

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

One Hundred and Seventh Legislature

AT THE

1ST SPECIAL SESSION

JANUARY 19, 1976 TO APRIL 29, 1976

AND

2ND SPECIAL SESSION

JUNE 14, 1976

PUBLISHED BY THE DIRECTOR OF LEGISLATIVE RESEARCH IN
ACCORDANCE WITH MAINE REVISED STATUTES ANNOTATED,
TITLE 3, SECTION 164, SUBSECTION 6.

PORTLAND LITHOGRAPH COMPANY
PORTLAND, MAINE
1977

PUBLIC LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE
One Hundred and Seventh Legislature
AT THE FIRST SPECIAL SESSION
January 19, 1976 to April 29, 1976
AND THE SECOND SPECIAL SESSION
June 14, 1976

Supplementary to the Acts and Resolves of the Regular Session

[supplied from page 3097 of volume]

Whereas, the reluctance of suitable individuals to apply for the position of Director of Personnel is in part caused by the statutory limitation on the salary which may be paid to the Director of Personnel; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

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

Sec. 1. 2 MRSA § 6, sub-§ 1, as last amended by PL 1975, c. 623, § 2, is further amended by adding at the end the following:

Commissioner of Personnel.

Sec. 2. 2 MRSA § 6, sub-§ 3, 2nd ¶ is repealed as follows:

~~Director of Personnel;~~

Sec. 3. 5 MRSA § 631, first sentence, is repealed and the following enacted in place thereof:

The Commissioner of Personnel shall be, at the time of his appointment, a person thoroughly familiar with the principles and experienced in the methods and techniques of personnel administration and management.

Sec. 4. Amendatory clause. Wherever in the Revised Statutes the words "State Director of Personnel" appear they shall mean "Commissioner of Personnel."

Emergency clause. In view of the emergency cited in the preamble, this Act shall take effect when approved.

Effective April 15, 1976

CHAPTER 767

AN ACT to Reorganize the Department of Business Regulation.

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

Sec. 1. 8 MRSA § 105, as amended by PL 1975, c. 115, § 3, is repealed and the following enacted in place thereof:

§ 105. Annual reports

Not later than August 1st of each year, the commission shall submit to the Commissioner of Business Regulation for the preceding fiscal year ending

June 30th an annual report of its operations and financial position, together with such comments and recommendations as the commission deems essential.

Sec. 2. 9 MRSA Pt 8, as amended, is repealed.

Sec. 3. 9 MRSA § 3743, as enacted by PL 1965, c. 501, § 1, and as amended, is repealed and the following enacted in place thereof:

§ 3743. License fees; renewals

Every home repair financing agency shall pay to the superintendent at the time of making the application, a license fee of \$100 and thereafter upon renewal a biennial license fee of \$200. Each home repair contractor shall pay to the superintendent at the time of making the application a license fee of \$100, and \$10 for each home repair salesman in excess of 5 in his employ. Thereafter, each home repair contractor shall pay upon renewal a biennial license fee of \$200 and \$20 for each home repair salesman in excess of 5 in his employ. Each home repair salesman, not in the employ of a home repair contractor, shall pay to the superintendent at the time of making application a license fee of \$10 and thereafter, upon renewal, a biennial license fee of \$20.

All licenses shall expire biennially on October 31st, or at such other times as the Commissioner of Business Regulation may designate, and shall become invalid on that date unless renewed. The superintendent shall inform every home repair financing agency, home repair contractor and home repair salesman not in the employ of a home repair contractor of the expiration date of his license and the amount of fee required for renewal for a 2-year period. Such notice shall be mailed to such person's last known address at least 30 days in advance of the date of expiration of such license.

Sec. 4. 9 MRSA § 3744, last sentence, as enacted by PL 1965, c. 501, § 1, is repealed.

Sec. 5. 9 MRSA § 3744, as enacted by PL 1965, c. 501, § 1, is amended by adding at the end a new sentence to read:

When the unexpired license term of an applicant is or will be more than one year at the time of licensure, the superintendent may require the applicant to pay an additional fee not to exceed $\frac{1}{2}$ the biennial renewal fee.

Sec. 6. 9 MRSA § 4055, sub-§§ 3 and 4, as enacted by PL 1975, c. 429, § 1, are repealed and the following enacted in place thereof:

3. Fee. Each applicant for an insurance premium finance company license shall pay to the superintendent at the time of making the application a license fee of \$100 and thereafter, upon renewal, a biennial renewal fee of \$200 for each office where the business of an insurance premium finance company is conducted.

4. Abatement; expiration. No abatement in the amount of such license fee shall be made, if the license is issued for less than one year, nor if the license is surrendered, suspended or revoked prior to the expiration of the period for which such license was issued. Each license shall remain in full

force and effect until it is surrendered, suspended, revoked or has expired. Each license shall expire biennially on August 31st, or at such other times as the Commissioner of Business Regulation may designate. The superintendent shall inform every insurance premium finance company licensee of the expiration date of its license and the amount of fee required for renewal for a 2-year period. Such notice shall be mailed at least 30 days in advance of the date of expiration of such license. When the unexpired license term of an applicant is or will be more than one year, the superintendent may require the applicant to pay an additional fee not to exceed $\frac{1}{2}$ the biennial renewal fee.

Sec. 7. 9-A MRSA § 6-104, sub-§ 3, first sentence, as enacted by PL 1973, c. 762, § 1, is repealed and the following enacted in place thereof:

On or before August 1st each year, the administrator shall report to the Commissioner of Business Regulation for the preceding fiscal year ending June 30th on the operation of his office, on the use of consumer credit in the State and on the problems of persons of small means obtaining credit from persons regularly engaged in extending sales or loan credit.

Sec. 8. 9-A MRSA § 6-202, sub-§ 2, as enacted by PL 1973, c. 762, § 1, is repealed and the following enacted in place thereof:

2. If information in a notification becomes inaccurate after filing, the administrator should be advised in writing of such new or corrected information.

Sec. 9. 10 MRSA c. 901, as enacted by PL 1971, c. 488, § 1, and as amended, is repealed and the following enacted in place thereof:

CHAPTER 901

DEPARTMENT OF BUSINESS REGULATION

§ 8001. Department; agencies within department

There is created and established the Department of Business Regulation to regulate financial institutions, insurance companies, commercial sports and grantors of consumer credit, to license professional and occupational trades and to award just compensation in land condemnations. The department shall be comprised of the following bureaus, boards and commissions:

Board of Examiners on Speech Pathology and Audiology;

Bureau of Banking;

Bureau of Consumer Protection;

Bureau of Insurance;

Electricians' Examining Board;

Oil Burner Men's Licensing Board;

Land Damage Board;
Maine State Boxing Commission;
Real Estate Commission;
State Board of Examiners of Psychologists; and
State Running Horse Racing Commission.

§ 8002. Duties and authority of commissioner

The administrative head of the department shall be the Commissioner of Business Regulation, who shall be appointed by the Governor, with the advice and consent of the Council, to serve a term coterminous with that of the Governor, subject to removal for cause by the Governor and Council. As chief administrative officer of the department, the commissioner shall have the following duties and authority:

1. Budget. Prepare the budget for the department;
2. Personnel. Transfer personnel within the department to insure efficient utilization of department personnel;
3. Purchases. Coordinate the purchase and use of all equipment within the department;
4. Review. Review the functions and operation of bureaus, boards and commissions within the department to assure that overlapping functions and operations are eliminated and that each complies fully with its statutory and public service responsibilities; and
5. Liaison. Act as a liaison between the bureaus, boards and commissions within the department and the Governor.

The commissioner shall not have the authority to exercise or interfere with the exercise of discretionary regulatory or licensing authority granted by statute to the bureaus, boards or commissions within the department set forth in section 8001.

§ 8003. Central Licensing Division

1. Licensing division. There is created a Central Licensing Division, hereinafter called the "licensing division," which shall constitute a division of the Department of Business Regulation. The Commissioner of Business Regulation shall employ a Director of the Central Licensing Division and other such clerical and technical assistants as are necessary to discharge the licensing and administrative duties imposed by this section and shall outline their duties and fix their compensation, subject to the Personnel Law.

2. Function of division. It shall be the responsibility of the licensing division to process and issue certificates of registration or reregistration for those bureaus, boards and commissions within the department which the commissioner shall direct. Such certificates of registration or reregistration shall be processed and issued by the licensing division only upon authorization of the appropriate bureau, board or commission. The licensing division shall main-

tain for the Department of Business Regulation a central register containing the name and address of each firm or person licensed by profession, occupation or industry and other such information as the commissioner shall direct for administrative, information or planning purposes and shall be open for public inspection during regular office hours. The commissioner, with the advice of the respective bureaus, boards and commissions, shall have the authority to determine the type and form of the information collected for licensing purposes in order to facilitate processing by the licensing division. The licensing division shall perform such other administrative services for the bureaus, boards and commissions within the department as the commissioner shall direct.

3. Licenses defined. Certificates of registration and reregistration shall mean documents or licenses evidencing admission to the respective professions, occupations and industries in the State; licenses granting authority to practice or operate in the State, which may be limited in scope by the degree of proficiency or responsibility required, and renewals of all such licenses to practice or operate in the State. Such certificates shall include certifications of instructors and schools approved by the bureaus, boards or commissions for preparing individuals to practice any profession or occupation and certifications of shops, stores and firms within industries by such bureaus, boards or commissions.

4. Licensing periods; renewal dates. In order that certificates of registration and reregistration may be processed and issued in a reasonably uniform manner over a fiscal year, the commissioner shall have the authority to establish expiration or renewal dates for all licenses authorized to be issued by bureaus, boards and commissions within the department, notwithstanding any other provisions of law. If an expiration or renewal date established by the commissioner has the effect of shortening the term of duly authorized license currently in effect, the bureau, board or commission shall credit the fee paid, on a prorated basis, for the unexpired term of the current license toward the renewal fee of the renewal license. If a valid license is not renewed on the new expiration or renewal date established by the commissioner, such license shall remain in effect through its original term, unless suspended or revoked sooner under laws or regulations of the respective bureau, board or commission. Should a licensee seek to renew his license at the end of the original term of license, the law or regulations established by the respective bureau, board or commission for late renewals or reregistrations shall apply. For the purpose of implementing and administering biennial licensing, the commissioner is authorized to permit bureaus, boards and commissions within the department to issue licenses and establish renewal fees for less than a 2-year term. Nothing in this section shall change the term or fee for one-time licenses, except as specifically provided for.

5. Authority of bureaus, boards or commissions. Nothing in this section shall be construed to diminish or deprive any bureau, board or commission within the department of its statutory duty and authority to regulate its profession, occupation or industry. Each bureau, board or commission shall retain the power to make all necessary regulations for the pursuit, practice and standards of the profession, occupation or industry within its jurisdiction to assure competence and the preservation of the public safety; shall determine the amount and type of experience and training required to qualify an applicant for an examination for any license; and shall determine the specific area of a trade or industry for which limited licenses shall be issued and the areas for which no license shall be required. Each bureau, board and commission shall continue to collect its fees and conduct investigations of violations of its regulations.

6. Funding of licensing division. The commissioner is authorized to assess each bureau, board or commission, whose licenses are processed and issued by the licensing division, an amount sufficient to cover the cost of operating the division, provided such assessment does not exceed \$2 per license. Any moneys collected in excess of a bureau, board or commission's proportional share of the operating costs at the end of a fiscal year shall either be returned to the bureau, board or commission or credited towards its assessment in the next fiscal year.

§ 8004. Annual reports

Notwithstanding any other provision of law, all annual reports or statements required of bureaus, boards and commissions within the department shall be submitted to the commissioner not later than August 1st of each year and shall summarize the operations and financial position of the bureau, board or commission for the preceding fiscal year ending June 30th. After reviewing such reports and statements, the commissioner shall compile them into a report for submission to the Governor, together with such analysis as the Governor may direct.

Sec. 10. 24-A MRSA § 415, sub-§§ 1 and 2, as enacted by PL 1969, c. 132, § 1, and as amended by PL 1973, c. 585, § 12, are repealed and the following enacted in place thereof:

1. A certificate of authority shall continue in force as long as the insurer is entitled thereto under this Title, and until suspended or revoked by the superintendent or terminated at the insurer's request; subject to continuation of the certificate by the insurer every 2 years. In order that insurers' certificates of authority may be continued in a reasonably uniform manner over a 2-year period, the superintendent shall establish for each insurer authorized to transact insurance in this State a date to be known as the insurer's "biennial continuation date."

Continuation of the certificate of authority shall be effected by:

- A. Payment on or before midnight of the insurer's biennial continuation date of the continuation fee provided in section 601, fee schedule;
- B. Filing by the insurer of its annual statements for the 2 preceding calendar years as required by section 423; and
- C. Payment by the insurer of premium taxes as required by section 602.

2. An insurer's certificate of authority shall expire at midnight on its biennial continuation date. The superintendent shall notify every insurer holding a certificate of authority of the expiration date of its certificate and the fees that are required for continuation for a 2-year period. The notice shall be mailed to the insurer at least 30 days in advance of the expiration date of its certificate of authority. If not so continued by the insurer, its certificate of authority shall expire on its biennial continuation date, unless earlier revoked for failure to pay taxes as provided in section 602. The superintendent shall promptly notify the insurer of the expiration of its certificate of authority and the fees required for reinstatement.

Sec. 11. 24-A MRSA § 415, sub-§§ 4 and 5 are enacted to read:

4. When an insurer is issued a first-time certificate of authority and its biennial continuation date is more than one year away, the superintendent may require the insurer to pay an additional fee not to exceed 1/2 the biennial continuation and annual statement filing fees in effect at that time according to the fee schedule.

5. The superintendent is authorized to issue continuation certificates for less than a 2-year term in order to implement the biennial continuation of insurers on biennial continuation dates established by the superintendent. If a continuation certificate is issued to an insurer for one year or less, the fees assessed for such certificate and annual statement filing shall be not more than 1/2 the applicable biennial fees according to the fee schedule.

Sec. 12. 24-A MRSA § 601, sub-§ 1, ¶¶ B and C, as enacted by PL 1969, c. 132, § 1, are repealed and the following enacted in place thereof:

B. Issuance, and each biennial continuation	\$200
C. Reinstatement, under section 415	350

Sec. 13. 24-A MRSA § 601, sub-§ 3, as enacted by PL 1969, c. 132, § 1, is repealed and the following enacted in place thereof:

3. Filing annual statement of insurer, payable on biennial continuation date	\$100
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Sec. 14. 24-A MRSA § 601, sub-§§ 11 and 12, as enacted by PL 1969, c. 132, § 1, are repealed and the following enacted in place thereof:

11. Rating organizations	
License fee	\$ 50
Biennial continuation of license	100
12. Road or tourist service license	
Biennial continuation	\$ 40
Agent license, biennial continuation	4

Sec. 15. 24-A MRSA § 601, sub-§ 15, as enacted by PL 1973, c. 726, § 6, is repealed.

Sec. 16. 24-A MRSA § 1532, sub-§ 1, as enacted by PL 1969, c. 132, § 1, and last repealed and replaced by PL 1973, c. 726, § 7, is amended to read:

1. Each broker (resident or nonresident) ~~consultant and adjuster~~ license issued under this Title shall continue in force until expired, suspended, revoked or otherwise terminated, but subject to payment to the superintendent at his office in Augusta biennially on or before ~~December~~ **May 31st** of the applicable biennial continuation fee as stated in section 601, fee schedule, accompanied by written request of the licensee for such continuation. Any such license not so continued on or before ~~December~~ **May 31st** shall be deemed to have expired as of midnight on such ~~December 31st~~ **date**.

Sec. 17. 24-A MRSA § 1532, sub-§§ 6, 7 and 8, are enacted to read:

6. Each consultant license issued under this Title shall continue in force until expired, suspended, revoked or otherwise terminated, but subject to payment to the superintendent at his office in Augusta biennially on or before February 28th of the applicable biennial continuation fee as stated in section 601, fee schedule, accompanied by written request of the licensee for such continuation. Any such license not so continued on or before February 28th shall be deemed to have expired as of midnight on such date.

7. Each adjuster license issued under this Title shall continue in force until expired, suspended, revoked or otherwise terminated, but subject to payment to the superintendent at his office in Augusta biennially on or before August 31st of the applicable biennial continuation fee as stated in section 601, fee schedule, accompanied by written request of the licensee for such continuation. Any such license not so continued on or before August 31st shall be deemed to have expired as of midnight on such date.

8. The superintendent shall notify each broker, resident or nonresident, consultant and adjuster licensee under this Title of the expiration date of his license and the fee that is required for continuation for a 2-year period. The notice shall be mailed to such persons at least 30 days in advance of the expiration date of such license.

Sec. 18. 24-A MRSA § 1533, as enacted by PL 1969, c. 132, § 1, and as amended, is further amended by adding at the end a new paragraph to read:

When an agent's appointment precedes or will precede the sponsoring insurer's biennial continuation date by a period of more than one year, the superintendent may require the sponsoring insurer to pay an additional fee not to exceed $\frac{1}{2}$ the applicable biennial continuation of appointment fee for the agent's license according to the fee schedule.

Sec. 19. 24-A MRSA § 1534, as enacted by PL 1969, c. 132, § 1, and as last repealed and replaced by PL 1973, c. 726, § 9, is repealed and the following enacted in place thereof:

§ 1534. Biennial continuation of appointment

1. Agent appointments by an insurer shall be subject to biennial continuation by the insurer on its biennial continuation date as established by the superintendent pursuant to section 415, and shall expire at midnight on such date unless continued by the sponsoring insurer for a 2-year period.

2. The superintendent shall notify every insurer of the expiration date of its agents' appointments and the fees that are required for continuation of an agent's appointment for a 2-year period. The notice shall be mailed to the insurer at least 30 days in advance of the expiration date of its agents' appointments. At least 15 days before such expiration date, the insurer shall file with the superintendent an alphabetical list of the names and addresses of all its agents in this State whose appointments are to remain in effect as to the kinds of insurance or annuity business for which the respective agents are so appointed, accompanied by payment of the biennial continuation of appointment fee, as specified in section 601, fee schedule. At the same time, the insurer shall also file with the superintendent an alphabetical list of the names and addresses of all its agents whose appointments in this State are

not to remain in effect. An appointment not so continued and not otherwise expressly terminated shall be deemed to have expired at midnight on the insurer's biennial continuation date.

3. The superintendent is authorized to issue appointment continuations for less than a 2-year term in order to implement the biennial continuation of appointments on the biennial continuation dates of sponsoring insurers. If an appointment continuation is issued for an agent of a sponsoring insurer for one year or less, the fee assessed for such appointment continuation shall be no more than $\frac{1}{2}$ the applicable biennial fee according to the fee schedule.

Sec. 20. 24-A MRSA § 2310, sub-§§ 3 and 4, as enacted by PL 1969, c. 132, § 1, and as amended by PL 1973, c. 585, § 12, are further amended to read:

3. If the superintendent finds that the applicant is competent, trustworthy and otherwise qualified to act as a rating organization and that its constitution, articles of agreement or association or certificate of incorporation, and its bylaws, rules and regulations governing the conduct of its business conform to the requirements of law, he shall issue a license specifying the kinds of insurance, or subdivision or class of risk or part or combination thereof for which the applicant is authorized to act as a rating organization. At the time of issuance of such license, the superintendent shall establish a biennial continuation date for the purpose of biennial continuation of the license in force. Every such application shall be granted or denied in whole or in part by the superintendent within 60 days after the same has been filed with him.

4. Licenses issued pursuant to this section shall remain in effect until ~~the first day of the next July~~ midnight of the biennial continuation date and ~~annually~~ thereafter may be renewed, ~~expiring on the first day of the succeeding July~~ continued biennially unless sooner suspended or revoked by the superintendent. The fee for the license and for each ~~annual~~ biennial renewal continuation thereof shall be as specified in section 601, fee schedule.

Sec. 21. 24-A MRSA § 2318, sub-§ 4, as enacted by PL 1969, c. 132, § 1, and as amended by PL 1973, c. 585, § 12, is repealed and the following enacted in place thereof:

4. Each deviation permitted to be filed shall be effective for a period of 2 years from the date of such permission unless terminated sooner with the approval of the superintendent.

Sec. 22. 24-A MRSA § 4702, sub-§ 1, as enacted by PL 1969, c. 132, § 1, and as amended by PL 1973, c. 585, § 12, is further amended to read:

1. If the superintendent is of the opinion that an applicant is reliable and entitled to confidence, such applicant shall be granted a license to perform such road or other service in this State, and the license ~~shall expire on December 31st~~ ~~succeeding the date of issuance, but may be renewed annually~~ continued biennially thereafter so long as the superintendent regards the licensee as financially responsible and entitled to confidence. At the time of issuance of such license, the superintendent shall establish a biennial continuation date for the purpose of biennial continuation of the license in force.

Sec. 23. 24-A MRSA § 4704, as enacted by PL 1969, c. 132, § 1, and as amended by PL 1973, c. 585, § 12, is further amended to read:

§ 4704. Agent's license; fee

The superintendent shall grant a license to sell such service in behalf of any person licensed therefor to any applicant who shall furnish the superintendent with satisfactory evidence of his integrity and authority to sell the service offered. Such license, when granted, shall expire ~~on December 31st thereafter~~ ~~at midnight on the company's biennial continuation date and annually thereafter~~ may be renewed continued biennially so long as the superintendent shall be satisfied of the licensee's integrity, authority and responsibility to provide the service stipulated.

The applicant shall pay a license fee to the superintendent as provided in section 601, fee schedule.

Sec. 24. 32 MRSA § 573, sub-§ 3, as enacted by PL 1965, c. 430, § 1, and as amended, is repealed and the following enacted in place thereof:

3. Licenses. Licenses granted by the superintendent under this section shall be for a period of 2 years and shall expire on July 31st, or at such other times as the Commissioner of Business Regulation may designate. Such license may be renewed biennially so long as the superintendent regards the business as responsible and safe, but in all cases to terminate unless renewed by the expiration date. Each license shall plainly state the name and business address of the licensee and shall be posted in a conspicuous place in the office where the business is transacted. The fee for each biennial license shall be \$400. When the unexpired license term of an applicant is or will be less than one year at the time of licensure, the license fee shall not exceed $\frac{1}{2}$ the biennial license fee. If the licensee desires to carry on business in more than one place within the State, he shall procure a license for each place where the business is to be conducted.

Sec. 25. 32 MRSA § 802, as last amended by PL 1973, c. 585, § 11, is repealed and the following enacted in place thereof:

§ 802. List of dealers

The Superintendent of Banks and Banking shall prepare annually a list of the then registered dealers in securities and of their registered agents or salesmen, and shall at any time, on request by mail or otherwise, inform any inquirer as to whether or not any individual, partnership, corporation or association is registered either as dealer, agent or salesman. The superintendent shall, upon request, send a copy of such list, without any charge, to any registered dealer, agent or salesman. The superintendent shall, upon a request and for a reasonable fee to be established by the superintendent, send a copy of such list to any other person.

Sec. 26. 32 MRSA § 853, as amended by PL 1973, c. 585, § 11, is repealed and the following enacted in place thereof:

§ 853. Fees

Applicants for registration as dealer in securities, except in cases of renewal applications, shall pay to the Bank Superintendent, for the use of the State, filing fees of \$50 each. Dealers in securities shall pay to the Bank Superintendent, for use of the State, fees as follows: For registration of dealers in securities, \$50; for biennial renewal of registration of dealers in securities, \$100; for registration of salesman or agent of dealers in securities.

\$10 each; for biennial renewal of registration of salesman or agent of dealers in securities, \$20 each; for certified copy of dealer's certificates, \$1 each. When the unexpired term of registration of an applicant is or will be more than one year at time of registration, the Bank Superintendent may require the applicant to pay an additional fee not to exceed $\frac{1}{2}$ the biennial renewal fee.

Sec. 27. 32 MRSA § 854, as amended by PL 1973, c. 585, § 11, is repealed and the following enacted in place thereof:

§ 854. Expiration of registration

All registrations for a dealer in securities shall expire biennially on September 30th, or at such other times as the Commissioner of Business Regulation may designate. Registration may be renewed for the succeeding 2-year period upon written application of the dealer, and payment of the fee provided, without the filing of further statements or furnishing any further information, unless specifically required by the Bank Superintendent. Applications for renewal of registration received after the expiration date shall be treated as, and be subject to the same fees provided for, original registrations.

The Bank Superintendent shall notify every registered dealer in securities under this chapter of the date of expiration of his registration and the amount of fee required for its renewal for a 2-year period. The notice shall be mailed to such person's last known address at least 30 days in advance of the expiration of such registration.

Sec. 28. 32 MRSA § 856, last ¶, 3rd sentence, as last amended by PL 1973, c. 585, § 11, is further amended to read:

Unless an applicant fails to pass such a written examination, the said superintendent shall issue to each person so registered a registration certificate, stating his name, residence and address, the name, principal place of business and the address of the dealer, and the fact that he is registered for the ~~current calendar year~~ biennial registration period as agent or salesman of the dealer.

Sec. 29. 32 MRSA § 856, as enacted by PL 1967, c. 484, § 9, and as last amended by PL 1973, c. 585, § 11, is further amended by adding at the end a new paragraph to read:

All registrations of agents and salesmen of dealers in securities shall expire biennially at midnight on September 30th, or at such other times as the Commissioner of Business Regulation may designate. The Bank Superintendent shall notify every registered dealer in securities under this chapter of the date of expiration of registrations of his agents and salesmen and the fee that is required for renewing an agent's or a salesman's registration for a 2-year period. The notice shall be mailed to such dealers at least 30 days in advance of the expiration of such registration. At least 15 days before such expiration date of agent and salesman registrations, the dealer shall file with the Bank Superintendent an alphabetical list of the names and addresses of his agents and salesmen whose registrations are to be renewed, accompanied by payment of the biennial renewal fees for each such agent or salesman. The dealer shall also file with the Bank Superintendent an alphabetical list of the names and addresses of all his agents and salesmen whose registrations in the State are not to be renewed. Any registration not so continued shall be deemed to have expired at midnight on the expiration date.

Sec. 30. 32 MRSA § 891, sub-§§ 4, 5 and 6, as enacted by PL 1975, c. 500, § 2, are repealed and the following enacted in place thereof:

4. **Temporary certificate.** Any person filing the maximum bond and paying the maximum biennial license fee may issue to a new agent a temporary certificate in a form approved by the superintendent. Such temporary certificate shall authorize the new agent to act until the superintendent grants a certificate or refuses such certificate. The principal, on or before the 15th day of the first month of each calendar quarter, shall file with the superintendent a statement listing the names and business addresses, together with such other information as the superintendent may require, of new agents appointed during the previous calendar quarter.

5. **Biennial fee.** There shall be a fee of \$200 for the biennial certificate payable to the superintendent and \$6 for each agent listed therein or for any addition thereto, provided that the total biennial fee shall not exceed \$600 and such fees shall be credited and used as provided in Title 9-B, section 214.

6. **Renewal of certificate.** Each certificate shall expire on December 31st in even-numbered years. Prior to December 15th in the renewal year there shall be paid to the superintendent the fee provided in this section, for each certificate to principal or agent for the succeeding 2 years. The applicant shall file with the superintendent substantiation of the renewal of continuance of the bond provided for in this section.

Sec. 31. 32 MRSA § 1101, sub-§ 1, last sentence, as repealed and replaced by PL 1973, c. 363, is amended to read:

The ~~annual~~ biennial renewal fee for an apprentice electrician license shall be ~~\$1~~ \$2.

Sec. 32. 32 MRSA § 1101, sub-§ 3, last sentence, as repealed and replaced by PL 1973, c. 363, is amended to read:

The ~~annual~~ biennial renewal fee for a helper electrician license shall be ~~\$1~~ \$2.

Sec. 33. 32 MRSA § 1101, sub-§ 4, last sentence, as repealed and replaced by PL 1973, c. 363, is amended to read:

The ~~annual~~ biennial renewal fee for a journeyman electrician license shall be ~~\$10~~ \$20.

Sec. 34. 32 MRSA § 1101, sub-§ 5, last sentence, as repealed and replaced by PL 1973, c. 363, is amended to read:

The ~~annual~~ biennial renewal fee for a limited electrician's license shall be ~~\$15~~ \$30.

Sec. 35. 32 MRSA § 1101, sub-§ 6, last sentence, as repealed and replaced by PL 1973, c. 363, is amended to read:

The ~~annual~~ biennial renewal fee for a master electrician's license shall be ~~\$25~~ \$50.

Sec. 36. 32 MRSA § 1157 is enacted to read:

§ 1157. Reports

Not later than August 1st of each year, the board shall submit to the Commissioner of Business Regulation for the preceding fiscal year ending June 30th an annual report of its operations and financial position, together with such comments and recommendations as the board deems essential.

Sec. 37. 32 MRSA § 1202, sub-§ 2, first sentence, as last repealed and replaced by PL 1973, c. 363, is amended to read:

The board may issue a license upon payment of a fee of ~~\$1~~ \$3 to any person who applies therefor, without examination, provided ~~said~~ such applicant submits evidence satisfactory to the board that he has entered the employ of a licensed electrician as an apprentice electrician or to assist him as an electrician's helper.

Sec. 38. 32 MRSA § 1203, as last amended by PL 1973, c. 725, § 4, is further amended by adding at the end a new paragraph to read:

When the unexpired term of license of an applicant is or will be more than one year at the time of licensure, the board may require the applicant to pay an additional fee not to exceed $\frac{1}{2}$ the biennial license renewal fee.

Sec. 39. 32 MRSA § 1204, first 2 sentences, as last repealed and replaced by PL 1973, c. 363, are repealed and the following enacted in place thereof:

All licenses issued shall expire October 31st of each biennial period as to master electricians and April 30th of each biennial period as to other licensees and they may be renewed thereafter for 2-year periods without further examination, upon the payment of the proper renewal fee as set forth in section 1101. The expiration dates for licenses issued under this chapter may be established at such other times as the Commissioner of Business Regulation may designate. Any person who fails to renew his license within 90 days following the expiration date shall be required to take an examination, providing that any person, who fails to so renew his license due to the fact he was on active duty in the Armed Forces of the United States, shall not be required to take such examination, if he renews his license within 90 days from the date of his separation under conditions other than dishonorable from the Armed Forces of the United States. The board shall notify everyone registered under this chapter of the date of expiration of his license and the fee required for its renewal for a 2-year period. Such notice shall be mailed to such person's last known address at least 30 days in advance of the expiration date of his license.

Sec. 40. 32 MRSA § 2357 is enacted to read:

§ 2357. Reports

Not later than August 1st of each year, the board shall submit to the Commissioner of Business Regulation for the preceding fiscal year ending June 30th an annual report of its operations and financial position, together with such comments and recommendations as the board deems essential.

Sec. 41. 32 MRSA § 2402, sub-§ 2, as last repealed and replaced by PL 1973, c. 384, is repealed and the following enacted in place thereof:

2. Fees.

- A. Master, original license, \$25; biennial renewal fee, \$50;
- B. Journeyman, original license, \$10; biennial renewal fee, \$20;
- C. Apprentice, original license, \$5; biennial renewal fee, \$10.

When the unexpired term of license of an applicant is or will be more than one year at time of licensure, the board may require the applicant to pay an additional fee not to exceed $\frac{1}{2}$ the biennial renewal fee.

Sec. 42. 32 MRSA § 2404, as last repealed and replaced by PL 1973, c. 384, is repealed and the following enacted in place thereof:

§ 2404. Renewals

All licenses shall expire biennially on September 30th as to a master oil burner man and biennially on March 31st as to other licenses. The expiration dates for licenses issued under this chapter may be established at such other times as the Commissioner of Business Regulation may designate. Such licenses may be renewed on a biennial basis without further examination upon the payment of the proper fee. The board shall notify everyone registered under this chapter of the date of expiration of his license and the amount of fee required for its renewal for a 2-year period. Such notice shall be mailed to such person's last known address at least 30 days in advance of the expiration date of his license. Any person who fails to renew his license within a period of 90 days following the expiration date shall be required to take an examination.

Sec. 43. 32 MRSA § 3818 is enacted to read:

§ 3818. Reports

Not later than August 1st of each year, the board shall submit to the Commissioner of Business Regulation for the preceding fiscal year ending June 30th an annual report of its operations and financial position, together with such comments and recommendations as the board deems essential.

Sec. 44. 32 MRSA § 3822, last sentence, as enacted by PL 1967, c. 544, § 82, is amended to read:

The board shall be empowered to hire, with the approval of the Commissioner of Business Regulation, such assistants as is necessary to carry on its activities, within the limits of funds available to the board, and shall be empowered to accept grants from foundations or institutions.

Sec. 45. 32 MRSA § 3835, first ¶, as enacted by PL 1967, c. 544, § 82 and as amended by PL 1973, c. 220, § 2, is further amended to read:

The board shall have authority to adopt and enforce rules and regulations requiring every person having a license to practice, which is granted by said that board, to pay an annual a biennial registration fee of ~~\$10~~ \$20. Said That fee shall become due on a date fixed by the board, subject to the approval of the Commissioner of Business Regulation.

Sec. 46. 32 MRSA § 3835, 2nd ¶, as enacted by PL 1967, c. 544, § 82, is repealed and the following enacted in place thereof:

The board shall notify every licensed psychologist of the expiration date of his license and indicate the amount of fee required for biennial renewal. Such notice shall be mailed to each person's last known address at least 30 days in advance of expiration date of such license. Failure to pay the biennial renewal fee on or before the expiration date shall automatically suspend the right of any licentiate to practice his profession while delinquent.

Sec. 47. 32 MRSA § 4002, 2nd ¶, as amended by PL 1975, c. 547, § 6, is further amended to read:

In its discretion the ~~bureau~~ commission may accept, in lieu of the recommendations and statements required under subchapter III, to accompany an application for license, the license issued to a nonresident broker or salesman in another state, upon payment of the license fee and the filing by the applicant with the ~~bureau~~ commission of a certified copy of the applicant's license issued by such other state. A nonresident applicant, if a broker, shall maintain an active place of business in the state in which he is located. Every nonresident applicant shall file an irrevocable consent that actions may be commenced against such applicant in the proper court of any county of this State in which a cause of action may arise or in which the plaintiff may reside, by the service of any process or pleading authorized by the laws of this State on the director of the ~~bureau~~ commission ~~said~~ such consent stipulating and agreeing that such service of such process or pleadings on ~~said~~ the director shall be taken and held in all courts to be as valid and binding as if due service had been made upon ~~said~~ such applicant personally within this State. ~~Said~~ The instrument containing such consent shall be authenticated by the seal thereof, if a corporation, or by the acknowledged signature of a member or officer thereof, if otherwise. All such applications, except from individuals, shall be accompanied by the duly certified copy of the resolution of the proper officers or managing board authorizing the proper officer to execute the same. In case any process or pleadings mentioned in the case are served upon the director of the ~~bureau~~ commission it shall be by duplicate copies, one of which shall be filed in the office of the ~~bureau~~ commission and the other immediately forwarded by registered mail to the main office of the applicant against which ~~said~~ such process or pleadings are directed.

Sec. 48. 32 MRSA § 4004-A, last 2 sentences, as last amended by PL 1975, c. 547, § 7, are further amended to read:

These accounts and records shall be opened to inspection by the ~~bureau~~ commission and its duly authorized agents at the broker's usual place of business during the regular business hours. The broker shall notify the ~~bureau~~ commission within 30 days after opening any such account of the banking institution in which ~~said~~ that account is located and shall authorize the ~~bureau~~ commission, in writing, to confirm the balance of the funds held in his trust account with the banking institution in which the trust account is maintained, ~~within one day following~~ during an examination of the broker's records by the ~~bureau~~ commission or its duly authorized agents.

Sec. 49. 32 MRSA § 4005, 5th sentence, as last amended by PL 1975, c. 547, § 8, is further amended to read:

All fines and penalties over and above the cost of court proceedings shall inure to the ~~bureau~~ commission.

Sec. 50. 32 MRSA § 4051, as repealed and replaced by PL 1975, c. 547, § 9, is amended to read:

§ 4051. Declaration of policy

It is declared to be the policy of the State of Maine that real estate brokers and salesmen shall be supervised by the ~~Board of Real Estate Brokers and Salesmen and the Bureau of Real Estate~~ Real Estate Commission in a manner to insure that they meet standards which will promote public understanding and confidence in the business of real estate.

Sec. 51. 32 MRSA § 4051-A, as enacted by PL 1975, c. 547, § 10, is repealed and the following enacted in place thereof:

§ 4051-A. Real Estate Commission, organization

There is created the Real Estate Commission, hereinafter referred to as the "commission," to consist of the director of the commission and 4 residents of this State appointed by the Governor, 3 of whom shall have been real estate brokers or salesmen by vocation in this State for at least 5 years immediately prior to their appointment and one of whom shall have no professional or financial connection with the real estate business. Of the members appointed by the Governor, there shall at no time be more than one member from any one county.

Terms of the members appointed by the Governor shall be 4 years, except that of those first appointed, one shall be appointed for a term of one year, one for 2 years, one for 3 years and one for 4 years. A vacancy occurring prior to the expiration of a term shall be filled by an appointment for the unexpired term. The appointed members may be removed by the Governor for cause.

A majority of the members of the commission shall constitute a quorum for a transaction of business under this chapter. The commission shall annually elect a chairman, other than the director, from its members. The commission shall establish guidelines, policies, rules and regulations by which it shall carry out the duties prescribed by this chapter.

The director shall be employed by the Commissioner of Business Regulation, with the advice of the commission, subject to the Personnel Law. The director shall be responsible for the management of the commission's affairs within the guidelines, policies, rules and regulations established by the commission. With the approval of the Commissioner of Business Regulation and subject to the Personnel Law, the commission may employ such clerical assistants, technical assistants and investigators as it deems necessary.

Sec. 52. 32 MRSA § 4052, as last amended by PL 1975, c. 547, § 11, is repealed and the following enacted in place thereof:

§ 4052. Compensation

Each member of the commission appointed by the Governor shall receive as full compensation for each day actually spent on the work of that commission the sum of \$40 and his actual and necessary expenses incurred in the performance of duties pertaining to his office.

Sec. 53. 32 MRSA § 4054, as amended by PL 1975, c. 547, § 13, is further amended to read:

§ 4054. Seal; evidence; inspection of records

The ~~board~~ commission shall adopt a seal with such design as the ~~board~~ commission may prescribe engraved thereon, by which it shall authenticate its proceedings. Copies of all records and papers in the office of the ~~bureau~~ commission, duly certified and authenticated by the seal of ~~said board~~ the commission, shall be received in evidence in all courts equally and with like effects as the original. All records kept in the office of the ~~bureau~~ commission under authority of this chapter shall be open to public inspection as provided in Title I, section 405, under such rules and regulations as shall be prescribed by the ~~board~~ commission. Copies of such records shall be made available to the public at cost.

Sec. 54. 32 MRSA § 4055, as last amended by PL 1975, c. 547, § 14, is repealed and the following enacted in place thereof:

§ 4055. Disposal of fees; expenses

The fees collected under this chapter shall be paid forthwith by the commission to the Treasurer of State with a detailed statement thereof and shall constitute a fund to be known as the "Real Estate Fund." Such fund shall be kept as a separate account by the Treasurer of State and he shall pay therefrom, upon vouchers signed by the director and approved by the Commissioner of Business Regulation, the cost and expenses of administering this chapter. All of the costs and expenditures of the commission shall be paid only from such fund and in no event shall any payments for the expenses of the commission exceed the amount received by the treasurer from that commission. Any moneys remaining in the Real Estate Fund at the end of the fiscal year shall be carried forward to the credit of that fund for the succeeding year. The commission may, within the moneys available in the Real Estate Fund, defray the cost of an educational program for real estate brokers and salesmen. Such program may entail the dissemination of information pertinent to the real estate business and material for school curricula. Such program shall be under the direction and supervision of the commission.

Sec. 55. 32 MRSA § 4056, sub-§ 1, first sentence, as amended by PL 1975, c. 547, § 15, is further amended to read:

The ~~board~~ commission may in its discretion, and shall, upon the verified complaint in writing of any person, provided such complaint or such complaint together with evidence, documentary or otherwise, presented in connection therewith shall make out a prima facie case, investigate the actions of any real estate broker or real estate salesman, or any person who shall assume to act in either such capacity within this State.

Sec. 56. 32 MRSA § 4056, sub-§§ 2 and 3, as last amended by PL 1975, c. 547, § 16, are further amended to read:

2. Acts of licensee for which applicant would be refused license. The Administrative Court Judge shall, in addition, have power, after hearing, to revoke or suspend any license issued under this chapter, at any time, where the licensee performs any act or acts, or offers or attempts or agrees to do any

act or acts, for which the ~~board~~ commission may lawfully refuse to issue a license to any applicant.

3. **Knowledge of violation.** Any unlawful act or violation of any of the provisions of this chapter by any real estate salesman, employee or partner or associate of a licensed real estate broker shall not be cause for the revocation of a license of such real estate broker, partial or otherwise, unless it shall appear to the satisfaction of the ~~board~~ commission that ~~said~~ such employer, partner or associate had guilty knowledge thereof.

Sec. 57. 32 MRSA § 4056, sub-§ 4, as amended by PL 1975, c. 547, § 17, is further amended to read:

4. **Investigations.** The ~~board~~ commission shall investigate any possible or alleged violations of this chapter and report its findings to all the parties involved. The ~~board~~ commission shall report violations to the office of the Attorney General or the appropriate district attorney for prosecution.

Sec. 58. 32 MRSA § 4055, sub-§ 5, as enacted by PL 1975, c. 160, and as amended by PL 1975, c. 547, § 18, is further amended to read:

5. **Hearings.** The ~~board~~ commission, at its hearings required by law, shall have authority to administer oaths and affirmations. Such hearings may be held for purposes of denial of a license or revocation or suspension of a real estate school certificate of approval.

Sec. 59. 32 MRSA § 4057, as amended by PL 1975, c. 547, § 19, is further amended to read:

§ 4057. Publication of list of licensees

The ~~board~~ commission shall annually publish a list of the names and addresses of all licensees licensed by it under this chapter and of all persons whose licenses have been suspended or revoked within one year, together with such other information relative to the enforcement of this chapter as it may deem of interest to the public. Such lists shall be mailed by the ~~bureau~~ commission to any licensee and to those whose licenses have been suspended or revoked within one year. Such lists shall be made available to the public at cost.

Sec. 60. 32 MRSA § 4058, as last amended by PL 1975, c. 547, § 20, is further amended to read:

§ 4058. Denial of license; violations

If the ~~board~~ commission shall determine that any applicant is not qualified to receive a license, a license shall not be granted to such applicant, and if the Administrative Court Judge shall determine that any licensee is guilty of a violation of any of the provisions of this chapter, the license shall be suspended or revoked.

Sec. 61. 32 MRSA § 4101, as amended by PL 1975, c. 547, § 21, is further amended to read:

§ 4101. Rules and regulations

The ~~board~~ **commission** shall make and enforce rules and regulations connected with the application for any license as shall be deemed necessary to administer and enforce this chapter, subject to the provisions of the Administrative Code, Title 5, Part 6.

Sec. 62. 32 MRSA § 4101-A, as enacted by PL 1973, c. 448, § 2, and as last repealed and replaced by PL 1975, c. 547, § 22, is amended to read:

§ 4101-A. Schools

The ~~board~~ **commission** shall prescribe curricula and standards for educational programs to prepare students for the real estate profession, and shall issue a certificate of approval to such educational programs within the State of Maine as meet the requirements of this chapter and of the ~~board~~ **commission**. At least every 2 years, the ~~board~~ **commission** shall thoroughly review each approved educational program prior to reissuing a certificate of approval for such program. Nothing in this section shall be construed to grant the ~~board~~ **commission** any authority over any such programs conducted by the University of Maine, any other public higher educational institution or any institution authorized by law to grant a degree.

1. **Certificate of approval.** Any educational program to prepare students for the real estate profession shall first obtain a certificate of approval from and thereafter adhere to the prescribed curricula and standards of the ~~board~~ **commission**.

2. **Suspension or revocation.** The ~~board~~ **commission** shall have authority to suspend or revoke the certificate of approval of such a program for violation of this section or for failing to adhere to the prescribed curricula and standards of the ~~board~~ **commission**.

3. **Prohibitions.** It shall be unlawful for such a program to be offered without first procuring a certificate of approval for the program; or, having obtained a certificate of approval, it shall be unlawful to represent that enrolling in such a program provides any assurance of passing examinations given by the ~~board~~ **commission**. It shall also be unlawful to represent that the issuance of a certificate of approval is a recommendation or endorsement of the educational program.

Sec. 63. 32 MRSA § 4102, as amended by PL 1975, c. 547, § 23, is further amended to read:

§ 4102. License required

It shall be unlawful for any person, partnership, association or corporation to act as a real estate broker or real estate salesman, or to advertise or assume to act as such real estate broker or real estate salesman, without a license issued by the ~~bureau~~ **commission**.

Sec. 64. 32 MRSA § 4102-A, as enacted by PL 1969, c. 312, § 3, and as last amended by PL 1975, c. 547, § 24, is further amended to read:

§ 4102-A. Temporary license in case of death

In the event of the death of a licensed broker, who is the sole proprietor of

a real estate business, the ~~bureau~~ **commission** shall, upon application by his legal representative, issue, without examination, a temporary license to such legal representative, or to an individual designated by him and approved by the ~~bureau~~ **commission** and the payment of the prescribed fee of \$15, which shall authorize such temporary licensee to continue to transact ~~and such~~ business for a period not to exceed one year from the date of death subject to all other provisions of sections 4001 to 4119, except that such temporary license shall not be renewed.

Sec. 65. 32 MRSA § 4103, sub-§ 1, first ¶, as amended by PL 1975, c. 547, § 25, is further amended to read:

1. **Qualifications.** An applicant for a real estate broker's or salesman's license shall submit to the ~~bureau~~ **commission** written evidence, verified by oath, that the applicant:

Sec. 66. 32 MRSA § 4103, sub-§ 1, ¶ E, as last amended by PL 1975, c. 547, § 26, is further amended to read:

E. Has a high school education or its equivalent approved by the ~~bureau~~ **commission**. If the applicant is applying for a real estate broker's license, he must in addition have satisfactorily completed an educational course in the field of real estate approved by the ~~board~~ **commission** or been employed as a licensed salesman full-time for at least a year. The conditions of this paragraph shall not be applicable to persons who have held any license from the Maine Real Estate Commission prior to December 31, 1963;

Sec. 67. 32 MRSA § 4103, sub-§ 2, first sentence, as amended by PL 1975, c. 547, § 27, is further amended to read:

Licenses shall be granted only to persons who are trustworthy and competent to transact the business of real estate broker or salesman in such manner as to safeguard the interests of the public, and only after satisfactory proof has been presented to the ~~board~~ **commission**.

Sec. 68. 32 MRSA § 4103, sub-§ 2, ¶ A, as last amended by PL 1975, c. 547, § 27, is further amended to read:

A. Every employee, member or officer of such partnership, association or corporation, who acts as a real estate broker or salesman, is licensed by the ~~board~~ **commission** as a real estate broker or salesman, and

Sec. 69. 32 MRSA § 4103, sub-§ 2, ¶ B, as last amended by PL 1975, c. 547, § 27, is further amended to read:

B. The partnership, association or corporation designates one of its officers as its designated broker. The person so designated shall be licensed by the ~~board~~ **commission** as a real estate broker.

Sec. 70. 32 MRSA § 4104, first sentence, as amended by PL 1975, c. 547, § 28, is further amended to read:

Every applicant for a real estate broker's or salesman's license shall apply

therefor in writing upon blanks prepared or furnished by the ~~bureau~~ commission.

Sec. 71. 32 MRSA § 4106, 3rd sentence, as amended by PL 1975, c. 547, § 29, is further amended to read:

The ~~bureau~~ commission, with due regard to the paramount interests of the public, may require such other proof as shall be deemed desirable as to the honesty, truthfulness, integrity, reputation and competency of the applicant.

Sec. 72. 32 MRSA § 4110, as last amended by PL 1975, c. 294 and c. 547, §§ 30 to 32, is repealed and the following enacted in place thereof:

§ 4110. Examinations

The commission shall require each applicant for a first-time broker's license or a first-time salesman's license or any applicant for a renewal of his broker's or salesman's license who has permitted his license to lapse for more than 2 years since the expiration of the last previous license issued to him to appear in person at such time and place as the commission shall designate for that purpose for a written examination as to his qualifications to act as a broker or salesman and the commission shall collect a fee of \$40 in the case of a broker and \$35 in the case of a salesman. Such fee shall cover the cost of processing the application and providing the examination. If the applicant is approved, the license fee shall be the same as the renewal fee, except the fee shall be $\frac{1}{2}$ if the unexpired license term is less than one year. Such fee shall entitle any applicant for a license to take the examination which is next given by the commission without additional charge should the applicant fail to pass the first examination and the fee for a broker's license shall be reduced by \$5 for each 6 months remaining on an applicant's unexpired salesman's license. The commission shall retain the fee irrespective of whether or not the examination is taken or passed. After an applicant has failed his examination twice, he shall be required to refile as an original applicant, pay the above fee and wait at least 6 months before taking another examination.

Sec. 73. 32 MRSA § 4111, last sentence, as amended by PL 1975, c. 547, § 33, is further amended to read:

Before refusing to issue any license, the ~~bureau~~ commission shall set the application down for a hearing and determination by the ~~board~~ commission.

Sec. 74. 32 MRSA § 4112, first 2 sentences, as last amended by PL 1975, c. 547, § 34, are further amended to read:

The ~~bureau~~ commission shall issue to each licensee a license in such form and size as shall be prescribed by the ~~board~~ commission. Each license shall have imprinted thereon the seal of the ~~board~~ commission and in addition shall contain such matter as shall be prescribed by the ~~board~~ commission.

Sec. 75. 32 MRSA § 4223, as amended by PL 1975, c. 547, § 35, is further amended to read:

§ 4113. Pocket cards

The ~~bureau~~ commission shall prepare and deliver to each licensee a pocket card, which card among other things shall contain an imprint of the seal of the ~~board~~ commission and shall certify that the person whose name appears thereon is a licensed real estate broker or real estate salesman, as the case may be; and if it is a real estate salesman's card, it shall contain the name and address of his employer. The matter to be printed on such pocket card, except as herein set forth, shall be prescribed by the ~~board~~ commission.

Sec. 76. 32 MRSA § 4115, as last amended by PL 1975, c. 547, § 36, is repealed and the following enacted in place thereof:

§ 4115. Expiration; renewals; revocation

Licenses shall expire on June 30th, or at such other times as the Commissioner of Business Regulation may designate, of each biennial period for which it was issued, except those licenses issued under section 4102-A. The commission shall issue a new pocket card for each ensuing biennial period in the absence of any reason or condition which might warrant the refusal of granting a license, upon receipt of the written request of the applicant and the biennial fee therefor. Licenses which have not been renewed must be returned to the commission by certified mail not later than 30 days after expiration. The revocation or expiration of a broker's license shall automatically suspend every real estate salesman's or broker's license granted to any person by virtue of his employment by the broker whose license has been revoked, pending a change of employer and the issuance of a new license. Such new license shall be issued without charge if granted during the same biennial period in which the original was granted.

Sec. 77. 32 MRSA § 4115-A, first sentence, as enacted by PL 1973, c. 729, § 7, and as amended by PL 1975, c. 547, § 37, is further amended to read:

The ~~bureau~~ commission is authorized, for implementation and administration of biennial licensing, to issue licenses for less than a 2-year term.

Sec. 78. 32 MRSA § 4117, 2nd ¶, as last amended by PL 1975, c. 547, § 38, is further amended to read:

Notice in writing shall be given to the ~~bureau~~ commission by each licensee of any change of principal business location no later than 10 days after the change of such location, whereupon the ~~bureau~~ commission shall issue a new license for the unexpired period for a fee of \$5. In the event such notice is not given before ~~said~~ that date, the ~~bureau~~ commission shall issue the new license for the unexpired period for a fee of \$10.

Sec. 79. 32 MRSA § 4118, as amended by PL 1975, c. 547, § 39, is further amended to read:

§ 4118. Termination of employment

When any real estate salesman shall be discharged or shall terminate his employment with the real estate broker by whom he is employed, it shall be the duty of such real estate broker to immediately deliver or mail by certified mail to the ~~bureau~~ commission such real estate salesman's license. The real estate broker shall, at the time of mailing such real estate salesman's license

to the ~~bureau~~ commission, address a communication to the last known residence address of such real estate salesman, which communication shall advise such real estate salesman that his license has been delivered or mailed to the ~~bureau~~ commission. A copy of such communication to the real estate salesman shall accompany the license when mailed or delivered to the ~~bureau~~ commission. It shall be unlawful for any real estate salesman to perform any of the acts contemplated by this chapter, either directly or indirectly, under authority of ~~said~~ such license from and after the date of receipt of ~~said~~ such communication advising him that his license has been delivered or mailed to the ~~bureau~~ commission. Prompt notice in writing within 10 days shall be given to the ~~bureau~~ commission by any real estate salesman of a change of employer, and of the name of the new employer into whose service such salesman is about to enter or has entered, and a new license shall thereupon be issued by the ~~bureau~~ commission to such salesman for the unexpired term of the original license, provided such new employer shall be a duly licensed real estate broker. The salesman shall pay a transfer fee of \$5 for such new license. Another license shall not be issued to such real estate salesman until he shall return his former pocket card to the ~~bureau~~ commission or shall satisfactorily account to it for the same. No more than one license shall be issued to any real estate salesman for the same period of time.

Sec. 80. 32 MRSA § 4118-A, first sentence, as last amended by PL 1975, c. 547, § 40, is further amended to read:

Any member of a partnership or association or officer or director of a corporation licensed under this chapter who does not desire to do, or perform, any of the acts or services enumerated in section 4001, subsections 1, 3 and 4, and any registered broker or salesman who is a resident of Maine who desires to preserve his registration during a period while not engaged as a broker or salesman, may surrender his license to the ~~bureau~~ commission which shall hold ~~said~~ such license until such time as the licensee shall apply for reinstatement to active status.

Sec. 81. Transitional provisions.

1. **Rules, regulations and procedures.** All existing rules and regulations currently in effect and operation, on the effective date of this Act, in the bureaus, boards and commissions referred to in this Act shall continue in effect until rescinded, amended or changed according to law.

The term "regulation" shall include, but is not limited to, any regulation, rule, order, administrative procedure, policy determination, directive, authorization; permit, license, privilege, form, blank, requirement, designation or agreement.

2. **Personnel.** All employees and officials of the bureaus, boards and commissions referred to in this Act are, on the effective date of this Act, transferred to the Department of Business Regulation and shall continue in their employment or office after such effective date, without interruption of state service, unless such employment or office is terminated or abolished.

3. **Appointments and deputizations.** All appointments and deputizations heretofore made by the bureaus, boards and commissions referred to in this Act shall continue in force and effect on the effective date of this Act.

4. **Funds, equipment, property and records.** All funds, equipment, property and records of the bureaus, boards and commissions to be relocated under this Act to the Department of Business Regulation strictly as a result of the reorganization effort, shall, notwithstanding the Revised Statutes, Title 5, section 1585, be transferred, on the effective date of this Act, to the proper place in the organizational structure of the Department of Business Regulation by the State Controller, upon recommendation of the department head, the State Budget Officer and upon approval of the Governor. Nothing in this section shall be construed to affect the special revenue accounts of any boards or commissions.

Sec. 82. Effective date. This Act shall become effective 91 days after adjournment of the Legislature.

Effective July 30, 1976

CHAPTER 768

AN ACT to Provide Necessary Corrections in the Education Laws.

Emergency preamble. Whereas, Acts of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, section 12-C of chapter 746 of the Public Laws of 1975 provides for changes in the elementary school tuition rate; and

Whereas, the Legislature feels it is vitally necessary to revise such provision prior to the final school budget meetings to be held by June 1st; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

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

Sec. 1. 20 MRSA § 225, sub-§ 2, ¶ G, first sentence, as last amended by PL 1975, c. 746, § 5-A, is repealed.

Sec. 2. 20 MRSA § 912, first ¶, last sentence, as last repealed and replaced by PL 1975, c. 746, section 12-C, is repealed and the following enacted in place thereof:

Except as above provided, a child may attend a public elementary school in an administrative unit other than the administrative unit where he lives with his parent as defined in section 859, after having obtained the consent of the school committee or school directors of such administrative unit, and the parent or guardian shall pay as tuition a sum equal to the average expense of each scholar in such school.