

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE
ONE HUNDRED AND SIXTEENTH LEGISLATURE

SECOND REGULAR SESSION

January 5, 1994 to April 14, 1994

THE GENERAL EFFECTIVE DATE FOR
SECOND REGULAR SESSION
NON-EMERGENCY LAWS IS
JULY 14, 1994

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

set out in ~~section 12228~~, subsection 3, and a master's degree conferred by a college or university approved by the board and one year of experience, then only one year of experience in that practice or its equivalent is required. To the extent the applicant's experience is as an auditor engaged in the examination of financial statements for the Department of Audit or as a revenue agent or similar position engaged in the examination of personal and corporate income tax returns for the Bureau of Taxation, the applicant ~~shall receive~~ receives credit at the rate of 50% toward the experience required by this subsection. To the extent the applicant's experience is as an examiner engaged in financial examinations for the Bureau of Insurance, the applicant receives credit under this subsection if that experience meets the following standards:

A. Examinations are performed in conformity with the Examiners' Handbook published by the National Association of Insurance Commissioners;

B. Working papers prepared by the examiners are in conformity with generally accepted auditing standards and are subject to a review by a supervisor who must be a certified public accountant;

C. Written reports of examination are prepared in conformity with the Examiners' Handbook published by the National Association of Insurance Commissioners. All examiners working on the examinations must participate in the preparation of the report;

D. Reports of examination are prepared in accordance with statutory accounting principles. All examiners working on the examinations must participate in the preparation of the financial statements and corresponding note disclosures; and

E. All examiners assigned to an examination must participate in the planning of the examination and the planning phase conforms to the Examiners' Handbook and generally accepted auditing standards.

See title page for effective date, unless otherwise indicated.

CHAPTER 635

S.P. 705 - L.D. 1902

An Act Regarding Registration for the Provision of Substance Abuse Counseling Services

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

Sec. 1. 32 MRSA §6206, sub-§5, as enacted by PL 1991, c. 456, §11, is amended to read:

5. Other licensed professionals. Nothing in this chapter may prevent any other licensed ~~counseling professional person in the field of medicine, psychology, nursing, social work or professional counseling~~ who is qualified to provide substance abuse counseling services by virtue of the requirements for that profession from engaging in or offering substance abuse counseling services if such a person does not profess to be providing the primary service of a substance abuse counselor as the sole professional service rendered by that person. These professionals may not be required to obtain additional certification in order to provide substance abuse counseling services as permitted by this subsection.

See title page for effective date.

CHAPTER 636

H.P. 1400 - L.D. 1909

An Act to Allow for Reciprocal Licensure for Electricians in the State

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

Whereas, there are certain electricians living in Maine who are licensed in other states and unable to obtain a Maine license; and

Whereas, the inability to obtain a license has created a major financial hardship for these electricians; 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. 32 MRSA §1153, as amended by PL 1987, c. 735, §52, is further amended to read:

§1153. Meetings; rules

The board shall hold regular meetings at least twice a year. 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 4 of the board members. At the first meeting in each calendar year, the 6 appointive members shall choose one appointive member to act as ~~chairman~~ chair. A quorum of the board ~~shall consist~~ consists of not less than 4 members. The board shall keep correct records of all its proceedings ~~and~~; may adopt, pursuant to the Maine Administrative Procedure Act, Title 5, chapter 375, subchapter II, ~~such rules as it shall deem~~ determines necessary for the holding of examinations and for carrying out this chapter; ~~provide for the licensing requirements of Title 8, section 653; and shall provide for reciprocity of licensing with similar boards of other states which maintain electrical standards at least equal to those of this State as required to implement section 1206. Reciprocal licenses shall not be denied on the basis of current residency.~~

Sec. 2. 32 MRSA §1206 is enacted to read:

§1206. Reciprocity

The board shall issue a license to any person who files a sworn application, who is licensed under the laws of another state or territory of the United States and who has been licensed and actively engaged in an electrician's work for a minimum of 6 years, as long as that state or territory has licensing standards and experience requirements at least equivalent to this State's and as long as that state or territory grants similar privileges to persons licensed under this chapter. Reciprocal licenses may not be denied on the basis of current residency.

Notwithstanding other provisions of this section, the board, upon receiving an application for a reciprocal license, may waive the 576 hours of study required for a journeyman or master license pursuant to section 1202. The board may require the applicant to submit such written evidence, verified by oath, as it determines necessary to support the application.

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

Effective April 7, 1994.

CHAPTER 637

H.P. 1414 - L.D. 1924

An Act to Improve Licensing Procedures at the Bureau of Insurance

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

Whereas, the licensing division within the Bureau of Insurance is responsible for licensing and monitoring activities in connection with licenses for approximately 8,000 insurance agents, 1,000 insurance brokers, 1,000 insurance adjusters and 800 insurers; and

Whereas, the responsibilities of the licensing division over the past few years have escalated due to an increase in regulatory oversight and complexity of insurance entities and due to an increase in the numbers of nonresident applicants; and

Whereas, the licensing division has been unable to control the increased workload without working overtime and hiring temporary employees; and

Whereas, the Bureau of Insurance is implementing a plan that necessitates law changes to improve the efficiency of the process; and

Whereas, the improved system will reduce the backlog of work and provide better service to the regulated community while maintaining adequate consumer protection; 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. 24-A MRSA §413, sub-§§9 and 10, as enacted by PL 1969, c. 132, §1, are amended to read:

9. If a life or health insurer, a copy of the insurer's rate book and of each form of policy currently proposed to be issued in this State, and of the form of application therefor; or

10. If an alien insurer, a copy of the appointment and authority of its United States manager, certified by its officer having custody of its records; ;

Sec. 2. 24-A MRSA §413, sub-§§11 and 12, as enacted by PL 1969, c. 132, §1, are repealed.

Sec. 3. 24-A MRSA §428, sub-§1-A is enacted to read:

1-A. Notwithstanding subsection 1, this section does not apply to application fees, examination fees, issuance fees, appointment fees, renewal fees and any other licensing fees associated with agent licenses, broker licenses, consultant licenses, adjuster licenses,