

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE
ONE HUNDRED AND ELEVENTH LEGISLATURE

FIRST REGULAR SESSION
December 1, 1982 to June 24, 1983
Chapters 453-End

AND AT THE
FIRST SPECIAL SESSION
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Chapters 583-588

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J.S. McCarthy Co., Inc.
Augusta, Maine
1983

PUBLIC LAWS
OF THE
STATE OF MAINE
AS PASSED AT THE
FIRST REGULAR SESSION
CONTINUED
and
FIRST SPECIAL SESSION
of the
ONE HUNDRED AND ELEVENTH LEGISLATURE
1983

CHAPTER 468

S.P. 562 - L.D. 1625

AN ACT to Effect Changes in the Statutes of Various Occupational and Professional Licensing Boards.

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

Sec. 1. 20-A MRSA §10110, sub-§3, as enacted by PL 1981, c. 693, §§5 and 8, is repealed and the following enacted in its place:

3. Plumbers' Examining Board. The individual:

A. Who has satisfactorily completed one academic year of instruction in plumbing at a Maine vocational-technical institute may take the journeyman's examination and after passage of the examination shall receive a journeyman-in-training license. After a minimum of 2,000 hours of work in the field of plumbing installation as a journeyman-in-training under the supervision of a master plumber, that person shall receive a journeyman's license, provided that the work experience is obtained within 4 years of the date upon which he was issued his journeyman-in-training license; or

B. Who is enrolled in a course of instruction in plumbing at a Maine vocational-technical institute on July 1, 1983, shall receive a journeyman's license upon successful completion of that course of instruction and passage of the journeyman's examination.

Sec. 2. 32 MRSA §1354, 2nd ¶ is amended to read:

The passing grade on any examination shall be not less than 70%. A candidate failing one examination may apply for reexamination, which may be granted upon payment of a fee established by the board. Any candidate for registration having an average grade of less than 50% may not apply for reexamination for one year, unless this waiting period is reduced or waived by the board.

Sec. 3. 32 MRSA §1400, sub-§1-A is enacted to read:

1-A. Board. "Board" means the State Board of Funeral Service.

Sec. 4. 32 MRSA §1400, sub-§6, as amended by PL 1971, c. 326, §1, is further amended to read:

6. Practitioner trainee. "Resident trainee" "Practitioner trainee" means a person who is engaged in preparing to become licensed for the practice of funeral service under the personal supervision and instruction of a person duly licensed for the practice of funeral service, and who is duly registered as such and approved by the board.

Sec. 5. 32 MRSA §1501, first ¶, as amended by PL 1971, c. 598, §70, is further amended to read:

The State Board of Funeral Service is authorized and empowered to determine the qualifications necessary to enable any person to lawfully engage in the funeral service profession and to operate a funeral establishment. The board shall examine all applicants for licenses for the practice of funeral service and shall issue a license to all persons who successfully pass such examination. To be licensed for the practice of funeral service under this section chapter, a person must be at least 18 years of age, a resident of this State and a citizen of the United States, of good moral character, have successfully completed a prescribed course at a school or schools approved by the Maine State Board of Funeral Service, and must have served as a resident practitioner trainee for not less than 12 months under the personal supervision of a person licensed for the practice of funeral service ~~or a prior equivalent license~~ and approved by the board. Each applicant shall demonstrate that he is trustworthy and competent to engage in the profession of funeral service in such manner as to safeguard the interest of the public.

Sec. 6. 32 MRSA §1501, 4th ¶, as repealed and replaced by PL 1967, c. 253, §6, is amended to read:

All branch establishments must be operated by a person or persons holding a funeral director's license or a license for the profession of funeral service, and the license or a copy thereof must be displayed in all such branch establishments.

Sec. 7. 32 MRSA §1503-A, as amended by PL 1969, c. 285, §4, is further amended to read:

§1503-A. Practitioner trainee

In order for any person to receive credit for time served as a resident practitioner trainee, he shall serve in full-time employment with a funeral establishment approved by the Maine State Board of Funeral Service under the instruction and supervision of the a person licensed for the practice of funeral

service and actively engaged in the practice thereof. He must register as a resident practitioner trainee with the board on a form supplied by the board. Upon his terminating his employment, he shall notify the board immediately, giving the date of such termination. The resident practitioner trainee must repeat this procedure with all subsequent employers accurately showing the dates of beginning and of terminating apprenticeship employment. Before a funeral service license will be issued, the resident practitioner trainee must file with the board a certification of his trainee time served, signed by his employer or employers, before a notary public. Resident Practitioner trainee requirements shall be satisfied in the case of an applicant who presents proof that he or she is presently licensed in another state at the time he or she makes application for such license in this State.

Sec. 8. 32 MRSA §1658-L, 3rd ¶, as amended by PL 1981, c. 703, Pt. A, §66, is further amended to read:

Any notice required to be given by the board to a person who holds a license shall be mailed to him by certified mail at the address of the last place of business of which he has notified the board.

Sec. 9. 32 MRSA §3111, sub-§7, as enacted by PL 1979, c. 555, §2, is amended to read:

7. Referral. "Referral" means the request of a doctor of medicine, surgery, osteopathy, podiatry or dentistry to a physical therapist to accept one of his patients for treatment.

Sec. 10. 32 MRSA §3113, 3rd ¶, as enacted by PL 1979, c. 555, §2, is amended to read:

Nothing in this chapter shall be construed as authorizing a physical therapist or physical therapist assistant, licensed or not, to practice medicine, osteopathy, dentistry, chiropractic or any other form of healing. A licensed physical therapist or physical therapist assistant shall not administer drugs or use roentgen rays or radium for diagnostic or therapeutic purposes or electricity for surgical purposes, or treat human beings by use of physical measures, activities or devices except upon the referral of a duly licensed doctor of medicine, surgery, osteopathy, podiatry or dentistry. A licensed physical therapist assistant shall act only under the direction of a physical therapist licensed to practice in this State.

Sec. 11. 32 MRSA §3301, sub-§1, as repealed and replaced by PL 1977, c. 469, §1, is repealed.

Sec. 12. 32 MRSA §3301, sub-§2-A is enacted to read:

2-A. Journeyman-in-training license. A "journeyman-in-training license" means that license issued to a person who is in the process of accumulating experience in order to qualify for a journeyman plumber's license, pursuant to section 3501, subsection 2, paragraph B, who has met the education requirements set forth in that paragraph and has achieved a passing grade, as determined by the board, on the journeyman's examination. A licensed journeyman-in-training may assist in making plumbing installations under the direct supervision of a journeyman plumber or a master plumber, but may not act or represent himself as a journeyman plumber, as defined in subsection 3. A journeyman-in-training license shall be issued for a single nonrenewable period of 4 years, and such a license may be issued only once to any individual. The fee for a journeyman-in-training license shall be \$8.

Sec. 13. 32 MRSA §3301, sub-§5, as repealed and replaced by PL 1977, c. 469, §4, is amended to read:

5. Master plumber. "Master plumber" shall mean means any person, firm or corporation, qualified under this chapter, engaging in, or about to engage in, the business of installing plumbing or plumbing systems. The license shall specify the name of the person, whether in case of a firm, shall be one of its members or employees and in case of a corporation, one of its officers or employees passing the examination, by which he or it shall be authorized to enter upon or engage in business as set forth in this chapter firm or corporation to whom the license is issued and in the case of a firm or corporation the license shall further specify the licensed master plumber in whose name it is issued, pursuant to the requirements of section 3507. In the case of a firm or corporation, the license shall become void upon the death of, or the severance from the company of, that person. The biennial fee for a master plumber's license shall be \$80.

Sec. 14. 32 MRSA §3301, sub-§6, as enacted by PL 1975, c. 118, §2, is amended to read:

6. Trainee plumber. "Trainee plumber" shall mean means any person who is engaged in assisting in making plumbing installations under the direct supervision of a journeyman plumber or master plumber but does not qualify under subsection 1, whether for the purpose of learning the trade or otherwise. The biennial fee for a trainee plumber license shall be \$4.

Sec. 15. 32 MRSA §3301, sub-§7, as enacted by PL 1977, c. 469, §5, is repealed.

Sec. 16. 32 MRSA §3302, sub-§3, as enacted by PL 1977, c. 469, §6, is repealed and the following enacted in its place:

3. Supervision of trainee plumbers. A master or journeyman plumber shall have no more than 3 trainee plumbers working with him under his personal supervision.

Sec. 17. 32 MRSA §3501, sub-§2, as amended by PL 1981, c. 470, Pt. A, §153, is repealed and the following enacted in its place:

2. Journeyman or limited license. The board may issue a journeyman plumber or limited plumber license to persons who submit an application therefor on a form prescribed by the board and who provide satisfactory evidence of the following qualifications:

A. A minimum of 4,000 hours of work in the field of plumbing installations as a trainee plumber under the supervision of a master plumber, or the equivalent thereof, and obtaining a passing grade as determined by the board on the journeyman's examination; or

B. A minimum of 2,000 hours of work in the field of plumbing installations as a journeyman-in-training under the supervision of a master plumber, provided that the work experience is obtained within 4 years of the date upon which the applicant was issued his journeyman-in-training license. A journeyman-in-training license shall be issued upon sworn application therefor to any person who has satisfactorily completed one academic year of instruction in plumbing at a Maine vocational-technical institute and who has obtained a passing grade, as determined by the board on the journeyman's examination. Any person who is enrolled in a course of instruction in plumbing at a Maine vocational-technical institute on July 1, 1983, may be licensed as a journeyman upon successful completion of that course of instruction and passage of the journeyman's examination.

Sec. 18. 32 MRSA §3501, sub-§2-A is enacted to read:

2-A. Master plumber license. The board may issue a master plumber license to a person who submits an application therefor on a form prescribed by the board and who provides satisfactory evidence of

the following qualifications:

A. A minimum of 2,000 hours of work in the field of plumbing installations as a journeyman plumber or a minimum of 8,000 hours of work in the field of plumbing installations as a trainee plumber under the supervision of a master plumber, or the equivalent; and

B. Obtaining a passing grade, as determined by the board on the master's examination.

Sec. 19. 32 MRSA §3501, sub-§3, as amended by PL 1977, c. 469, §15, is repealed and the following enacted in its place:

3. Trainee license. The board may issue a trainee plumber license without examination to any person who submits a written application therefor on a form prescribed by the board and who provides satisfactory evidence that he has entered the employ of a licensed master plumber to assist him as a plumber's trainee. Any person employed as a trainee plumber shall apply for a license within 10 business days after the day he commences employment.

Sec. 20. 32 MRSA §3504, as amended by PL 1981, c. 703, Pt. A, §80, is further amended by adding at the end a new paragraph to read:

All journeyman-in-training licenses shall be issued for a single nonrenewable period of 4 years and shall not be subject to the requirements of this section, except that each person holding such a license shall be notified by the board of the date of its expiration in the manner provided in this section.

Sec. 21. 32 MRSA §3507, as amended by PL 1965, c. 234, §9, is repealed and the following enacted in its place:

§3507. Corporations, firms and partnerships

The board may issue a master plumber license to a corporation, firm or partnership which submits an application therefor on a form prescribed by the board. Such a license shall not be issued unless the applicant provides satisfactory evidence that it has a licensed master plumber directly in charge of its plumbing business activities who is an officer or full-time employee, in the case of a corporation, or a partner, member or full-time employee, in the case of a firm or partnership, and the license shall be issued in the name of that master plumber. Upon the death or severance from the company of the licensed master plumber in whose name the company licensed is

held, the company license shall automatically terminate 30 days from the date of that death or severance, unless the company applies for reissuance of its license in the name of another licensed master plumber who is qualified under this section.

Sec. 22. 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 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 license shall furnish the board with satisfactory evidence that he is of good moral character, has had a master's degree reflecting comprehensive training in psychology 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 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 license shall furnish the board with satisfactory evidence that he is of

good moral character, has received a doctorate degree reflecting comprehensive training in psychology from an accredited institution recognized by the board as maintaining satisfactory standards, at the time the degree was granted, or, in lieu of degree, a deuterate 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. 23. 32 MRSA §3832, as enacted by PL 1967, c. 544, §82, is amended to read:

§3832. Examination

Examination of applicants for a license to practice psychology or as psychological examiner shall be made by the Board of Examiners of Psychologists at least once a year according to methods and in such subject fields as may be deemed by the board to be the most practical and expeditious to test the applicant's qualifications. Such The examinations shall include the basic psychological sciences. The board shall require the examinations to be written or oral, or both, provided that in any written examination such each applicant shall be designated by a number instead of his name so that his identity shall not be disclosed to the members of the board until the examination papers have been graded. The board shall grade the written examinations returned by the candidate and shall keep them for at least 3 years. A candidate shall be held to have passed the examination upon the affirmative vote of 3 or more members of the board. Any successful candidate may, upon written request to the board, see his graded paper.

Sec. 24. 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 license 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, and successful completion of an oral examination, such license to be valid for no more than one year from date of issue until results are received from the next written examination. Failure to pass the written examination will terminate the temporary license.

Sec. 25. 32 MRSA §9607, first ¶, as enacted by PL 1981, c. 456, Pt. A, §113, is amended to read:

Every commercial driver education school shall be assessed for the actual expenses incurred by the board or its agents for inspections, or special investigations or enforcement activities undertaken under this chapter.

Sec. 26. 32 MRSA §9607, sub-§3, as enacted by PL 1981, c. 456, Pt. A, §113, is amended to read:

3. Assessment and payment procedures. The assessment shall include the proportionate part of the salaries of the board's agents while engaged in these activities and related travel expenses. The assessment shall be made by the commissioner as soon as feasible after the close of each inspection or investigation and sent to the licensee. The amount of assessment shall be paid to the Treasurer of State within 30 days following receipt by the licensee. The licensee shall receive a copy of the findings which result from each inspection or investigation no more than 45 days after the findings are filed with the board.

Effective September 23, 1983.

CHAPTER 469

H.P. 1093 - L.D. 1443

AN ACT to Provide for the Continued Operation of the Maine Occupational Information Coordinating Committee and Include an Economic Data-based System for Economic Development within the Committee's Designated Responsibilities.

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

Sec. 1. 26 MRSA c. 20, first 3 lines, as enacted by PL 1981, c. 705, Pt. O, §1, are repealed and the