

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE
ONE HUNDRED AND ELEVENTH LEGISLATURE

SECOND SPECIAL SESSION

November 18, 1983

AND AT THE

SECOND REGULAR SESSION

January 4, 1984 to April 25, 1984

AND AT THE

THIRD SPECIAL SESSION

September 4, 1984 to September 11, 1984

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PUBLIC LAWS
OF THE
STATE OF MAINE

AS PASSED AT THE
SECOND REGULAR SESSION
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JANUARY 4, 1984 TO APRIL 25, 1984

days after the convention the platform adopted, the name and residence of the chairman and secretary of each committee and of each committee member elected at the convention, and the names of the Presidential Electors. The chairman and the secretary of the state committee shall certify to the Secretary of State the name and residence of the chairman and secretary of each committee and of each committee member within 20 days after their election.

3. Term of office and duties of committees. The committees and their officers shall hold office ~~until~~ the next state convention unless otherwise as prescribed in their bylaws, and shall perform the duties imposed upon them by the convention at which they were chosen and their bylaws.

4. Certain officers of state committee. The chairman, vice-chairman, treasurer and finance chairman may be chosen from outside its membership.

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

Effective April 13, 1984.

CHAPTER 758

H.P. 1813 - L.D. 2398

AN ACT Regarding the Administration of
Seven Boards Affiliated with the Department of
Business, Occupational and Professional
Regulation.

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

Sec. 1. 10 MRSA §8001, as amended by PL 1983, c. 553, §11, is further amended to read:

§8001. Department; agencies within department

There is created and established the Department of Business, Occupational and Professional Regulation, in this chapter referred to as the "department," to regulate financial institutions, insurance companies, commercial sports, grantors of consumer credit and to license and regulate professions and

occupations. The department shall be composed of the following bureaus, boards and commissions:

Banking, Bureau of;

Consumer Credit Protection, Bureau of;

Insurance, Bureau of;

Athletic Commission, Maine;

Penobscot Bay and River Pilotage Commission;

Real Estate Commission;

Running Horse Racing Commission, State;

Arborist Examining Board;

Auctioneers Advisory Board;

Commercial Driver Education, Board of;

Electricians' Examining Board;

Foresters, State Board of Registration for Professional;

Funeral Service, State Board of;

Geologists and Soil Scientists, State Board of Certification for;

Hearing Aid Dealers and Fitters, Board of;

Manufactured Housing Board;

Oil and Solid Fuel Board;

Physical Therapy, Board of Examiners in;

Plumbers' Examining Board;

Psychologists, State Board of Examiners of;

Social Worker Registration, State Board of;

Speech Pathology and Audiology, Board of Examiners on; and

Substance Abuse Counselors, Board of Registration of.

Sec. 2. 32 MRSa §217-A, 2nd ¶, as enacted by PL 1977, c. 604, §8, is amended to read:

The commissioner shall not have the authority to exercise or interfere with the exercise of discretionary, regulatory or licensing authority granted by statute to the board. The commissioner may require the board to be accessible to the public for complaints and questions during regular business hours, to maintain copies of all application materials with the department and to provide any information the commissioner requires in order to assure that the board is operating administratively within the requirements of this chapter.

Sec. 3. 32 MRSa §217-B, as amended by PL 1983, c. 553, §46, is further amended to read:

§217-B. Budget

The board shall submit to the Commissioner of Business, Occupational and Professional Regulation its budgetary requirements in the same manner as is provided in Title 5, section 1665, and the commissioner shall in turn transmit these requirements to the Bureau of the Budget without any revision, alteration or change.

Sec. 4. 32 MRSa §352, sub-§1, as amended by PL 1983, c. 553, §46, is further 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 registration under this chapter and shall, at its discretion, investigate allegations of violations of this chapter. The board shall keep such records and minutes as are necessary to the ordinary dispatch of its functions.

Any member or employee of the board may enter and make reasonable examination of any barber shop during business hours for the purpose of ascertaining whether or not the rules are being observed.

The board shall submit to the Commissioner of Business, Occupational and Professional Regulation its budgetary requirements in the same manner as is provided in Title 5, section 1665, and the commissioner shall in turn transmit these requirements to the Bureau of the Budget without any revision, alteration or change.

The commissioner may require the board to be accessible to the public for complaints and questions during regular business hours, to maintain copies of all application materials with the department and to provide any information the commissioner requires in order to assure that the board is operating administratively within the requirements of this chapter.

Sec. 5. 32 MRSA §1308, 4th ¶, as repealed and replaced by PL 1983, c. 413, §46, is amended to read:

The commissioner shall not have the authority to exercise or interfere with the exercise of discretionary, regulatory or licensing authority granted by statute to the board. The commissioner may require the board to be accessible to the public for complaints and questions during regular business hours, to maintain copies of all application materials with the department and to provide any information the commissioner requires in order to assure that the board is operating administratively within the requirements of this chapter.

Sec. 6. 32 MRSA §1308, 5th ¶, as amended by PL 1983, c. 553, §46, is further amended to read:

The board shall submit to the Commissioner of Business, Occupational and Professional Regulation its budgetary requirements in the same manner as is provided in Title 5, section 1665, ~~and the commissioner shall in turn transmit these requirements to the Bureau of the Budget without any revision, alteration or change.~~

Sec. 7. 32 MRSA §1602, next to last ¶, as enacted by PL 1977, c. 604, §18, is amended to read:

The commissioner shall not have the authority to may not exercise or interfere with the exercise of discretionary, regulatory or licensing authority granted by statute to the board. The commissioner may require the board to be accessible to the public for complaints and questions during regular business hours, to maintain copies of all application materials with the department, and to provide any information the commissioner requires in order to assure that the board is operating administratively within the requirements of this chapter.

Sec. 8. 32 MRSA §1602, last ¶, as amended by PL 1983, c. 553, §46, is amended to read:

The board shall submit to the Commissioner of Business, Occupational and Professional Regulation

its budgetary requirements in the same manner as is provided in Title 5, section 1665, and the commissioner shall in turn transmit these requirements to the Bureau of the Budget without any revision, alteration or change.

Sec. 9. 32 MRSAs §1678, next to last ¶, as repealed and replaced by PL 1983, c. 413, §94, is amended to read:

The commissioner shall not have the authority to exercise or interfere with the exercise of discretionary, regulatory or licensing authority granted by statute to the board. The commissioner may require the board to be accessible to the public for complaints and questions during regular business hours, to maintain copies of all application materials with the department, and to provide any information the commissioner requires in order to assure that the board is operating administratively within the requirements of this chapter.

Sec. 10. 32 MRSAs §1678, last ¶, as amended by PL 1983, c. 553, §46, is further amended to read:

The board shall submit to the Commissioner of Business, Occupational and Professional Regulation its budgetary requirements in the same manner as is provided in Title 5, section 1665, and the commissioner shall in turn transmit these requirements to the Bureau of the Budget without any revision, alteration or change.

Sec. 11. 32 MRSAs §3973, last ¶, as enacted by PL 1977, c. 604, §32, is amended to read:

The commissioner shall not have the authority to exercise or interfere with the exercise of discretionary, regulatory or licensing authority granted by statute to the board. The commissioner may require the board to be accessible to the public for complaints and questions during regular business hours, to maintain copies of all application materials with the department and to provide any information the commissioner requires in order to assure that the board is operating administratively within the requirements of this chapter.

Sec. 12. 32 MRSAs §3974, as amended by PL 1983, c. 553, §46, is further amended to read:

§3974. Budget

The board shall submit to the Commissioner of Business, Occupational and Professional Regulation its budgetary requirements in the same manner as is provided in Title 5, section 1665, and the commissioner shall in turn transmit these requirements to the Bureau of the Budget without any revision, alteration or change.

Sec. 13. 38 MRSA §85-A is enacted to read:

§85-A. Definitions

For purposes of sections 85 to 105, the following words have the following meanings.

1. Commissioner. "Commissioner" means the Commissioner of Business, Occupational and Professional Regulation.

2. Department. "Department" means the Department of Business, Occupational and Professional Regulation.

Sec. 14. 38 MRSA §90-A, as amended by PL 1981, c. 456, Pt. A, §121, is further amended to read:

§90-A. Reports; liaison; limitations

On or before August 1st of each year, the commission shall submit to the Commissioner of Business Regulation commissioner, for the preceding fiscal year ending June 30th its annual report of its operations and financial position, together with such comments and recommendations as the commission deems essential.

The commissioner shall act as a liaison between the commission and the Governor.

The commissioner shall not have the authority to exercise or interfere with the exercise of discretionary, regulatory or licensing authority granted by statute to the commission.

Sec. 15. 38 MRSA §90-B, as amended by PL 1981, c. 456, Pt. A, §122, is further amended to read:

§90-B. Budget

The commission shall submit to the Commissioner of Business Regulation commissioner its budgetary requirements in the same manner as is provided in Title 5, section 1665, and the commissioner shall in turn

transmit these requirements to the Bureau of the Budget without any revision, alteration or change.

Sec. 16. 38 MRSA §90-C is enacted to read:

§90-C. Employees

With the advice of the board, the commissioner may appoint, subject to the Personnel Law, such employees as may be necessary to carry out the duties of the board. Any person so employed shall be located in the department and under the administrative and supervisory direction of the commissioner.

Sec. 17. 38 MRSA §92, as enacted by PL 1969, c. 410, §1, is amended to read:

§92. Duration and renewal of licenses

Licenses issued by the pilot commission shall run for 5 years from date of issue be renewed every 5 years on or before the expiration date established by the commissioner.

Effective July 25, 1984.

CHAPTER 759

S.P. 887 - L.D. 2395

AN ACT to Amend the Investment Provisions and Certain Related Sections of the Maine Insurance Code.

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

Sec. 1. 24-A MRSA §1110, sub-§1, ¶B, as amended by PL 1979, c. 458, §4, is further amended to read:

B. "Institution" includes a corporation, a joint-stock association ~~and~~, a business partnership, a business trust and a trust where a bank or trust company duly authorized and licensed therefor is acting as a corporate trustee, with or without a co-trustee, provided that that trust is controlled by any of the foregoing types of institutions and that all of the beneficiaries of that trust are any of the foregoing types of institutions.