34 30-A, sections 4201 and 4211 or uses a subsurface waste water  
disposal system not in compliance with rules applicable at the  
36 time of installation or modification must be penalized in  
accordance with Title 30-A, section 4452. Enforcement of the  
38 rules is the responsibility of the municipalities rather than the  
department. The department or a municipality may seek to enjoin  
40 violations of the rules or municipal ordinances. In the  
prosecution of a violation by a municipality, the court shall  
42 award reasonable attorney's fees to a municipality if that  
municipality is the prevailing party, unless the court finds that  
44 special circumstances make the award of these fees unjust.

46           **Sec. C-5. 23 MRSA §4206, sub-§1, ¶H**, as enacted by PL 1971, c.  
593, §16, is amended to read:

2 H. To acquire, construct, operate and maintain such harbor  
3 facilities as may be necessary to implement the planned  
4 development of coastal resources, ports and harbors; to  
5 operate and maintain the port facilities as now within or as  
6 may hereafter come within the jurisdiction of the Department  
7 of Transportation; and to oversee the administration of the  
8 Maine State Pilotage Commission;

9 **Sec. C-6. 25 MRSA §2441, sub-§3,** as repealed and replaced by  
10 PL 1991, c. 464, §6, is repealed.

11 **Sec. C-7. 32 MRSA §60-G,** as amended by PL 1995, c. 502, Pt.  
12 H, §18, is further amended to read:

13 **§60-G. Disciplinary actions; unlicensed practice**

14  
15 **1. Filing of complaints.** A board or commission listed in  
16 Title 10, section 8001, subsection 38 shall file complaints  
17 received from a person or initiated by a board or commission with  
18 the Office of Licensing and Registration.  
19

20  
21 **2. Investigation of allegations of unlicensed practice.**  
22 Allegations of unlicensed practice may be investigated by a  
23 board's or commission's complaint officer or inspector in  
24 conjunction with the Office of Licensing and Registration's  
25 complaint unit. If sufficient evidence of unlicensed practice is  
26 uncovered, the evidence must be compiled and presented to the  
27 Department of the Attorney General or the local district  
28 attorney's office for prosecution.  
29

30 **3. Unlicensed practice; criminal penalties.**  
31 Notwithstanding any other provision of law, any person who  
32 practices or represents to the public that the person is  
33 authorized to practice a profession or trade and intentionally,  
34 knowingly or recklessly fails to obtain a license as required by  
35 this Title or intentionally, knowingly or recklessly practices or  
36 represents to the public that the person is authorized to  
37 practice after the license required by this Title has expired or  
38 been suspended or revoked commits a Class E crime. Violation of  
39 this subsection is a Class D crime if the person has a prior  
40 conviction under this subsection. For purposes of this  
41 subsection, the date of the prior conviction must precede the  
42 commission of the offense being enhanced by no more than 3 years.  
43

44 **4. Unlicensed practice; civil penalties.** Any person who  
45 practices or represents to the public that the person is  
46 authorized to practice a profession or trade without first  
47 obtaining a license as required by this Title or after the  
48 license has expired or has been suspended or revoked commits a  
49 civil violation punishable by a fine of not less than \$100 but  
50

2 not more than \$2,000 for each violation. An action under this  
3 subsection may be brought in District Court or, in combination  
4 with an action under subsection 5, in Superior Court.

5 5. Unlicensed practice; injunctions. The Attorney General  
6 may bring an action in Superior Court to enjoin any person from  
7 violating subsection 4 and to restore to any person who has  
8 suffered any ascertainable loss by reason of that violation any  
9 money or personal or real property that may have been acquired by  
10 means of that violation and to compel the return of compensation  
11 received for engaging in that unlawful conduct.

12 A person who violates the terms of an injunction issued under  
13 this subsection shall pay to the State a fine of not more than  
14 \$10,000 for each violation. In any action under this subsection,  
15 when a permanent injunction has been issued, the court may order  
16 the person against whom the permanent injunction is issued to pay  
17 to the General Fund the costs of the investigation of that person  
18 by the Attorney General and the costs of suit, including  
19 attorney's fees. In any action by the Attorney General brought  
20 against a person for violating the terms of an injunction issued  
21 under this subsection, the court may make the necessary orders or  
22 judgments to restore to any person who has suffered any  
23 ascertainable loss of money or personal or real property or to  
24 compel the return of compensation received by reason of such  
25 conduct found to be in violation of an injunction.

26  
27 Sec. C-8. 32 MRSA §3403-A, sub-§1, as enacted by PL 1983, c.  
28 413, §143, is amended to read:

29  
30 1. Rules. The board may, in accordance with the Maine  
31 Administrative Procedure Act, Title 5, chapter 375, subchapter  
32 II, adopt rules commensurate with the authority vested in it by  
33 this chapter. These rules may include, but not be limited to,  
34 plumbing, licensing requirements, examinations and reciprocity of  
35 licensing with similar boards of other states which that maintain  
36 standards equivalent to this State.

37 Sec. C-9. 32 MRSA §3403-B is enacted to read:

38  
39 §3403-B. Plumbing code

40  
41 1. Plumbing and plumbing code. The board shall adopt  
42 minimum rules relating to plumbing, including a plumbing code.  
43 All rules, including installation and inspection rules, must be  
44 consistent with this chapter and Title 30-A, chapter 185,  
45 subchapter III, except that the authority of municipalities to  
46 adopt more restrictive ordinances under Title 30-A, section 3001  
47 is not preempted. Rules adopted pursuant to this section are  
48 is not preempted. Rules adopted pursuant to this section are

2 routine technical rules as defined in Title 5, chapter 375,  
3 subchapter II-A.

4 2. Plumbing code violations. Any person who violates the  
5 rules adopted pursuant to this section or who violates a  
6 municipal ordinance adopted pursuant to Title 30-A, sections 4201  
7 and 4211 must be penalized in accordance with Title 30-A, section  
8 4452. Enforcement of the rules is the responsibility of the  
9 municipalities rather than the board. The board or a municipality  
10 may seek to enjoin violations of the rules or municipal  
11 ordinances. In the prosecution of a violation by a municipality,  
12 the court shall award reasonable attorney's fees to a  
13 municipality if that municipality is the prevailing party, unless  
14 the court finds that special circumstances make the award of fees  
15 unjust.

16 **Sec. C-10. 32 MRSA §6208-A, sub-§1,** as amended by PL 1995, c.  
17 394, §9, is further amended to read:

18 **1. Membership.** The State Board of Alcohol and Drug  
19 Counselors, as established by Title 5, section 12004-A,  
20 subsection 41, consists of 11 members. Nine members are  
21 appointed by the Governor. One member must be the Director of  
22 the Office of Substance Abuse or a designee. One member,  
23 appointed by the Chancellor of the University of Maine System,  
24 must be a member of the university faculty involved in the  
25 training of substance abuse or alcohol and drug counselors. Of  
26 these 11 members, 5 members must be licensed alcohol and drug  
27 counselors. Two members must be nonproviders, one of whom must  
28 be a family member of a consumer of alcohol and drug counseling  
29 services ~~or a consumer of alcohol and drug counseling services~~  
30 ~~who has abstained from the use of alcohol and other drugs for a~~  
31 ~~period of at least 2 years.~~ One member must be a public member.  
32 One member must be a representative of a regional alcohol and  
33 drug abuse council. Members must represent a broad geographic  
34 distribution of the State and must be from among the professional  
35 associations representative of the field.

36 **Sec. C-11. 32 MRSA §12502, sub-§1,** as enacted by PL 1995, c.  
37 671, §13, is amended to read:

38 **1. Membership.** The Board of Complementary Health Care  
39 Providers, as established in Title 5, section 12004-A, subsection  
40 8-A, shall regulate the professions of acupuncture and  
41 naturopathic medicine according to the provisions of this  
42 chapter. The board consists of 7 members appointed by the  
43 Governor. The Governor shall make the initial appointments to  
44 the board no later than 60 days after the effective date of this  
45 section and shall inform the Commissioner of Professional and  
46 Financial Regulation of these appointments. The commissioner  
47  
48  
49  
50

2 shall call the first meeting of the board on a date no later than  
30 days following notification of appointments by the Governor.  
4 All members of the board must be residents of this State. Two  
members of the board must be acupuncturists licensed in this  
5 State. Two members of the board must be practitioners of  
naturopathic medicine who are eligible for licensure under, or  
6 are licensed pursuant to, the requirements of subchapter III.  
7 One member must be a member of the public ~~who is not a~~  
~~practitioner of any healing art or has no family connection with~~  
8 ~~such a practitioner.~~ One member must be an allopathic or  
osteopathic physician who is licensed in this State. One member  
10 must be a pharmacist who is licensed in this State.  
12

14 **Sec. C-12. 32 MRSA §13062, sub-§2,** as amended by PL 1991, c.  
53, §2 and affected by §10, is further amended to read:  
16

18 **2. Qualifications.** Each industry member of the commission  
must have been a real estate broker or associate broker by  
vocation in this State for at least 5 years prior to  
20 appointment. The public members, the members' spouses, parents  
and children must have no professional or financial connection  
22 with the real estate brokerage business.

24 **Sec. C-13. 32 MRSA §13062, sub-§3,** as enacted by PL 1987, c.  
395, Pt. A, §212, is amended to read:  
26

28 **3. Geographic distribution.** There shall may not be at ~~no~~  
~~time~~ more than one industry member of the commission from any one  
county at one time.  
30

32 **Sec. C-14. 32 MRSA §13062, sub-§6,** as amended by PL 1993, c.  
600, Pt. A, §266, is further amended to read:  
34

36 **6. Appointments.** The members of the commission are  
appointed by the Governor, ~~subject to review by the joint~~  
~~standing committee of the Legislature having jurisdiction over~~  
~~business legislation and to confirmation by the Senate.~~  
38 Appointments of members must comply with section 60.

40 **Sec. C-15. 32 MRSA §13967, sub-§2,** as repealed and replaced by  
PL 1993, c. 404, Pt. A, §20, is amended to read:  
42

44 **2. Members.** The board consists of 7 members appointed by  
the Governor. Each member must be a citizen of the United States  
and a resident of this State. The composition of the board  
46 consists of:

48 A. ~~One representative of a mortgage lending organization;~~

50 B. One ~~Two~~ public member ~~members~~; and

2 C. Five members who hold valid appraiser licenses or  
3 certifications, including at least one residential and one  
4 ~~commercial~~ commercial real estate appraiser.

6 Sec. C-16. 14804, sub-§8 is enacted to read:

8 8. Inspection of aboveground flammable liquid storage  
9 facilities. The board shall inspect and issue permits to  
10 aboveground flammable liquid storage facilities. The cost of  
11 inspection of an aboveground flammable storage facility and the  
12 permit may not exceed \$50.

14 Sec. C-17. 38 MRSA §85-A, sub-§§1 and 2, as amended by PL  
15 1991, c. 509, §46, are further amended to read:

16 1. Commissioner. "Commissioner" means the Commissioner of  
17 ~~Professional and Financial Regulation~~ Transportation.

18 2. Department. "Department" means the Department of  
19 ~~Professional and Financial Regulation~~ Transportation.

22 Sec. C-18. 38 MRSA §90-B, as repealed and replaced by PL  
23 1995, c. 397, §125, is amended to read:

26 **§90-B. Budget**

27 The commission's budget must be prepared ~~and administered as~~  
28 ~~provided in Title 10, section 8003~~ and submitted to the  
29 commissioner for approval.

32 Sec. C-19. 38 MRSA §90-C, as enacted by PL 1995, c. 397,  
33 §126, is amended to read:

34 **§90-C. Employees**

35 The ~~Commissioner of Professional and Financial Regulation~~  
36 ~~commissioner~~ may appoint employees as necessary, ~~as provided in~~  
37 ~~Title 22, section 60-F.~~

40 Sec. C-20. 38 MRSA §106, first ¶, as amended by PL 1995, c.  
41 502, Pt. H, §48, is further amended to read:

44 All money received by the commission must be paid to the  
45 Treasurer of State and credited to the account for the commission  
46 within the budget of the ~~Office of Licensing and Registration~~  
47 ~~within the~~ Department of ~~Professional and Financial Regulation~~  
48 Transportation.

50

## SUMMARY

2

This bill implements the recommendations made by the Joint Standing Committee on Business and Economic Development as a result of the committee's review of the Department of Professional and Financial Regulation under the State Government Evaluation Act.

8

Part A implements the recommendations relating to the Commissioner of Professional and Financial Regulation and does the following.

12

1. It amends the State Government Evaluation Act to provide for joint review of the Department of Professional and Financial Regulation by the Joint Standing Committee on Banking and Insurance and the Joint Standing Committee on Business and Economic Development.

18

2. It provides for confirmation of the appointment of the Commissioner of Professional and Financial Regulation by 5 members from the joint standing committee of the Legislature having jurisdiction over banking and insurance matters and 5 members from the joint standing committee of the Legislature having jurisdiction over business and economic development matters.

26

3. It clarifies the authority of the Commissioner of Professional and Financial Regulation to coordinate all administrative processes related to licensing functions of boards and agencies, including, but not limited to, frequency and form of applications and licenses.

32

Part B implements the recommendations relating to the Office of Consumer Credit Regulation and does the following.

34

1. It authorizes the Office of Consumer Credit Regulation to employ more flexibility in how examination costs are allocated within and among the regulated parties.

38

2. It expands the authority of the Office of Consumer Credit Regulation to regulate automobile credit sale documents.

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3. It simplifies the method whereby dollar amounts are determined by creditors.

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4. It amends the bond requirements so that bond terms run concurrent with licensing terms, simplifying the process for lenders and debt collectors, as well as for the Office of Consumer Credit Regulation licensing personnel.

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2 5. It allows different types of financial statements to be  
provided to prove net worth requirements under the appropriate  
statutes.

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6 Part C implements the recommendations relating to the Office  
of Licensing and Registration and does the following.

8 1. It eliminates unduly restrictive qualifications on  
"public member" board positions.

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12 2. It eliminates the "mortgage lender" position from the  
Board of Real Estate Appraisers.

14 3. It eliminates the requirement that gubernatorial  
appointments to the Real Estate Commission be confirmed by the  
Senate.

18 4. It transfers the administration and interpretation of  
the state plumbing code from the Department of Human Services,  
Division of Health Engineering to the Plumbers' Examining Board.

22 5. It transfers permitting authority for aboveground  
flammable liquid storage facilities from the Office of the State  
Fire Marshal to the Propane and Natural Gas Board.

26 6. It amends the general provisions governing occupational  
and professional licensing to provide for a choice of civil or  
criminal prosecution for unlicensed practice.

30 7. It transfers the administrative responsibility for the  
Maine State Pilotage Commission from the Office of Licensing and  
Registration to the Department of Transportation.