

MAINE STATE LEGISLATURE

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DATE: May 6, 1999 (Filing No. S-214)

BUSINESS AND ECONOMIC DEVELOPMENT

Reported by:

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**STATE OF MAINE
SENATE
119TH LEGISLATURE
FIRST REGULAR SESSION**

COMMITTEE AMENDMENT " A " to S.P. 720, L.D. 2042, Bill, "An Act to Update, Clarify and Amend Licensure Requirements for Occupations and Professions and Registrations"

Amend the bill in Part A in section 15 in that part designated "**§5006.**" in subsection 1 in paragraph D in the last line (page 6, line 2 in L.D.) by striking out the following: "Secretary of State" and inserting in its place the following: 'Secretary-of-State Office of Licensing and Registration'

Further amend the bill in Part B by inserting after section 5 the following:

'**Sec. B-6. 10 MRSA §8003-B, sub-§1**, as enacted by PL 1989, c. 173, is amended to read:

1. During investigation. All Unless otherwise provided by Title 24, chapter 21, all complaints and investigative records of the licensing boards and commissions within or affiliated with the Department of Professional and Financial Regulation shall-be are confidential during the pendency of an investigation. Those records shall become public records upon the conclusion of an investigation unless confidentiality is required by some other provision of law. For purposes of this section, an investigation is concluded when:

- A. A notice of an adjudicatory hearing under Title 5, chapter 375, subchapter IV has been issued;
- B. The complaint has been listed on a meeting agenda of the board or commission;

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2 C. A consent agreement has been executed; or

4 D. A letter of dismissal has been issued or the
6 investigation has otherwise been closed.'

8 Further amend the bill in Part C by striking out all of
10 section 1.

12 Further amend the bill in Part F in section 1 in that part
14 designated "~~§1101.~~" by striking out all of subsection 2 and
16 inserting in its place the following:

18 '2. **Electrical installations.** "Electrical installations"
20 shall--mean means the installation, repair, alteration and
22 maintenance of electrical conductors, fittings, devices and
24 fixtures for heating, lighting, power purposes or heat activated
26 fire alarms, intrusion alarms, energy management, telephone,
28 telegraph, cable and closed circuit television, sound systems,
30 conduit and raceway systems and electrically supervised manual
fire alarms and sprinkler systems. ~~They--shall~~ "Electrical
installations" does not include the installation or repair of
portable appliances and other portable electrical equipment,
installation of which involves only the insertion of an
attachment plug into a fixed receptacle outlet and does not
include optical fiber cabling, or audio, video and data
communication cabling. ~~It is the meaning and intent~~ For purposes
of this subsection ~~that--the--word,~~ "portable" shall does not
include or apply to any type of fixed electrically operated or
driven equipment.'

32 Further amend the bill in Part F in section 9 in that part
34 designated "~~§1102-B.~~" in subsection 5 in paragraph C in the 3rd
36 and 4th lines (page 21, lines 37 and 38 in L.D.) by striking out
the following: "~~and other low voltage equipment~~" and inserting
in its place the following: 'and other low voltage equipment'

38 Further amend the bill by striking out all of Part H.

40 Further amend the bill in Part V by inserting after section
42 2 the following:

44 '~~Sec. V-3. 32 MRSA §14228, sub-§3,~~ as amended by PL 1997, c.
210, ~~§32,~~ is further amended to read:

46 **3. Training.** Has satisfactorily completed a course of
48 instruction in aesthetics of ~~750~~ 600 hours in not less than 5
months in a school licensed by the board or has experience in the
practice of aesthetics as a trainee of ~~1,250~~ up to 1,000 hours
50 distributed over a period of at least 7 months. The board shall

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2 establish by rule the specific number of hours of course work
3 required up to a maximum of 600 hours. Rules adopted pursuant to
4 this subsection are routine technical rules as defined in Title
5 5, chapter 375, subchapter II-A; and'

6 Further amend the bill by inserting at the end before the
7 summary the following:

8
9
10 **PART Z**

11 **Sec. Z-1. Allocation.** The following funds are allocated from
12 Other Special Revenue funds to carry out the purposes of this Act.

13
14 **1999-00**

15
16 **PROFESSIONAL AND FINANCIAL REGULATION,**
17 **DEPARTMENT OF**

18 **Office of Licensing and Registration**

19
20 All Other **\$4,000**

21
22 Provides funds for the costs of adopting
23 rules on behalf of the Board of Hearing Aid
24 Dealers and Fitters, the State Board of
25 Veterinary Medicine, the State Board of
26 Certification for Geologists and Soil
27 Scientists and the State Board of Alcohol
28 and Drug Counselors.'

29
30 Further amend the bill by relettering or renumbering any
31 nonconsecutive Part letter or section number to read
32 consecutively.

33
34 Further amend the bill by inserting at the end before the
35 summary the following:

36
37
38 **FISCAL NOTE**

39
40 **1999-00**

41
42 **APPROPRIATIONS/ALLOCATIONS**

43
44 Other Funds **\$4,000**

45
46 This bill includes an Other Special Revenue funds allocation
47 of \$4,000 in fiscal year 1999-00 for the Office of Licensing and
48 Registration within the Department of Professional and Financial

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2 Regulation for the cost of adopting rules on behalf of the Board
of Hearing Aid Dealers and Fitters, the State Board of Veterinary
4 Medicine, the State Board of Certification for Geologists and
Soil Scientists and the State Board of Alcohol and Drug
6 Counselors. The office will incur additional costs to adopt
rules on behalf of the Oil and Solid Fuel Board, the Board of
8 Examiners in Physical Therapy, the Board of Counseling
Professionals Licensure, the Board of Barbering and Cosmetology
and the Plumbers' Examining Board. These costs can be absorbed
10 within the office's existing budgeted resources.

12 The bill also makes changes in the licensing fee structure
of several boards overseen by the Office of Licensing and
14 Registration. Fees received on behalf of the Manufactured
Housing Board and the Electricians' Examining Board are expected
16 to increase dedicated revenue by amounts that can not be
determined at this time. Instituting an application fee and
18 increasing the cap on renewal fees for charitable organizations
will also increase dedicated revenue to the office by amounts
20 that are not known at this time. Finally, allowing the Office of
Licensing and Registration flexibility to adjust renewal cycles
22 of boards and commissions may result in occasional increases or
decreases of dedicated revenue.

24 This bill may increase prosecutions for Class D and E
26 crimes. If a jail sentence is imposed, the additional costs to
the counties are estimated to be \$82.48 per day per prisoner.
28 These costs are not reimbursed by the State. The number of
prosecutions that may result in a jail sentence and the resulting
30 costs to the county jail system are expected to be insignificant.

32 The additional workload, administrative costs and indigent
defense costs associated with the minimal number of new cases
34 filed in the court system can be absorbed within the budgeted
resources of the Judicial Department. The collection of
36 additional fines may also increase General Fund revenue by minor
amounts.'

40 **SUMMARY**

42 This amendment:

44 1. Provides that certain charitable organizations will be
required to register and report to the Office of Licensing and
46 Registration instead of registering with and reporting to the
Secretary of State;

48 2. Clarifies that complaints and investigative records of
50 licensing boards and commissions within or affiliated with the

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2 Department of Professional and Financial Regulation are
confidential unless otherwise provided by Maine Revised Statutes,
Title 24, chapter 21;

4
6 3. Deletes the authority of staff of the Manufactured
Housing Board to issue a notice of violation;

8 4. Clarifies that "electrical installations" does not
10 include optical fiber cabling, or audio, video and data
communication cabling;

12 5. Deletes the relocation of the Arborist Examining Board
14 to the Department of Agriculture, Food and Rural Resources
because that relocation became effective pursuant to Public Law
1999, chapter 84; and

16 6. Changes the training requirements for the practice of
18 aesthetics.

20 The amendment also adds an allocation section and a fiscal
note.