

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND FIFTEENTH LEGISLATURE

THIRD SPECIAL SESSION

October 1, 1992 to October 6, 1992

FOURTH SPECIAL SESSION

October 16, 1992

ONE HUNDRED AND SIXTEENTH LEGISLATURE

FIRST REGULAR SESSION

December 2, 1992 to July 14, 1993

THE GENERAL EFFECTIVE DATE FOR

FIRST REGULAR SESSION

NON-EMERGENCY LAWS IS

OCTOBER 13, 1993

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

J.S. McCarthy Company
Augusta, Maine
1993

PUBLIC LAWS
OF THE
STATE OF MAINE

AS PASSED AT THE
FIRST REGULAR SESSION

of the
ONE HUNDRED AND SIXTEENTH LEGISLATURE

1993

D. Two members of the public who demonstrate knowledge and support of the harness racing industry;

E. One member of the commission; and

F. Two persons recommended by the statewide association of standard horse breeders and owners.

One-third of the initial appointments must be for a one-year term; 1/3 for a 2-year term and the final 3rd for a 3-year term. Subsequent appointments must be made for 3-year terms. Board members shall annually elect a chair from among the membership by majority vote.

3. Powers and duties. The board shall develop and implement plans to promote harness racing in the State. To achieve this purpose, the board may make contracts with any agency, corporation or other entity.

4. Staff; facilities. The board is located within the Department of Agriculture, Food and Rural Resources. That department shall provide staff to the board as needed.

5. Expenses. Members of the board are not entitled to reimbursement for expenses.

6. Fund created. The Harness Racing Promotional Fund is established in the Department of Agriculture, Food and Rural Resources to carry out the purposes of this section. The fund consists of all amounts dedicated to it in section 275-L and all other funds donated to or otherwise obtained by the board or the department for use of the Harness Racing Promotional Board. Money in the fund is subject to allocation by the Legislature. Unexpended balances in the fund at the end of the fiscal year may not lapse, but must be carried forward to be used for the same purpose.

7. Report. By February 15th of each year, the board shall report to the joint standing committee of the Legislature having jurisdiction over agricultural matters on the activities of the board and expenditures from the fund.

Sec. 11. Allocation. The following funds are allocated from Other Special Revenue to carry out the purposes of this Act.

	1993-94	1994-95
AGRICULTURE, FOOD AND RURAL RESOURCES, DEPARTMENT OF		
State Harness Racing Commission		
All Other	\$554,504	\$1,071,257

Provides for the allocation of funds for the operating costs of the Harness Racing Promotional Board and for certain other accounts administered by the State Harness Racing Commission.

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

Effective June 17, 1993.

CHAPTER 389

S.P. 467 - L.D. 1459

An Act to Regulate the Use of the Title of Certified Interior Designer

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

Sec. 1. 3 MRSA §927, sub-§8, ¶B, as amended by PL 1993, c. 92, §5, is further amended to read:

B. Independent agencies:

- (1) Real Estate Commission;
- (2) Maine Athletic Commission;
- (3) State Claims Commission;
- (4) Board of Examiners on Speech Pathology and Audiology;
- (5) Maine State Board for Licensure of Architects and Landscape Architects and Interior Designers;
- (6) State Board of Barbers;
- (7) State Board of Cosmetology;
- (8) Manufactured Housing Board;
- (9) State Board of Substance Abuse Counselors;
- (10) State Board of Licensure for Professional Foresters;
- (11) State Board of Certification for Geologists and Soil Scientists;
- (12) Board of Examiners in Physical Therapy;

- (13) Oil and Solid Fuel Board;
- (14) Plumbers' Examining Board;
- (15) State Board of Funeral Service; and
- (16) Board of Hearing Aid Dealers and Fitters.

Sec. 2. 5 MRSA §12004-A, sub-§4, as enacted by PL 1987, c. 786, §5, is amended to read:

4. Maine State \$35/Day 32 MRSA §211
Board for Licensure of
Architects ~~and~~, Landscape
Architects ~~and~~ Interior
Designers

Sec. 3. 10 MRSA §8001, sub-§32-A, as repealed and replaced by PL 1991, c. 548, Pt. B, §1, is amended to read:

32-A. Maine State Board for Licensure of Architects, Landscape Architects and Interior Designers. Licensure of Architects ~~and~~, Landscape Architects ~~and~~ Interior Designers, Maine State Board for;

Sec. 4. 32 MRSA c. 3-A, first 2 lines are repealed and the following enacted in their place:

CHAPTER 3-A

ARCHITECTS, LANDSCAPE ARCHITECTS AND INTERIOR DESIGNERS

Sec. 5. 32 MRSA §211, first ¶, as amended by PL 1991, c. 396, §3, is further amended to read:

The Maine State Board for Licensure of Architects ~~and~~, Landscape Architects ~~and~~ Interior Designers, established by Title 5, section 12004-A, subsection 4, referred to in this chapter as the "board," shall administer this chapter. The board consists of 9 11 members appointed by the Governor: Five must be licensed and practicing architects, one of whom may be a professor of architecture; 2 must be licensed and practicing landscape architects; 2 must be certified and practicing interior designers and 2 must be representatives of the public.

Sec. 6. 32 MRSA §212, as amended by PL 1991, c. 396, §5, is further amended to read:

§212. Qualifications for members

Each member of the board must be a citizen of the United States, a resident of this State and in the case of architect ~~or~~, landscape architect ~~or~~ interior designer members must be currently licensed ~~or~~ certified by the State and have engaged in the independent practice of architecture ~~or~~, landscape architecture ~~or~~ interior design in

the State for at least 5 years immediately prior to appointment. The member who may be a professor of architecture in ~~any~~ a college or university of this State shall must have combined experience in practice and teaching of not less than 5 years, at least 2 of which must have been in the active practice of architecture as a profession.

Sec. 7. 32 MRSA §213, as amended by PL 1987, c. 395, Pt. A, §109, is further amended to read:

§213. Meetings; chair; quorum

The board shall meet at least once a year to conduct its business and to elect its officers. Additional meetings ~~shall~~ may be held as necessary to conduct the business of the board and may be convened at the call of the ~~chairman~~ chair or a majority of the board members.

The board shall annually elect a ~~chairman~~ chair and a secretary. ~~Five~~ Seven members of the board ~~shall~~ constitute a quorum for all purposes. ~~No~~ A license ~~or~~ certificate may not be issued, except in an affirmative vote of at least 5 7 members of the board.

Sec. 8. 32 MRSA §214, sub-§2, as amended by PL 1987, c. 395, Pt. A, §110, is further amended to read:

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

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

Sec. 9. 32 MRSA §216, as amended by PL 1991, c. 396, §8, is further amended to read:

§216. Records

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

The board shall keep a register of all licensees and certificate holders, which must be available at cost to all persons.

Sec. 10. 32 MRSA §218, last ¶, as amended by PL 1987, c. 395, Pt. A, §114, is further amended to read:

The board may suspend or revoke a license or certificate pursuant to Title 5, section 10004. The board may refuse to renew or the Administrative Court may revoke, suspend or refuse to renew any license or certificate issued under this chapter if the holders of the license or certificate have violated any provision of this chapter or any rule or order of the board.

Sec. 11. 32 MRSA c. 3-A, sub-c. II, first 3 lines are repealed and the following enacted in their place:

SUBCHAPTER II

REGULATION OF ARCHITECTS, LANDSCAPE ARCHITECTS AND INTERIOR DESIGNERS

Sec. 12. 32 MRSA §220-B is enacted to read:

§220-B. Use of the title “interior designer”; qualifications; grandfathering

1. Use of title. A person may not use the title “certified interior designer” unless certified under this chapter. This chapter does not prohibit a person from providing interior design services or from using the title “interior designer.”

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

A. “Certified interior designer” means an interior designer who has been certified by the board in accordance with this chapter.

B. “Interior designer” means an individual who provides or offers to provide interior design services.

C. “Interior design services” means services that do not require the services of a licensed architect or engineer and that involve the preparation of working drawings, plans and specifications relative to building elements that are not necessary for the structural stability and mechanical and electrical integrity of the construction.

2. Qualifications. The following are the qualifications for certification as an interior designer.

A. Except as otherwise provided in this chapter, each applicant for registration must provide to the

board proof of passage of the examination administered by the National Council for Interior Design Qualification or its successor organization or an equivalent examination as specified by the board.

B. In addition to proof of passage of the examination, the applicant must provide substantial evidence to the board that the applicant:

(1) Is a graduate of a 5-year interior design program from an accredited institution and has completed at least one year of diversified and appropriate interior design experience;

(2) Is a graduate of a 4-year interior design program from an accredited institution and has completed at least 2 years of diversified and appropriate interior design experience;

(3) Has completed at least 3 years of an interior design curriculum from an accredited institution and has completed 3 years of diversified and appropriate interior design experience; or

(4) Is a graduate of a 2-year interior design program from an accredited institution and has completed 4 years of diversified and appropriate interior design experience.

3. Accreditation. All interior design programs must be accredited by the Foundation of Interior Design Education Research, or its successor organization, or be determined by the board to be substantially equivalent to the accredited program.

4. Grandfathering. A person who applies for certification and remits the application and appropriate fees within 1 1/2 years after the effective date of this section must be certified by the board without taking the written examination if:

A. The applicant has previously passed the examination of the National Council for Interior Design Qualification, or its successor organization, or an equivalent examination approved by the board; or

B. The applicant has satisfactory evidence of having used or been identified by the title “interior designer” and has a combination of interior design education and diversified and appropriate experience totaling 6 years; except that if the interior designer has one year or less of interior design education, then 2 years of interior design experience acceptable to the board may be substituted for each year of interior design education required. A person is considered to have used or been identified by the title “interior designer” if the person

demonstrates to the satisfaction of the board that the person was either self-employed as an interior designer or, in the course of regular employment, rendered or offered to render to another person interior design services. In addition, the applicant must have passed the codes portion of the examination of the National Council for Interior Design Qualification, or its successor organization, or an equivalent examination approved by the board.

5. Repeal. Subsection 2, paragraph B, subparagraphs (3) and (4) are repealed 6 years after the effective date of this section.

Sec. 13. 32 MRSA §221, as amended by PL 1987, c. 395, Pt. A, §117, is further amended to read:

§221. Examinations

Examinations for licensure as an architect or landscape architect shall and for certification as a certified interior designer must be held by the board at least once each year, ~~provided that if~~ applications have been received during the time announced. The board shall make all necessary rules ~~and regulations~~, in accordance with the Maine Administrative Procedure Act, Title 5, section 8051, et seq., governing the time, place and method of giving and grading examinations, shall publish appropriate announcements and shall conduct examinations at the time designated for all applicants who desire to be licensed as an "architect" or "landscape architect" or to be certified as a "certified interior designer" and to engage in performing the functions of an architect ~~or~~ landscape architect ~~or certified interior designer~~. The board ~~shall have~~ has the power to provide a reasonable division into classes of the various applicants and the examination to be taken in each class. Examinations shall consist of such technical and professional subjects and oral questioning as the board may from time to time prescribe. The rules for the manner in which examinations are conducted and the content of the examination ~~shall~~ must be adopted in accordance with the Maine Administrative ~~Procedures~~ Procedure Act, Title 5, section 8051, et seq.

Sec. 14. 32 MRSA §222, as amended by PL 1991, c. 396, §§12 to 16, is further amended to read:

§222. Fees

For the purpose of defraying the expenses of the board; and as required for carrying out this chapter, the following fees and penalties ~~shall~~ must be paid.

1. Application for licensure and certification. For an application for licensure and certification, an amount must be fixed by the board that is reasonable and necessary for its purpose.

2. Examination fee. For an examination fee, an amount ~~shall~~ must be fixed by the board ~~which that~~ is reasonable and necessary for its purpose.

3. License; certification; resident. For a license or certification for a resident or nonresident by transfer of license from another state or country, an amount must be fixed by the board that may not exceed \$200.

5. Renewal. For the annual renewal of a license or certification, an amount must be fixed by the board that may not exceed \$100.

6. Reissuance. For the reissuance of a lapsed or suspended license or certification, an amount must be fixed by the board that may not exceed \$100.

All fees must accompany applications and no part of these fees may be refunded, except such parts as may be provided under the rules of the board to be refunded when no license or certification is issued. The board shall adopt a fee schedule and refund policy by rules adopted in accordance with the Maine Administrative Procedure Act, Title 5, section 8051, et seq.

Sec. 15. 32 MRSA §§223-B, 224-A and 225-A are enacted to read:

§223-B. Certification by reciprocity

A certificate may be issued by the board without further examination requirements for an individual who provides proof of passage of the examination administered by the National Council for Interior Design Qualification, or its successor organization, or an equivalent exam as determined by the board or who is licensed or certified as an interior designer in another state if that state's requirements are substantially equivalent to those required for a certificate in the State.

§224-A. Certificate; expiration and renewal

1. Certificate. The board shall issue a certificate upon payment of the fee provided for in this chapter to an applicant who, in the opinion of the board, has satisfactorily met all the requirements of this chapter. The certificate must identify the individual as a "certified interior designer," show the full name of the registrant and have a certification number.

The issuance of a certificate by the board is evidence that the person named in the certificate is entitled to all the rights and privileges of a certified interior designer while the certificate remains unrevoked or unexpired.

2. Expiration and renewal. Certificates expire on the last day of December of odd-numbered years following their issuance or renewal and become invalid on that date unless renewed or on another date as the Commis-

sioner of Professional and Financial Regulation determines. The board shall notify every person certified under this chapter of the date of the expiration of that person's certificate and the amount of the fee that is required for its renewal for a 2-year period, except that, when the applicant has become certified during the 2nd year of the 2-year period, the registration fee is for the remaining one year of that 2-year period. The notice must be mailed at least one month in advance of the date of the expiration of the certificate. Renewal may be effected at any time after receipt of notice by the payment of a renewal fee established by the board. Certification 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 certification 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 the renewal application is made within 3 years from the date of the expiration.

§225-A. Certified signature

1. Signature required. A drawing plan, specification or report prepared or issued by a certified interior designer and being filed for public record must bear the signature of the interior designer who prepared or approved the document, accompanied by a certification that the signer is certified under this chapter, by the person's certification number and by the date on which the signature was affixed.

2. Competency. A certified interior designer may not sign a plan, specification, drawing or other document that depicts work that the person is not competent or certified to perform.

3. Supervising control. A certified interior designer may not affix a signature to a plan, specification or other document that was not prepared by that person or under that person's responsible supervising control or by another interior designer and reviewed, approved or modified and adopted by the person as that person's own work according to the rules adopted by the board.

4. Document standards. Studies, drawings, specifications and other related documents prepared by a certified interior designer in providing interior design services must be of a sufficiently high standard to clearly and accurately indicate all essential parts of the work to which they refer.

Sec. 16. 32 MRSA §226, sub-§1, ¶¶G and H, as enacted by PL 1991, c. 396, §21, are amended to read:

G. The preparation of details and shop drawings, or job-specific interpretations of technical submissions by architects, by persons other than architects, for use in connection with the execution of their work; ~~and~~

H. Employees of those practicing lawfully as architects under this chapter from acting under the instructions, control or supervision of their employers; and

Sec. 17. 32 MRSA §226, sub-§1, ¶I is enacted to read:

I. A person who is qualified under this chapter to use the title "certified interior designer" from performing any interior design services.

Sec. 18. 32 MRSA §226, sub-§2, ¶C, as amended by PL 1991, c. 874, §3, is further amended to read:

C. Alterations, renovations or remodeling of a building when the cost of the work contemplated by the design does not exceed 15% of the assessed value of the building or \$50,000, whichever is the lesser, or does not require the issuance of a permit under applicable building codes or when the work involves those structures as provided in paragraphs A, B, F, G and H or when the work involves interior design services performed by a certified interior designer; and

Sec. 19. Allocation. The following funds are allocated from Other Special Revenues to carry out the purposes of this Act.

1993-94

PROFESSIONAL AND FINANCIAL REGULATION, DEPARTMENT OF

Maine State Board for Licensure of Architects, Landscape Architects and Interior Designers

All Other	\$1,000
Provides an allocation for the additional costs of regulating interior designers.	

See title page for effective date.

CHAPTER 390

H.P. 879 - L.D. 1193

An Act to Increase the Availability of Funding for Health Care

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

Sec. 1. 22 MRSA §2052, as amended by PL 1991, c. 50, §1, is further amended to read: