

# MAINE STATE LEGISLATURE

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**LAWS**  
**OF THE**  
**STATE OF MAINE**

AS PASSED BY THE

ONE HUNDRED AND FIFTEENTH LEGISLATURE

FIRST REGULAR SESSION

December 5, 1990 to July 10, 1991

Chapters 1 - 590

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NON-EMERGENCY LAWS IS  
OCTOBER 9, 1991

PUBLISHED BY THE REVISOR OF STATUTES  
IN ACCORDANCE WITH MAINE REVISED STATUTES ANNOTATED,  
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J.S. McCarthy Company  
Augusta, Maine  
1991

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**PUBLIC LAWS**  
**OF THE**  
**STATE OF MAINE**

**AS PASSED AT THE**  
**FIRST REGULAR SESSION**

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**1991**

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By February 1, 1992, the department and the bureau shall report to the joint standing committee of the Legislature having jurisdiction over taxation matters on the potential problems that occur as a matter of transferring parcels between classifications and subsequent withdrawal of those or other parcels pursuant to sections 581, 1109, 1112 and 1115. Recommendations, if any, regarding the penalty provisions imposed by withdrawal from any of the classifications contained in subchapter II-A or this subchapter must be included in this report.

See title page for effective date.

## CHAPTER 509

### H.P. 1151 - L.D. 1676

#### An Act to Make Technical Adjustments to Various Licensing Board Laws and to Adjust Budgetary Constraints Affecting Various Boards

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

**Whereas,** it is vital that the funds provided for in this legislation are available for the beginning of fiscal year 1991-92; and

**Whereas,** that fiscal year will begin before the expiration of the 90-day period; and

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

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

**Sec. 1. 10 MRSA §8003, sub-§3,** as repealed and replaced by PL 1983, c. 553, §13, is amended to read:

**3. License defined.** For purposes of this section, the term "license" ~~is used to mean~~ means a license, certification, registration, permit, approval or other similar document evidencing admission to or granting authority to engage in a profession, occupation, business or industry but does not mean a registration, permit, approval or similar document evidencing the granting of authority to engage in the business of banking pursuant to Title 9-B.

**Sec. 2. 10 MRSA §8003, sub-§5,** as amended by PL 1989, c. 450, §6, is further amended by repealing and replacing the first 2 paragraphs to read:

**5. Authority of bureaus, boards or commissions.** In addition to authority otherwise conferred, unless expressly

precluded by language of denial in its own governing law, each bureau, licensing board and commission within or affiliated with the department may take one or more of the following actions, except that this subsection does not apply to the Bureau of Banking.

**Sec. 3. 10 MRSA §8003, sub-§§7, 8 and 9** are enacted to read:

**7. Evidentiary effect of certificate.** Notwithstanding any provision of law or rule of evidence, the certificate of the commissioner under the seal of the State must be received by any court in this State as prima facie evidence of the issuance, suspension or revocation of any license issued by the department.

**8. Display of license.** In addition to authority otherwise conferred, bureaus, boards or commissions within or affiliated with the department may specify by rule the conditions under which a licensee's number, name and address are to be displayed to the public.

**9. Construction.** Nothing in this section may be construed to deprive any bureau, board or commission within or affiliated with the department of any power set forth in another statute or of its statutory duty and authority to regulate its profession, occupation or industry.

**Sec. 4. 10 MRSA §8003-A,** as enacted by PL 1985, c. 748, §19, is amended by adding after the first paragraph a new paragraph to read:

Investigative personnel of the Division of Licensing and Enforcement, during the normal conduct of their work for regulatory boards within the division, may conduct investigations, issue citations, serve summonses and order corrections of violations in accordance with specific statutory authority. When specific authority does not exist to appeal an order to correct, that process must be established by rule by the respective boards.

**Sec. 5. 10 MRSA §9006-A, sub-§2,** as enacted by PL 1989, c. 271, §3, is amended to read:

**2. Fee.** At the same time the notice of installation is given, the dealer or mechanic shall pay a fee of ~~up to \$5~~ \$10 to the board for each unit installed.

**Sec. 6. 32 MRSA §1658-A, sub-§§1 and 2,** as amended by PL 1987, c. 597, §1, are further amended to read:

**1. License for person.** No person may engage in the sale of or practice of fitting and dealing in hearing aids or display a sign or in any other way advertise ~~as~~ or represent himself as profess to be a person who practices the fitting, dealing and sale of hearing aids, unless ~~he~~ that person holds a valid license issued by the board as provided in section 1658-I. The board shall issue a license to any person who applies for the license and who is qualified for the license

pursuant to section 1658-I, upon payment of a fee of \$100 of \$185. Licenses shall expire annually on January 31st or on such other date as the Commissioner of Professional and Financial Regulation determines. The license required by this chapter shall must be conspicuously posted in the licensee's office or place of business. The board shall, ~~without requiring additional payment for cost,~~ issue duplicate licenses to license holders operating more than one office. A license issued under this chapter shall ~~confer~~ confers on the holder the right to select, fit and sell hearing aids.

**2. License for business organization.** Any corporation, partnership, trust, association or other like organization engaged in the business of selling or offering for sale hearing aids at retail in the State shall apply to the board for a license to engage in that business. No business entity may so engage in the business of selling or offering for sale hearing aids without a license to do so. The board shall issue a license upon payment by the business entity of a fee ~~in such amount as the board may establish up to \$150 of \$185~~ and upon filing of a sworn statement from a person with authority from the business entity. That sworn statement shall must list the names and addresses of all hearing aid dealers and fitters directly or indirectly employed by the entity and shall must certify that the entity employs only hearing aid dealers and fitters who are duly licensed by the State. Licenses shall expire annually on January 31st or on such other date as the Commissioner of Professional and Financial Regulation determines. Licenses may be renewed annually by each such business engaged in the fitting and sale of hearing aids by filing an application for a renewal of its license accompanied by a fee ~~in such amount as the board may establish up to \$150 of \$185.~~ 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 application for renewal submitted more than 90 days after the license expiration date shall ~~be~~ is subject to all requirements governing new applicants under this chapter. The commissioner may establish dates for the renewal of licenses.

The license required by this chapter shall must be conspicuously posted in the licensee's office or place of business. ~~Notwithstanding this subsection, the board may, whenever it deems necessary, extend existing licenses so that an equal number expire each month to allow for the equal distribution of relicensure throughout the year.~~

**Sec. 7. 32 MRSA §1658-C, sub-§4, ¶D,** as amended by PL 1987, c. 597, §3, is further amended to read:

D. The notice shall must state that the purchaser may cancel the transaction if ~~he~~ the purchaser consults an audiologist or a licensed physician ~~with specialized training in the field of otolaryngology~~ who in writing states that the hearing aid is not advisable and in writing specifies the audiological or medical reason or both therefor. This notice shall must state that the purchaser may cancel only if the written opinion from the audiologist or physician is submitted to

the seller within 60 calendar days from the date of purchase. If the purchaser cancels a transaction pursuant to this paragraph, the seller-licensee shall within 60 days of the notice of the cancellation and the return by the purchaser of the hearing aid or aids refund to the purchaser the amount paid less 10% of the purchase price of one or more hearing aids and less the reasonable price of the ear mold or molds and lab fees.

**Sec. 8. 32 MRSA §1658-M,** as repealed and replaced by PL 1983, c. 413, §79, is amended to read:

**§1658-M. Annual renewal of license; fees; effect of failure to renew**

Licenses issued pursuant to section 1658-A, subsection 1, may be renewed annually upon application by the licensee accompanied by a fee ~~in such amount as the board may establish up to \$100 of \$185.~~ The board shall notify every such licensee of the date of expiration of ~~his~~ the license and the amount of the fee required for renewal for a 12-month period. The notice shall must be mailed to the licensee's last known address at least 30 days in advance of the expiration of the license. The 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~~ is subject to all requirements governing new applicants under this chapter, except that the board may ~~in its discretion,~~ giving 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 this section, no annual renewal certificate may be issued by the board until such time as the applicant submits proof satisfactory to the board that during the year preceding ~~his~~ the applicant's application for renewal, ~~he~~ the applicant has participated in not fewer than 8 clock hours for courses of continuing education in fitting and dealing in hearing aids offered by an institution approved by the board.

**Sec. 9. 32 MRSA §2272, sub-§6,** as enacted by PL 1983, c. 746, §2, is repealed.

**Sec. 10. 32 MRSA §2277, sub-§§2 and 3,** as enacted by PL 1983, c. 746, §2, are amended to read:

**2. Students or trainees.** Any person pursuing a supervised course of study leading to a degree or certificate in occupational therapy at an accredited or approved educational program, if the person is designated by a title which clearly indicates ~~his~~ that person's status as a student or trainee; or

**3. Supervised fieldworkers.** Any person fulfilling the supervised fieldwork experience requirements of section 2279, subsection 4, if the experience constitutes a part

of the experience necessary to meet the requirement of that subsection;

**Sec. 11. 32 MRSA §2277, sub-§§4 and 5**, as enacted by PL 1983, c. 746, §2, are repealed.

**Sec. 12. 32 MRSA §2278**, as enacted by PL 1983, c. 746, §2, is amended to read:

**§2278. Temporary license**

A temporary license may be granted to a person who has completed the education and experience requirements of this chapter. This permit allows the person to practice occupational therapy in association with a licensed occupational therapist. This permit is valid until the person is issued a license under section 2281 or 2282, ~~or until~~ and the results of the national exam taken by the person are available to the board. This limited permit may be renewed one time if the person has failed the examination.

**Sec. 13. 32 MRSA §2279, sub-§3, ¶¶A and B**, as enacted by PL 1983, c. 746, §2, are amended to read:

A. The occupational therapy educational program ~~shall~~ must be accredited by the Committee on Allied Health Education and Accreditation of the American Medical Association in collaboration with the American Occupational Therapy ~~Association~~ Certification Board.

B. The occupational therapy assistant educational program ~~shall~~ must be approved by the American Occupational Therapy ~~Association~~ Certification Board.

**Sec. 14. 32 MRSA §2280, sub-§5** is enacted to read:

**5. National exams.** In lieu of administering its own examinations, the board may recognize exam scores of candidates who have taken a nationally recognized examination in the practice of occupational therapy.

**Sec. 15. 32 MRSA §2281**, as enacted by PL 1983, c. 746, §2, is amended to read:

**§2281. Waiver of requirements for licensure**

The board shall grant a license to any person who, prior to ~~the effective date of this chapter July 25, 1984~~, has successfully completed an examination administered by the Psychological Corporation under contract with the American Occupational Therapy ~~Association~~ Certification Board if ~~he~~ that person meets the requirements of section 2279, subsections 1, 2, 3 and 4.

**Sec. 16. 32 MRSA §2283, sub-§2**, as enacted by PL 1983, c. 746, §2, is repealed.

**Sec. 17. 32 MRSA §2283, sub-§3**, as enacted by PL 1983, c. 746, §2, is amended to read:

**3. Continuing education.** Each license renewal ~~shall~~ must be accompanied with evidence of continuing ~~competencies~~ education as established by board rule.

**Sec. 18. 32 MRSA §2285, sub-§1**, as enacted by PL 1983, c. 746, §2, is amended to read:

**1. Amount.** ~~Fees may be established by the board in amounts which are reasonable and necessary for their respective purposes. The fees may not exceed~~ are in the following amounts:

- A. For an initial application, ~~\$80~~ \$100;
- B. For biennial renewal of a license, ~~\$80~~ \$120; and
- C. For a temporary license, ~~\$25~~ \$50.

**Sec. 19. 32 MRSA §2311, sub-§7**, as amended by PL 1989, c. 443, §88, is further amended to read:

**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~~ must 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 licensed practical experience, or 6 months of licensed practical experience and completion of a an oil burner technician course at a Maine technical college, regional vocational center, vocational region, or comparable institute from Maine or another state, provided that the course has been approved by the board and the applicant presents evidence of 6 months' practical experience consisting, at a minimum, of 160 hours of study of which at least 75 hours are made up of laboratory work on oil burner equipment and related systems.

**Sec. 20. 32 MRSA §2311, sub-§8**, as amended by PL 1979, c. 606, §8, is further amended to read:

**8. Master oil burner technician.** "Master oil burner technician" ~~shall mean~~ means a person who is licensed under this chapter to engage in the business of installing or servicing oil burning equipment. Applicants for a license of this classification shall present to the board satisfactory evidence that they have 4 years of licensed practical experience and related knowledge, or such other requirement as the Oil and Solid Fuel Board may establish. Effective January 1, 1994, an applicant for a license of this classification shall present to the board satisfactory evidence that the applicant has 2 years of licensed practical experience as a journeyman oil burner technician and related knowledge,

or other such requirement as the Oil and Solid Fuel Board may establish.

**Sec. 21. 32 MRSA §2311, sub-§9**, as enacted by PL 1979, c. 569, §4, is amended to read:

**9. Master solid fuel burner technician.** "Master solid fuel burner technician" ~~shall mean~~ means a person who is licensed under this chapter to engage in the business of installing and servicing solid fuel burning equipment. An applicant for a license of this classification ~~shall must~~ must be a person who ~~shall present~~ presents to the board satisfactory evidence of at least 2 years of licensed practical experience and related knowledge; or a person having a master oil burner technician's license issued under this chapter who ~~shall present~~ presents to the board satisfactory evidence of knowledge of solid fuel burning equipment; or a person having a bachelor degree in engineering from an accredited university who ~~shall present~~ presents to the board satisfactory evidence of knowledge of solid fuel burning equipment.

**Sec. 22. 32 MRSA §2352, first ¶**, as amended by PL 1987, c. 395, Pt. A, §170, is further amended to read:

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

**Sec. 23. 32 MRSA §3402, 2nd ¶**, as amended by PL 1989, c. 483, Pt. A, §51, is further amended to read:

State plumbing inspectors appointed under this section ~~shall have the same~~ powers throughout the several counties of the State ~~as similar to those~~ sheriffs have in their respective counties, relating to enforcement of this chapter and rules ~~promulgated~~ adopted under this chapter. These powers are limited to the power to issue citations, the power to serve summonses, to conduct investigations and to order corrections of violations by licensees in accordance with the specific statutory authority set forth in this chapter. If any state plumbing inspector finds any plumbing installation in any building or structure which does not comply with the adopted state plumbing code that inspector shall, with the consent of the local plumbing inspector, order that the installation be removed or remedied and that order must be complied with immediately by the owner or occupant of the premises or building or the installer of the plumbing in violation. ~~¶~~ If any state plumbing inspector finds any plumbing installation in any building or structure which creates a danger to other property or to the public, the inspector may forbid use of the building or structure by serving a written order upon the owner and the

occupant, if any, to vacate within a reasonable period of time to be stated in the order.

**Sec. 24. 32 MRSA §3501, sub-§5**, as amended by PL 1987, c. 597, §12, is further amended to read:

**5. Examinations.** ~~The following applicants~~ Applicants for license shall present to the board a written application for examination and license, containing such information as the board may require, accompanied by a required fee as set forth by board rules. Examinations ~~shall must~~ must 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 prospective license holder.

~~Applications for a first examination shall be received by the board at least 15 days prior to a scheduled meeting of the board.~~

The board shall establish by rule cutoff dates for applications for examinations.

The passing grade on any examination ~~shall be~~ may not be 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~~ licensure having an average grade of less than 50% may not apply for reexamination for one year.

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

Applicants applying for an initial license with a term of one year or less are required to pay only 1/2 of the biennial license fee.

**Sec. 25. 32 MRSA §4863**, as amended by PL 1989, c. 450, §31, is further amended to read:

#### **§4863. License renewal**

All licenses ~~shall~~ expire annually on December 31st, or other such date as the commissioner may designate, and ~~shall may~~ be renewed by registration with the board and payment of a renewal fee established by the board. ~~On or before December 1st of each year~~ At least 30 days prior to the annual renewal date, the ~~secretary~~ Department of Professional and Financial Regulation shall mail a notice to each licensed veterinarian that the license will expire on ~~December 31st~~ the renewal date and provide a form for reregistration. The ~~secretary~~ department shall issue a renewal certificate to all persons registering under this chapter.

~~Any person who practices veterinary medicine after the expiration of his license and willfully or by neglect fails to renew such license shall be practicing in violation of this~~

~~chapter; provided that any person may renew an expired license within one year of the date of its expiration by making written application for renewal and paying the current renewal fee plus all delinquent renewal fees. After one year has elapsed since the date of the expiration, the holder must make application for a new license. Licenses 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. A person who submits an application for renewal more than 90 days after the license renewal date is subject to all requirements governing new applicants under this chapter, except that the board may, 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 expiration. In addition, the board may levy penalties for nonrenewal.~~

By rule the board may waive the payment of the registration renewal fee of a licensed veterinarian during the period when ~~he~~ that veterinarian is on active duty with any branch of the Armed Services of the United States, not to exceed the longer of 3 years or the duration of a national emergency.

**Sec. 26. 32 MRSA §4912**, as repealed and replaced by PL 1983, c. 413, §183, is amended to read:

#### §4912. Fees

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

The initial and renewal fees for certification as a geologist or soil scientist ~~shall be \$20~~ are \$45 per year.

**Sec. 27. 32 MRSA §6028, first ¶**, as amended by PL 1983, c. 413, §207, is further amended to read:

An application fee and an examination fee may be established by the board in amounts ~~which that~~ 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~~ \$90. The fee for a temporary license ~~shall not exceed \$50~~ is \$90. The fee for biennial renewal of a license ~~shall not exceed \$100~~ is \$140. The board may, by rule, provide for 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 rule, require the applicants to pay an additional fee not to exceed 1/2 the biennial renewal fee.

**Sec. 28. 32 MRSA §6221**, as enacted by PL 1979, c. 96, §5, is amended to read:

#### §6221. Treatment of minors

Any person licensed under this chapter who renders counseling services to a minor for the treatment of prob-

lems associated with the abuse of drugs or alcohol is under no obligation to obtain the consent of that minor's parent or guardian or to inform that parent or guardian of that treatment. Nothing in this section ~~shall may~~ be construed so as to prohibit the licensed person rendering that treatment from informing that parent or guardian. For the purposes of this section "abuse of drugs" means the use of drugs solely for their stimulant, depressant or hallucinogenic effect upon the higher functions of the central nervous system and not as a therapeutic agent recommended by a practitioner in the course of medical treatment.

**Sec. 29. 32 MRSA §9605, sub-§§1 and 2**, as amended by PL 1983, c. 413, §238, are further amended to read:

**1. Commercial driver education school license.** Each application for a commercial driver education school ~~shall must~~ be accompanied by an application fee established by the board in an amount ~~which that~~ is reasonable and necessary for its purposes, which ~~shall may~~ not be refunded. If the application is approved by the board, the applicant, upon payment of ~~an additional a fee of up to \$80~~ \$250, ~~shall must~~ be granted a license, which ~~shall be~~ is valid during the calendar year of its issue unless sooner revoked as provided. The renewal fee is ~~up to \$100~~ \$250.

**2. Instructor license.** Each application for an instructor's license ~~shall must~~ be accompanied by an application fee established by the board in an amount ~~which that~~ is reasonable and necessary for its purpose, which ~~shall may~~ not be refunded. If the application is approved by the board, the applicant, upon payment of ~~an additional a fee of \$20~~ \$125, ~~shall must~~ be granted a license, which ~~shall be~~ is valid during the calendar year of its issue unless sooner revoked. The renewal fee is ~~\$40~~ \$125.

**Sec. 30. 32 MRSA §9710, sub-§1**, as amended by PL 1989, c. 450, §46, is repealed and the following enacted in its place:

**1. Amount.** Application and examination fees may be established by the board in amounts that are reasonable and necessary for their respective purposes. Original and renewal license fees for respiratory care practitioner licenses are \$135 biennially. Temporary license fees are \$70.

**Sec. 31. 32 MRSA §9859**, as enacted by PL 1983, c. 524, is amended to read:

#### §9859. Biennial licensure renewal; fees

All licenses ~~shall must~~ be renewed by biennially on or before August 31st of each even-numbered year or at such other times as the ~~board~~ Commissioner of Professional and Financial Regulation may designate. The original and biennial licensure renewal fee shall may not exceed \$70 \$70. The board shall notify each licensee, at ~~his~~ the licensee's last known address, ~~60~~ 30 days in advance of the expiration of ~~his~~ the license. Renewal notices ~~shall must~~ be on forms provided by the ~~board~~ Department of Professional and Fi-



nancial Regulation. Any license not renewed by August 31st the designated renewal date automatically expires. The board may renew an expired license without penalty if the renewal notice is returned within 30 days of the expiration date. Licenses 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 licensing renewal date is subject to all requirements governing new applicants under this chapter, except that the board may, giving due consideration to the protection of the public, waive examination or other requirements. The board may assess penalties for late renewals more than 90 days after the expiration.

**Sec. 32. 32 MRSA §9907, sub-§1, ¶D,** as amended by PL 1987, c. 664, §2, is further amended to read:

D. The applicant must have successfully completed an examination given by the American Dietetic Association or its equivalent as determined and administered by the board. The examination requirement of this paragraph ~~shall~~ does not apply to an applicant who presents evidence of having practiced as a dietitian without censure for a period of 10 years immediately prior to September 30, 1987.

**Sec. 33. 32 MRSA §9909, sub-§1,** as amended by PL 1987, c. 313, §5, is further amended to read:

**1. Biennial renewal.** A license ~~shall expire annually~~ expires biennially on December 31st or on such other date as the commissioner may determine. Notice of expiration ~~shall~~ must be mailed to each licensee's last known address at least 30 days in advance of the expiration of the license. The notice ~~shall~~ must include any requests for information necessary for renewal.

Licenses 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 licensing renewal date ~~shall be~~ is subject to all requirements governing new applicants under this chapter. In addition, the board may assess penalties for renewals more than 90 days after expiration.

**Sec. 34. 32 MRSA §9911, sub-§1,** as amended by PL 1987, c. 313, §7, is further amended to read:

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

A. For an original ~~dietitians~~ dietitian's or dietetic ~~technicians~~ technician's license, ~~\$80~~ \$160; or

B. For a renewal ~~dietitians~~ dietitian's or dietetic ~~technicians~~ technician's license, ~~\$40~~ \$160.

**Sec. 35. 32 MRSA §10602, sub-§1, ¶C,** as enacted by PL 1985, c. 400, §2, is amended to read:

C. Bar that person from association with any licensed broker-dealer or investment adviser in this State, but in each case only after compliance with section 10708, subsection 6; ~~or~~

**Sec. 36. 32 MRSA §10602, sub-§1, ¶D,** as amended by PL 1989, c. 542, §47, is further amended to read:

D. Request that the Attorney General bring an action for any relief authorized by section 10603 or bring any other civil or criminal action which the Attorney General is authorized to bring in the courts of this State, another state or the United States; ~~or~~

**Sec. 37. 32 MRSA §10602, sub-§1, ¶E** is enacted to read:

E. Issue an order imposing a civil penalty that may not exceed \$1500 for a single violation, but in each case only after compliance with section 10708, subsection 6.

**Sec. 38. 32 MRSA §13901, sub-§5,** as enacted by PL 1989, c. 346, §3, is amended to read:

**5. Land surveyor-in-training.** "Professional land Land surveyor-in-training" means any person who has been licensed as a ~~professional~~ land surveyor-in-training by the board.

**Sec. 39. 32 MRSA §13904, sub-§1,** as enacted by PL 1989, c. 346, §3, is amended to read:

**1. License required.** ~~No~~ Except as provided in section 13912, a person may not practice land surveying or profess to be a professional land surveyor or ~~professional~~ land surveyor-in-training unless the person is licensed in accordance with this chapter.

**Sec. 40. 32 MRSA §13905, sub-§1,** as enacted by PL 1989, c. 346, §3, is amended to read:

**1. Land surveyor-in-training licensing.** An applicant for licensing as a ~~professional~~ land surveyor-in-training shall file a written application on forms provided by the board, showing to the satisfaction of the board that the applicant meets the following requirements.

A. A college graduate with a baccalaureate degree, which ~~shall include~~ includes a minimum surveying core curriculum approved by the board, who has passed a written examination in the fundamentals of land surveying ~~shall~~ must be licensed as a ~~professional~~ land surveyor-in-training, if the applicant is otherwise qualified.

B. A college graduate with an associate degree, which ~~shall include~~ includes a minimum surveying core curriculum approved by the board, who has had 2 years of surveying experience acceptable to the board and has passed a written examination in the fundamentals of land surveying ~~shall must~~ must be licensed as a ~~professional~~ land surveyor-in-training, if the applicant is otherwise qualified.

C. A person who has completed a minimum surveying core curriculum approved by the board, has had 6 years of surveying experience acceptable to the board, and has passed a written examination in the fundamentals of land surveying ~~shall must~~ must be licensed as a ~~professional~~ land surveyor-in-training, if the applicant is otherwise qualified.

D. A person who has had 7 years of surveying experience acceptable to the board and has passed a written examination in the fundamentals of land surveying ~~shall must~~ must be licensed as a ~~professional~~ land surveyor-in-training, if the applicant is otherwise qualified.

E. A person holding a license as a surveyor-in-training issued on comparable qualifications from a state, territory or possession of the United States with experience satisfactory to the board ~~shall must~~ must be given comity consideration. The applicant may be required to take examinations as the board determines necessary to determine the applicant's qualifications.

F. Any person certified as a land surveyor-in-training ~~on the effective date of this section shall be~~ September 30, 1989 is allowed to continue in that capacity until the certification is due for renewal. At that time and upon payment of the appropriate fee, the person shall must be granted a license as a ~~professional~~ land surveyor-in-training, notwithstanding any other requirement of this section.

G. Any person whose application for certification as a land surveyor-in-training has been received by the board ~~before the effective date of this legislation shall come under~~ September 30, 1989 is subject to the licensure provisions of the law then in effect. This provision ~~shall also include~~ includes any person who had submitted and had approved by the board in writing a minimum course of study to satisfy the licensing requirements then in effect.

**Sec. 41. 32 MRSA §13905, sub-§2, ¶A**, as enacted by PL 1989, c. 346, §3, is amended to read:

A. A ~~professional~~ land surveyor-in-training with a specific record of 2 additional years of progressive combined office and field experience satisfactory to the board ~~which shall have been~~ under the supervision responsible charge of a professional land surveyor ~~shall must~~ must be admitted to a written examina-

tion in the principles and practice of land surveying. Upon passing the examination, the applicant ~~shall must~~ must be granted a license to practice land surveying in this State, ~~provided if~~ provided if the applicant is otherwise qualified.

**Sec. 42. 32 MRSA §13907**, as enacted by PL 1989, c. 346, §3, is amended to read:

**§13907. License; seals; stamps**

The board shall issue a license, upon payment of a license fee as provided in this chapter, to any applicant who, in the opinion of the board, has satisfactorily met the requirements of this chapter. The license ~~shall authorize~~ authorizes the practice of land surveying.

The issuance of a license by the board ~~shall be~~ is evidence that the person named in the license is entitled to all the rights and privileges of a licensed professional land surveyor or ~~professional~~ land surveyor-in-training while the license remains unrevoked or unexpired.

Each applicant upon licensing shall obtain a seal of the design authorized by the board, bearing the licensee's name and the legend "~~licensed professional land surveyor~~" or "~~professional land surveyor-in-training~~."

All final documents, including plans, descriptions, reports, maps, plats or other drawings issued by a licensed professional land surveyor or professional land surveyor-in-training shall must be stamped with the respective seal and signature signed and sealed by the issuing professional land surveyor, as prescribed in the rules of the board, ~~during the life of the licensee's license. If an item bearing the seal of a professional land surveyor or professional land surveyor-in-training is altered, the altering professional land surveyor or professional land surveyor-in-training shall affix to the item that altering surveyor's seal, surveyor's seal and signature must be affixed with~~ the notation "altered by" followed by the signature of that altering surveyor, the date of the alteration and a specific description of the alteration. No official of this State, or of any city, county, town or village in the State, charged with the enforcement of laws, rules, ordinances or regulations may accept or approve any plans or other documents, prepared within the meaning and intent of this chapter, that are not stamped and sealed and signed by the licensed professional land surveyor or professional land surveyor-in-training under whose direct supervision responsible charge they were completed.

**Sec. 43. 32 MRSA §13910, sub-§1, ¶B**, as enacted by PL 1989, c. 346, §3, is amended to read:

B. The license and renewal fees for ~~professional~~ land surveyors-in-training ~~shall must~~ must be established by the board in an amount not to exceed \$100 biennially.

**Sec. 44. 32 MRSA §13912, sub-§§2 and 3**, as enacted by PL 1989, c. 346, §3, are amended to read:

**2. Federal Government employees.** Officers and employees of the Federal Government while engaged within this State in the practice of land surveying for the Federal Government; or

**3. Interstate commerce corporation employees.** An officer or employee of a corporation engaged in interstate commerce as defined in the Act of Congress entitled "An Act to Regulate Commerce" approved February 4, 1887, as amended, or in interstate communication as defined in the Act of Congress entitled "Communications Act of 1934" approved June 9, 1934, while working solely as an employee of that corporation, provided an officer or employee of that corporation customarily in responsible charge of the surveying work of that corporation within this State ~~shall be~~ is licensed under this chapter; or

**Sec. 45. 32 MRSA §13912, sub-§4** is enacted to read:

**4. Employees.** All employees working under the responsible charge of a professional land surveyor.

**Sec. 46. 38 MRSA §85-A, sub-§§1 and 2,** as enacted by PL 1983, c. 758, §13, are amended to read:

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

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

**Sec. 47. 38 MRSA §92,** as amended by PL 1983, c. 758, §17, is further amended to read:

**§92. Duration and renewal of licenses**

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

**Sec. 48. 38 MRSA §93,** as enacted by PL 1969, c. 410, §1, is amended to read:

**§93. License fees**

Every new application for a license to act as a pilot on these waters ~~shall must~~ be accompanied by a fee of \$75 payable to the commission an application fee of \$100. ~~Each application for the renewal of said license shall be accompanied by a fee of \$50 payable to the commission.~~ Original and annual renewal license fees are \$10. Licenses 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 licensing renewal date is subject to all requirements governing new applicants under this chapter.

A holder of a license on the effective date of this paragraph is not required to renew that license until its expiration.

**Sec. 49. 38 MRSA §94,** as enacted by PL 1969, c. 410, §1, is amended to read:

**§94. Accounts of fees; payments to commission**

Once in every 6 months each pilot licensed by the commission shall render to the commission an accurate account of all moneys received by such pilot as fees for pilotage and the commission may impose a charge not to exceed ~~1%~~ 2% per year upon each pilot for the operation of the commission.

**Sec. 50. 38 MRSA §95,** as enacted by PL 1969, c. 410, §1, is repealed.

**Sec. 51. PL 1989, c. 806, §7,** as amended by PL 1991, c. 14, is further amended to read:

**Sec. 7. Effective date.** The Maine Revised Statutes, Title 32, section 13964 takes effect ~~July 1~~ December 31, 1991 or at an earlier date if so mandated by federal requirements pursuant to Title 11 of the federal Financial Institutions Reform, Recovery and Enforcement Act of 1989, Public Law 101-73.

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

Effective June 24, 1991.

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## CHAPTER 510

S.P. 634 - L.D. 1682

### An Act to Amend the Laws Concerning Solicitation by Law Enforcement Officers

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

**Sec. 1. 25 MRSA §3702,** as amended by PL 1983, c. 330, is repealed.

**Sec. 2. 25 MRSA §3702-A** is enacted to read:

**§3702-A. Solicitation unlawful**

A person may not solicit property from the general public when the property or any part of that property in any way tangibly benefits, is intended to tangibly benefit or is represented to be for the tangible benefit of any law enforcement officer, law enforcement agency or law enforcement association. Any violation of this chapter constitutes a violation of the Maine Unfair Trade Practices Act.