

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND ELEVENTH LEGISLATURE

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J.S. McCarthy Co., Inc.
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**[DUE TO ITS SIZE, THIS LAW HAS BEEN DIVIDED INTO TWO
ELECTRONIC FILES. THIS IS THE SECOND FILE.]**

Sec. 101. 32 MRSA §1954, as amended by PL 1965, c. 226, §70, is repealed.

Sec. 102. 32 MRSA §1955, as amended by PL 1965, c. 226, §70, is repealed and the following enacted in its place:

§1955. Penalties; injunction

1. Penalties. Any person violating this subchapter is guilty of a Class E crime.

2. Injunction. The State may bring an action in Superior Court to enjoin any person from violating this chapter, regardless of whether proceedings have been or may be instituted in the Administrative Court or whether criminal proceedings have been or may be instituted.

Sec. 103. 32 MRSA §2001, as amended by PL 1981, c. 567, §1, is repealed and the following enacted in its place:

§2001. Membership; meetings; compensation and expenses

The Arborist Examining Board, as established within the Department of Business Regulation and called "the board," shall administer this chapter and shall consist of 6 members. The Governor shall appoint 4 members as follows: Two members shall be licensed commercial arborists, each of whom shall have been continuously engaged in practice as licensed commercial arborists for a period of 10 years prior to his appointment; one member shall be a plant pathologist who is either on the state or University of Maine staff and part of whose work is concerned with trees; and one member shall be a representative of the public. The remaining 2 members shall be selected by the Director of the Bureau of Forestry from the Bureau of Forestry and shall be ex officio members.

Appointments shall be for 5-year terms, except that no more than one appointed member's term may expire in any one calendar year and appointments for terms of less than 5 years may be made in order to comply with this limitation. No appointed member may be eligible to serve more than 2 full consecutive terms, provided that for this purpose only a period actually served which exceeds 1/2 of the 5-year term shall be deemed a full term. Upon expiration of a member's term, he shall serve until his successor is qualified and appointed. The successor's term shall be 5 years from the date of his appointment. Any vacancy concurring prior to the expiration of the

specified term shall be filled by appointment for the unexpired term. A board member may be removed by the Governor for cause.

Commercial arborists who are appointed to be, are or have been members of the board shall be prohibited from using this position in the advertising of their business in any way.

The board shall meet at least once a year to conduct its business and to elect its officers. Additional meetings shall be held as necessary to conduct the business of the board, and may be convened at the call of the chairman or a majority of the board members. Four members of the board shall constitute a quorum for all purposes.

Board members not of state agencies shall be paid daily fees of \$25 each day involved, plus current state mileage and living expenses incurred on those days. Members of state agencies shall be paid expenses not covered by state agencies in which they are employed.

Sec. 104. 32 MRSA §2002 is repealed and the following enacted in its place:

§2002. Powers

The board shall have the following duties and powers, in addition to those otherwise set forth in this chapter.

1. Licenses; enforcement. The board shall evaluate the qualifications and supervise the examination of applicants for licensure under this chapter, and shall investigate or cause to be investigated all complaints made to it and all cases of non-compliance with this chapter.

2. Rules. The board may, in accordance with procedures established by the Maine Administrative Procedure Act, Title 5, chapter 375, subchapter II, adopt such rules as may be reasonably necessary for the proper performance of its duties and the administration of this chapter.

3. Hearings. Hearings may be conducted by the board to assist with investigations, to determine whether grounds exist for suspension, revocation or denial of a license, or as otherwise deemed necessary to the fulfillment of its responsibilities under this chapter.

The board shall not refuse to renew a license for any reason other than failure to pay a required fee,

unless it has afforded the licensee an opportunity for an adjudicatory hearing. The board shall hold an adjudicatory hearing at the written request of any person who is denied a license without a hearing for any reason other than failure to pay a required fee, provided that the request for hearing is received by the board within 30 days of the applicant's receipt of written notice of the denial of his application, the reasons therefor and his right to request a hearing. Hearings shall be conducted in conformity with the Maine Administrative Procedure Act, Title 5, chapter 375, subchapter IV, to the extent applicable. The board may subpoena witnesses, records and documents in any hearing it conducts.

4. Contracts. The board may enter into contracts to carry out its responsibilities under this chapter.

Sec. 105. 32 MRSA §2003, 2nd ¶, as repealed and replaced by PL 1977, c. 694, §588, is repealed.

Sec. 106. 32 MRSA §2051, as amended by PL 1979, c. 166, §2, is further amended to read:

§2051. License required

Except as provided in section 2051-A, no person ~~shall~~ may advertise, solicit, contract or in any way engage for compensation in the business of an arborist, or make representation as being able to do so, without being licensed as an arborist ~~except that licensees under the current arborist law shall remain eligible for renewal provided they meet the provisions of this subchapter.~~

Sec. 107. 32 MRSA §2052, 2nd ¶, as enacted by PL 1977, c. 460, §18, is amended to read:

One of 2 types of licenses shall be issued, namely: Regular and restricted. Regular licenses ~~will~~ allow a licensed individual to engage in all operations in which an arborist is normally involved. Restricted licenses ~~will~~ allow such a licensed individual to perform operations only in those areas stated on the license issued. The ~~bureau reserves the right to~~ board may restrict a licensed individual to those operations for which he is judged qualified by the board.

Sec. 108. 32 MRSA §2053, as amended by PL 1981, c. 567, §2, is further amended to read:

§2053. Applications

Applications for examination shall be in writing

on forms prescribed by the bureau board, shall be notarized and shall be accompanied by the application fee of \$25 prescribed fee. The application form shall require whatever information the board finds necessary to judge qualifications of the applicant.

Sec. 109. 32 MRSA §2054, as amended by PL 1973, c. 460, §18, is further amended to read:

§2054. Nonresidents

Each nonresident applicant, a resident of another state or province, for an original license or a renewal license shall file an irrevocable consent that actions against him may be filed in any appropriate court of any county or district of this State, where some part of the transaction occurred out of which the alleged cause of action arose, and that process in any action may be served on the applicant by leaving 2 copies thereof with the director board. Such The consent shall stipulate and agree that such the service of process shall be taken and held to be valid and binding for all purposes. The director board shall send a copy of the process to the applicant by registered mail at the address shown on the in its records of the bureau.

Sec. 110. 32 MRSA §2055, as amended by PL 1981, c. 567, §§3 and 4, is further amended to read:

§2055. Examinations

Any person shall, upon payment of the application fee, be entitled to Each license applicant shall be required to take a written examination prepared by the board. An oral examination may be required of the applicant to enable the board to judge his qualifications for certification.

Applicants for restricted licenses shall be examined in those subjects to which their activities are restricted.

Examinations shall be given at least once a year at such times and places as the board shall determine. The grading and passing of applicants shall be exclusively the responsibility of the board.

Applicants failing the first examination may apply and take the next or subsequently scheduled examination upon payment of the required application fee.

Sec. 111. 32 MRSA §2056, as amended by PL 1973, c. 460, §18, is further amended to read:

§2056. Forms

Each license issued shall consist of 2 parts: A certificate which must be displayed at each place of business of the arborist and a card of wallet size which must be carried by the arborist when occupied in a business capacity.

Where the arborist conducts business at more than one address, additional certificates shall be issued. When an employee of a licensed arborist does not himself hold a license, he shall have with him when working, a card or written authorization on a form prescribed by the bureau signed by the licensed arborist showing under whose supervision he is working and by whom he is employed. The director board shall not issue more than one license card to an individual qualified to receive a license, except as provided in section 2058.

License holders shall display their license to and upon the request, at any time, of any client, other licensed arborist, law enforcement officer or member of the board ~~or bureau~~.

Sec. 112. 32 MRSA §2057, as amended by PL 1983, c. 204, §4, is further amended to read:

§2057. Term

Licenses for arborists shall expire on December 31st, or at such other times as the Commissioner of Business Regulation may designate, and shall become invalid on that date unless renewed.

Failure to renew a license within 5 years after the date of expiration will necessitate reapplication, reexamination and accompanying fees for a new license. A license may be renewed up to 90 days after the date of expiration upon payment of a late fee of \$10 in addition to the renewal fee. Any person who submits an application for renewal more than 90 days after the license renewal date shall be subject to all requirements governing new applicants under this chapter, except that the board may in its discretion, giving due consideration to the protection of the public, waive examination if the renewal application is made within 2 years from the date of the expiration.

Any arborist whose license expires while he is in federal service on active duty with the Armed Forces of the United States, or the National Guard called into service or training, or in training or education under the supervision of the United States preliminary to induction into the military service may have

his license renewed without paying any intervening renewal license fees if within one year after termination of ~~such~~ that service, training or education other than by dishonorable discharge, and if he furnishes the ~~bureau~~ board with an affidavit to the effect that he has been so engaged and that his service, training or education has been so terminated.

Sec. 113. 32 MRSA §2059, as amended by PL 1983, c. 204, §6, is further amended to read:

§2059. Fees

A \$25 fee shall accompany each application for examination and shall not be returnable. An application fee and an examination fee may be established by the board in amounts which are reasonable and necessary for their respective purposes. When an applicant is notified that he is eligible for a license following examination, he shall remit the annual license fee before a license is issued.

The fee for an original or renewal annual license shall not exceed \$50.

Sec. 114. 32 MRSA §2061, first ¶, as repealed and replaced by PL 1977, c. 694, §589, is repealed and the following enacted in its place:

The board may suspend or revoke a license pursuant to Title 5, section 10004. In addition, the board may refuse to issue or renew or the Administrative Court may suspend, revoke or refuse to renew a license on any of the following grounds:

Sec. 115. 32 MRSA §2061, sub-§2 is repealed and the following enacted in its place:

2. Violation. Violating any provision of this chapter or any rule of the board;

Sec. 116. 32 MRSA §2317, as enacted by PL 1979, c. 569, §4, is amended by adding at the end a new paragraph to read:

The State may bring an action in Superior Court to enjoin any person from violating this chapter, regardless of whether proceedings have been or may be instituted in the Administrative Court or whether proceedings to impose a civil forfeiture have been or may be instituted.

Sec. 117. 32 MRSA §2351, as amended by PL 1979, c. 606, §11, is further amended to read:

§2351. Appointment; vacancies; removal; compensation

An Oil and Solid Fuel Board, as heretofore established and in this chapter called the "board," shall consist of an executive secretary, who shall be ex officio, the Commissioner of Business Regulation or a representative appointed by the commissioner, with the approval of a majority of the board, the Commissioner of Public Safety or a representative and 5 other members, ~~hereinafter~~ called in this chapter the "appointive members," who shall be appointed by the Governor.

Three of the appointive members shall be oil burner technicians who are active in the trade. One of the members shall have at least 5 years' experience and the other 2 members shall have at least 10 years' experience as such. Two of the oil burner technician members shall be appointed from a slate, at the time of each such appointment, of 3 persons nominated by the Maine Oil Dealers Association. Nominees for appointment of the oil burner technician members may be recommended to the Governor by the Maine Oil Dealers Association. One of the appointive members shall be a representative of the solid fuel burning industry and one shall be a representative of the public.

The appointive members shall be appointed for terms of 4 years, except that at least one appointive member's term shall expire in each calendar year and appointments for terms of less than 4 years may be made in order to comply with this limitation. Upon expiration of a member's term, he shall serve until his successor is qualified and appointed. The successor's term shall be 4 years from the date of that expiration, regardless of the date of his appointment. No appointive member may be eligible to serve more than 2 full consecutive terms, provided that for this purpose only a period actually served which exceeds 1/2 of the 4-year term shall be deemed a full term. As the term of each appointive member expires, he may be reappointed or a new member appointed.

Any vacancy in ~~said the~~ board caused by death, resignation or removal of any member shall be filled by the appointment of a person qualified as was the board member being replaced, to hold office during the unexpired term of the member whose place is thus filled.

Any appointive member of ~~said the~~ board may be removed from office by the Governor for cause.

The members of the board, other than state

employees, shall each be allowed the sum of \$30 per day and their necessary traveling expenses for actual attendance at meetings of the board held for the purposes of examining candidates, hearings on complaints or conducting business required of the board.

Annually, ~~in the month of January,~~ the 5 appointive members of the board shall choose one of their members as chairman.

The executive secretary shall be a voting member of the board.

Sec. 118. 32 MRSA §2352, first ¶, as amended by PL 1975, c. 579, §17, is further amended to read:

The Commissioner of Business Regulation, with the advice and consent of the board, shall be empowered to appoint, subject to the Personnel Law, such employees as may be necessary to carry out this chapter. Any persons so employed shall be located in the Department of Business Regulation and under the administrative and supervisory direction of the Commissioner of Business Regulation. In addition, the board may enter into contracts to carry out its responsibilities under this chapter.

Sec. 119. 32 MRSA §2353, as amended by PL 1979, c. 569, §9, is repealed and the following enacted in its place:

§2353. Meetings; rules

The board shall meet at least once a year to conduct its business and elect its officers. Additional meetings shall be held as necessary to conduct the business of the board, and may be convened at the call of the chairman or a majority of the board members. Four members of the board shall constitute a quorum for all purposes. The board may adopt standards and rules as it shall deem necessary, pursuant to the Maine Administrative Procedure Act, Title 5, chapter 375, for the holding of examinations and for carrying out this chapter, and provide for reciprocity of licensing with similar boards of other states which maintain standards equivalent to those provided under this chapter. The board may establish fees and charges necessary for covering the costs incurred for approving equipment. The manufacturer or his representative shall be required to pay all fees and charges established by the board.

Sec. 120. 32 MRSA §2355, as amended by PL 1979, c. 569, §§10 and 11, is repealed and the following enacted in its place:

§2355. Investigation of complaints; suspension or revocation of licenses

The board shall investigate all complaints made to it and all cases of noncompliance with or violation of this chapter. The board may suspend or revoke a license issued under this chapter pursuant to Title 5, section 10004. The board may refuse to issue or renew a license or the Administrative Court may suspend, revoke or refuse to renew the license of any licensee who is found guilty of:

1. Fraud or deceit. The practice of fraud or deceit in obtaining a license;

2. Negligence or misconduct. Any gross negligence, incompetency or misconduct in the performance of the work of making burner installations. Continued failure to conform to standards or rules adopted by the board shall be prima facie evidence of gross negligence or incompetency; or

3. Violations. Any violation of this chapter.

Any license suspended by the board or suspended or revoked by the Administrative Court Judge shall be immediately surrendered to the board and held during any period of suspension, or if revoked, until reinstated as provided in this chapter.

There shall be no appeal from the failure of the board to issue a license as a result of an applicant failing to pass an examination where the results of the examination have been unanimously certified by the board to be correct.

The board, for reasons it may deem sufficient, may reissue a license to any person whose license has been revoked, provided that a majority of the board vote in favor of the reissuance.

Sec. 121. 32 MRSA §2356, as repealed and replaced by PL 1973, c. 384, is repealed and the following enacted in its place:

§2356. Records

The board shall keep such records and minutes as are necessary to the ordinary dispatch of its functions.

Sec. 122. 32 MRSA §2358 is enacted to read:

§2358. Hearings

Hearings may be conducted by the board to assist

with investigations, to determine whether grounds exist for suspension, revocation or denial of a license, or as otherwise deemed necessary to the fulfillment of its responsibilities under this chapter.

The board shall not refuse to renew a license for any reason other than failure to pay a required fee, unless it has afforded the licensee an opportunity for an adjudicatory hearing. The board shall hold an adjudicatory hearing at the written request of any person who is denied a license without a hearing for any reason other than failure to pay a required fee, provided that the request for hearing is received by the board within 30 days of the applicant's receipt of written notice of the denial of his application, the reasons therefor and his right to request a hearing. Hearings shall be conducted in conformity with the Maine Administrative Procedure Act, Title 5, chapter 375, subchapter IV, to the extent applicable. The board may subpoena witnesses, records and documents in any hearing it conducts.

Sec. 123. 32 MRSA §2402, as amended by PL 1983, c. 204, §7, is further amended to read:

§2402. Rules; fees; application; certificates

1. Rules. The board may make such reasonable rules and regulations as it deems suitable, pursuant to the applicable provisions of the Maine Administrative Procedure Act, Title 5, section 8051 et seq., for the issuance of various types and classes of license licenses to cover the various types of oil and solid fuel burner installations as set forth in section 2311. A license may cover one or more or all types of installations. The board may further make such reasonable rules and regulations as it deems suitable concerning the term and type of experience required by candidates for examination.

2. Fees. An application fee and an examination fee may be established by the board in amounts which are reasonable and necessary for their respective purposes. Original and renewal license fees shall be as follows:

A. Master, original license, \$50; biennial renewal fee, \$100;

B. Journeyman, original license, \$25; biennial renewal fee, \$50; and

C. Apprentice, original license, \$10; biennial renewal fee, \$20.

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 1/2 the biennial renewal fee.

A person holding a license as a master oil burner technician is not required to pay a fee to be licensed as a master solid fuel burner technician, as long as he meets all other requirements and pays the examination fee required by section 2403. A person holding a license as a master solid fuel burner technician is not required to pay a fee to be licensed as a master oil burner technician, as long as he meets all other requirements and pays the examination fee required by section 2403. Any person who has ~~heretofore~~ paid a fee for both master licenses held simultaneously shall be given a credit for one license fee less the examination fee, which shall be applied to the next renewal.

3. Application. The board shall issue a license, upon payment of the proper fee fees, to any person who applies therefor, presenting evidence that he has the required experience for that type of license and who has satisfactorily met the examination requirements of the board.

4. Certificate. All persons licensed by the board shall receive a certificate thereof ~~under the seal of the board, which shall state the facts and~~ which must be publicly displayed at the principal place of business of ~~said the~~ oil or solid fuel burner technician or, if no such place of business, ~~must be carried on the person and displayed at any time upon request, as long as said the~~ person continues in the business as defined.

Sec. 124. 32 MRSA §2403, first ¶, as amended by PL 1983, c. 204, §8, is further amended to read:

Applicants for a master or journeyman's oil burner technician or master solid fuel burner technician license shall present to the executive secretary of the board a written application for examination, containing such information as the board may require, accompanied by a the prescribed fee of \$20. Examinations shall be in whole or in part in writing, shall be conducted by the board and shall be of a thorough and practical character commensurate with the responsibilities of the type license applied for.

Sec. 125. 32 MRSA §2404, as amended by PL 1979, c. 569, §18, is further amended to read:

§2404. Renewals

All licenses shall expire biennially on December 31st as to a master technician and biennially on June 30th 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~~ The 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~~ The notice shall be mailed to ~~such~~ the 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.~~ A license may be renewed up to 90 days after the date of expiration upon payment of a late fee of \$10 in addition to the renewal fee. Any person who submits an application for renewal more than 90 days after the license renewal date shall be subject to all requirements governing new applicants under this chapter, except that the board may in its discretion, giving due consideration to the protection of the public, waive examination if the renewal application is made within 2 years from the date of the expiration.

Sec. 126. 32 MRSA §3112, sub-§1, as enacted by PL 1979, c. 555, §2, is repealed and the following enacted in its place:

1. Appointment. Members of the board shall be appointed by the Governor for a term of 4 years, except that at least one member's term shall expire in each calendar year and appointments for terms of less than 4 years may be made in order to comply with this limitation. Members currently serving on the existing board will continue until the expiration of their present appointment. Upon expiration of a member's term, he shall serve until his successor is qualified and appointed. The successor's term shall be 4 years from the date of the expiration, regardless of the date of his appointment. Vacancies shall be filled within 60 days of expiration.

Any member of the board may be removed from office for cause by the Governor. A member may not serve more than 2 full successive terms, provided that for this purpose only a period actually served which exceeds 1/2 of the 4-year term shall be deemed a full term.

Sec. 127. 32 MRSA §3112, sub-§2, as enacted by PL 1979, c. 555, §2, is repealed and the following enacted in its place:

2. Meetings. The board shall meet at least once a year to conduct its business and to elect a chairman and a secretary who shall serve for 2 years. Additional meetings shall be held as necessary to conduct the business of the board, and may be convened at the call of the chairman or a majority of the board members. The board shall keep such records and minutes as are necessary to the ordinary dispatch of its functions. Members of the board shall receive \$25 for every day actually spent in the performance of the duties imposed upon them by this chapter and necessary traveling and hotel expenses actually incurred.

Sec. 128. 32 MRSA §3112, sub-§4, as enacted by PL 1979, c. 555, §2, is repealed and the following enacted in its place:

4. Quorum. Three members of the board shall constitute a quorum for all purposes.

Sec. 129. 32 MRSA §3112, sub-§5, ¶F, as enacted by PL 1979, c. 555, §2, is repealed and the following enacted in its place:

F. To conduct hearings to assist with investigations, to determine whether grounds exist for suspension, revocation or denial of a license, or as otherwise deemed necessary to the fulfillment of its responsibilities under this chapter.

The board shall not refuse to renew a license for any reason other than failure to pay a required fee, unless it has afforded the licensee an opportunity for an adjudicatory hearing. The board shall hold an adjudicatory hearing at the written request of any person who is denied a license without a hearing for any reason other than failure to pay a required fee, provided that the request for hearing is received by the board within 30 days of the applicant's receipt of written notice of the denial of his application, the reasons therefor and his right to request a hearing. Hearings shall be conducted in conformity with the Maine Administrative Procedure Act, Title 5, chapter 375, subchapter IV, to the extent applicable. The board may subpoena witnesses, records and documents in any hearing it conducts;

Sec. 130. 32 MRSA §3112, sub-§5, ¶¶I and J, as enacted by PL 1979, c. 555, §2, are amended to read:

I. To submit, no later than August 1st of each year 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; and

J. To furnish advice and consent to the Commissioner of Business Regulation, who shall be empowered to appoint, subject to the Personnel Law, such employees as may be necessary to carry out this chapter. Any person so employed shall be located in the Department of Business Regulation and under the commissioner's supervision; and

Sec. 131. 32 MRSA §3112, sub-§5, ¶K is enacted to read:

K. To enter into contracts to carry out its responsibilities under this chapter.

Sec. 132. 32 MRSA §3114-A, sub-§1, ¶A, as enacted by PL 1981, c. 501, §63, is repealed and the following enacted in its place:

A. Demonstrate that he is trustworthy and competent to engage in practice as a physical therapist or physical therapist assistant in such manner as to safeguard the interests of the public;

Sec. 133. 32 MRSA §3114-A, sub-§1, ¶C, as enacted by PL 1981, c. 501, §63, is amended to read:

C. Pass an examination, approved by the board, to determine the applicant's fitness to practice as a physical therapist or to act as a physical therapist assistant. The board may waive the examination requirement for an applicant who is currently licensed in another state by virtue of having previously passed a qualifying examination acceptable to the board, provided that the passing standards for the examination were substantially equal equivalent to those then required by the law of this State.

Sec. 134. 32 MRSA §3114-A, sub-§2, ¶¶A and B, as enacted by PL 1981, c. 501, §63, are repealed and the following enacted in their place:

A. Submit a written application with supporting documents to the board on forms provided by the board; and

B. Pay an application fee and examination fee established by the board in amounts which are

reasonable and necessary for their respective purposes.

Sec. 135. 32 MRSA §3114-A, sub-§2, ¶C, as enacted by PL 1981, c. 501, §63, is repealed.

Sec. 136. 32 MRSA §3115, as repealed and replaced by PL 1981, c. 501, §64, is amended to read:

§3115. Licensure

The board shall license any applicant who meets the requirements of this chapter and pays the biennial licensure fee specified in section 3116. The fee for original licenses effective for one year or less during the biennial licensing period shall be 1/2 the fee specified in section 3116. Each person licensed shall receive a certificate signed by the chairman of the board. Every certificate of licensure and renewal certificate for the current biennium shall be conspicuously displayed at the place of employment of the licensee. A certificate of licensure as a physical therapist shall entitle the person to whom it is granted to engage in the practice of physical therapy anywhere in this State and to use the words "physical therapist" or letters "P.T." to indicate that he is licensed in this State. A certificate of licensure as a physical therapist assistant shall entitle the person to whom it is granted to act as a physical therapist assistant and to use the words "physical therapist assistant" or letters "P.T.A." to indicate that he is licensed in this State.

Sec. 137. 32 MRSA §3116, as amended by PL 1983, c. 204, §9, is repealed and the following enacted in its place:

§3116. Biennial licensure renewal; fees

All licenses shall be renewed biennially on or before March 31st of each even-numbered year or at such other times as the Commissioner of Business Regulation may designate. The biennial licensure renewal fee shall not exceed \$60. The Central Licensing Division shall notify each licensee, at his last known address, 30 days in advance of the expiration of his license. Renewal notices shall be on forms provided by the board. Any license not renewed by March 31st automatically expires. The board may renew an expired license if the renewal notice is returned within 90 days of the expiration date and upon payment of a late fee of \$10 in addition to the renewal fee. Any person who submits an application for renewal more than 90 days after the license expiration date shall be subject to all requirements governing new applicants under this chapter, except that

the board may in its discretion, giving due consideration to the protection of the public, waive examination if the renewal application is made within 2 years from the date of that expiration.

Sec. 138. 32 MRSA §3117, as enacted by PL 1979, c. 555, §2, is repealed.

Sec. 139. 32 MRSA §§3117-A and 3118 are enacted to read:

§3117-A. Revocation and reissuance

The board may suspend or revoke a license pursuant to Title 5, section 10004. In addition, the board may refuse to issue or renew a license or the Administrative Court may revoke, suspend or refuse to renew a license of a physical therapist or physical therapist assistant for any of the following reasons:

1. Fraud. The practice of fraud or deceit in obtaining a license under this chapter or in connection with service rendered as a licensed physical therapist or physical therapist assistant;

2. Addiction. Addiction, as confirmed by medical findings, to the use of alcohol or other drugs, which has resulted in the licensed physical therapist or physical therapist assistant being unable to perform his duties or perform those duties in a manner which would not endanger the health or safety of the patients to be served;

3. Incompetency. A medical finding of mental incompetency;

4. Accomplice. Aiding or abetting a person not duly licensed as a licensed physical therapist or physical therapist assistant in representing himself as a licensed physical therapist or physical therapist assistant;

5. Misconduct. Any gross negligence, incompetency or misconduct in the practice of physical therapy;

6. Criminal conviction. Subject to the limitations of Title 5, chapter 341, conviction of a Class A, B or C crime or of a crime which, if committed in this State, would be punishable by one year or more of imprisonment; or

7. Violation. Any violation of this chapter or any rule adopted by the board.

Any person may file a complaint against any li-

censed physical therapist or physical therapist assistant. Any complaint shall be in writing, shall be sworn to by the person making it and shall be filed with the secretary of the board. The board may direct the department to reissue a certificate of licensure as a physical therapist or physical therapist assistant to any person whose license has been revoked, provided that 4 or more members of the board vote in favor of that reissuance. A new certificate of licensure as a physical therapist or physical therapist assistant to replace any certificate revoked, lost, destroyed or mutilated, may be issued, subject to the rules of the board.

§3118. Penalties; injunction

1. Penalties. Any person who practices, or holds himself out as authorized to practice, as a physical therapist in this State without first obtaining a license as required by this chapter, or after the license has expired or has been suspended or revoked or temporarily suspended or revoked, is guilty of a Class E crime.

2. Injunction. The State may bring an action in Superior Court to enjoin any person from violating this chapter, regardless of whether proceedings have been or may be instituted in the Administrative Court or whether criminal proceedings have been or may be instituted.

Sec. 140. 32 MRSA §3304, as enacted by PL 1977, c. 469, §8, is repealed and the following enacted in its place:

§3304. Penalties; injunction

1. Penalties. Any person who engages in or works in plumbing without first obtaining a license as required by this chapter, or after the license has expired or has been suspended or revoked or temporarily suspended or revoked, is guilty of a Class E crime.

2. Injunction. The State may bring an action in Superior Court to enjoin any person from violating this chapter, regardless of whether proceedings have been or may be instituted in the Administrative Court or whether criminal proceedings have been or may be instituted.

Sec. 141. 32 MRSA §3401, as amended by PL 1981, c. 703, Pt. A, §77, is repealed and the following enacted in its place:

§3401. Membership; vacancies; removal; compensation

A Plumbers' Examining Board, as established, shall consist of an executive officer who shall be the Commissioner of Business Regulation, or his designee, and 3 other members, called the appointive members, who shall be appointed by the Governor. One of the appointive members shall be a representative of the public, one shall be a master plumber as defined in section 3301, and one shall be a journeyman plumber as defined in section 3301, and who has been engaged in the business of plumbing for at least 2 years. Members shall be appointed for terms of 2 years, with no person being eligible to serve more than 4 full consecutive terms, provided that for this purpose only a period actually served which exceeds 1/2 of the 2-year term shall be deemed a full term. Upon expiration of a member's term, he shall serve until his successor is qualified and appointed. The successor's terms shall be 2 years from the date of the expiration, regardless of the date of his appointment. Any vacancy in the board caused by death, resignation or removal of any member shall be filled by the appointment of a person qualified, to hold office during the unexpired term of the member whose place is thus filled. Any member of the board may be removed from office for cause, by the Governor. The members of the board shall each be allowed the sum of \$35 per day and their necessary traveling expenses for actual attendance upon any examination of candidates for license and for any necessary hearings. The board may examine and license plumbers.

Sec. 142. 32 MRSA §3403, as amended by PL 1981, c. 703, Pt. A, §79, is repealed and the following enacted in its place:

§3403. Meeting; chairman; quorum

The board shall meet at least once a year to conduct its business and to elect a chairman and a secretary. Additional meetings shall be held as necessary to conduct the business of the board, and may be convened at the call of the chairman or a majority of the board members. Three members of the board shall constitute a quorum for all purposes. The board shall keep such records and minutes as are necessary to the ordinary dispatch of its function.

Sec. 143. 32 MRSA §3403-A is enacted to read:

§3403-A. Powers and duties

The board shall administer, coordinate and enforce this chapter and shall have the following powers and duties in addition to those otherwise set

forth in this chapter.

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

2. Hearings. Hearings may be conducted by the board to assist with investigations, to determine whether grounds exist for suspension, revocation or denial of a license, or as otherwise deemed necessary to the fulfillment of its responsibilities under this chapter.

The board may not refuse to renew a license for any reason other than failure to pay a required fee, unless it has afforded the licensee an opportunity for an adjudicatory hearing. The board shall hold an adjudicatory hearing at the written request of any person who is denied a license without a hearing for any reason other than failure to pay a required fee, provided that the request for hearing is received by the board within 30 days of the applicant's receipt of written notice of the denial of his application, the reasons for the denial and his right to request a hearing. Hearings shall be conducted in conformity with the Maine Administrative Procedure Act, Title 5, chapter 375, subchapter IV, to the extent applicable. The board may subpoena witnesses, records and documents in any hearing it conducts.

3. Contracts. The board may enter into contracts to carry out its responsibilities under this chapter.

Sec. 144. 32 MRSA §3404, as amended by PL 1977, c. 694, §§615 and 616, is repealed and the following enacted in its place:

§3404. Investigation of complaints; revocation of license

The board shall investigate or cause to be investigated all complaints made to it and all cases of noncompliance with or violation of this chapter. The board may suspend or revoke a license pursuant to Title 5, section 10004. The board may refuse to issue or renew a license or the Administrative Court may suspend, revoke or refuse to renew the license of any licensed plumber for any of the following reasons:

1. Fraud or deceit. The practice of any fraud or deceit in obtaining a license;

2. Negligence or misconduct. Any gross negligence, incompetency or misconduct in the performance of the work of making plumbing installations;

3. Violation of law. Any violation of this chapter or any rule adopted by the board; or

4. Conviction of crime. Subject to the limitations of Title 5, chapter 341, conviction of a crime which involves dishonesty or false statement or which relates directly to the practice of plumbing, or conviction of any crime for which incarceration for one year or more may be imposed.

The board, for reasons it may deem sufficient, may reissue a license to any person whose license has been revoked, providing 3 or more members of the board vote in favor of the reissuance.

Sec. 145. 32 MRSA §3504, as amended by PL 1981, c. 703, Pt. A, §80, is further amended to read:

§3504. Renewals

All licenses shall expire October 31st of each biennial period as to master plumbers and April 30th of each biennial period as to other licensees and may be renewed thereafter for 2-year periods without further examination, upon the payment of the proper renewal fee as set forth in section 3301. 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 6 months following the expiration date shall be required to take an examination, provided 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 an examination if he renews his license within 6 months from the date of his separation from the Armed Forces of the United States. The waiver of examination shall not be granted if the person served more than 4 years in the Armed Forces, unless he was required by some mandatory provision to serve a longer period and he shall submit satisfactory evidence thereof to the board.

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. The notice shall be mailed to the person's last-known address at least 30 days in advance of the expiration date of his license.

A license may be renewed up to 90 days after the date of its expiration upon payment of a late fee of \$10 in addition to the renewal fee. Any person who submits an application for renewal more than 90 days after the license expiration date shall be subject to all requirements governing new applications under this chapter, except that the board may in its discretion, giving due consideration to the protection of the public, waive examination if the renewal application is made within 2 years from the date of the expiration. Notwithstanding any other provision of this chapter, the board shall waive examination if a renewal application is made within 90 days after separation from the United States Armed Forces, under conditions other than dishonorable, by a person who has failed to renew his license because he was on active duty in the Armed Forces; provided that the waiver of examination shall not be granted if the person served more than 4 years in the Armed Forces, except if he is required by some mandatory provision to serve a longer period and he shall submit satisfactory evidence to the board.

Any master plumber giving up his master plumber's license for a lower grade license shall be required to successfully pass an examination in order to reinstate his master plumber's license.

Sec. 146. 32 MRSA §3814, as enacted by PL 1967, c. 544, §82, is amended to read:

§3814. Penalties; injunction

If any person shall hold himself out to the public as a psychologist or psychological examiner or ~~who engages~~ engage in psychological practice as defined in section 3811 and shall not then possess in full force and ~~virtue~~ a valid license to practice as psychological examiner or psychologist under this chapter, he shall be deemed guilty of a ~~widemeanor~~, and upon ~~conviction~~ shall be punished by a fine of not less than \$100 nor more than \$500 for each offense or by imprisonment for 3 months, or by both Class E crime.

The State may bring an action in Superior Court to enjoin any person from violating this chapter, regardless of whether proceedings have been or may be instituted in the Administrative Court or whether criminal proceedings have been or may be instituted.

Sec. 147. 32 MRSA §3816, as enacted by PL 1967, c. 544, §82, is amended to read:

§3816. Code of ethics

The board of examiners shall adopt rules establishing a code of ethics in keeping with those standards established by the American Psychological Association to govern appropriate practices or behavior as referred to in this chapter, and shall file such code with the Secretary of State within 30 days prior to the effective date of such code.

Sec. 148. 32 MRSA §3821, as amended by PL 1981, c. 501, §§66 and 67, is further amended to read:

§3821. Membership; terms; vacancies

The State Board of Examiners of Psychologists, as heretofore established and hereinafter called the "board," shall consist of 6 members who shall be appointed by the Governor to serve a term of 5 years. One member of the board shall be a representative of the public. Five members of the board shall be licensed psychologists or psychological examiners. Any vacancy occurring on the board shall be filled by the Governor for the unexpired term by a person qualified and selected as was the member he is replacing. No person may be eligible to serve more than 2 full consecutive terms, provided that for this purpose only a period actually served which exceeds 1/2 of the 5-year term shall be deemed a full term. Upon expiration of a member's term, he shall serve until his successor is qualified and appointed. The successor's term shall be 5 years from the date of that expiration, regardless of the date of his appointment. Prior to the filling of any vacancies of professional members, the Governor shall solicit recommendations. A board member may be removed by the Governor for cause.

Sec. 149. 32 MRSA §3822, as amended by PL 1975, c. 767, §44, is repealed and the following enacted in its place:

§3822. Meetings; organizations

The board shall meet at least once a year to conduct its business and to elect a chairman, secretary and treasurer. Additional meetings shall be held as necessary to conduct the business of the board, and may be convened at the call of the chairman or a majority of the board members. Each member shall receive all ordinary expenses incident to holding meetings, provided that the expense shall not exceed the fees collected by the board. Four members of the board shall at all times constitute a quorum. The board shall keep such records and minutes as are necessary to the ordinary dispatch of its functions.

Sec. 150. 32 MRSA §3823, as enacted by PL 1967, c. 544, §82, is amended to read:

§3823. Disposal of fees

All fees charged and collected by the board, as well as all moneys credited to the previous board, shall be deposited by it in the State Treasury to the credit of the board. The board may accept grants from foundations or institutions, which shall also be deposited in the State Treasury to the credit of the board. All such those moneys are appropriated to be used by the board in carrying out this chapter. The expenditures of the board may be paid only from such those moneys.

Sec. 151. 32 MRSA §3824 is enacted to read:

§3824. Powers and duties

The board shall have the following powers and duties, in addition to those otherwise set forth in this chapter.

1. Licenses; enforcement. The board shall evaluate the qualifications and supervise the examination of applicants for licensure under this chapter, and investigate or cause to be investigated all complaints made to it and all cases of noncompliance with this chapter.

2. Rules. The board may, in accordance with procedures established by the Maine Administrative Procedure Act, Title 5, chapter 375, subchapter II, adopt such rules as may be reasonably necessary for the proper performance of its duties and the administration of this chapter.

3. Hearings. Hearings may be conducted by the board to assist with investigations, to determine whether grounds exist for suspension, revocation or denial of a license, or as otherwise deemed necessary to the fulfillment of its responsibilities under this chapter. Hearings shall be conducted in conformity with the Maine Administrative Procedure Act, Title 5, chapter 375, subchapter IV, to the extent applicable. The board may subpoena witnesses, records and documents in any hearing it conducts.

4. Assistants; contracts. The board may employ, with the approval of the Commissioner of Business Regulation, such assistants as are necessary to carry on its activities, within the limits of the funds available to the board, and enter into contracts to carry out its responsibilities under this chapter.

Sec. 152. 32 MRSA §3831, as enacted by PL 1967, c. 544, §82, is amended to read:

§3831. Registration; qualifications

1. Psychological examiner. Any person wishing to obtain the right to practice as a psychological examiner, who has not ~~heretofore~~ been licensed to do so, shall, before it shall be lawful for him to practice as a psychological examiner, make application to the State Board of Examiners of Psychologists ~~through the chairman~~, upon such form and in such manner as ~~shall be adopted and~~ prescribed by the board, and obtain from the board a license to do so. Unless such a person has obtained a license, it shall be unlawful for him to practice, and if he shall practice as a psychological examiner without first having obtained such a license he shall be deemed to have violated this chapter. A candidate for ~~such~~ this license shall furnish the board with satisfactory evidence that he ~~is of good moral character~~ is trustworthy and competent to practice as a psychological examiner in such manner as to safeguard the interests of the public, has had a master's degree from an accredited educational institution recognized by the board as maintaining satisfactory standards, or its academic equivalent in the opinion of the board, has had at least one year of full-time supervised experience in psychology of a type considered by the board to be qualifying in nature, is competent as a psychological examiner as shown by passing such examinations, written or oral, or both, as the board deems necessary, is not considered by the board to be engaged in unethical practice, and has not within the preceding 6 months failed an examination given by the board. ~~The board may in its discretion refuse to grant a license to an applicant who is not an American citizen.~~

2. Psychologist. Any person wishing to obtain the right to practice as a psychologist, who has not ~~heretofore~~ been licensed to do so, shall, before it shall be lawful for him to practice psychology, make application to the State Board of Examiners of Psychologists ~~through the chairman~~, upon such form and in such manner as ~~shall be adopted and~~ prescribed by the board, and obtain from the board a license to do so. Unless such a person has obtained a license, it shall be unlawful for him to practice, and if he shall practice psychology without first having obtained a license, he shall be deemed to have violated this chapter. A candidate for ~~such~~ this license shall furnish the board with satisfactory evidence that he ~~is of good moral character~~ trustworthy and competent to practice as a psychologist in such manner as to safeguard the interest of the public, has received a doctorate degree in psychology from an ac-

credited institution recognized by the board as maintaining satisfactory standards, at the time the degree was granted, or, in lieu of degree, a doctorate degree in a closely allied field, if it is the opinion of the board that the training required therefor is substantially similar, has had at least 2 years of experience in psychology of a type considered by the board to be qualifying in nature, is competent in psychology, as shown by passing such examinations, written or oral, or both, as the board deems necessary, is not considered by the board to be engaged in unethical practice, and has not within the preceding 6 months failed an examination given by the board. The board may in its discretion refuse to grant a license to an applicant who is not an American citizen.

Sec. 153. 32 MRSA §3833, as amended by PL 1979, c. 189, §1, is repealed and the following enacted in its place:

§3833. Fees

An application fee and an examination fee may be established by the board in amounts which are reasonable and necessary for their respective purposes. No part of these fees may be returnable under any circumstances other than failure of the board to hold examinations at the time originally announced, whereupon the examination fee only may be returned at the option of the candidate.

Sec. 154. 32 MRSA §3834, as enacted by PL 1967, c. 544, §82, is amended to read:

§3834. Issuance of license

~~Said~~ The board shall be the sole agency empowered to examine concerning competence in the practice of psychology, and to grant license for the practice of psychology at the appropriate level. Such license shall be signed by the chairman of the Board of Examiners of Psychologists attested by the secretary under the board's adopted seal; whereupon a proper license shall be issued.

Sec. 155. 32 MRSA §3835, as amended by PL 1983, c. 204, §10, is repealed and the following enacted in its place:

§3835. Biennial registration

Licenses issued under this chapter shall expire biennially on such date as may be established by the Commissioner of Business Regulation, if not renewed. Every person licensed under this chapter shall, on or

before the biennial expiration date, submit an application for license renewal together with the biennial renewal fee of up to \$80.

The board shall notify every licensed psychologist of the expiration date of his license and indicate the amount of fee required for biennial renewal. This notice shall be mailed to each person's last known address at least 30 days in advance of the expiration date of that license. A license may be renewed up to 90 days after the date of expiration upon payment of a late fee of \$10 in addition to the renewal fee. Any person who submits an application for renewal more than 90 days after the license renewal date shall be subject to all requirements governing new applicants under this chapter, except that the board may in its discretion, giving due consideration to the protection of the public, waive examination if that renewal application is made within 2 years from the date of that expiration.

Sec. 156. 32 MRSA §3836, as amended by PL 1973, c. 625, §219, is further amended to read:

§3836. Licensure under special conditions

The board may, at any time at its discretion, grant a certificate without an assembled examination to any person residing or employed in the State who at the time of application is licensed or certified by a similar board of another state whose standards, in the opinion of the board, are ~~not lower than~~ equivalent to those required by this chapter. The board, at its discretion, may issue a temporary license, at the appropriate level, to applicants for a permanent license upon payment of a fee, to be established by the board, ~~such that~~ that license to be valid for no more than one year from date of issue.

Sec. 157. 32 MRSA §3837, as amended by PL 1975, c. 575, §45, is repealed and the following enacted in its place:

§3837. Suspension; refusal; or revocation of license

The board may suspend or revoke the license of a psychological examiner or psychologist pursuant to Title 5, section 10004. The board may refuse to issue or renew or the Administrative Court may suspend, revoke or refuse to renew the license of a psychological examiner or psychologist on any of the following grounds:

1. Fraud or deception. The employment of fraud or deception in obtaining a license as a psychological examiner or psychologist;

2. Criminal conviction. Subject to the limitations of Title 5, chapter 341, conviction of crime which involves dishonesty or false statement or which relates directly to the practice of psychology, or conviction of any crime for which incarceration for one year or more may be imposed;

3. Use of false name. Practice of psychology under a false or assumed name, or impersonation of another practitioner of a like or different name;

4. Drug or alcohol abuse. Habitual intemperance in the use of alcohol or habitual use of narcotics or stimulants to such an extent as to incapacitate him for the performance of his duties;

5. Mental condition. An incapacitating mental illness or condition;

6. Practice of medicine. Practice of medicine without a license to do so, in violation of section 3270;

7. Practice beyond scope of license. Practice by a licensed psychological examiner at a level requiring a psychologist's license, or any representation by a psychological examiner that he is a psychologist;

8. Negligence. Negligence in the performance of his duties; or

9. Violations. Violating any provision of this chapter or any rule of the board.

The board, for reasons it may deem sufficient, may reissue a license to a psychological examiner or psychologist whose license has been revoked or has not been renewed, provided that 4 or more of its members vote in favor of reissuance.

Sec. 158. 32 MRSA §3838, as amended by PL 1977, c. 694, §619, is repealed and the following enacted in its place:

§3838. Hearing on refusal to issue or renew

The board shall not refuse to renew a license for any reason other than failure to pay a required fee, unless it has afforded the licensee an opportunity for an adjudicatory hearing. The board shall hold an adjudicatory hearing at the written request of any person who is denied a license without a hearing for any reason other than failure to pay a required fee, provided that the request for hearing is received by

the board within 30 days of the applicant's receipt of written notice of the denial of his application, the reasons for the denial and his right to request a hearing.

Sec. 159. 32 MRSA §3839, as enacted by PL 1967, c. 544, §82, is repealed and the following enacted in its place:

§3839. Judicial review

Any person aggrieved by an action of the board may seek judicial review in the manner set forth in the Maine Administrative Procedure Act, Title 5, chapter 375, subchapter VII.

Sec. 160. 32 MRSA §3971, as amended by PL 1975, c. 771, §§367 to 369, is further amended to read:

§3971. Appointment

The Board of Accountancy shall consist of 7 members appointed by the Governor. Each member of the board shall be a citizen of the United States and a resident of this State. Three members shall be persons registered in accordance with subchapter III and whose principal occupation has been in active practice as a certified public accountant for at least the 5 preceding years. Three members shall be persons registered in accordance with subchapter IV and whose principal occupation has been in active practice as a noncertified public accountant for at least the 5 preceding years. One member of the board shall be a representative of the public. ~~The term of office of each present member of the board shall expire as now provided. The successor of each present member of the board shall be appointed for a term expiring September 1st in the 3rd year after his appointment. Within 90 days following October 7, 1967, the Governor shall appoint 3 additional members to the board, who shall be non-certified public accountants and whose terms shall expire as follows: One whose term shall expire September 1st in the first year after his appointment; one whose term shall expire September 1st in the 2nd year after his appointment; and one whose term shall expire September 1st in the 3rd year after his appointment. Thereafter, each member shall be appointed for a term of 3 years so that the term of office of 2 members shall expire September 1st each year. Appointments shall be for 3-year terms, except that the terms of 2 members other than the public member shall expire each calendar year and appointments of less than 3 years may be made in order to comply with this limitation.~~ Any vacancy occurring during a term shall be filled by appointment for the unexpired term. Upon the expiration of

his term of office, a member shall continue to serve until his successor shall have been appointed and shall have qualified, and the successor's term shall be 3 years from the date of the expiration, regardless of the date of his appointment. No person may be eligible to serve more than 3 full consecutive terms, provided that for this purpose only a period actually served which exceeds $1/2$ of the 3-year term shall be deemed a full term. The Governor shall remove from the board any member whose permit to practice has become void, revoked or suspended, and may, after hearing, remove any member of the board for neglect of duty or other just cause.

Sec. 161. 32 MRSA §3972, as amended by PL 1979, c. 517, §§1 and 2, is repealed and the following enacted in its place:

§3972. Organization; powers and duties; compensation; expenses

The board shall meet at least once a year to conduct its business and elect its officers. Additional meetings shall be held as necessary to conduct the business of the board, and may be convened at the call of the chairman or a majority of the board members. Annually, the members shall elect from their number a chairman, a secretary who shall be a certified public accountant and a treasurer. The offices of secretary and treasurer may be held by the same person. The board may adopt a seal. Four members shall constitute a quorum for the transaction of business. All fees and other moneys collected by the board shall be promptly transmitted by the treasurer of the board to the Treasurer of State, together with an account of these receipts. The moneys are to be used only for expenses of the board upon requisition drawn on the State Controller. Each member of the board shall receive \$10 per hour and his necessary expenses, while engaged in the discharge of his official duties. Travel expense reimbursement shall not exceed the rate paid to state employees. If receipts of the board are not sufficient to cover all expenses and compensation of the board, the board may reduce equitably the compensation of its individual members.

The board shall have the following duties and powers, in addition to those otherwise set forth in this chapter.

1. Rules. The board may, in accordance with procedures established by the Maine Administrative Procedure Act, Title 5, chapter 375, subchapter II, adopt such rules as may be reasonably necessary for

the proper performance of its duties and the administration of this chapter, including, but not limited to, rules of professional conduct appropriate to establish and to maintain a high standard of integrity and of dignity in the profession of public accountancy and regulations prescribing requirements of continuing education which shall be met as a condition to renewal of permits to practice under section 3990 by the holders of those permits in order to maintain their professional knowledge and competency.

2. Register. The board shall have printed and published for public distribution, at such times as the board may determine, but at least once in every 2 years, a register which shall contain the names of all certified public accountants, all practitioners holding registration cards under this chapter, the names of the members of the board, regulations of the board, rules of professional conduct, the provisions of this chapter and such other matters as may be deemed proper by the board. Copies of these registers shall be mailed to all persons registered under this chapter and to the State Librarian and the clerks of court of the several counties. The publication and mailing expenses of this register shall be paid for from the cash receipts of the board.

3. Hearings. Hearings may be conducted by the board to assist with investigations, to determine whether grounds exist for suspension, revocation or denial of a certificate or permit or as otherwise deemed necessary to the fulfillment of its responsibilities under this chapter.

The board shall not refuse to renew a permit for any reason other than failure to pay a required fee, unless it has afforded the licensee an opportunity for an adjudicatory hearing. The board shall hold an adjudicatory hearing at the written request of any person who is denied a certificate or permit without a hearing for any reason other than failure to pay a required fee, provided that the request for hearing is received by the board within 30 days of the applicant's receipt of written notice of the denial of his application, the reasons for the denial of his application and his right to request a hearing. Hearings shall be conducted in conformity with the Maine Administrative Procedure Act, Title 5, chapter 375, subchapter IV, to the extent applicable. The board may subpoena witnesses, records and documents in any hearing it conducts.

4. Contracts. The board may enter into contracts to carry out its responsibilities under this chapter.

Sec. 162. 32 MRSA §3981, sub-§1, as enacted by PL 1967, c. 344, §1, is repealed.

Sec. 163. 32 MRSA §3981, sub-§4, as enacted by PL 1967, c. 344, §1, is repealed and the following enacted in its place:

4. Character. Who demonstrates that he is trustworthy and competent to engage in practice as a certified public accountant in such manner as to safeguard the interests of the public;

Sec. 164. 32 MRSA §3983, as amended by PL 1979, c. 517, §3, is further amended to read:

§3983. Fees; 2nd examination

Each applicant for examination shall pay the secretary of the board a fee not to exceed \$100 at the time of filing his application. An application fee and an examination fee may be established by the board in amounts which are reasonable and necessary for their respective purposes. Application and examination fees shall accompany the application. If the applicant fails to pass the examination, the fee these fees shall not be returned to him, but he shall be entitled to be reexamined at any advertised meeting at which there are to be other applicants for examination, on payment of an additional fee not to exceed \$25 for each section of the examination which he has not previously passed.

Sec. 165. 32 MRSA §3986, sub-§2, as enacted by PL 1967, c. 344, §1, is repealed.

Sec. 166. 32 MRSA §3986, sub-§5, as enacted by PL 1967, c. 344, §1, is repealed and the following enacted in its place:

5. Character. Who demonstrates that he is trustworthy and competent to engage in practice as a public accountant in such manner as to safeguard the interest of the public;

Sec. 167. 32 MRSA §3987, as enacted by PL 1967, c. 344, §1, is amended to read:

§3987. Reciprocity

The noncertified members of the board may, in their discretion, waive the examination and upon the payment of a fee not to exceed \$50 ~~specified in section 3988~~ issue a certificate of public accountant under section 3986 to any person who is a resident of this State and who is the holder of a similar certif-

icate or license issued under the laws of another state or foreign government which is then in full force and effect, provided the requirements in the state or foreign government which has granted the certificate or license to the applicant are, in the opinion of the noncertified members of the board, equivalent to those of this State.

Sec. 168. 32 MRSA §3988, as enacted by PL 1967, c. 344, §1, is repealed and the following enacted in its place:

§3988. Fees

An application fee and an examination fee may be established by the board in amounts which are reasonable and necessary for their respective purposes. Application and examination fees shall accompany the application. If the applicant fails to pass the examination, the fee shall not be returned to him.

Sec. 169. 32 MRSA §3991, as amended by PL 1977, c. 694, §620, is further amended to read:

§3991. Revocation or suspension

The board may request the Attorney General seek, pursuant to Title 4, chapter 25, the revocation of any certificate or the suspension of any permit issued under section 3990, or it may censure, by letter, the holder of a permit, for any of the following causes: The board may suspend or revoke a certificate or permit pursuant to Title 5, section 10004. The Administrative Court may revoke or suspend a certificate or permit or refuse to renew a permit upon any of the grounds set forth in this section. In addition, the board may refuse to issue a certificate or permit, refuse to renew a permit, place a licensee on probation or censure a licensee upon any of the grounds set forth in this section as follows:

1. Fraud or deceit in obtaining certificate. Fraud or deceit in obtaining a certificate as certified public accountant, or a certificate as public accountant, or in obtaining a permit to practice public accounting under this chapter;
2. Fraud in practice. Dishonesty, fraud or gross negligence in the practice of public accounting;
3. Violation of section 3994. Violation of any of the provisions of section 3994;
4. Violation of rule. Violation of a rule of

professional conduct promulgated by the board under the authority granted by this chapter;

5. Felony. Conviction of a felony under the laws of any state or of the United States, subject to the limitations of Title 5, chapter 341;

6. Certain crimes. Conviction of any crime, an element of which is dishonesty or fraud, under the laws of any state or of the United States, subject to the limitations of Title 5, chapter 341;

7. Reprisal of another state. Cancellation, revocation, suspension or refusal to renew authority to practice as a certified public accountant or a public accountant by any other state, for any cause other than failure to pay an annual registration fee in such other state;

8. Revocation outside state. Suspension or revocation of the right to practice before any state or federal agency;

9. Citizenship. Failure to become a citizen of the United States within 6 years by any person not a citizen of the United States when he or she received a certificate as certified public accountant or public accountant under this chapter;

10. Annual permit. Failure of a certificate holder in active public practice to obtain an annual permit under section 3990;

11. Conduct. Conduct discreditable to the public accounting profession; or

12. Other violations. Any other violation of this chapter or any rule adopted by the board.

Sec. 170. 32 MRSA §3992, sub-§1, as repealed and replaced by PL 1977, c. 694, §621, is repealed and the following enacted in its place:

1. Board; action. The board on its own motion or upon complaint made to it shall order investigation of all complaints and all allegations of noncompliance with or violations of this chapter. Investigations may be made by the secretary, the board's legal counsel or its agents, who shall report their findings to the board upon completion of the investigation. After receiving and considering the investigatory report, the board may:

A. Report its findings to the Attorney General for prosecution in the Administrative Court for suspension or revocation in accordance with Title

4, chapter 25; or

B. Hold an adjudicatory hearing in accordance with the Maine Administrative Procedure Act, Title 5, chapter 375, subchapter IV. Following the hearing, the board may:

(1) Report its findings to the Attorney General for prosecution under paragraph A;

(2) Place the licensee on probation for a certain period of time during which the licensee shall file periodic affidavits of his practice in accordance with the standards set by the board; or

(3) Censure, by letter, the licensee.

A notice of any action taken by the board adverse to the accused practitioner, including reporting its findings to the Attorney General, shall be filed in the office of the secretary and shall be open to public inspection.

Sec. 171. 32 MRSA §3996, as enacted by PL 1967, c. 344, §1, is repealed and the following enacted in its place:

§3996. Injunction

The State may bring an action in Superior Court to enjoin any person from violating this chapter, regardless of whether proceedings have been or may be instituted in the Administrative Court or whether criminal proceedings have been or may be instituted.

Sec. 172. 32 MRSA §4906, §§1 and 2, as enacted by PL 1973, c. 558, §1, are amended to read:

1. Nonresident practicing less than 30 days. A person not a resident of and having no established place of business in this State, practicing or offering to practice ~~herein~~ the profession of geologist or soil scientist when ~~such~~ that practice does not exceed in the aggregate more than 30 days in any calendar year, provided ~~such~~ that the person is legally qualified by registration to practice the ~~said~~ profession in his own state or country in which the requirements and qualifications for obtaining a certificate or registration are ~~not lower than~~ equivalent to those specified in this chapter;

2. Nonresident becoming resident or persons practicing more than 30 days. A person not a resident of and having no established place of business in this State, or who has recently become a resident

thereof, practicing or offering to practice herein for more than 30 days in any calendar year the profession of geologist or soil scientist, if he ~~shall~~ have ~~has~~ filed with the commission an application for a certification and ~~shall~~ have ~~has~~ paid the fee required by this chapter. ~~Each~~ The exemption shall continue only for such time as the board requires for the consideration of the application for registration, provided that such a person is legally qualified to practice ~~said~~ that profession in his own state or country in which the requirements and qualifications for obtaining a certificate of registration are ~~not lower than~~ equivalent to those specified in this chapter;

Sec. 173. 32 MRSA §4907, sub-§1, as enacted by PL 1973, c. 558, §1, is amended to read:

1. Qualifications. Each member of the board shall be a citizen of the United States and shall have been a resident of this State for at least 5 years immediately preceding his appointment. ~~Each~~ of the first appointed geologist members of the board shall have at least 8 years active experience and shall be a practicing geologist. Each of the first appointed soil scientist members of the board shall have at least 8 years active experience in the practice of the profession of soil scientist or in any closely related profession the essence of which involves a knowledge of soil investigations. Each subsequent member of the board shall be certified under this chapter.

Sec. 174. 32 MRSA §4907, sub-§2, as repealed and replaced by PL 1977, c. 78, §189, is repealed and the following enacted in its place:

2. Term. Appointments shall be for 5-year terms, except that no more than one appointed member's term may expire in any one calendar year and appointments for terms of less than 5 years may be made in order to comply with this limitation. No appointed member may be eligible to serve more than 2 full consecutive terms, provided that for this purpose only a period actually served which exceeds 1/2 of the 5-year term shall be deemed a full term. Upon expiration of a member's term, he shall serve until his successor is qualified and appointed. The successor's term shall be 5 years from the date of the expiration, regardless of the date of his appointment. Vacancies occurring prior to the expiration of the specified term shall be filled by appointment for the unexpired term. A board member may be removed for cause by the Governor.

Sec. 175. 32 MRSA §4907, sub-§4, as repealed and

replaced by PL 1979, c. 300, §2, is repealed and the following enacted in its place:

4. Meetings. The board shall meet at least once a year to conduct its business and to elect its officers. Additional meetings shall be held as necessary to conduct the business of the board, and may be convened at the call of the chairman or a majority of the board members. The board shall, every 2 years, elect a chairman who shall be a member of the board. No chairman may serve more than 2 consecutive terms.

Four members shall constitute a quorum.

The board shall keep such records and minutes as are necessary to the ordinary dispatch of its functions.

Sec. 176. 32 MRSA §4907, sub-§§5 and 6 are enacted to read:

5. Hearings. Hearings may be conducted by the board to assist with investigations, to determine whether grounds exist for suspension, revocation or denial of a license, or as otherwise deemed necessary to the fulfillment of its responsibilities under this chapter.

The board shall not refuse to renew a license for any reason other than failure to pay a required fee, unless it has afforded the licensee an opportunity for an adjudicatory hearing. The board shall hold an adjudicatory hearing at the written request of any person who is denied a license without a hearing for any reason other than failure to pay a required fee, provided that the request for hearing is received by the board within 30 days of the applicant's receipt of written notice of the denial of his application, the reasons therefor and his right to request a hearing. Hearings shall be conducted in conformity with the Maine Administrative Procedure Act, Title 5, chapter 375, subchapter IV, to the extent applicable. The board may subpoena witnesses, records and documents in any hearing it conducts.

6. Contracts. The board may enter into contracts to carry out its responsibilities under this chapter.

Sec. 177. 32 MRSA §4907, last ¶, as enacted by PL 1979, c. 300, §2, is repealed as follows:

~~Four members shall constitute a quorum.~~

Sec. 178. 32 MRSA §4909, first ¶, as enacted by PL 1973, c. 558, §1, is amended to read:

An application for certification as a geologist or soil scientist shall be made to the board on a form prescribed by it and shall be accompanied by the prescribed application fee fixed by this chapter.

Sec. 179. 32 MRSA §4909, 5th ¶ from the end, as enacted by PL 1973, c. 558, §1, is amended to read:

An applicant failing in an examination may be examined again upon filing a new application and the payment of the application fee fixed by this chapter prescribed fees.

Sec. 180. 32 MRSA §4909, 4th ¶ from the end, as enacted by PL 1973, c. 558, §1, is amended to read:

The board, upon application therefor, on its prescribed form and upon the payment of the application and certification fees fixed by this chapter, may issue a certificate as a geologist or soil scientist without written examination to any person holding a certificate as a geologist or soil scientist issued to him by any state or country having similar equivalent requirements, when the applicant's qualifications meet the other requirements of this chapter and the rules established by the board.

Sec. 181. 32 MRSA §4909, last ¶, as amended by PL 1977, c. 694, §646, is repealed.

Sec. 182. 32 MRSA §4911, as repealed and replaced by PL 1979, c. 300, §5, is amended to read:

§4911. Expiration and renewal

Certificates shall expire on December 31st biennially and shall become invalid on that date unless renewed. Any individual not renewing a certificate within 5 years after expiration will be considered as a new applicant. It shall be the duty of the Central Licensing Division of the Department of Business Regulation to notify, at his last known address, every person registered under this chapter of the date of the expiration of his license and the amount of the fee that shall be required for its renewal for a 2-year period. The notice shall be mailed at least one month in advance of the expiration date.

A certificate may be renewed up to 90 days after the date of expiration upon payment of a late fee of \$10 in addition to the renewal fee. Any person who submits an application for renewal more than 90 days after the license renewal date shall be subject to all requirements governing new applicants under this chapter, except that the board may, in its discretion, giving due consideration to the protection of

the public, waive examination if the renewal application is made within 2 years from the date of the expiration.

Sec. 183. 32 MRSA §4912, as amended by PL 1979, c. 34, is repealed and the following enacted in its place:

§4912. Fees

An application fee and an examination fee may be established by the board in amounts which are reasonable and necessary for their respective purposes.

The initial and renewal fees for certification as a geologist or soil scientist shall be \$20 per year.

Sec. 184. 32 MRSA §4913, as amended by PL 1977, c. 694, §§647 and 648, is further amended to read:

§4913. Complaints; violations; investigations; revocations

1. Powers of board and Administrative Court Judge concerning complaints. The board shall investigate or cause to be investigated all complaints against certified geologists or soil scientists and persons granted temporary authorizations pursuant to this chapter and all cases of violations of this chapter. ~~The board shall have the authority may,~~ pursuant to Title 5, section 10004 ~~to~~ suspend or revoke a license issued by it. In addition, the board ~~may, after affording a hearing pursuant to Title 5, chapter 375, subchapter IV,~~ refuse to issue or renew the license, or the Administrative Court may, pursuant to Title 4, chapter 25, suspend ~~or~~ revoke ~~or~~ refuse to renew the license of any registrant who is found guilty of:

A. The practice of any fraud or deceit in obtaining a certificate or registration;

B. Any gross negligence, incompetence or misconduct in the practice of geology or soil science;

C. Any felony or any crime adversely affecting the ethical standards of the professions regulated by this chapter, subject to the limitations of Title 5, chapter 341; or

D. ~~The commission of any unlawful act as set forth in this chapter.~~ Any violation of this chapter or any rule of the board.

2. Preferring of charges. Any person may ~~prefer~~ register a complaint of fraud, deceit, gross

negligence, incompetency or misconduct against any certified geologist or soil scientist. Such charges These complaints shall be in writing and shall be sworn to by the person making them and shall be filed with the secretary of the board.

Sec. 185. 32 MRSA §4919, as enacted by PL 1973, c. 558, §1, is repealed and the following enacted in its place;

§4919. Penalties; injunction

A person who violates any of the provisions of this chapter is guilty of a Class E crime.

The State may bring an action in Superior Court to enjoin any person from violating this chapter, regardless of whether proceedings have been or may be instituted in the Administrative Court or whether criminal proceedings have been or may be instituted.

Sec. 186. 32 MRSA §5004, as amended by PL 1979, c. 285, §1, is further amended to read:

§5004. Board of registration

A State Board of Registration for Professional Foresters is established within the Department of Business Regulation to administer the provisions of this chapter. The board shall consist of 5 professional foresters and one public member who shall be selected and appointed by the Governor, and the forester members shall be qualified as required by section 5005. The 5 initial forester board members shall be appointed for terms of one, 2, 3, 4 and 5 years respectively and the initial public member shall be appointed for a term of 5 years. Upon expiration of the terms of any initial board member, the Governor shall appoint members for a 5-year term. Each board member shall hold office until the expiration of the term for which the member is appointed or until such member's successor is appointed and qualified. Appointments shall be for 5-year terms, except that no more than one forester member's term may expire in any one calendar year and appointments for terms of less than 5 years may be made in order to comply with this limitation. Upon expiration of a member's term, he shall serve until his successor is qualified and appointed. The successor's term shall be 4 years from the date of the expiration, regardless of the date of his appointment. No person may be eligible to serve more than 2 full consecutive terms, provided that for this purpose only a period actually served which exceeds 1/2 of the 5-year term shall be deemed a full term.

Sec. 187. 32 MRSA §5007, as amended by PL 1975, c. 771, §373, is further amended to read:

§5007. Removal of board members; vacancies

The Governor may remove any board member for misconduct, incompetency, neglect of duty or for any other sufficient cause. Vacancies in membership of the board shall be filled for the unexpired term in the same manner as for a full-term appointment.

Sec. 188. 32 MRSA §5008, as enacted by PL 1975, c. 490, is repealed and the following enacted in its place:

§5008. Meetings of the board

The board shall meet at least once a year to conduct its business and elect its officers. Additional meetings shall be held as necessary to conduct the business of the board, and may be convened at the call of the chairman or a majority of the board members. The board shall elect a chairman, a vice-chairman and a secretary annually. Four members of the board shall constitute a quorum for all purposes.

Sec. 189. 32 MRSA §5009, as amended by PL 1979, c. 118, §3, is repealed and the following enacted in its place:

§5009. Powers

The board shall have the following duties and powers, in addition to those otherwise set forth in this chapter.

1. Licenses; enforcement. The board shall evaluate the qualifications of applicants for licensure under this chapter, and shall investigate or cause to be investigated all complaints made to it and all cases of noncompliance with this chapter.

2. Rules. The board may, in accordance with procedures established by the Maine Administrative Procedure Act, Title 5, chapter 375, subchapter II, adopt such rules as may be reasonably necessary for the proper performance of its duties and the administration of this chapter. The board may not make and promulgate rules on forest practices, but may, under this chapter, proceed against any person for alleged violations of any rules or laws made and promulgated by the Legislature or any other duly authorized governmental body or agency relating to forestry or like subject.

3. Hearings. Hearings may be conducted by the

board to assist with investigations, to determine whether grounds exist for suspension, revocation or denial of a license, or as otherwise deemed necessary to the fulfillment of its responsibilities under this chapter.

The board shall not refuse to renew a license for any reason other than failure to pay a required fee, unless it has afforded the licensee as opportunity for an adjudicatory hearing. The board shall hold an adjudicatory hearing at the written request of any person who is denied a license without a hearing for any reason other than failure to pay a required fee, provided that the request for hearing is received by the board within 30 days of the applicant's receipt of written notice of the denial of his application, the reasons for the denial of his application and his right to request a hearing. Hearings shall be conducted in conformity with the Maine Administrative Procedure Act, Title 5, chapter 375, subchapter IV, to the extent applicable. The board may subpoena witnesses, records and documents in any hearing it conducts.

4. Contracts. The board may enter into contracts to carry out its responsibilities under this chapter.

Sec. 190. 32 MRSA §5011, as amended by PL 1977, c. 604, §34, is repealed and the following enacted in its place:

§5011. Records

The board shall keep such records and minutes as are necessary to the ordinary dispatch of its functions.

Sec. 191. 32 MRSA §5013, as amended by PL 1975, c. 770, §§193 and 194, is further amended to read:

§5013. Applications; fees

Applications for registration shall be made on forms prescribed and furnished by the board, and shall contain statements made under oath as a ~~citizenship~~ ^{residence}, to residence, the applicant's education, a detailed summary of his technical experience, and shall contain the names of not less than 5 references, 3 or more of whom shall be foresters having personal or professional knowledge of his forestry experience. Notwithstanding any other provision of law, any communications solicited or received by the board as references may be kept confidential by the board and any discussion of ~~such these~~ references may be conducted in executive session. An application

fee may be established by the board in an amount which is reasonable and necessary for its purpose. The registration fee for a license as a registered professional forester shall be fixed by the board, but shall not exceed \$25 for 2 years, $\frac{1}{2}$ of which fee shall accompany the application, the balance to and shall be paid before the issuance of the license. Should the applicant fail to remit the remaining balance registration fee within 30 days after being notified by certified mail that his application has been accepted, he shall forfeit the right to have a license so issued and such the applicant may be required to again submit an original application and upon payment of an original fee. Should the board deny the issuance of a license to any applicant, the fee deposited shall be retained by the board as an application fee.

Sec. 192. 32 MRSA §5014, as enacted by PL 1975, c. 490, is amended to read:

§5014. Issuance of license; endorsement of documents

The board shall issue a license upon payment of the registration fee as provided herein in this section to any applicant who, in the opinion of the board, has satisfactorily met all the requirements of this chapter. Licenses shall show the full name of the registrant, shall have a serial number, and shall be signed by the chairman and secretary under the seal of the board. The issuance of a license by the board shall be evidence that the person named therein is entitled to all the rights and privileges of a registered professional forester while said the license remains unrevoked or unexpired. Plans, maps and reports issued by the registrant shall be endorsed with his name and license number during the life of the registrant's license, but it shall be a misdemeanor Class E crime for anyone to endorse any document with said that name and license number after the license of the registrant named thereon has expired or has been revoked or suspended, unless said the license has been renewed or reissued. It shall be a misdemeanor is a Class E crime for any registered professional forester to endorse any plan, map or report unless he shall have actually prepared such plan, map or report, or shall have been in the actual charge of the preparation thereof.

Sec. 193. 32 MRSA §5015, as amended by PL 1979, c. 285, §§5 and 6, is further amended to read:

§5015. Expiration and renewal of license

The Central Licensing Division of the Department of Business Regulation shall compile and maintain a

complete and up-to-date list of all licensed foresters in the State. The list shall be made available to any person upon request at cost.

Licenses shall expire on the 31st of December 31st 2 years following their issuance or renewal and shall become invalid on that date unless renewed. It shall be the duty of the Central Licensing Division to notify, at his last registered address, every person registered under this chapter of the date of the expiration of his license and the amount of the fee that shall be required for its renewal for 2 years, such that notice to be mailed at least one month in advance of the date of the expiration of said that license. The board shall fix the renewal fee for licenses, which fee shall not exceed the sum of \$25 for 2 years. Renewal of licenses for the following 2 years may be effected at any time during the month of December of the year in which such the license is due for renewal by payment of the renewal fee fixed by the board. Such license may also be renewed within the ensuing 6 months by payment of an additional fee of \$1 per month, or fraction thereof, that the fixed renewal is delayed beyond the month of December. A license may be renewed up to 90 days after the date of expiration upon payment of a late fee of \$10 in addition to the renewal fee. Any person who submits an application for renewal more than 90 days after the license renewal date shall be subject to all requirements governing new applicants under this chapter. The board shall make an exception to the foregoing renewal provision in the case of a person who is in the Armed Services of the United States.

Sec. 194. 32, MRSA §5018, first ¶, as repealed and replaced by PL 1977, c. 694, §650, is amended to read:

The board shall have the power may, pursuant to Title 5, section 10004 to, revoke or suspend the license of a professional forester. In addition, the board may, after affording a hearing pursuant to Title 5, chapter 375, subchapter IV, refuse to issue or renew the license, or the Administrative Court may, pursuant to Title 4, chapter 25, revoke or, suspend or refuse to renew the license, of a professional forester who has been found guilty of any deceit, misconduct, misrepresentation, fraud, incompetence or gross negligence in his practice, or has been guilty of any fraud or deceit in obtaining his registration or certification, or aids or abets any person alleged to have been defrauded in the violation of any provisions of this chapter or fails in any material respect to comply with the provisions of this chapter.

Sec. 195. 32 MRSA §5018, 2nd ¶, as repealed and replaced by PL 1975, c. 623, §51-D-2, is amended to read:

Any person alleged to have been defrauded may ~~prefer charges~~ register a complaint of fraud, deceit, gross negligence, incompetency or misconduct against any registrant. ~~Such charges~~ These complaints shall be in writing, shall be sworn to by the person making them and shall be filed with the board.

Sec. 196. 32 MRSA §5019, as enacted by PL 1975, c. 490, is amended to read;

§5019. Violations and penalties

It shall be unlawful for any person to practice forestry or offer to practice forestry or to use in connection with his name, or otherwise assume, use or advertise any title or description that directly or indirectly conveys the impression that he is a registered professional forester in this State unless he is registered or exempt in accordance with the provisions of this chapter. Any person who shall present, or attempt to use as his own, the license of another, or any person who shall give any false or forged evidence to the board or any member thereof in obtaining a license, or any person who shall attempt to use an expired, suspended or revoked license, or any person, firm, partnership or corporation who shall violate any provision of this chapter shall be guilty of a misdemeanor; and upon conviction, shall be fined not less than \$100 or more than \$200 is guilty of a Class E crime for each offense. The board, or any person or persons designated by the board to act on its behalf, is empowered to prefer charges for any violation of this chapter in any court of competent jurisdiction in any county in the State in which ~~such~~ the violation shall have occurred. It shall be the duty of all duly constituted officers of the law of the State, or of any political subdivisions thereof, to enforce the provisions of this chapter and to prosecute any persons, firms, partnerships or corporations violating the same. The Attorney General shall act as legal advisor to the board and shall render such legal assistance as may be necessary in carrying out the provisions of this chapter.

The State may bring an action in Superior Court to enjoin any person from violating this chapter, regardless of whether proceedings have been or may be instituted in the Administrative Court or whether criminal proceedings have been or may be instituted.

Sec. 197. 32 MRSA §6010, as enacted by PL 1975, c. 705, §4, is repealed and the following enacted in

its place:

§6010. Membership; terms

The Board of Examiners on Speech Pathology and Audiology shall consist of 7 members appointed by the Governor. All members shall have been residents of this State for at least one year immediately preceding their appointment. Two members shall have been engaged full time in the practice of speech pathology for at least one year immediately preceding their appointment. Two members shall have been engaged full time in the practice of audiology for at least one year immediately preceding their appointment. All such professional members shall at all times be holders of valid licenses for the practice of speech pathology or audiology. The additional members shall consist of a physician, licensed pursuant to chapter 48, with specialized training in the field of otolaryngology and of 2 representatives of the public.

Appointments shall be for 3-year terms, except that the terms of at least 2 members shall expire each calendar year and appointments of less than 3 years may be made in order to comply with this limitation. No person may be eligible to serve more than 2 full consecutive terms, provided that, for this purpose only, a period actually served which exceeds 1/2 of the 3-year term shall be deemed a full term. Upon expiration of the member's term, he shall serve until his successor is qualified and appointed, and the successor's term shall be 3 years from the date of that expiration regardless of the date of his appointment. Any vacancy on the board shall be filled by appointment by the Governor. Any person appointed to fill a vacancy shall have the same qualifications as the board member being replaced and shall hold office during the unexpired term of the member whose place is filled. A board member may be removed by the Governor for cause.

Sec. 198. 32 MRSA §6011, as enacted by PL 1975, c. 705, §4, is repealed and the following enacted in its place:

§6011. Meetings; chairman; quorum

The board shall meet at least once a year to conduct its business and to elect a chairman and a secretary. Additional meetings shall be held as necessary to conduct the business of the board, and may be convened at the call of the chairman or a majority of the board members. All meetings of the board shall be open to the public, except that the board may hold closed sessions to prepare, approve,

grade or administer examinations, or to prepare or provide a response upon request of an applicant for review of his examination. Four members of the board shall constitute a quorum for all purposes.

Sec. 199. 32 MRSA §6013, sub-§1, as enacted by PL 1975, c. 705, §4, is amended to read:

1. Board to administer, coordinate and enforce. The board shall administer, coordinate and enforce this chapter, evaluate the qualifications and supervise the examinations of applicants for licensure under this chapter and shall, at its discretion, investigate allegations of practices violating this chapter. The board shall keep such records and minutes as are necessary to the ordinary dispatch of its functions.

Sec. 200.. 32 MRSA §6013, sub-§2, as amended by PL 1977, c. 694, §655, is repealed and the following enacted in its place:

2. Rules. The board may, in accordance with the Maine Administrative Procedure Act, Title 5, chapter 375, subchapter II, adopt rules commensurate with the authority vested in it by this chapter including, but not limited to, rules relating to professional conduct and establishing ethical standards of practice. The rules adopted by the board shall govern and control the professional conduct of every person who holds a license to practice speech pathology or audiology in this State. A copy of all rules adopted by vote of the board shall be sent forthwith to all persons licensed under this chapter.

Sec. 201. 32 MRSA §6013, sub-§3, as enacted by PL 1975, c. 705, §4, is repealed and the following enacted in its place:

3. Hearings. Hearings may be conducted by the board to assist with investigations, to determine whether grounds exist for suspension, revocation or denial of a license, or as otherwise deemed necessary to the fulfillment of its responsibilities under this chapter.

The board shall not refuse to renew a license for any reason other than failure to pay a required fee, unless it has afforded the licensee an opportunity for an adjudicatory hearing. The board shall hold an adjudicatory hearing at the written request of any person who is denied a license without a hearing for any reason other than failure to pay a required fee, provided that the request for hearing is received by the board within 30 days of the applicant's receipt

of written notice of the denial of his application, the reasons therefor and his right to request a hearing. Hearings shall be conducted in conformity with the Maine Administrative Procedure Act, Title 5, chapter 375, subchapter IV, to the extent applicable. The board may subpoena witnesses, records and documents in any hearing it conducts.

Sec. 202. 32 MRSA 6013, sub-§5 is enacted to read:

5. Contracts. The board may enter into contracts to carry out its responsibilities under this chapter.

Sec. 203. 32 MRSA §6023, as enacted by PL 1975, c. 705, §4, is amended to read:

§6023. Waiver of examination

The board may waive the examination and grant licensure to any applicant who shall present proof of current licensure in another state, including the District of Columbia or a territory of the United States which maintains professional standards considered deemed by the board to be equivalent to those set forth in this chapter, provided that no cause exists for denial of a license under section 6026.

The board shall waive the examination and grant licensure to any person who possesses credentials equivalent to the Certificate of Clinical Competency of the American Speech and Hearing Association in the area for which such person is applying for licensure. Application for such licensure must be made within 180 days after the effective date of this chapter.

The board shall waive the examination and grant licensure as a speech pathologist to any person who possesses a current certificate issued by the State Department of Educational and Cultural Services on the effective date of this Act. Application for licensure must be made within 180 days after the effective date of this Act, providing such person has been engaged in private practice as a speech pathologist for at least 24 months prior to the effective date of this Act. Private practice, for purposes of this section, is defined as a minimum of 120 hours per year of professional services for pay outside of school employment as a speech pathologist. Application for such licensure must be made within 180 days after the effective date of this chapter.

Sec. 204. 32 MRSA §6025, as enacted by PL 1975, c. 705, §4, is amended to read:

§6025. Temporary license

An applicant, who fulfills all the requirements for licensure except professional employment or examination, may apply to the board for a temporary license. Upon receiving an application, accompanied by the fee established in section 6028, the board shall issue a temporary license, which entitles the applicant to practice speech pathology or audiology under supervision while completing the requirements for licensure. No temporary license ~~shall~~ may be issued by the board under this section unless the applicant shows to the satisfaction of the board that ~~she or~~ he is or will be supervised and trained by a person who holds a license or the Certificate of Clinical Competency of the American Speech and Hearing Association in the appropriate specialty. The temporary license shall be effective for one year and may be renewed upon by the board approval.

Sec. 205. 32 MRSA §6026, as amended by PL 1977, c. 694, §656, is further amended to read:

§6026. License; refusal to issue or renew; suspension; revocation

The board shall investigate or cause to be investigated all complaints made to it and all cases of noncompliance with or violation of this chapter. The board shall have the authority, after hearing, to refuse to issue or renew a license. If the board finds that cause exists for suspension or revocation of licenses, it shall file its complaint with the Administrative Court. The Administrative Court Judge shall have the power to suspend or revoke the license of any licensed speech pathologist or audiologist who is found guilty of. The board may suspend or revoke a license pursuant to Title 5, section 10004. The board may refuse to issue or renew a license or the Administrative Court may revoke, suspend or refuse to renew a license of a speech pathologist or audiologist for any of the following reasons:

1. Obtaining license by fraud. Obtaining a license by means of fraud, misrepresentation or concealment of material facts;

2. Guilty of unprofessional conduct. Being guilty of unprofessional conduct as defined by the rules established by the board or violating the Code of Ethics adopted and published by the board;

3. Violation of any lawful order, rule, etc. Violating any lawful order, or rule or regulation rendered and adopted by the board;

4. Conviction of a criminal offense. Being Sub-
ject to the limitations of Title 5, chapter 341,
being convicted of a felony in any court of this
State the United States if the acts for which she or
he is convicted are found by the board to have a
direct bearing on whether she or he should be
entrusted to serve the public in the capacity of a
speech pathologist or audiologist; or

5. Violations. Violating any provision of this
chapter.

The board, for reasons it may deem sufficient,
may reissue a license to any person whose license has
been revoked, providing 4 or more members of the
board vote in favor of such reissuance.

Sec. 206. 32 MRSA §6027, first ¶, as enacted by
PL 1975, c. 705, §4, is amended to read:

Licenses issued under this chapter expire bienni-
ally and become invalid at midnight, January 31st of
every other year, or at such other times as the Com-
missioner of Business Regulation may designate, if
not renewed. Every person licensed under this chapter
shall, on or before the biennial expiration date, pay
a fee for renewal of license to the board. The board
shall notify every person licensed 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. The notice shall be mailed to such person's
last known address at least 30 days in advance of the
expiration of such license. No person who requests
renewal of license, whose license has expired, shall
be required to submit to examination as a condition
to renewal, if such renewal application is made
within 2 years from the date of such expiration.
Renewals are contingent upon evidence of participa-
tion in continuing professional education, such as
attending professional meetings and regional inserv-
ice programs, as determined by the board. A license
may be renewed up to 90 days after the date of its
expiration upon payment of a late fee of \$10 in addi-
tion to the renewal fee. Any person who submits an
application for renewal more than 90 days after the
license expiration date shall be subject to all re-
quirements governing new applicants under this chap-
ter, except that the board may in its discretion,
giving due consideration to the protection of the
public, waive examination if that renewal application
is made within 2 years from the date of the expira-
tion.

Sec. 207. 32 MRSA §6028, first ¶, as amended by
PL 1983, c. 204, §11, is further amended to read:

An application fee and an examination fee may be established by the board in amounts which are reasonable and necessary for their respective purposes. Every person to whom an initial license is issued pursuant to this chapter shall pay a license fee of up to \$50. The fee for a temporary license shall not exceed \$50. The fee for biennial renewal of a license shall not exceed \$100. The board may, by regulation rule, provide for a the waiver of all or part of the fee for an initial license, if it is issued less than 120 days before the date on which it will expire. When the unexpired term of an initial license of an applicant is or will be more than one year at time of licensure, the board may, by regulation rule, require such the applicants to pay an additional fee not to exceed 1/2 the biennial renewal fee. The fees for application and examination shall be established by the board.

Sec. 208. 32 MRSA §6030, as enacted by PL 1975, c. 705, §4, is amended to read:

§6030. Continuing professional education

The board shall require the applicant for license renewal to present evidence of his the satisfactory completion of continuing professional education of persons subject to this chapter in accordance with rules adopted by the board.

Sec. 209. 32 MRSA §6031, as enacted by PL 1975, c. 705, §4, is repealed and the following enacted in its place:

§6031. Penalty

Every person found guilty of violating a provision of this chapter is guilty of a Class E crime.

The State may bring an action in Superior Court to enjoin any person from violating this chapter, regardless of whether proceedings have been or may be instituted in the Administrative Court or whether criminal proceedings have been or may be instituted.

Sec. 210. 32 MRSA §6208, as enacted by PL 1977, c. 466, §2, is repealed.

Sec. 211. 32 MRSA §6208-A is enacted to read:

§6208-A. Appointment; terms; vacancies

1. Membership. The Board of Registration of Substance Abuse Counselors, as established, shall consist of 9 members appointed by the Governor. Seven members shall be registered substance abuse

counselors. Two members shall be nonproviders, one of whom shall be a consumer.

2. Term of office. Appointments shall be for 3-year terms, except that no more than 3 members' terms may expire in any one calendar year and appointments for terms of less than 3 years may be made in order to comply with this limitation. Upon expiration of a member's term, he shall serve until his successor is qualified and appointed. The successor's term shall be 3 years from the date of the expiration, regardless of the date of his appointment.

3. Vacancy. Any vacancy in the board shall be filled by appointment of a person, qualified as was the board member being replaced, to hold office during the unexpired term.

4. Limitation. No person may be eligible to serve more than 3 full consecutive terms, provided that for this purpose only a period actually served which exceeds 1/2 of the 3-year term shall be deemed a full term.

Sec. 212. 32 MRSA §6209, as enacted by PL 1977, c. 466, §2, is repealed and the following enacted in its place:

§6209. Removal of board members

A board member may be removed by the Governor for cause.

Sec. 213. 32 MRSA §6210, as enacted by PL 1977, c. 466, §2, is repealed and the following enacted in its place:

§6210. Meetings; elections; quorum

The board shall meet at least once a year to conduct its business and elect its officers. Additional meetings shall be held as necessary to conduct the business of the board, and may be convened at the call of the chairman or a majority of the board members. Five members of the board shall constitute a quorum for all purposes.

The board may elect a chairman, secretary and treasurer. The board shall keep such records and minutes as are necessary to the ordinary dispatch of its functions.

Sec. 214. 32 MRSA §6212, sub-§4, as enacted by PL 1977, c. 466, §2, is amended to read:

4. Rules. The board shall have the power to may adopt such rules and regulations and establish such advisory committees as the board may deem necessary and proper to carry out this chapter. All rules shall be adopted in accordance with the procedures established by the Maine Administrative Procedure Act, Title 5, chapter 375, subchapter II.

Sec. 215. 32 MRSA §6212, sub-§6, as enacted by PL 1977, c. 466, §2, is repealed and the following enacted in its place:

6. Complaints. The board shall investigate, or cause to be investigated, all complaints made to it and all cases of noncompliance with this chapter.

Sec. 216. 32 MRSA §6212, sub-§7 is enacted to read:

7. Hearings. Hearings may be conducted by the board to assist with investigations, to determine whether grounds exist for suspension, revocation or denial of registration, or as otherwise deemed necessary to the fulfillment of its responsibilities under this chapter.

The board shall not refuse to renew registration for any reason other than failure to pay a required fee, unless it has afforded the licensee an opportunity for an adjudicatory hearing. The board shall hold an adjudicatory hearing at the written request of any person who is denied registration without a hearing for any reason other than failure to pay a required fee, provided that the request for hearing is received by the board within 30 days of the applicant's receipt of written notice of the denial of his application, the reasons for the denial of his application and his right to request a hearing. Hearings shall be conducted in conformity with the Maine Administrative Procedure Act, Title 5, chapter 375, subchapter IV, to the extent applicable. The board may subpoena witnesses, records and documents in any hearing it conducts.

Sec. 217. 32 MRSA §6215, as amended by PL 1983, c. 204, §12, is repealed and the following enacted in its place:

§6215. Application; membership fees

Application for registration as a registered substance abuse counselor, or provisionally registered substance abuse counselor, shall be on forms prescribed and furnished by the board. Application fees and examination fees may be established by the board in amounts which are reasonable and necessary for

their respective purposes. A biennial registration fee for registered substance abuse counselors shall be established by the board in an amount not to exceed \$100 biennially. A triennial registration fee for provisionally registered substance abuse counselors shall be established by the board in an amount not to exceed \$100 triennially.

Sec. 218. 32 MRSA §6217-A, as enacted by PL 1977, c. 694, §658, is repealed and the following enacted in its place:

§6217-A. Suspension and revocation

The board may suspend or revoke a certificate of registration pursuant to Title 5, section 10004. In addition, the board may refuse to issue or renew or the Administrative Court may suspend, revoke or refuse to renew a certificate of registration on any of the following grounds:

1. Fraud or deceit. The practice of fraud or deceit in obtaining a certificate of provisional registration or a certificate of registration under this chapter or in connection with services rendered as a substance abuse counselor;

2. Active abuse. Active abuse of alcohol, or any other drug, which in the judgment of the board is detrimental to the performance or competency of a substance abuse counselor;

3. Mental incompetency. A legal finding of mental incompetency;

4. Aiding and abetting misrepresentation. Aiding or abetting a person, not duly certified as a provisionally registered or registered substance abuse counselor, in representing oneself as a provisionally registered or registered substance abuse counselor in this State;

5. Unprofessional conduct or negligence. Any gross negligence, incompetency or misconduct in the performance of substance abuse services;

6. Criminal conviction. Subject to the limitations of Title 5, chapter 341, conviction of a Class A, B or C crime or of a crime which, if committed in this State, would be punishable by one year or more of imprisonment; or

7. Valid cause. Any other valid cause.

Sec. 219. 32 MRSA §6218, as repealed and replaced by PL 1977 c. 694, §659, is repealed and the

following enacted in its place:

§6218. Issuance after denial, suspension or revocation

The board, for reasons it may deem sufficient, may issue or reissue a certificate of provisional registration or certificate of registration to any person whose certificate of provisional registration or certificate of registration has been denied, suspended or revoked, provided that at least 5 members of the board vote in favor of that issuance.

Sec. 220. 32 MRSA §6219, 2nd ¶, as enacted by PL 1977, c. 466, §2, is amended to read:

Any person, who fails to renew his registration prior to its date of expiration, shall be stricken from the rolls and his registration may be renewed only after again meeting the requirements of this chapter. Registration may be renewed up to 90 days after the date of expiration upon payment of a late fee of \$10 in addition to the renewal fee. Any person who submits an application for renewal more than 90 days after the license renewal date shall be subject to all requirements governing new applicants under this chapter, except that the board may in its discretion, giving due consideration to the protection of the public, waive examination if that renewal application is made within 2 years from the date of that expiration. The board shall be responsible for mailing notification of the date of expiration of a certificate of provisional registration or a certificate of registration to any provisionally registered or registered substance abuse counselor not later than 30 days prior to the date of expiration.

Sec. 221. 32 MRSA §6220, as enacted by PL 1977, c. 466, §2, is amended to read:

§6220. Reciprocity

The board may waive any examinations for applicants who are recognized by other credentialing bodies as having met qualifications and standards determined by the board as ~~comparable~~ to be equivalent to those set forth in this chapter.

Sec. 222. 32 MRSA §7002, as enacted by PL 1977, c. 673, §3, is amended by adding at the end a new paragraph to read:

The State may bring an action in Superior Court to enjoin any person from violating this chapter, regardless of whether proceedings have been or may be instituted in the Administrative Court or whether criminal proceedings have been or may be instituted.

Sec. 223. 32 MRSA §§7026 and 7027, as enacted by PL 1977, c. 673, §3, are repealed and the following enacted in their place:

§7026. State Board of Social Worker Registration

The State Board of Social Worker Registration, as established in the Department of Business Regulation, shall administer this chapter. The board shall consist of 8 members appointed by the Governor. Four members of the board shall be certified social workers, 2 shall be registered social workers, one shall be an associate social worker and there shall be a public member. In addition, board members shall meet the qualifications required under section 7027.

Appointments shall be for 3-year terms, except that no more than 3 members' terms may expire in any one calendar year and appointments for terms of less than 3 years may be made in order to comply with this limitation. No person may be eligible to serve more than 3 full consecutive terms, provided that for this purpose only a period actually served which exceeds 1/2 of the 3-year term shall be deemed a full term. Upon expiration of a member's term, he shall serve until his successor is qualified and appointed. The successor's term shall be 3 years from the date of the expiration, regardless of the date of his appointment. Any vacancy occurring prior to the expiration of the specified term shall be filled by appointment for the unexpired term.

Prior to the filling of any vacancies, the Governor may solicit recommendations of candidates from the Maine Chapter of the National Association of Social Workers and such other social welfare organizations as he deems appropriate.

§7027. Qualifications

Members of the board shall be residents of this State, and shall be trustworthy and competent to fulfill the responsibilities imposed by this chapter. Each board member other than the public member shall have been engaged in the active practice of social work as certified, registered or associate social workers, respectively, for not less than 5 years prior to appointment.

The Governor may remove any member for cause.

Sec. 224. 32 MRSA §7029, 2nd ¶, as enacted by PL 1977, c. 673, §3, is repealed and the following enacted in its place:

The board shall meet at least once a year to con-

duct its business and elect its officers. Additional meetings shall be held as necessary to conduct the business of the board, and may be convened at the call of the chairman or a majority of the board members. Five members of the board shall constitute a quorum for the transaction of business.

Sec. 225. 32 MRSA §7030, as enacted by PL 1977, c. 673, §3, is repealed and the following enacted in its place:

§7030. Powers

The board shall have the following duties and powers, in addition to those otherwise set forth in this chapter.

1. Licenses; enforcement. The board shall evaluate the qualifications and supervise the examination of applicants for licensure under this chapter, and shall investigate or cause to be investigated all complaints made to it and all cases of non-compliance with this chapter.

2. Rules. The board may, in accordance with procedures established by the Maine Administrative Procedure Act, Title 5, chapter 375, subchapter II, adopt such rules as may be reasonably necessary for the proper performance of its duties and the administration of this chapter.

3. Hearings. Hearings may be conducted by the board to assist with investigations, to determine whether grounds exist for suspension, revocation or denial of a license, or as otherwise deemed necessary to the fulfillment of its responsibilities under this chapter.

The board shall not refuse to renew a license for any reason other than failure to pay a required fee, unless it has afforded the licensee an opportunity for an adjudicatory hearing. The board shall hold an adjudicatory hearing at the written request of any person who is denied a license without a hearing for any reason other than failure to pay a required fee, provided that the request for hearing is received by the board within 30 days of the applicant's receipt of written notice of the denial of his application, the reasons therefor and his right to request a hearing. Hearings shall be conducted in conformity with the Maine Administrative Procedure Act, Title 5, chapter 375, subchapter IV, to the extent applicable. The board may subpoena witnesses, records and documents in any hearing it conducts.

4. Contracts. The board may enter into contracts to carry out its responsibilities under this

chapter.

Sec. 226. 32 MRSA §7053, first ¶, as enacted by PL 1977, c. 673, §3, is amended to read:

To be eligible for certification as a certified social worker, registered social worker or an associate social worker, an applicant shall be at least 18 years of age, ~~of good moral character~~ and a resident of this State, and shall satisfactorily pass any examination as the board may prescribe by its rules ~~and regulations~~. Each applicant shall demonstrate that he is trustworthy and competent to engage in the practice of social work in such a manner as to safeguard the interests of the public.

Sec. 227. 32 MRSA §7056, as enacted by PL 1977, c. 673, §3, is amended to read:

§7056. Application; fees

Application for registration and certification as a certified, registered or associate social worker shall be on a form prescribed and furnished by the board. An application fee and an examination fee may be established by the board in amounts which are reasonable and necessary for their respective purposes. The registration fee for an associate social worker shall be established by the board in an amount not to exceed \$25. ~~The fee~~ All fees shall accompany the application.

The registration fee for a registered social worker shall be established by the board in an amount not to exceed \$50. ~~The fee~~ All fees shall accompany the application.

The registration fee for a certified social worker shall be established by the board in an amount not to exceed \$75. ~~The fee~~ All fees shall accompany the application.

Should the board deny the issuance of a certificate of registration to any applicant, the fee application and examination fees shall be nonrefundable.

Sec. 228. 32 MRSA §7057, 2nd ¶, as enacted by PL 1977, c. 673, §3, is amended to read:

The passing grade on any examination shall be not less than 70%. A candidate failing any examination may apply for reexamination, which shall be granted upon payment of a fee established by the board in an amount not in excess of the original application fee and examination fees. Any candidate for registration having an average grade of less than 50% in his writ-

ten examination may not apply for reexamination for one year.

Sec. 229. 32 MRSA §7059, as enacted by PL 1977, c. 673, §3, is repealed and the following enacted in its place:

§7059. Suspension, revocation and reissuance

1. Board or Administrative Court revocation. The board may suspend or revoke a certificate of registration pursuant to Title 5, section 10004. In addition, the board may refuse to issue or renew or the Administrative Court may suspend, revoke or refuse to renew a certificate of registration on any of the following grounds:

A. The practice of fraud or deceit in obtaining a certificate of registration under this chapter or in connection with service rendered as a certified, registered or associate social worker;

B. Addiction, as confirmed by medical findings, to the use of alcohol or other drugs, which has resulted in the certified, registered or associate social worker being unable to perform his duties or perform those duties in a manner which would not endanger the health or safety of the clients to be served;

C. A medical finding of mental incompetency;

D. Aiding or abetting a person not duly certified as a certified, registered or associate social worker in representing himself as a certified, registered or associate social worker in this State;

E. Any gross negligence, incompetency or misconduct in the practice of professional social work;

F. Subject to the limitations of Title 5, chapter 341, conviction of a Class A, B or C crime or of a crime which, if committed in this State, would be punishable by one year or more of imprisonment; or

G. Violation of any provision of this chapter or any rule of the board.

Any person may register a complaint against any certified, registered or associate social worker. Any complaints shall be in writing, shall be sworn to by the person making them and shall be filed with the secretary of the board.

The board, for reasons it may deem sufficient,

may reissue a certificate of registration as a certified, registered or associate social worker to any person whose certificate of registration has been revoked, provided that 5 or more members of the board vote in favor of that reissuance. A new certificate of registration as a certified, registered or associate social worker, to replace any certificate revoked, lost, destroyed or mutilated, may be issued, subject to the rules of the board. A charge of \$3 shall be made for that issuance.

Sec. 230. 32 MRSA §7060, first ¶, as amended by PL 1983, c. 204, §13, is further amended to read:

Certificates of registration shall expire biennially on December 31st or at such other times as the Commissioner of Business Regulation may designate. Biennial fees for renewal of registration shall be set by the board in an amount not to exceed \$50 and shall be due and payable biennially on or before the first day of January. Every 2nd renewal shall be contingent upon evidence of participation in a continuing professional education course or program as approved by the board. Any person who fails to renew his license within 90 days following the expiration date shall be required to take an examination. Registration may be renewed up to 90 days after the date of expiration upon payment of a late fee of \$10 in addition to the renewal fee. Any person who submits an application for renewal more than 90 days after the renewal date shall be subject to all requirements governing new applicants under this chapter, except that the board may in its discretion, giving due consideration to the protection of the public, waive examination if the renewal application is made within 2 years from the date of the expiration.

Sec. 231. 32 MRSA §7060, 2nd ¶, as enacted by PL 1977, c. 673, §3, is repealed.

Sec. 232. 32 MRSA §9552, as enacted by PL 1981, c. 456, Pt. A, §113, is repealed and the following enacted in its place:

§9552. Membership

The Board of Commercial Driver Education shall administer this chapter and shall be composed of 5 members. The Governor shall appoint 4 members, as follows: Two members shall be representatives of Class A schools, as defined in section 9601; one shall be a representative of Class B schools, as defined in section 9601; and one member shall be a public representative. The 5th member shall be the Director of the Division of Motor Vehicles or his designee. The term of office of each member shall be 4 years, except that, of the 3 school members on the

first board appointed under this subchapter, one shall be appointed for 2 years and one shall be appointed for 3 years. Thereafter appointments shall be for 4-year terms, except that no more than one school member's term may expire in any one calendar year and appointments for terms of less than 4 years may be made in order to comply with this limitation.

Upon expiration of a member's term, he shall serve until his successor is qualified and appointed. The successor's term shall be 4 years from the date of that expiration, regardless of the date of his appointment. Any vacancy in the board shall be filled by appointment of a person, qualified as was the board member being replaced, to hold office during the unexpired term. No appointed member may be eligible to serve more than 2 full consecutive terms, provided that for this purpose only a period actually served which exceeds 1/2 of the 4-year term shall be deemed a full term. A board member may be removed by the Governor for cause.

Sec. 233. 32 MRSA §9553, as enacted by PL 1981, c. 456, Pt. A, §113, is repealed.

Sec. 234. 32 MRSA §9553-A is enacted to read:

§9553-A. Duties

The board shall have the following duties and powers, in addition to those otherwise set forth in this chapter.

1. Meetings. The board shall meet at least once a year to conduct its business and to elect its officers. Additional meetings shall be held as necessary to conduct the business of the board and may be convened at the call of the chairman or a majority of the board members. Three members of the board shall constitute a quorum for all purposes. The board shall keep such records and minutes as are necessary to the ordinary dispatch of its functions.

2. Licenses; enforcement. The board shall evaluate the qualifications and supervise the examination of applicants for licensure under this chapter, and shall investigate or cause to be investigated all complaints made to it and all cases of non-compliance with this chapter.

3. Rules. The board may, in accordance with the procedures established by the Maine Administrative Procedure Act, Title 5, chapter 375, subchapter II, adopt rules as may be reasonably necessary for the proper performance of its duties and the administration of this chapter.

4. Hearings. Hearings may be conducted by the board to assist with investigations, to determine whether grounds exist for suspension, revocation or denial of a license, or as otherwise deemed necessary to the fulfillment of its responsibilities under this chapter.

The board shall not refuse to renew a license for any reason other than failure to pay a required fee, unless it has afforded the licensee an opportunity for an adjudicatory hearing. The board shall hold an adjudicatory hearing at the written request of any person who is denied a license without a hearing for any reason other than failure to pay a required fee, provided that the request for hearing is received by the board within 30 days of the applicant's receipt of written notice of the denial of his application, the reasons for the denial of his application and his right to request a hearing. Hearings shall be conducted in conformity with the Maine Administrative Procedure Act, Title 5, chapter 375, subchapter IV, to the extent applicable. The board may subpoena witnesses, records and documents in any hearing it conducts.

5. Contracts. The board may enter into contracts to carry out its responsibilities under this chapter.

Sec. 235. 32 MRSA §9555 is enacted to read:

§9555. Suspension or revocation of license

The board may suspend or revoke a license pursuant to Title 5, section 10004. The board may refuse to issue or renew a license or the Administrative Court may suspend, revoke or refuse to renew the license of any commercial driver education school or instructor who has violated any provision of this chapter or any rule adopted by the board.

Sec. 236. 32 MRSA §9602, sub-§§1 and 2, as enacted by PL 1981, c. 456, Pt. A, §113, are amended to read:

1. Insurance requirements. The board shall not issue any license for a commercial driver education school until the applicant has procured and filed with the commissioner a certificate showing that the applicant is covered by an automobile bodily injury and property damage liability insurance policy, insuring against any legal liability in accordance with the terms of the policy for personal injury or death of any one person in the sum of \$100,000 and for any number of persons in the sum of \$300,000, and against property damage in the sum of \$100,000, which injury, death or damage may result from or have been

caused by the operation of any vehicle being used under this chapter. In lieu of such insurance, the applicant may file with the commissioner a bond or bonds issued by a surety company authorized to do business in the State in the amount of at least \$100,000 on account of injury to or death of one person, and subject to such limits, as respects injury to or death of one person, of at least \$300,000 on account of any one accident resulting in injury or death of more than one person and of at least \$100,000 for damage to property of others. Failure to maintain compliance with this section shall be grounds for suspension or revocation of a commercial driver education school license, as provided in section 9553 9555.

2. Maintenance of records. Every commercial driver education school shall keep records on such forms as the board prescribes. They shall include the name and address of each instructor, the board license number of each instructor, the specific type of instruction given to each enrolled student and such other information as the board requires. The records shall be open to inspection by the board at all reasonable times. Failure to keep such records ~~shall be a misdemeanor~~ is a Class E crime.

Sec. 237. 32 MRSA §9603, sub-§§1, 4 and 6, as enacted by PL 1981, c. 456, Pt. A, §113, are amended to read:

1. Age and education. An applicant shall be at least 21 years of age and have a high school diploma or ~~it~~ its equivalent.

4. Examination. An applicant shall pass an examination consisting of the knowledge, vision and road tests in the type of vehicle for which the license is to be used, as prescribed by the board, and tests to determine knowledge and understanding of an appropriate driving textbook, which the board may prescribe, and the State of Maine Driver License Examination Manual. The board may not waive any part of the prescribed examination for a commercial driver education instructor's license. An examination fee may be established by the board in an amount which is reasonable and necessary for its purpose.

6. Additional Class A requirements. In addition, an applicant for a Class A license shall have satisfactorily completed an educational program prescribed by the board to assure that the applicant is trained in the teaching of driver education in the classroom and on the road. At a minimum, this program shall include a college level course or ~~it~~ its equivalent in the teaching of driver education and a college level course or its equivalent in psychology or

teaching methods.

Sec. 238. 32 MRSA §9605, as amended by PL 1983, c. 204, §14, is further amended to read:

§9605. Licensing fees

1. Commercial driver education school license. Each application for a commercial driver education school shall be accompanied by an application fee of \$20 established by the board in an amount which is reasonable and necessary for its purposes, which shall not be refunded. If the application is approved by the board, the applicant, upon payment of an additional fee of up to \$80, shall be granted a license, which shall be valid during the calendar year of its issue unless sooner revoked as provided. The renewal fee is up to \$100.

2. Instructor license. Each application for an instructor's license shall be accompanied by an application fee of \$20 established by the board in an amount which is reasonable and necessary for its purpose, which shall not be refunded. If the application is approved by the board, the applicant, upon payment of an additional fee of \$20, shall be granted a license, which shall be valid during the calendar year of its issue unless sooner revoked. The renewal fee is \$40.

3. License renewal. Each license issued under this chapter shall expire on December 31st of the year of its issuance, or such other date as may be established by the commissioner, if not renewed. Every person licensed under this chapter shall, on or before the annual expiration day, submit an application for license renewal together with the prescribed renewal fee. A license may be renewed up to 90 days after the date of expiration upon payment of a late fee of \$10 in addition to the renewal fee. Any person who submits an application for renewal more than 90 days after the license renewal date shall be subject to all requirements governing new applicants under this chapter, except that the board may in its discretion, giving due consideration to the protection of the public, waive examination if the renewal application is made within 2 years from the date of the expiration.

Sec. 239. 32 MRSA §9608, as enacted by PL 1981, c. 456, Pt. A, §113, is amended to read:

§9608. Penalties; injunction

Any person who operates a commercial driver education school or acts as a commercial instructor without a license shall be punished by a fine of not

less than \$50 nor more than \$500; or by imprisonment for not more than 30 days or by both is guilty of a Class E crime.

The State may bring an action in Superior Court to enjoin any person from violating this chapter, regardless of whether proceedings have been or may be instituted in the Administrative Court or whether criminal proceedings have been or may be instituted.

Sec. 240. Transition clause. All appointments heretofore made by the Governor and other persons referred to in this Act shall continue in force and effect on the effective date of this Act. All provisions in this Act regarding qualifications, term of office and appointment of members to the boards and commissions affected shall apply to all appointments and reappointments made after the effective date of this Act.

Effective September 23, 1983.

CHAPTER 414

H.P. 1152 - L.D. 1521

AN ACT to Provide for the 1983 Amendments
to the Maine Housing Authorities Act.

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

Sec. 1. 30 MRSA §4552, sub-§11, as amended by PL 1981, c. 620, §2, is further amended to read:

11. Persons of low income. "Persons of low income" shall mean persons or families, elderly or otherwise, who lack the amount of income which is necessary, as determined by an authority, to enable them, without financial assistance, to live in or purchase decent, safe and sanitary dwellings, without overcrowding. Financial assistance shall include, but shall not be limited to, the following kinds of assistance: Mortgage insurance, interest subsidies, rent subsidies, public assistance payment or services, or such other assistance as may be provided by the state authority through the sale of bonds. When this term is used in connection with loans made to improve or rehabilitate, for the purpose of energy conservation, owner-occupied one-family to 4-family residential housing in the State, including section