

# MAINE STATE LEGISLATURE

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# 121st MAINE LEGISLATURE

## FIRST REGULAR SESSION-2003

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Legislative Document

No. 1506

H.P. 1099

House of Representatives, April 1, 2003

### **An Act To Make Technical Changes to Statutes Regarding Regulatory Boards and Registrations**

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

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

*Millicent M. MacFarland*  
MILLICENT M. MacFARLAND  
Clerk

Presented by Representative SULLIVAN of Biddeford.  
Cosponsored by Senator SHOREY of Washington.

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

4 **PART A**

6 **Sec. A-1. 9 MRSA §5010**, as amended by PL 1981, c. 456, Pt. A, §36, is further amended to read:

8 **§5010. Annual report by commissioner**

10 The commissioner shall annually, prior to ~~February~~ December  
12 1st, make a report to the Governor and the Legislature on the  
14 activities of charitable organizations within this State, based  
16 on the information filed under this chapter.

14 **PART B**

16 **Sec. B-1. 10 MRSA §8003, sub-§5, ¶C**, as amended by PL 1999, c.  
18 386, Pt. B, §4, is further amended to read:

20 C. The bureau, office, board or commission may:

22 (1) Require all applicants for license or registration  
24 renewal to have responded under oath to all inquiries  
set forth on renewal forms;

26 (2) Require applicants for license or registration  
28 renewal to present proof of satisfactory completion of  
30 continuing professional or occupational education in  
32 accordance with each bureau's, office's, board's or  
34 commission's rules. Failure to comply with the  
36 continuing education rules may, in the bureau's,  
38 office's, board's or commission's discretion, result in  
a decision to deny license or registration renewal or  
40 may result in a decision to enter into a consent  
42 agreement and probation setting forth terms and  
44 conditions to correct the licensee's or registrant's  
46 failure to complete continuing education. Terms and  
48 conditions of a consent agreement may include requiring  
completion of increased hours of continuing education,  
civil penalties, suspension and other terms as the  
bureau, office, board, commission, the licensee or  
registrant and the Department of the Attorney General  
determine appropriate. Notwithstanding any contrary  
provision set forth in a bureau's, office's, board's or  
commission's governing law, continuing education  
requirements may coincide with the license or  
registration renewal period;

50 (3) Refuse to renew a license or registration or deny  
a license when the bureau, office, board or commission

2 finds a licensee or registrant to be in noncompliance  
with a bureau, office, board or commission order or  
4 consent agreement;

6 (4) Allow licensees or registrants to hold inactive  
status licenses or registrations in accordance with  
each bureau's, office's, board's or commission's  
8 rules. The fee for an inactive license or registration  
may not exceed the statutory fee cap established for  
10 the bureau's, office's, board's or commission's license  
or registration renewal set forth in its governing law;  
12 or

14 (5) Delegate to staff the authority to review and  
approve applications for licensure pursuant to  
16 procedures and criteria established by rule. Rules  
developed pursuant to this subparagraph are routine  
18 technical rules as described in Title 5, chapter 375,  
subchapter II-A 2-A.

## 20 PART C

22 **Sec. C-1. 32 MRSA §1152**, as amended by PL 1995, c. 397, §29,  
24 is further amended to read:

### 26 **§1152. Employees**

28 ~~At no time may there be fewer than 6 electrical inspectors~~  
~~to carry out the mandates of this chapter. The board shall raise~~  
30 ~~funds as necessary to support the costs of its employees and~~  
~~their administrative support.~~

32 Electrical inspectors appointed under this section have  
34 powers throughout the several counties of the State, similar to  
those of sheriffs in their respective counties, relating to  
36 enforcement of this chapter and rules and regulations promulgated  
thereunder adopted under this chapter. These powers are limited  
38 to the power to conduct investigations, issue citations, serve  
summonses and order corrections of violations in accordance with  
40 specific statutory authority.

42 **Sec. C-2. 32 MRSA §1153-A**, as repealed and replaced by PL  
1973, c. 363, is repealed and the following enacted in its place:

### 44 **§1153-A. Standards; installation**

46 The board shall establish by rule technical standards for  
48 the proper installation of electrical equipment. These standards  
must conform as nearly as practicable to the National Electrical  
50 Code, National Fire Protection Association standard #70. The

2 installation of the electrical equipment must also comply with  
3 the applicable statutes of the State and all applicable  
4 ordinances, orders, rules and regulations of any city or town  
5 where the installation is being performed. Rules adopted  
6 pursuant to this section are routine technical rules as defined  
7 in Title 5, chapter 375, subchapter 2-A.

8 **Sec. C-3. 32 MRSA §1156**, as repealed and replaced by PL 1973,  
9 c. 363, is repealed.

10 **PART D**

11 **Sec. D-1. 32 MRSA §3117-A, last ¶**, as enacted by PL 1983, c.  
12 413, §139, is repealed.

13 **PART E**

14 **Sec. E-1. 32 MRSA §12228, sub-§4**, as amended by PL 1999, c.  
15 245, §4, is further amended to read:

16 **4. Examination.** ~~The--examination--to--be--passed--as--a~~  
17 ~~condition--for--the--granting--of--a--certificate--must--be--in--writing--or~~  
18 ~~in--electronic--form,--must--be--held--twice--a--year--and--must~~ An  
19 applicant is required to pass an examination administered by the  
20 board to test the applicant's knowledge of the subjects of  
21 accounting and auditing and such other related subjects as the  
22 board may specify by rule in order to qualify for a certificate.  
23 Rules adopted pursuant to this section are routine technical  
24 rules as defined in Title 5, chapter 375, subchapter II-A 2-A.  
25 ~~The--time--for--holding--the--examination--must--be--fixed--by--the--board~~  
26 ~~and--may--be--changed--from--time--to--time.--The--board--shall--prescribe~~  
27 ~~by--rule--the--methods--of--applying--for--and--conducting--the~~  
28 ~~examination,--including--methods--for--grading--papers--and--determining~~  
29 ~~a--passing--grade--required--of--an--applicant--for--a--certificate,~~  
30 ~~except--that--the--board,--to--the--extent--possible,--shall--see--to--it~~  
31 ~~that--the--grading--of--the--examination--and--the--passing--grades--are~~  
32 ~~uniform--with--those--applicable--in--all--other--states.~~ The board may  
33 make the use of all or any part of the Uniform certified public  
34 accountant Certified Public Accountant Examination and the  
35 Advisory Grading Service of the American Institute of certified  
36 public accountants Certified Public Accountant or any other  
37 examination approved by the board and may contract with 3rd  
38 parties to perform such administrative services with respect to  
39 the examination as it considers appropriate to assist it in  
40 performing its duties under this section.

41 **Sec. E-2. 32 MRSA §12228, sub-§5**, as repealed and replaced by  
42 PL 1997, c. 265, §4, is repealed.



2 part, it finds considers necessary to carry out the mandates of  
3 this chapter.

4 **PART G**

6 **Sec. G-1. 32 MRSA §15102, sub-§2, ¶J,** as amended by PL 1999, c.  
7 386, Pt. W, §4, is further amended to read:

8 J. Pressure vessels that do not exceed:

10 (1) Five cubic feet in volume ~~or~~ and 250 pounds per  
12 square inch gauge pressure;

14 (2) One and 1/2 cubic feet in volume and 600 pounds  
16 per square inch gauge pressure; or

18 (3) An inside diameter of 6 inches with no limitation  
on pressure; or

20 **PART H**

22 **Sec. H-1. 32 MRSA §2102, sub-§2-A, ¶A,** as enacted by PL 1995,  
24 c. 379, §4 and affected by §11, is repealed.

26 **Sec. H-2. 32 MRSA §2103, sub-§4,** as amended by PL 1993, c.  
600, Pt. A, §113, is further amended to read:

28 **4. Licensure in another state or jurisdiction.** The  
practice of:

30 A. Nursing by a registered nurse or a licensed practical  
32 nurse currently licensed in another state or United States  
34 territory for a period of 90 days pending licensure in the  
State if the nurse, upon employment, has furnished the  
36 employer with satisfactory evidence of current licensure in  
another state or United States territory and the nurse  
38 furnishes a letter of authorization to the prospective  
employer of having submitted proper application and fees to  
the board for licensure prior to employment;

40 B. A currently licensed nurse of another United States  
42 jurisdiction or foreign country who is providing educational  
programs or consultative services within this State for a  
44 period not to exceed a total of 21 days per year;

46 C. A currently licensed nurse of another state who is  
48 transporting patients into, out of or through this State.  
The exemption is limited to a period not to exceed 48 hours  
50 for each transport; ~~or~~

2 D. Nursing in this State by a currently licensed nurse  
whose employment was contracted outside this State but  
4 requires the nurse to accompany and care for the patient  
while in this State. This practice is limited to the  
6 particular patient to 3 months within one year and is at the  
discretion of the board; or

8 E. Nursing by a registered nurse or licensed practical  
10 nurse currently licensed in a jurisdiction outside the  
12 United States or its territories for a period not to exceed  
14 90 days pending receipt of a United States social security  
16 number as long as all other requirements for licensure have  
18 been submitted and verified and the registered or licensed  
nurse has furnished upon employment satisfactory evidence of  
current licensure in another jurisdiction and the nurse  
furnishes a letter of authorization to the prospective  
employer of having submitted proper application and fees to  
the board for licensure prior to employment;

20 **Sec. H-3. 32 MRSA §2103, sub-§6**, as amended by PL 1993, c.  
600, Pt. A, §113, is further amended to read:

22 **6. Nursing services; practice of religious principles.**  
24 ~~This chapter does not prohibit nursing~~ Nursing services performed  
in accordance with the practice of the religious principles or  
26 tenets of a church or denomination that relies upon prayer or  
spiritual means alone for healing; or

28 **Sec. H-4. 32 MRSA §2103, sub-§7** is enacted to read:

30 **7. Nursing services by successful candidates of the**  
32 **National Council of State Boards of Nursing, Inc.'s National**  
34 **Council's Learning Extension licensure examination pending**  
36 **receipt of United States social security number. The practice of**  
nursing for a period not to exceed 90 days by an applicant for  
licensure as a registered professional nurse or practical nurse  
who has passed the National Council of State Boards of Nursing,  
38 Inc.'s National Council's Learning Extension licensure  
examination and has met all requirements for licensure except  
40 obtaining a United States social security number, as required by  
Title 36, section 175.

42 **Sec. H-5. 32 MRSA §2201, sub-§2**, as amended by PL 1993, c.  
44 600, Pt. A, §126, is repealed.

46 **Sec. H-6. 32 MRSA §2251-A, sub-§1**, as amended by PL 1993, c.  
48 600, Pt. A, §133, is repealed.



## SUMMARY

2

4 The bill makes technical changes in 6 board statutes and one  
6 registration statute involving the Department of Professional and  
8 Financial Regulation as well as a change regarding the ability of  
a licensing board to deny an application for licensure when an  
applicant has failed to comply with a board order or consent  
agreement.

10

12 Part A changes the submission deadline for the  
commissioner's report to the Legislature on charitable  
solicitation activity to capture one full year of activity.

14

16 Part B extends a licensing board's authority to deny an  
original or renewal license to an applicant who is in  
noncompliance with a board order or consent agreement.

18

20 Part C repeals the outdated provision requiring a specific  
number of electrical inspectors and permits the Electricians'  
22 Examining Board to adopt, through rulemaking, appropriate  
exceptions to national codes as provided by the codes.

22

24 Part D repeals unnecessary complaint provisions for physical  
therapists.

26

28 Part E changes the passing criteria for certified public  
accountant examinations to accommodate computer-based testing.

28

30 Part F permits the Propane and Natural Gas Board to adopt,  
through rulemaking, appropriate exceptions to national codes as  
provided by the codes.

32

34 Part G changes the exemption from the definition of "boiler"  
for certain types of pressure vessels that are regulated by the  
Propane and Natural Gas Board.

36

38 Part H makes technical changes to the laws governing nurses  
and nursing in the Maine Revised Statutes, Title 32, chapter 31.

40

42 Part H permits nurses who have passed the National Council  
of State Boards of Nursing, Inc.'s National Council's Learning  
Extension examination or who are licensed in a United States  
territory or a foreign jurisdiction and who have met all other  
44 requirements for licensure to practice nursing in this State for  
up to 90 days while awaiting the issuance of a social security  
46 number. In addition, Part H eliminates the requirement that an  
applicant for licensure as a registered professional nurse have a  
48 high school diploma or the equivalent since all applicants must  
have completed a course of study of not less than 2 years in an

2 approved program in professional nursing and hold a degree,  
diploma or certificate from that program.