

MAINE STATE LEGISLATURE

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120th MAINE LEGISLATURE

FIRST REGULAR SESSION-2001

Legislative Document

No. 1738

H.P. 1278

House of Representatives, March 22, 2001

An Act to Clarify Certain Professional and Occupational Licensing Requirements.

Submitted by the Department of Professional and Financial Regulation pursuant to Joint Rule 204.

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

Millicent M. MacFarland

MILLICENT M. MacFARLAND, Clerk

Presented by Representative CLOUGH of Scarborough.
Cosponsored by Senator SHOREY of Washington and
Representatives: HATCH of Skowhegan, RICHARDSON of Brunswick.

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

4 **PART A**

6 **Sec. A-1. 10 MRSA §1402, sub-§1-A** is enacted to read:

8 1-A. Installation. "Installation" has the same meaning as set forth in section 9002, subsection 6.

10 **Sec. A-2. 10 MRSA §1402, sub-§3**, as enacted by PL 1993, c. 642, §5, is repealed and the following enacted in its place:

12 3. Installer. "Installer" means a mobile home mechanic or modular home mechanic as defined in section 9002, subsections 9 and 12.

14 **Sec. A-3. 10 MRSA §1404, first ¶**, as amended by PL 1989, c. 717, §1, is further amended to read:

16 A statutory warranty is hereby established by this section under which both the manufacturer and the dealer certify that to the best of their knowledge, the new ~~mobile-home~~ manufactured housing is free from any substantial defects in materials and workmanship. The dealer shall deliver the written warranty to the buyer at the time of sale and the warranty shall contain the following terms:

18 **Sec. A-4. 10 MRSA §1404, sub-§§1 and 2**, as enacted by PL 1973, c. 435, are amended to read:

20 **1. Defects.** That the ~~mobile-home~~ manufactured housing is free from any substantial defects in materials or workmanship;

22 **2. Corrective action.** That the manufacturer or dealer or both shall take appropriate corrective action at the site of the ~~mobile-home~~ manufactured housing in instances of substantial defects in materials or workmanship, which become evident within one year from the date of the delivery of the ~~mobile-home~~ manufactured housing to the consumer, provided the consumer or his transferee gives written notice of such defects to the manufacturer or dealer at their business address not later than one year and 10 days after date of delivery.

24 **Sec. A-5. 10 MRSA §1404-A**, as enacted by PL 1993, c. 642, §7, is amended to read:

26 **§1404-A. Installation warranty**

28 The dealer and the installer ~~or the installer and the dealer, when the dealer is responsible for the installation,~~

2 shall provide a written warranty with each new manufactured
3 housing unit installed for a buyer. The dealer or the installer
4 shall deliver the written warranty to the buyer at the time of
the installation. The warranty must contain the following:

6 **1. Materials and workmanship.** That the installation is
free from any substantial defects in materials or workmanship;

8
9 **2. Corrective action.** That the dealer and the installer ~~or
10 the installer and the dealer, when the dealer is responsible for
11 the installation,~~ shall take appropriate corrective action at the
12 site of the manufactured housing in instances of substantial
13 defects in materials or workmanship that become evident within
14 one year from the date of the installation of the manufactured
15 housing if the buyer or the buyer's transferee gives written
16 notice of the defects to the dealer and the installer ~~or the
17 installer and the dealer, when the dealer is responsible for
18 installation,~~ at the installer's ~~or the installer's~~ and the
19 dealer's business addresses no later than one year and 10 days
20 after the date of installation;

22 **3. Liability.** That the dealer and the installer ~~or the
23 installer and the dealer, when the dealer is responsible for the
24 installation,~~ are liable to the buyer or the buyer's transferee
for the fulfillment of the terms of the warranty; and

26
27 **4. Name, address and phone number of installer.** The name,
28 address and phone number of the dealer and the installer ~~or the
29 installer and the dealer, when the dealer is responsible for the
30 installation,~~ to whom written notice of defects must be mailed or
31 delivered by the buyer.

32
33 **Sec. A-6. 10 MRSA §1405,** as enacted by PL 1973, c. 435, is
34 amended to read:

36 **§1405. Cumulative remedies; prohibition against waiver**

38 The warranty under this chapter ~~shall be~~ is in addition to
39 and not in derogation of all other rights and privileges ~~which~~
40 ~~such that~~ a consumer may have under any other law or instrument.
41 The manufacturer or dealer ~~shall~~ or installer may not require the
42 buyer to waive ~~his~~ the buyer's rights under this chapter and any
43 such waiver ~~shall be deemed~~ is contrary to public policy and
44 ~~shall be~~ is unenforceable and void.

46 **Sec. A-7. 10 MRSA §9002, sub-§6-A,** as enacted by PL 1993, c.
47 642, §9, is repealed.

48
49 **Sec. A-8. 10 MRSA §9002, sub-§9,** as amended by PL 1981, c.
50 152, §5, is further amended to read:

2 **9. Mobile home mechanic.** "Meehanie Mobile home mechanic"
means any person engaged in servicing or installing manufactured
4 housing, as defined in ~~section 9002~~, subsection 7, paragraphs A
and C, ~~for compensation and is not a regular employee of a~~
6 ~~manufacturer or a dealer~~ except as set forth in section 9022,
subsection 1.

8
9 **Sec. A-9. 10 MRSA §9002, sub-§12** is enacted to read:

10 **12. Modular home mechanic.** "Modular home mechanic" means
12 any person engaged in servicing or installing manufactured
14 housing, as defined in subsection 7, paragraph B, for
compensation, except as set forth in section 9022, subsection 1.

16 **Sec. A-10. 10 MRSA §9006-C, sub-§2**, as enacted by PL 1993, c.
18 642, §15, is amended to read:

19 **2. Installer's warranty seal.** Before manufactured housing
20 may be installed in this State, the ~~installer~~ dealer, mobile home
mechanic or modular home mechanic shall obtain from the board a
22 Maine installer's warranty seal and attach the seal to the
manufactured housing. The seal must state that the dealer and
24 any mobile home mechanic or modular home mechanic who performs
the installation, are jointly and severally liable for breach of
26 the installation warranty. The required fee to the installer for
the warranty seal may not exceed \$25.

28 **Sec. A-11. 10 MRSA §9008**, as repealed and replaced by PL
30 1981, c. 152, §10, is amended to read:

32 **§9008. Prohibited practices**

34 **1. Licenses.** No A person may not manufacture, sell, broker,
distribute, install or service any manufactured housing in this
36 the State or offer to do the same without first obtaining a
license from the board as required in this chapter.

38 **2. Violation of rules and standards.** No A person may not
40 knowingly manufacture, sell, broker, distribute, install or
service manufactured housing in the State that is not in
42 compliance with the ~~regulations~~ rules and standards authorized
under this chapter.

44 **Sec. A-12. 10 MRSA §9009, sub-§2**, as amended by PL 1993, c.
46 642, §16 and c. 547, Pt. B, §78 and affected by §80, is repealed
and the following enacted in its place:

48 **2. Investigation of complaints; revocation or suspension of**
50 licenses. The board shall investigate or cause to be investigated

2 all complaints made to the board and all cases of noncompliance
3 with or violation of this chapter or of a warranty applicable to
4 the manufacture or installation of manufactured housing.
5 Notwithstanding Title 5, section 10051, if the board after notice
6 and a hearing finds that the manufacturer, dealer, installer or
7 mechanic has violated this chapter, the rules adopted pursuant to
8 this chapter or an applicable warranty, the board may file a
9 complaint with the District Court to revoke or suspend the
10 license or approval of the manufacturer, dealer, installer or
11 mechanic. If the board does not find reasonable grounds to
12 believe that a violation of this chapter or breach of an
13 applicable warranty has occurred, the board shall enter an order
14 so finding and dismiss the proceeding.

15 **Sec. A-13. 10 MRSA §9009, sub-§4,** as enacted by PL 1993, c.
16 642, §19, is amended to read:

17 **4. Remedies for installation defects.** The board staff
18 shall investigate all complaints made to the board of
19 noncompliance with or violation of chapter 213 or a warranty
20 applicable to the installation of manufactured housing. If the
21 board finds, after hearing, that the installation of manufactured
22 housing poses a threat to public health or safety or does not
23 comply with the board's installation standards, chapter 213 or
24 any applicable warranty, the board may order the ~~installer~~
25 dealer, mobile home mechanic or modular home mechanic to take
26 appropriate corrective action. Corrective action may include,
27 but is not limited to, reimbursing consumers for repairs that are
28 covered by warranty and made by the consumer if the consumer
29 notifies the ~~installer~~ licensee in writing of the defect within a
30 reasonable time prior to undertaking the repairs and the board
31 finds that the repairs are or were necessary to correct or
32 prevent an imminent threat to health or safety or to the
33 structure of manufactured housing. Notwithstanding Title 5,
34 section 10051, the board may also revoke or suspend the
35 ~~installer's~~ license to--install--manufactured--housing of the
36 dealer, mobile home mechanic or modular home mechanic to prevent
37 any future threat to the public health or safety. This
38 subsection applies to any new manufactured housing that is sold
39 to a consumer after January 1, 1993.

40 **Sec. A-14. 10 MRSA §9011, sub-§3,** as enacted by PL 1977, c.
41 550, §1, is repealed.

42 **Sec. A-15. 10 MRSA §9021, sub-§1,** as amended by PL 1993, c.
43 642, §23, is further amended to read:

44 **1. Licenses required.** Any person who engages in the
45 business of manufacturing, selling, brokering, distributing,
46 installing or servicing manufactured housing shall first obtain a
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license issued by the board. The board shall, within a reasonable
2 time, issue a license to any person who intends to manufacture,
sell, ~~broker, distribute,~~ install or service manufactured housing
4 in this State subject to filing and approval of an application
provided by the board. Any person who is licensed to conduct
6 these activities by other state or federal law is exempt from
this requirement when the law provides for specific authority to
8 provide a particular service or preempts the requirement for such
a license. Active licensees of the Real Estate Commission are
10 exempt from the licensing requirement for selling or brokering
used manufactured housing but not from the requirements of this
12 chapter.

14 **Sec. A-16. 10 MRSA §9021, sub-§2, ¶C,** as amended by PL 1991,
c. 391, §2, is further amended to read:

16 C. The license fee for ~~mechanics who service or install~~
18 ~~manufactured housing, as defined in section 9002, subsection~~
7, ~~paragraphs A and C,~~ mobile home mechanics and modular
20 home mechanics may not exceed \$200 annually.

22 **Sec. A-17. 10 MRSA §9021, sub-§2, ¶E,** as enacted by PL 1999,
c. 386, Pt. C, §2, is repealed.

24 **Sec. A-18. 10 MRSA §9021, sub-§7-A** is enacted to read:

26 **7-A. Jurisdiction.** Any agreement providing for a state
28 other than Maine as an exclusive jurisdiction for hearing
disputes arising out of the manufacture, sale, installation or
30 servicing of manufactured housing imported, sold, installed or
serviced in Maine is unenforceable and void.

32 **Sec. A-19. 10 MRSA §9022, sub-§§1 and 3,** as enacted by PL 1977,
34 c. 550, §1, are amended to read:

36 **1. Dealers.** ~~Dealers who are licensed according to this~~
~~chapter may install or service, or may have their employees~~
38 ~~install or service any manufactured housing in compliance with~~
~~this chapter and the dealer and his employees shall be exempt~~
40 ~~from any requirements for trade or mechanic licenses of any other~~
~~type. A licensed dealer may install or service any manufactured~~
42 ~~housing sold, brokered or distributed by the dealer without~~
~~further licensure under this chapter. Employees of a dealer need~~
44 ~~not be licensed under this chapter to install or service~~
~~manufactured housing sold, brokered or distributed by that~~
46 ~~dealer. The dealer and the employees of the dealer are exempt~~
~~from any trade or mechanic licenses of any other type. The dealer~~
48 ~~is not exempt from any requirements for a permit which any state~~
~~or political subdivision may require.~~
50

2 **Sec. B-2. 32 MRS §1071, sub-§3-A** is enacted to read:

4 **3-A. Denturist.** The denturist must be qualified pursuant
6 to subchapter VI, must be a legal resident of the State and for
8 appointments made after January 1, 2006, the denturist must have
10 practiced in the State for at least 6 years immediately preceding
12 appointment. The denturist member of the board is a full-voting
14 member of the board. The term of the denturist is 5 years. A
16 denturist is not eligible to serve as a member of the board while
18 employed by a dentist who is a member of the board.

20 **Sec. B-3. 32 MRS §1085**, as amended by PL 1995, c. 590, §1,
22 is further amended to read:

24 **§1085. Endorsement; fees**

26 The board is authorized, at its discretion, without the
28 examination as provided, to issue a license to an applicant who
30 furnishes proof, satisfactory to the board, that the applicant
32 has been licensed to practice dentistry in another state after
34 full compliance with the requirements of its dental laws. If an
36 applicant is licensed to practice dentistry in another state,
38 that applicant's professional education may not be less than is
40 required in this State and the applicant must have been at least
42 5 3 years in actual practice in the state in which the license
44 was granted. Applicants for licensure by endorsement who meet the
46 requirements of this section must be interviewed in person by the
48 board or members of the board, prior to being issued a license.
Every license of this type issued by the board must state upon
its face the grounds upon which it is issued and the applicant
may be required to furnish proof upon affidavit. The fee for the
license is determined by the board, but may not be more than \$300.

2 **Sec. B-4. 32 MRS §1100-E, sub-§4**, as amended by PL 1995, c.
4 590, §7, is further amended to read:

6 **4. Endorsement.** The board, at its discretion, without
8 examination, may issue a license to an applicant to practice as a
10 denturist who furnishes proof satisfactory to the board that the
12 denturist has been licensed to practice and has actively
14 practiced for a period of 5 3 years in another state or Canadian
16 province after full compliance with the requirements of its
18 dental laws, if the licensure requirements are, in all
20 essentials, at least equivalent to those of this State. The board
22 may require letters of reference about the denturist. Applicants
24 for licensure by endorsement who meet the requirements of this
26 section must be interviewed in person by the board, or members of
28 the board, prior to being issued a license. Every license so

2 given must state upon its face that it was granted on the basis
of endorsement. The fee for the license may not exceed \$100.

4 **PART C**

6 **Sec. C-1. 32 MRSA §1658-B**, as repealed and replaced by PL
1999, c. 386, Pt. G, §1, is repealed and the following enacted in
8 its place:

10 **§1658-B. Payment; trial period; medical return**

12 **1. Trial period.** The dealer-licensee may require the
14 purchaser to pay the full purchase price for the hearing aid or
aids at the time of delivery.

16 A. On that date of delivery, a 30-day trial period begins.
18 If within this trial period the purchaser notifies the
20 dealer-licensee of the purchaser's wish to cancel the
22 transaction, the dealer-licensee must make a full refund of
24 the purchase price, less the reasonable price of the ear
26 mold or molds and lab fees, at the time the purchaser
returns the hearing aid or aids. The dealer-licensee must
also return to the purchaser any hearing aids, devices,
accessories and ear molds that the dealer-licensee has
received from the purchaser.

28 B. No fewer than 20 or more than 35 days following the
30 delivery of the hearing aid or aids to the purchaser, the
32 dealer-licensee must contact the purchaser and provide, at
34 no cost to the purchaser, any service, fitting or repair
that may be necessary for the beneficial and comfortable use
of the hearing aid. If any service, fitting or repair is
performed, a new 30-day trial period commences as of the
date of this service.

36 **2. Return for medical reasons.** The purchaser may cancel
38 the transaction by submitting to the dealer-licensee within 60
40 calendar days from the date of delivery of the hearing aid or
42 aids a written opinion from a physician or audiologist stating
44 that the hearing aid or aids is not advisable for the purchaser.
46 Upon receipt of the statement and return by the purchaser of the
hearing aid or aids, the dealer-licensee shall make a full refund
of the purchase price, less the reasonable price of the ear mold
or molds and lab fees. The dealer-licensee must also return to
the purchaser any hearing aids, devices, accessories and ear
molds that the dealer-licensee has received from the purchaser.

48 **3. Violations.** Any provision of a contract that limits or
50 conditions in any way the rights guaranteed to purchasers by this
section is against public policy and void. Any violation of the

2 requirements of this section, in addition to being unethical
3 conduct under section 1658-N, constitutes a violation of the
4 Unfair Trade Practices Act, Title 5, chapter 10.

6 **Sec. C-2. 32 MRSA §1658-C, sub-§4, ¶D**, as amended by PL 1991,
c. 509, §7, is further amended to read:

8 D. ~~The notice must state that the purchaser may cancel the~~
9 ~~transaction if the purchaser consults an audiologist or a~~
10 ~~licensed physician who in writing states that the hearing~~
11 ~~aid is not advisable and in writing specifies the~~
12 ~~audiological or medical reason or both therefore the~~
13 ~~provisions of the 30-day trial period and 60-day medical~~
14 ~~return period as set out in section 1658-B. This notice~~
15 ~~must state that the purchaser may cancel only if the written~~
16 ~~opinion from the audiologist or physician is submitted to~~
17 ~~the seller within 60 calendar days from the date of~~
18 ~~purchase. If the purchaser cancels a transaction pursuant~~
19 ~~to this paragraph, the seller licensee shall within 60 days~~
20 ~~of the notice of the cancellation and the return by the~~
21 ~~purchaser of the hearing aid or aids refund to the purchaser~~
22 ~~the amount paid less 10% of the purchase price of one or~~
23 ~~more hearing aids and less the reasonable price of the ear~~
24 ~~mold or molds and lab fees.~~

26 PART D

28 **Sec. D-1. 32 MRSA §2103, sub-§2**, as amended by PL 1999, c.
30 386, Pt. H, §1, is further amended to read:

32 **2. Students.** The practice of nursing that is an integral
33 part of a program by students enrolled in board-approved nursing
34 education programs leading to initial licensure, and the practice
35 of nursing by graduates of board-approved programs pending the
36 results of the first licensing examination for which they are
37 eligible following graduation, if they practice under on-site
38 delegation and supervision of a registered professional nurse and
39 only in the practice setting. The board may, by rule or by
40 policy, define what constitutes a practice setting;

42 **Sec. D-2. 32 MRSA §2105-A, sub-§1-A**, as amended by PL 1999, c.
43 547, Pt. B, §62 and affected by §80, is further amended to read:

44 **1-A. Disciplinary proceedings and sanctions.** The board
45 shall investigate a complaint, on its own motion or upon receipt
46 of a written complaint filed with the board, regarding
47 noncompliance with or violation of this chapter or of rules
48 adopted by the board. Investigation may include a hearing before
the board to determine whether grounds exist for suspension,

2 revocation or denial of a license, or as otherwise considered
3 necessary to the fulfillment of its responsibilities under this
4 chapter. The board may subpoena witnesses, records and
5 documents, including records and documents maintained by a health
6 care facility, in an investigation or hearing it conducts.

7
8 The board shall notify the licensee of the content of a complaint
9 filed against the licensee as soon as possible, but not later
10 than 60 days from receipt of this information. The licensee
11 shall respond within 30 days. If the licensee's response to the
12 complaint satisfies the board that the complaint does not merit
13 further investigation or action, the matter may be dismissed,
14 with notice of the dismissal to the complainant, if any.

15
16 If, in the opinion of the board, the factual basis of the
17 complaint is or may be true, and it is of sufficient gravity to
18 warrant further action, the board may request an informal
19 conference with the licensee. The board shall provide the
20 licensee with adequate notice of the conference and of the issues
21 to be discussed. The conference must be conducted in executive
22 session of the board, or its subcommittee, pursuant to Title 1,
23 section 405, unless otherwise requested by the licensee.
24 Statements made at the conference may not be introduced at a
subsequent formal hearing unless all parties consent.

25
26 If the board or its subcommittee finds that the factual basis of
27 the complaint is true and is of sufficient gravity to warrant
28 further action, it may take any of the following actions it
29 considers appropriate:

30 A. Warn, censure or reprimand;

31
32 B. With the consent of the licensee, enter into a consent
33 agreement that fixes the period and terms of probation best
34 adapted to protect the public health and safety and to
35 rehabilitate or educate the licensee. A consent agreement
36 may be used to terminate a complaint investigation, if
37 entered into by the board, the licensee and the Attorney
38 General's office;

39
40 C. In consideration for acceptance of a voluntary surrender
41 of the license, negotiate stipulations, including terms and
42 conditions for reinstatement that ensure protection of the
43 public health and safety and serve to rehabilitate or
44 educate the licensee. These stipulations may be set forth
45 only in a consent agreement signed by the board, the
46 licensee and the Attorney General's office;

47
48 D. If the board or its subcommittee concludes that
49 modification or nonrenewal of the license is in order, hold
50

2 an adjudicatory hearing in accordance with the provisions of
Title 5, chapter 375, subchapter IV; or

4 E. If the board or its subcommittee concludes that
6 suspension or revocation of the license is in order, file a
complaint in the District Court in accordance with Title 4,
chapter 5.

8
10 **PART E**

12 **Sec. E-1. 32 MRSA §2351, first ¶**, as amended by PL 1993, c.
659, Pt. A, §5, is further amended to read:

14 The Oil and Solid Fuel Board, as established by Title 5,
16 section 12004-A, subsection 27, and in this chapter called the
"board," consists of the Commissioner of Public Safety or a
18 representative and 6 5 other members, called in this chapter the
"appointive members," who are appointed by the Governor.

20 **Sec. E-2. 32 MRSA §2351, 2nd ¶**, as amended by PL 1999, c. 386,
Pt. J, §10, is further amended to read:

22 Three of the appointive members must be oil burner
24 technicians who are active in the trade. One of the members must
have at least 5 years' experience and the other 2 members must
26 have at least 10 years' experience as oil burner technicians.
Nominees for appointment of the oil burner technician members may
28 be recommended to the Governor by the Maine Oil Dealers
Association. One of the appointive members must be a
30 representative of the solid fuel burning industry, and one must
be a representative of the public ~~and one must be a manufacturer,~~
32 ~~importer or wholesaler or a designee of a manufacturer,~~
~~importer or wholesaler of equipment for burning oil and solid fuel,~~
34 ~~prefabricated fireplaces and chimneys or accessory equipment.~~

36 **Sec. E-3. 32 MRSA §2401-B, sub-§1, ¶C**, as enacted by PL 1999,
c. 386, Pt. J, §14, is amended to read:

38 C. For a master solid fuel burner technician license, a
40 person must present to the board satisfactory evidence of at
least 2 years' licensed practical experience ~~as a journeyman~~
42 ~~oil burner technician~~ and related knowledge; a master oil
burner technician's license issued under this chapter; or a
44 bachelor's degree in engineering from an accredited
university and satisfactory evidence of knowledge of solid
46 fuel burning equipment. An out-of-state applicant must
present satisfactory evidence to the board of experience in
48 installing, cleaning, servicing, altering and repairing
solid fuel burning equipment.

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PART F

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Sec. F-1. 13 MRSA §705, as amended by PL 1997, c. 313, §1, is further amended to read:

§705. Corporate organization

An individual or group of individuals duly licensed or otherwise legally authorized to render the same professional service within this State may organize and become a shareholder or shareholders of a professional corporation under the corporation laws for the sole and specific purpose of rendering the same and specific professional service. Notwithstanding any other provisions of law, for the purposes of this chapter, osteopathic physicians licensed under Title 32, chapter 36 and physicians and surgeons licensed under Title 32, chapter 48 are considered to render the same professional service. Notwithstanding any other provision of law, for the purposes of this chapter, optometrists licensed under Title 32, chapter 34-A and ophthalmologists licensed under Title 32, chapter 36 or 48 may organize and become the sole shareholders of the same professional corporation under the corporation laws for the sole and specific purpose of rendering their respective professional services that are considered to be complementary to one another. Notwithstanding any other provision of law, nonlicensed individuals may organize with individuals who are licensed under Title 32, chapter 113, and may become shareholders of a firm licensed to practice public accountancy under Title 32, section 12252, provided that all of the requirements for licensure under Title 32, section 12252, subsection 3 are met by the firm.

Sec. F-2. 32 MRSA §12252, sub-§3, ¶A, as amended by PL 1999, c. 619, §2, is further amended to read:

A. An applicant for initial issuance or renewal of a permit to practice under this section shall show that a simple majority of the ownership of the firm, in terms of financial interests and voting rights of all partners, officers, shareholders, members or managers, belongs to holders of certificates who are licensed in a state and that all partners, officers, shareholders, members or managers whose principal place of business is in this State and or who perform professional services in this State hold valid individual permits issued by the board. ~~At least a simple majority of the ownership of a public accounting firm, in terms of financial interests and voting rights, must belong to holders of permits issued by the board.~~ Firms may include nonlicensee owners in accordance with paragraph B.

PART G

2 for the executive director must be set by the board within the
range established by Title 2, section 6-C-; and

4 **Sec. H-3. 32 MRSA §3269, sub-§17** is enacted to read:

6 17. Approval of licenses. The power to direct staff to
7 review and approve applications for licensure or renewal in
8 accordance with criteria established in law or in rules adopted
9 by the board. Licensing decisions made by staff may be appealed
10 to the full board.

12 SUMMARY

14
16 Part A of the bill resolves ambiguities in the manufactured
17 housing law and the manufactured housing warranties law regarding
18 the scope of practice under the existing "mechanic" and
"installer" licenses by creating replacement license categories
of "mobile home mechanic" and "modular home mechanic."

20 Part A also:

22
24 1. Conforms various dealer provisions in the manufactured
housing law to the statutory definition of "dealer";

26
28 2. Prohibits a manufacturer or dealer from requiring that a
dispute arising from the manufacture, sale, installation or
servicing of a manufactured housing unit in Maine must always be
heard in another state;

30
32 3. Repeals an obsolete voting requirement relating to
reissuance of a revoked license that is unnecessary in light of
34 the 5-member quorum requirement found in the Maine Revised
Statutes, Title 10, section 9003, subsection 7; and

36
38 4. Eliminates a penalty limitation that conflicts with the
penalty provisions found in Title 10, section 8003, subsection 5,
paragraph A-1 that are generally applicable to Office of
Licensing and Registration licensing boards.

40
42 Part B of the bill amends the law governing the membership
of the Board of Dental Examiners to make the denturist position,
44 which expired on January 1, 2001, a permanent position. Part B
also amends the laws governing licensure by endorsement for
46 dentists and denturists by reducing the active practice
requirement from 5 years to 3 years.

48
50 Part C of the bill amends the law concerning
dealer-licensees of hearing aids by requiring that the notice
provided by the dealer-licensee to the purchaser indicate that a

2 full refund of the purchase price, less the reasonable price of
the ear mold or molds and lab fees, be made to the purchaser if
4 the purchaser returns the hearing aid within the 30-day trial
period following the sale.

6 Part D of the bill amends the nursing laws to permit recent
nursing school graduates to practice under the on-site delegation
8 and supervision of a registered professional nurse in order to
assist these graduates in attaining training and to help
10 alleviate the current nursing shortage faced in this State. Part
D also provides the State Board of Nursing with the authority to
12 appoint a subcommittee to hold informal conferences and enter
into consent agreements in disciplinary matters.

14 Part E of the bill amends the Oil and Solid Fuel Board laws
to rename the journeyman solid fuel license for the progression
16 to master solid fuel license because there is not such a
journeyman license. The bill also eliminates the board member
18 position reserved for a manufacturer, importer or wholesaler of
oil-burning equipment.

22 Part F of the bill clarifies the intended effect of a change
in the Board of Accountancy law. The amended language clarifies
24 that all partners, officers, shareholders, members or managers
whose principal place of business is in the State, or who perform
26 professional services in Maine must be licensed by the Board of
Accountancy. A corresponding change in the Maine Professional
28 Service Corporation Act allows for a licensed certified public
accountant to form corporations with nonlicensed individuals,
30 provided a simple majority of shareholders in a public accounting
firm are licensed by the Board of Accountancy.

32 Part G of the bill makes a necessary correction that
34 resulted when Public Law 1999, chapter 386, Pt. U, section 3
reduced the required hours for licensure as an aesthetician. At
36 that time, the minimum number of base hours for students to
attend an aesthetics program either in a school setting or as a
38 trainee was not adjusted accordingly. This bill makes the
corresponding adjustment.

40 Part H of the bill authorizes the Board of Licensure in
42 Medicine to delegate approval of applications for licensure and
renewal to the board's staff. Licensing decisions by staff may
44 be appealed to the full board.