

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWELFTH LEGISLATURE

FIRST REGULAR SESSION

December 5, 1984 to June 20, 1985
Chapters 384-End

AND AT THE

FIRST SPECIAL SESSION

November 13, 1985

PUBLISHED BY THE DIRECTOR OF REVISOR OF STATUTES IN
ACCORDANCE WITH MAINE REVISED STATUTES ANNOTATED,
TITLE 3, SECTION 163-A, SUBSECTION 4.

J.S. McCarthy Co., Inc.
Augusta, Maine
1985

PUBLIC LAWS
OF THE
STATE OF MAINE

AS PASSED AT THE
FIRST REGULAR SESSION
CONTINUED

and

FIRST SPECIAL SESSION

of the

ONE HUNDRED AND TWELFTH LEGISLATURE

1985

§789. Human Rights Commission

All affirmative action programs, whether part of the civil service or not, shall be subject to the review and comment of the Human Rights Commission.

All powers and duties granted to the Maine Human Rights Commission under sections 4551, et seq., as amended, apply to this section. Complaints of discrimination based on race, color, religious creed, sex, national origin, age ~~or~~, physical handicap or mental handicap should be made to the Maine Human Rights Commission.

Effective September 19, 1985.

CHAPTER 389

S.P. 556 - L.D. 1502

**AN ACT Affecting the Statutes of Agencies
within the Department of Business,
Occupational and Professional
Regulation.**

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

Sec. 1. 5 MRSA §12004, sub-§1, ¶A, as amended by PL 1983, c. 862, §§17 to 19, is further amended to read:

A. This classification includes the following boards:

| | NAME OF ORGANIZATION | RATE OF COMPENSATION | STATUTORY REFERENCE |
|-----|---------------------------------------------------------------------------|----------------------|---------------------|
| (1) | Board of Accountancy | \$35/Day | 32 MRSA §3971 |
| (2) | Arborist Examining Board | \$25/Day | 32 MRSA §2001 |
| (3) | Maine State Board for Registration of Architects and Landscape Architects | \$35/Day | 32 MRSA §211 |
| (4) | Board of Examiners of Applicants for Admission to the Bar | Legislative Per Diem | 4 MRSA §801 |

| | | | |
|--------------|-----------------------------------------------------------------|------------------------|----------------------|
| (5) | State Board of Barbers | \$35/Day | 32 MRSA §351 |
| (6) | Board of Boiler Rules | Expenses Only | 26 MRSA §171 |
| (7) | Board of Chiropractic Examination and Registration | \$25/Day | 32 MRSA §501 |
| (8) | State Board of Cosmetology | \$35/Day | 32 MRSA §1601 |
| (9) | Board of Dental Examiners | \$35/Day | 32 MRSA §1071 |
| <u>(9-A)</u> | <u>Board of Registration of Dietetic Practice</u> | <u>\$35/Day</u> | <u>32 MRSA §9903</u> |
| (10) | Board of Commercial Driver Education | \$35/Day Public Member | 32 MRSA §9552 |
| (11) | Electricians' Examining Board | \$30/Day | 32 MRSA §1151 |
| (12) | Board of Elevator and Tramway Safety | Expenses Only | 26 MRSA §475 |
| (13) | State Board of Registration for Professional Engineers | Expenses Only | 32 MRSA §1301 |
| (14) | State Board of Registration for Professional Foresters | Expenses Only | 32 MRSA §5004 |
| (15) | State Board of Funeral Service | \$20/Day | 32 MRSA §1451 |
| (16) | State Board of Certification for Geologists and Soil Scientists | Expenses Only | 32 MRSA §4907 |
| (17) | Board of Examiners for the Licensing of Guides | Expenses Only | 12 MRSA §7301 |
| (18) | Junior Maine Guides and Trip Leaders' Curriculum Board | Expenses Only | 12 MRSA §7302 |
| (19) | Board of Hearing Aid Dealers and Fitters | \$35/Day | 32 MRSA §1658 |

| | | | |
|--------|-----------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------|-----------------|
| (20) | State Board of Registration for Land Surveyors | Expenses Only | 32 MRSA §1671 |
| (21) | Manufactured Housing Board | \$35/Day | 10 MRSA §9003 |
| (22) | State Board of Licensure of Administrators of Medical Care Facilities other than Hospitals | \$30/Day | 32 MRSA §63 |
| (23) | Board of Registration in Medicine | \$1,250/Year- Member \$1,500/Year- Chairman \$7,500/Year- Secretary | 32 MRSA §3263 |
| (24) | State Board of Nursing | Legislative Per Diem | 32 MRSA §2151 |
| (24-A) | Board of Occupa- tional Therapy Practice | Expenses Only | 32 MRSA §2273 |
| (25) | Oil and Solid Fuel Board | \$30/Day | 32 MRSA §2351 |
| (26) | State Board of Optometry | \$25/Day | 32 MRSA §2415 |
| (27) | Board of Osteopathic Examination and Registration | Legislative Per Diem | 32 MRSA §2561 |
| (28) | Board of Commis- sioners of the Pro- fession of Pharmacy | \$25/Day | 32 MRSA §2851 |
| (29) | Board of Examiners in Physical Therapy | \$25/Day | 32 MRSA §3112 |
| (30) | Plumbers' Examining Board | \$35/Day | 32 MRSA §3401 |
| (31) | Board of Examiners of Podiatrists | \$25/Day | 32 MRSA §3601 |
| (32) | State Board of Examiners of Psychologists | \$35/Day | 32 MRSA §3821 |
| (33) | Real Estate Commission | \$35/Day | 32 MRSA §4051-A |

| | | | |
|------|----------------------------------------------------------------------|-------------------------|---------------|
| (34) | State Board of Social Worker Registration | Expenses Only | 32 MRSA §7026 |
| (35) | Board of Examiners on Speech Pathology and Audiology | \$25/Day | 32 MRSA §6010 |
| (36) | Board of Registration of Substance Abuse Counselors | Not Authorized | 32 MRSA §6201 |
| (37) | State Board of Veterinary Medicine | Legislative Per Diem | 32 MRSA §4854 |
| (38) | Penebseet Bay and River <u>Maine State</u> Pilotage Commission | Not Authorized | 38 MRSA §89 |
| (39) | Maine Athletic Commission | | 8 MRSA §141 |

(a) The total per diem compensation for each member shall not exceed \$1,000 per year.

Sec. 2. 8 MRSA §152, first ¶, as amended by PL 1983, c. 862, §29, is further amended to read:

The promoter or promoters of all boxing contests or exhibitions and all professional wrestling matches, shows or exhibitions held under this chapter shall pay to the Treasurer of State, for credit to the Athletic Commission Fund, a tax of 5% of the gross receipts from the contest or exhibition up to a maximum tax of \$2,500. This section shall apply to all boxing and wrestling contests or exhibitions which are shown over closed circuit television.

Sec. 3. 8 MRSA §653, as amended by PL 1981, c. 577, §§1 to 4, is repealed.

Sec. 4. 8 MRSA §654-A, as enacted by PL 1977, c. 340, §4, is repealed.

Sec. 5. 9-B MRSA §212-A is enacted to read:

§212-A. Securities Division

There is created a Securities Division, which shall constitute a division within the Bureau of Banking, to provide for registration and regulation of securities to be sold in the State, the licensing of agents and broker-dealers authorized to sell securities in the State and enforcement of laws designed to protect state investors

1. Securities administrator and other personnel. The superintendent may appoint, subject to the Personnel Law, an Administrator of the Securities Division and one or more professionals who shall, under the direction of the superintendent, have charge of the enforcement of the Maine Securities Act and make any necessary investigations under that Act. The salaries and expenses of the Administrator of the Securities Division and staff and all expenses of administration and enforcement shall be paid out of such amounts as the Legislature may appropriate.

Sec. 6. 10 MRSA §8001, as amended by PL 1983, c. 746, §1 and c. 758, §1, is repealed and the following enacted in its place:

§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;

Dietetic Practice, Board of Registration 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;

Occupational Therapy Practice, Board of;

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. 7. 10 MRSA §9083, as enacted by PL 1983, c. 553, §17, is repealed and the following enacted in its place:

§9083. Fees

The board shall establish a fee for a license to operate a mobile home park within the meaning of this subchapter. The fee shall be \$5 per mobile home site, but the total fee may not exceed \$500 per mobile home park. This fee must accompany each application for license, including applications for mobile home park expansion and renewal of license.

The license fee shall cover the initial licensure inspection, one follow-up inspection and issuance of license if the applicant is determined to have met all requirements. When additional inspections are required to determine an applicant's eligibility for licensure, or continued licensure, the board may charge an additional fee not to exceed \$50 to cover the costs of each additional inspection or visit. Failure to pay these charges within 90 days of the billing date constitutes grounds for revocation of license, unless an extension for a period not to exceed 90 days is granted in writing by the board.

The board may also establish an additional fee not to exceed \$100 necessary to cover costs incurred in reviewing engineering and site plans and in providing other statutorily required services prior to the filing of a full license application.

All fees collected by the board shall be deposited in the Manufactured Housing Fund. No fees may be refunded. No license issued under this subchapter may be assigned or transferred.

Sec. 8. 20-A MRSA §10110, sub-§1, as enacted by PL 1983, c. 693, §§5 and 8, is repealed.

Sec. 9. 32 MRSA §271, 2nd ¶, as amended by PL 1983, c. 812, §195, is further amended to read:

The board shall be composed of 3 members, 2 of whom shall be auctioneers and one of whom shall be a public member. Members shall be appointed by the commissioner and shall be compensated according to the provisions of Title 5, chapter 375 379.

Sec. 10. 32 MRSA §303-A is enacted to read:

§303-A. Instructors of barbering

No person may be engaged to instruct in any of the branches of barbering unless that person has a certificate to practice barbering issued under this chapter.

The board and the Department of Educational and Cultural Services shall make rules for the examination of applicants for certificates of registration as instructors of barbering, in accordance with the Maine Administrative Procedure Act, Title 5, chapter 375, subchapter II. Examination applications shall be furnished by the board. The application shall be filed with the secretary of the board and shall be accompanied by an examination fee of \$35. If examination is satisfactory, the applicant shall pay a fee of \$15 to receive the initial instructor certificate of registration, which shall be valid until the next renewal period. The renewal fee for instructor certificate of registration shall be \$15 biennially.

Sec. 11. 32 MRSA §801, as amended by PL 1973, c. 585, §11, is repealed.

Sec. 12. 32 MRSA c. 25, as amended, is repealed.

Sec. 13. 32 MRSA §2311, sub-§7, as enacted by PL 1979, c. 569, §4, is repealed and the following enacted in its place:

7. Journeyman oil burner technician. "Journeyman oil burner technician" means any person licensed under this chapter to install, clean, service, alter or repair oil burning equipment. A journeyman oil burner technician shall install oil burning equipment only under the supervision of a master oil burner technician licensed under this chapter and shall at all times be under the supervision of, or in the employ of, a master oil burner technician licensed under this chapter. Applicants for a license of this classification shall present evidence satisfactory to the board of at least one year's practical experience, or completion of a course at a Maine vocational-technical institute or comparable institute from another state, provided that the course has been approved by the board and the applicant presents evidence of 6 months' practical experience.

Sec. 14. 32 MRSA §2355, last ¶, as enacted by PL 1983, c. 413, §120, is repealed and the following enacted in its place:

Any person whose license is suspended or revoked for more than 90 days shall establish that he meets all requirements governing new applicants under this chapter as a condition of reinstatement or return of his license, except that the board may in its discretion, giving due consideration to the protection of the public, waive examination if the period of suspension is less than 2 years or, in the case of revocation of license, the applicant is both eligible and has made application for reinstatement of license within 2 years of the effective date of revocation.

Sec. 15. 32 MRSA §3119 is enacted to read:

§3119. Receipts and disbursements

All fees received by the board under this chapter shall be used to carry out the purposes of this chapter. Any balance of these fees shall not lapse, but shall be carried forward as a continuing account to be expended for the same purposes in the following fiscal years.

Sec. 16. 32 MRSA §3301, sub-§§1-A and 1-B are enacted to read:

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

1-B. Department. "Department" means the Department of Business, Occupational and Professional Regulation.

Sec. 17. 32 MRSA §3301, sub-§3, as amended by PL 1977, c. 469, §2, is further amended to read:

3. Journeyman plumber. "Journeyman plumber" shall mean any person who customarily performs the work of installing plumbing and drainage under the employment and direction of a master plumber or, not being a master plumber, does plumbing repair work as a regular part time occupation. The biennial fee for a journeyman plumber's license shall be \$30.

Sec. 18. 32 MRSA §3402, as amended by PL 1983, c. 553, §46, is further amended to read:

§3402. Employees

The Commissioner of Business, Occupational and Professional Regulation commissioner, with the advice and consent of the board, may 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, Occupational and Professional Regulation department and under the administrative and supervisory direction of the Commissioner of Business Regulation commissioner.

Plumbing inspectors appointed under this section shall have the same powers throughout the several counties of the State as sheriffs have in their respective counties, relating to enforcement of this chapter and rules promulgated under this chapter.

In addition to any other powers, plumbing inspectors shall have the right of entry during usual business hours to inspect any and all buildings and premises in the performance of their duties. They may enter any building only with the permission of the owner, occupant or person having control of the building or pursuant to an order of court.

Sec. 19. 32 MRSA §3403-A, sub-§§4 and 5 are enacted to read:

4. 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.

5. Orders. The board and any person designated by the board may issue an order to cease and desist the installation or substantial alteration of plumbing systems by any person required to be licensed by the board and who is not licensed by the board. The order is immediately effective and shall be accompanied by written notice of opportunity and procedure for appeal. The person ordered to cease and desist may appeal the order and may request a hearing. The appeal and request for hearing shall be filed with the board within 48 hours of the order. A hearing shall be granted by the board within 5 days of receipt of the request. The board shall issue its written decision of its review within 15 days of receipt of the request for appeal or hearing.

Any person ordered by the board to cease and desist may appeal to the Superior Court in accordance with the Maine Administrative Procedure Act, Title 5, chapter 375, subchapter VII, by filing a petition for review within 48 hours of receipt of the order. The court shall issue a written decision within 20 days after receipt of the petition for review. The decision of the Superior Court on an appeal, as provided, is final. The decision of the board or order of the board shall also be final and subject to no further appeal upon failure to file a timely written appeal as provided.

Sec. 20. 32 MRSA §3405, as amended by PL 1983, c. 553, §42, is further amended to read:

§3405. Disposal of fees

All fees received by the board shall be paid into the State Treasury and may be used for carrying out this chapter. Any balance of these fees shall not lapse, but shall be carried forward as a continuing account to be expended for the same purposes in the following fiscal years.

Sec. 21. 32 MRSA §3823, as amended by PL 1983, c. 413, §150, is further amended to read:

§3823. Disposal of fees

All fees charged and collected by the 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 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 those moneys. Any balance of these fees shall not lapse, but shall be carried forward as a continuing account to be expended for the same purposes in the following fiscal years.

Sec. 22. 32 MRSA §4920 is enacted to read:

§4920. Receipts and disbursements

All fees received by the board under this chapter shall be used to carry out the purposes of this chapter. Any balance of these fees shall not lapse, but shall be carried forward as a continuing account to be expended for the same purposes in the following fiscal years.

Sec. 23. 32 MRSA §5010, as enacted by PL 1975, c. 490, is repealed and the following enacted in its place:

§5010. Receipts and disbursements

All fees received by the board under this chapter shall be used to carry out the purposes of this chapter. Any balance of these fees shall not lapse, but shall be carried forward as a continuing account to be expended for the same purposes in the following fiscal years.

Sec. 24. 32 MRSA §5011-A, 3rd ¶, as enacted by PL 1977, c. 604, §35, is repealed.

Sec. 25. 32 MRSA §6222 is enacted to read:

§6222. Receipts and disbursements

All fees received by the board under this chapter shall be used to carry out the purposes of this chapter. Any balance shall not lapse, but shall be carried forward as a continuing account to be expended for the same purposes in the following fiscal years.

Sec. 26. 32 MRSA §7061, as enacted by PL 1977, c. 673, §3, is repealed and the following enacted in its place:

§7061. Receipts and disbursements

All fees received by the board under this chapter shall be used to carry out the purposes of this chapter. Any balance of these fees shall not lapse, but

shall be carried forward as a continuing account to be expended for the same purposes in the following fiscal years.

Sec. 27. 38 MRSA §81, as amended by PL 1975, c. 771, §413, is repealed.

Sec. 28. 32 MRSA c. 105 is enacted to read:

CHAPTER 105

DIETITIANS

§9901. Declaration of purpose

In order to recognize the professional qualifications of dietitians and dietetic technicians and to assure the availability to the public of information regarding those who hold themselves out to be dietitians and dietetic technicians, it is the purpose of this chapter to provide for the registration of qualified dietitians and dietetic technicians.

§9902. Definitions

As used in this chapter, unless the context otherwise indicates, the following terms have the following meanings.

1. Board. "Board" means the Board of Registration of Dietetic Practice established under this chapter.

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

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

4. Dietetics. "Dietetics" means the professional discipline of assessing the nutritional needs of an individual, including recognition of the effects of the individual's physical condition and economic circumstances, and the applying of scientific principles of nutrition to prescribing means to ensure the individual's proper nourishment and care.

5. Registered dietetic technician. "Registered dietetic technician" means a person registered under this chapter who practices dietetics under the supervision of a dietitian who is registered in accordance with this chapter.

6. Registered dietitian. "Registered dietitian" means a person who practices dietetics and who is registered as a dietitian under this chapter.

§9903. Board of Registration of Dietetic Practice; establishment; compensation

1. Establishment and membership. There is established, within the Department of Business, Occupational and Professional Regulation, the Board of Registration of Dietetic Practice. The board shall consist of 5 members appointed by the Governor, including 2 public members who are residents of this State, who do not hold registration to practice dietetics and who have no direct or indirect financial interest in the practice or delivery of dietetic services. Other than these public members, the persons appointed to the board shall have been engaged in rendering dietetic services to the public or in teaching or research in dietetics for at least 2 years immediately preceding their appointments. Two board members shall be dietitians. The 5th member shall be either a dietitian or a dietetic technician. The professional members shall at all times be holders of valid registrations under this chapter, except for the members of the first board, each of whom shall fulfill the requirements for registration under this chapter.

2. Terms of appointment. To the first board established under this chapter, the Governor shall appoint 2 board members for terms of one year, 2 for terms of 2 years and one for a term of 3 years. Appointments made thereafter shall be for 3-year terms, but no person may be appointed to serve more than 3 consecutive terms, provided that for this purpose only, a period actually served which exceeds 1/2 of a 3-year term shall be deemed a full term. Any member of the board may be removed from office for cause by the Governor.

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

4. Compensation. Members of the board shall be compensated as provided in Title 5, section 12002-A.

§9904. Board of Registration of Dietetic Practice; powers and duties

1. Powers. The board shall administer and enforce this chapter and evaluate the qualifications of applicants for registration. The board may examine witnesses, administer oaths and shall investigate or cause to be investigated any complaints made to it or any cases of noncompliance with or violation of this chapter.

2. Rules. The board may adopt, in accordance with the Maine Administrative Procedure Act, Title 5, chapter 375, rules relating to professional conduct to carry out the policy of this chapter, including, but not limited to, rules relating to professional registration and to the establishment of ethical standards of practice for persons registered to practice dietetics in this State.

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 registration or as otherwise deemed necessary to the fulfillment of its responsibilities under this chapter. Hearings shall be conducted in accordance with the Maine Administrative Procedure Act, Title 5, chapter 375, subchapter IV, to the extent applicable.

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

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

6. Reports. No later than August 1st of each year, the board shall submit to the commissioner, for the preceding fiscal year, its annual report of its operations together with such comments and recommendations as the commissioner deems essential.

§9905. Board of Registration of Dietetic Practice; administrative provisions

1. 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 this chapter. Any person so employed shall be located in the department and under the administrative and supervisory direction of the commissioner.

2. Budget. The board shall submit to the commissioner its budgetary requirements in the same manner as provided in Title 5, section 1665.

§9906. Registration

1. Registration required. No person may hold himself out to be a registered dietitian or a registered dietetic technician or use related terms or words, unless he is registered in accordance with this chapter.

2. Individual registration. Only an individual may be registered under this chapter.

3. Penalty; injunction. A person who violates this section 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.

§9907. Requirements for registration; education; experience

1. Dietitian's registration. An applicant for registration as a dietitian shall file a written application on forms provided by the board, showing to the satisfaction of the board that he meets the following requirements.

A. The applicant must exhibit adherence to established ethical professional standards.

B. An applicant shall present evidence satisfactory to the board of having successfully completed the academic requirements established by the American Dietetic Association or equivalent requirements as determined by the board and shall have received a baccalaureate or higher degree from an accredited college or university. Such a program includes courses in organic and inorganic chemistry, human physiology, microbiology, principles of sociology or psychology, basic communication skills, economics, food composition, nutrition and management theory.

C. An applicant shall submit to the board evidence of having successfully completed the experience requirements approved by the American Dietetic Association or equivalent experience approved by the board. That experience shall include at least 6 months full-time clinical experience in the field of dietetics, or its part-time equivalent. The experience shall have been

acquired during or within 5 years of completion of the academic requirements in paragraph B and not more than 5 years before the date of license application.

2. Dietetic technician's registration. An applicant for registration as a dietetic technician shall file a written application on forms provided by the board showing to the satisfaction of the board that he meets the following requirements.

A. The applicant must exhibit adherence to established ethical professional standards.

B. The applicant must have graduated from a dietetic technician program approved by the Commission on Accreditation of the American Dietetic Association or its equivalent, as determined by the board, or graduated with a Bachelor of Science Degree in Food and Nutrition from an approved 4-year program.

§9908. Issuance of registration

The board shall issue a registration to any person who meets the requirements of this chapter upon payment of the prescribed fee.

§9909. Term of registration

1. Annual renewal. Registration shall expire annually on December 31st or on such other date as the commissioner may determine. Notice of expiration shall be mailed to each registrant's last known address at least 30 days in advance of the expiration of his registration. The notice shall include any requests for information necessary for renewal.

Registrations 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 registration renewal date shall be subject to all requirements governing new applicants under this chapter.

2. Continuing education. Each registration renewal shall be accompanied by evidence of continuing education or other requirements as established in rule by the board.

§9910. Disciplinary actions

1. Complaints. The board may order an investigation of a complaint on its own motion or on written complaint filed with it regarding noncompliance with or violation of any section of this chapter or of any rules adopted by the board.

2. Disciplinary actions; grounds. The board may suspend or revoke a registration pursuant to Title 5, section 1004. In addition, the board may refuse to renew or the Administrative Court may revoke, suspend or refuse to renew any registration issued under this chapter on any of the following grounds:

A. The practice of fraud or deceit in obtaining a registration under this chapter or in connection with service rendered within the scope of the registration issued;

B. A registrant shall be deemed to have engaged in unprofessional conduct if he violates any standard of professional behavior which has been established in the practice of dietetics;

C. 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 for which the individual is registered or conviction of any crime for which imprisonment for one year or more may be imposed; or

D. Any violation of this chapter or rules adopted by the board.

3. Reinstatement. An application for reinstatement may be made to the board after one year from the date of revocation of a registration.

§9911. Fees

1. Amount. Application fees may be established by the board in amounts which are reasonable and necessary. Registration fees may not exceed the following amounts:

A. For an original dietitians or dietetic technicians registration, \$80; or

B. For a renewal dietitians or dietetic technicians registration, \$40.

2. Deposit of fees. All fees received by the board shall be paid to the Treasurer of State to be

used for carrying out this chapter. Any balance of fees shall not lapse, but shall be carried forward as a continuing account to be expended for the same purposes in the following fiscal years.

§9912. Reciprocity

The board may, in its discretion, grant a registration under this chapter to an individual registered or licensed in another state if it determines that the requirements or standards for registration or licensure in that state are equivalent to, or greater than, those established by this chapter.

Sec. 29. 38 MRSA §82 is repealed.

Sec. 30. 38 MRSA §83, as amended by PL 1975, c. 771, §414, is repealed.

Sec. 31. 38 MRSA §84 is repealed.

Sec. 32. 38 MRSA §§85 and 86, as enacted by PL 1969, c. 410, §1, are amended to read:

§85. Declaration of policy

It is declared to be the policy and intent of the Legislature and the purpose of this section and sections 85 86 to 105 106 to provide for a system of state pilotage ~~for the Penobscot Bay and River~~ in order to provide maximum safety from the dangers of navigation for vessels entering or leaving the waters ~~of this area,~~ described in this subchapter, to maintain a state pilotage system devoted to the preservation and protection of lives, property and vessels entering or leaving the these waters of Penobscot Bay and River at the highest standard of efficiency and to insure an adequate supply of pilots well qualified for the discharge of their duties in aid of commerce and navigation.

§86. Vessels required to take pilot

Every foreign vessel and every American vessel under register, with a draft of 9 feet or more, entering or departing from any port or harbor within the waters of Penobscot Bay and River north of a line drawn from Marshall Point Light at Fort Clyde, thence to Matinicus Rock Light, thence to Western Head Isle au Haut, described in section 86-A shall take a pilot licensed under this chapter, and in. In case of refusal to take such pilot, the master, owner, agent or consignee of any such vessel shall pay the established pilot fee as if a pilot had been employed.

Sec. 33. 38 MRSA §86-A is enacted to read:

§86-A. Jurisdiction over coastal waters and rivers

This subchapter applies to the following described coastal waters and rivers:

1. Seguin Island to Bath. Seguin Island to Bath via Kennebec River;

2. Penobscot Bay. Penobscot Bay north of a line drawn from Marshall Point Light to Port Clyde, thence to Matinicus Rock Light, thence to Western Head Isle au Haut;

3. Penobscot River. Penobscot River from Fort Point Light to Bangor;

4. Frenchman's Bay. Frenchman's Bay landward of a line drawn from Schoodic Point to Otter Point; and

5. Eastport Harbor, Cobscook Bay, Penamquan River and Friar Roads. Eastport Harbor, Cobscook Bay, Penamquan River and Friar Roads via Head Harbor passage.

Sec. 34. 38 MRSA §87, as enacted by PL 1969, c. 410, §1, is repealed.

Sec. 35. 38 MRSA §87-A is enacted to read:

§87-A. Exceptions

1. Vessels exempt. Sections 85 to 106 shall not apply to:

A. Vessels under enrollment;

B. Fishing vessels;

C. Vessels powered by sail;

D. The motor vessel Bluenose, or any vessel substituted for the Bluenose, operating on a published regular schedule sailing between Bar Harbor, Maine, and Yarmouth, Nova Scotia, provided that:

(1) The qualifications and experience of any licensed master of the Bluenose, or its substitute, meet those established by regulations of the United States Coast Guard;

(2) A federal pilot, or a pilot licensed under this subchapter, shall pilot the Bluenose, or its substitute, on the licensed master's initial arrival and departure during each calendar year, except that a relief licensed master may make his initial arrival and departure trip for the calendar year, with another licensed master who has made a familiarization trip during the calendar year; and

(3) The licensed master of any substitute vessel has piloted the Bluenose, or a substitute, in the waters of Frenchman's Bay for not less than 12 trips between Bar Harbor, Maine, and Yarmouth, Nova Scotia, within a period of 2 years; or

E. All military and commercial ships navigating the Kennebec River to and from the Bath Iron Works Corporation for the purpose of accomplishing overhaul, repair, post shakedown availability and sea trials.

2. Limitation. If any such vessel employs a pilot, the pilot shall be entitled to receive as compensation for his service pilotage fees in an amount not to exceed the rates established by the commission.

Sec. 36. 38 MRSA §89, as amended by PL 1983, c. 812, §288, is repealed and the following enacted in its place:

§89. Maine State Pilotage Commission

The Maine State Pilotage Commission, as established by Title 5, section 12004, subsection 1, shall consist of 5 members appointed by the Governor as follows: Three shall be licensed pilots representing Penobscot Bay and River, Bar Harbor - Eastport and Bath; one shall represent the marine industry interests; and one, with a marine background, shall represent the public. Each member shall serve for a term of 3 years or until his successor is appointed and qualified. Any vacancy which may occur in the commission shall be filled by the Governor for the remainder of the unexpired term. Any member shall be eligible to succeed himself. The members of the commission shall be compensated according to Title 5, chapter 379.

Sec. 37. 38 MRSA §90, sub-§1, ¶H, as enacted by PL 1969, c. 410, §1, is amended to read:

H. Select only such number of pilots, ~~not to ex-~~
~~ceed 12 in number~~, as would be necessary to per-
mit adequate pilotage in these waters;

Sec. 38. 38 MRSA §91, as enacted by PL 1969, c.
410, §1, is amended to read:

§91. Qualifications of licensees

Every person who shall apply for a license to act
as a pilot in the waters of ~~the Penobscot Bay and~~
~~River covered in this subchapter~~ shall be a citizen
of the United States and the State of Maine. He shall
possess a federal first class pilot's endorsement,
issued by a duly constituted authority of the United
States, covering the waters of ~~Penobscot Bay and~~
~~River described in section 86-A~~. An applicant for a
license shall satisfy the ~~board~~ commission that he
has or will have proper means available to him for
boarding and leaving vessels which he may be called
upon to pilot.

Sec. 39. 38 MRSA §99, as amended by PL 1977, c.
694, §748, is further amended to read:

§99. Grounds for disciplinary action

The Administrative Court may suspend any pilot
for any period that it may deem proper, and may sus-
pend, revoke or annul any pilot's license which shall
be issued under sections 85 to ~~105~~ 106, upon satis-
factory proof that such pilot has willfully disobeyed
or violated any of the provisions of sections 85 to
~~105~~ 106 or any rule ~~or regulation~~ established by the
commission; or such pilot has negligently lost or
damaged any vessel under his care; or such pilot is
~~so addicted to the habits of intoxication habitually~~
~~intemperate in the use of alcohol or habitually uses~~
narcotic or hypnotic or other substances so as to be
unfit to be entrusted with the charge of a vessel; or
the pilot is so mentally or physically incapable as
to be unfit to carry on the duties of a pilot.

Sec. 40. 38 MRSA §106 is enacted to read:

§106. Receipts and disbursements

All fees received by the commission under this
chapter shall be used to carry out the purpose of
this chapter. Any balance of these fees shall not
lapse, but shall be carried forward as a continuing

account to be expended for the same purposes in the following fiscal years.

Effective September 19, 1985.

CHAPTER 390

H.P. 773 - L.D. 1094

AN ACT to Regulate Membership Camping.

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

Whereas, sales of membership camping contracts have recently grown tremendously and are anticipated to expand even further with the addition of at least one new membership camping operator for this coming "summer season"; and

Whereas, currently there is no regulation to protect consumers against the tremendous risk of abuse associated with the sales' practices used by this industry which are similar to those used in the sale of condominiums and time-share units; and

Whereas, without the benefit of this legislation for the coming "summer season" many consumers may become victims of the high pressure sales' tactics and misrepresentations used by some elements of the membership camping industry; and

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

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

33 MRSA c. 10, sub-c.I-A is enacted to read:

SUBCHAPTER I-A

MEMBERSHIP CAMPING

§589. Definitions