

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

Sec. 39. 29 MRSA §2709, sub-§1-A, ¶Q, as amended by PL 1991, c. 793, §12 and affected by §13, is further amended by amending subparagraph (7) to read:

(7) "For-profit car pooling and van pooling" means the business of organizing and operating a car pooling or van pooling system. In this context, "car pools and van pools" means any vehicle used in a continuing form of prearranged commuter transportation by a relatively fixed group of 15 persons or fewer for travel between their places of residence and their places of employment. The operation of for-profit car pools and van pools must be incidental to the livelihood or employment of the owner or operators. The business of organizing and operating a car pooling or van pooling system, including the selection and approval of cars, vans and drivers, the fixing and collection of fees, the establishment of routes and the provision of backup transportation, is exempt from rules under this chapter, except for sections 2707 and 2711; ~~provided that the owner's name, the list of equipment and proof of adequate insurance coverage, as determined by the Secretary of State, is filed with the Secretary of State prior to commencing operation; and~~

Sec. 40. 29 MRSA §2712, first ¶, as amended by PL 1987, c. 781, §12 and 15, is further amended to read:

Each holder of a permit from the Secretary of State under this chapter shall file with the Secretary of State ~~or the base state~~, in writing, an appointment of a resident of this State to be its true and lawful agent, representative or attorney upon whom all lawful processes may be served, and who may be required to appear in court on behalf of the carrier with the same legal force and validity as if the carrier were in court. The written assent of the resident agent, representative or attorney ~~shall~~ must be filed with the Secretary of State ~~or the base state~~ and ~~shall~~ be is valid until revoked.

Sec. 41. Allocation. The following funds are allocated from the Highway Fund to carry out the purposes of this Act.

1994-95

SECRETARY OF STATE, DEPARTMENT OF

Administration - Motor Vehicles

Positions - Legislative Count	(2.0)
Personal Services	\$65,214

Provides for the allocation of funds for two Clerk Typist II positions necessary to handle the increased workload associated with the immediate issuance of titles.

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

Effective April 12, 1994.

CHAPTER 659

S.P. 720 - L.D. 1942

An Act to Clarify and Make Technical Changes to Various Professional Licensing Board Laws

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

PART A

Sec. A-1. 32 MRSA §63-A, sub-§1, as amended by PL 1991, c. 341, §3, is further amended to read:

1. Membership. The Nursing Home Administrators Licensing Board, as established by Title 5, section 12004-A, subsection 23, consists of ~~8~~ 7 members appointed by the Governor. The members must be citizens of the United States and residents of this State. ~~One member must be a hospital administrator with not less than 5 years of active practice in the State as a hospital administrator.~~ One member must be a registered nurse with not less than 5 years of active practice in nursing homes in the State. Two members must be representatives of the public. Three members must be administrators of nursing homes with not less than 5 years of active experience in the State. One member must be an administrator of an intermediate care facility for the mentally retarded with not less than 5 years of active practice in that capacity.

Sec. A-2. 32 MRSA §1102, sub-§8 is enacted to read:

8. Gas installers. A person duly licensed under chapter 33 or chapter 49 when installing natural gas utilization equipment, subject to the restrictions of that person's license.

Sec. A-3. 32 MRSA §1203, 2nd ¶, as amended by PL 1983, c. 204, §3, is further amended to read:

Applications for a first examination ~~shall~~ must be received by the board at least 15 days prior to a scheduled meeting of the board. ~~Any person failing to pass his first such examination shall be reexamined at any subsequent meeting of the board, within one year of such first examination again as often as necessary; upon timely payment of an additional examination fee of 1/2 of the regular application fee as set forth in this section and thereafter shall be examined as often as he may desire, upon payment of the full application fee for each examination.~~ An applicant who has failed the examination shall be reexamined at any subsequent meeting of the board, within one year of such first examination again as often as necessary; upon timely payment of an additional examination fee of 1/2 of the regular application fee as set forth in this section and thereafter shall be examined as often as he may desire, upon payment of the full application fee for each examination.

Sec. A-4. 32 MRSA §1660-A, sub-§2, as amended by PL 1983, c. 413, §82, is further amended to read:

2. Membership. Members of the board ~~shall~~ must be residents of the State. The board ~~shall consist~~ consists of ~~5~~ the following 9 members: five licensed hearing aid dealers and fitters, one licensed physician, one licensed audiologist, one member of the Maine Committee on Aging, and one representative of the public. Each hearing aid dealer and fitter on the board shall must have had not less than 5 years of experience and ~~shall~~ must hold a valid license as a hearing aid dealer and fitter, as provided under this chapter.

Sec. A-5. 32 MRSA §2351, first ¶, as amended by PL 1989, c. 503, Pt. B, §135, is further amended to read:

~~An~~ The Oil and Solid Fuel Board, as established by Title 5, section 12004-A, subsection 27, and in this chapter called the "board," ~~shall consist~~ consists of the Commissioner of Professional and Financial Regulation or a representative appointed by the commissioner, the Commissioner of Public Safety or a representative and ~~5~~ 6 other members, called in this chapter the "appointive members," who ~~shall be~~ are appointed by the Governor.

Sec. A-6. 32 MRSA §2351, 2nd ¶, as amended by PL 1983, c. 413, §117, is further amended to read:

Three of the appointive members ~~shall~~ must be oil burner technicians who are active in the trade. One of the members ~~shall~~ must have at least 5 years' experience and the other 2 members ~~shall~~ must have at least 10 years' experience as ~~such oil burner technicians~~ oil burner technicians. Nominees for appointment of the oil burner technician members may be recommended to the Governor by the Maine Oil Dealers Association. One of the appointive members ~~shall~~ must be a represen-

tative of the solid fuel burning industry ~~and, one shall~~ must be a representative of the public and one must be a manufacturer, importer or wholesaler or a designee of a manufacturer, importer or wholesaler of the type of equipment requiring product registration pursuant to section 2312.

Sec. A-7. 32 MRSA §5017, as amended by PL 1987, c. 395, Pt. A, §189, is repealed and the following enacted in its place:

§5017. Reciprocity

A person who is not a resident and has no established place of business in the State or who has recently become a resident in the State may be granted a license by reciprocity if:

1. Licensed as forester. That person is licensed as a forester in that person's home state or country;

2. Equivalent requirements for licensure. That person's home state or country has substantially equivalent requirements for licensure; and

3. Same rules of reciprocity observed. That person's home state or country observes the same rules of reciprocity in regard to persons licensed under this chapter.

The board shall determine whether the requirements for licensure from another state or country are equivalent to the requirements for licensure in this State.

Sec. A-8. 32 MRSA §7060, as amended by PL 1987, c. 769, Pt. A, §122, is further amended to read:

§7060. Expiration and renewals

Licenses ~~shall~~ expire biennially on December 31st or at such other times as the Commissioner of Professional and Financial Regulation may designate. Biennial fees for renewal of ~~license shall~~ licenses must be set by the board in an amount not to exceed those amounts specified in section 7056 and ~~shall be~~ are due and payable biennially on or before the first day of January. License renewal fees for certified social workers ~~shall be~~ are the same as those for licensed master social workers. ~~Every 2nd~~ Each renewal ~~shall be~~ is contingent upon evidence of participation in a continuing professional education course or program as approved by the board. A license 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 renewal date ~~shall be~~ is subject to all requirements governing new applicants under this chapter, except

that the board may in its discretion, giving due consideration to the protection of the public, waive examination if the renewal application is made within 2 years from the date of the expiration.

The board shall adopt rules that provide by regulation that a person licensed under this chapter may, upon written request, be placed in an inactive status. Reasons for granting inactive status shall include, but are not be limited to, changes in occupation, residence and health. The payment of fees shall must be suspended during the term of inactive status. The board shall also adopt rules by which a person in an inactive status may be reinstated. A person may be reinstated to active status by notifying the commissioner and by paying the fees for the year of reinstatement if the requirements set by the board are met.

The board shall notify every person licensed under this chapter of the date of expiration of his that person's license and the fee required for its renewal for a 2-year period. The notice shall must be mailed to the person's last known address at least 30 days in advance of the expiration date of the license.

Sec. A-9. 32 MRSA §12403, sub-§1-A is enacted to read:

1-A. Acupuncture intern. "Acupuncture intern" means an acupuncture student enrolled in an acupuncture internship program approved by the Acupuncture Licensing Board that involves practical training, including needle insertion on human subjects.

Sec. A-10. 32 MRSA §12404, sub-§1-A, as enacted by PL 1989, c. 307, §2, is amended to read:

1-A. Licensure required. ~~No~~ A person may not practice acupuncture or make representation to the public as an acupuncturist in this State unless that person holds a current and valid license from the board, except that a student of acupuncture who has completed at least one year of full-time study in a board-approved acupuncture school may practice acupuncture in a board-approved internship program. The student must be supervised by an instructor who is a licensed acupuncturist in the State. The student must be identified as an acupuncture intern when in a clinical setting.

Sec. A-11. 32 MRSA §13903, sub-§2, as amended by PL 1993, c. 29, §1, is further amended to read:

2. Rules. The board may, in accordance with procedures established by the Maine Administrative Procedure Act, Title 5, chapter 375, adopt rules necessary for the proper performance of its duties and the administration of this chapter. ~~The board may not~~

~~adopt rules requiring a specific program of continuing education to qualify for relicensure.~~

Sec. A-12. 32 MRSA §13908, sub-§4 is enacted to read:

4. Continuing education. An applicant for license renewal as a professional land surveyor shall present evidence of having completed 12 hours of professional development in the previous biennium. This section does not apply to a person 65 years of age or older who practices less than 160 hours a year. Credit for development hours may be earned as follows.

A. Six hours must be in surveying practice or in courses in at least one of the following areas:

(1) General business administration or management;

(2) Land use regulation;

(3) Other related land use fields, including, but not limited to, civil or environmental engineering, site evaluation for septic system design, soils, landscape architecture, geology, forestry, title examination and insurance, and other legal issues related to real estate;

(4) Computer application skills or programming;

(5) Communication, including, but not limited to, speech and technical writing; or

(6) Other subject matters the understanding of which appreciably aids a land surveyor in the performance of professional duties.

B. One hour of professional development may be earned for every 900 hours of survey practice during the past biennium and one hour may be earned for each 3 years of full-time surveying practice as a registered or licensed surveyor during the time preceding the past biennium.

C. The applicant may acquire professional development credit through the following professional activities.

(1) Credit may be earned by membership and participation in surveying organizations as follows.

(a) Membership in a surveying organization entitles the licensee to one credit hour.

(b) Holding a leadership position in a surveying organization entitles the licensee to an additional credit hour per biennium.

(c) Active participation in an active committee of a surveying organization entitles the licensee to an additional credit hour.

(d) Chairing an active committee of a surveying organization entitles the licensee to an additional credit hour.

(e) Attendance at a minimum of 50% of the general membership meetings of a surveying organization entitles the licensee to an additional credit hour.

(2) The licensee is entitled to 1 credit hour for membership in other associations, societies, boards or clubs related to a subject matter described in paragraph A.

(3) A licensee is entitled to one credit hour for each article, column or other significant work relevant to subject matter described in subsection 4, paragraph A that is published in a professional journal, magazine or other similar publication. Credit hours for works written by multiple authors must be divided pro rata.

The board may waive requirements of this section in cases of undue hardship and may accept for credit worthy professional development activities not specified in this section. The board shall adopt any rules necessary to implement this section.

The provisions of this section must be reviewed by the joint standing committee of the Legislature having jurisdiction over business legislation matters by March 1, 1999.

This section is repealed March 1, 1999.

Sec. A-13. 32 MRSA §14202, sub-§12 is enacted to read:

12. Tanning device. "Tanning device" means any equipment that emits electromagnetic radiation with wavelengths in the air between 200 and 400 nanometers and is used for tanning of human skin, including a sunlamp, tanning booth or tanning bed.

Sec. A-14. 32 MRSA §14224, sub-§2-A is enacted to read:

2-A. Operation of tanning device; public access. An establishment in which a tanning device

is operated on the effective date of this subsection is not required to partition off the working area of the establishment or maintain a separate entrance in order to provide public access to the tanning device. If such an establishment undergoes a material alteration or adds more tanning devices, then the establishment may be prohibited from providing public access to the tanning device through the working area.

Sec. A-15. Effective date. Sections A-11 and A-12 of this Act take effect January 1, 1995.

PART B

Sec. B-1. 10 MRSA §8002, sub-§4, as repealed and replaced by PL 1975, c. 767, §9, is amended to read:

4. Review. Review the functions and operation of bureaus, boards and commissions within or affiliated with the department to ~~assure~~ ensure that overlapping functions and operations are eliminated and that each complies fully with its statutory and public service responsibilities; and

Sec. B-2. 10 MRSA §8003, sub-§1, as amended by PL 1987, c. 609, §1, is further amended to read:

1. Division of Administrative Services. There is created a Division of Administrative Services, which ~~shall constitute~~ is a division within the department, to provide assistance to the commissioner and to the agencies within or affiliated with the department in civil service matters, budgeting and financial matters, purchasing, and clerical and support services, and to perform ~~such~~ other duties as the commissioner ~~may designate~~ designates. The commissioner may employ a Director of Administrative Services and ~~such~~ clerical and technical assistants ~~as are~~ necessary to discharge the duties of the division; and shall outline their duties and fix their compensation, subject to the Civil Service Law.

A. Within the Division of Administrative Services, there ~~shall be~~ is a computer services section. It ~~shall be~~ is the responsibility of the computer services section to process and issue original and renewal licenses for the department and for ~~those~~ bureaus, boards and commissions within the department as the commissioner ~~may direct~~ directs. The licenses ~~shall may~~ be processed and issued only upon authorization of the appropriate bureau, board or commission; or upon the authorization of the commissioner in the case of ~~those~~ licenses granted directly by the department. The computer services section shall maintain a central register containing the name and address of each person or firm licensed by

profession, occupation or industry and such other information as the commissioner may direct for administration, information or planning purposes. The commissioner, with the advice of the respective bureaus, boards and commissions, may determine the type and form of licenses issued by all agencies within the department. The computer services section shall perform such other administrative services for the agencies within the department as the commissioner ~~may direct~~ directs.

Sec. B-3. 10 MRSA §8003, sub-§6, as repealed and replaced by PL 1983, c. 553, §13, is amended to read:

6. Funding. The commissioner may assess each internal bureau, board or commission served by the Division of Administrative Services or by the Division of Licensing and Enforcement its reasonable share of an amount sufficient to cover the cost of operating the divisions. The commissioner may assess any board affiliated with the department for the services the board receives from the department.

Sec. B-4. 32 MRSA §1075, last ¶, as enacted by PL 1977, c. 604, §14, is amended to read:

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

Sec. B-5. 32 MRSA §1076, as amended by PL 1985, c. 748, §42, is further amended to read:

§1076. Budget

The board shall submit to the Commissioner of Professional and Financial Regulation its budgetary requirements in the same manner as is provided in Title 5, section 1665, and the commissioner shall in turn transmit these requirements to the Bureau of the Budget without any revision, alteration or change, unless alterations are mutually agreed upon by the department and the board or the board's designee. The budget submitted by the board to the commissioner must be sufficient to enable the board to comply with this subchapter.

Sec. B-6. 32 MRSA §1308, 4th ¶, as amended by PL 1983, c. 758, §5, is further amended to read:

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

Sec. B-7. 32 MRSA §1308, last ¶, as corrected by RR 1993, c. 1, §83, is amended to read:

The board shall submit to the Commissioner of Professional and Financial Regulation its budgetary requirements in the same manner as is provided in Title 5, section 1665. The budget submitted by the board to the commissioner must be sufficient to enable the board to comply with this subchapter.

Sec. B-8. 32 MRSA §2153, sub-§10-A, as enacted by PL 1977, c. 604, §21, is amended to read:

10-A. Liaison; limitations. The commissioner shall act as a liaison between the board and the Governor.

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

Sec. B-9. 32 MRSA §2153, sub-§10-B, as amended by PL 1985, c. 748, §42, is further amended to read:

10-B. Budget. The board shall submit to the Commissioner of Professional and Financial Regulation its budgetary requirements in the same manner as is provided in Title 5, section 1665, and the commissioner shall in turn transmit these requirements to the Bureau of the Budget without any revision, alteration or change, unless alterations are mutually agreed upon by the department and the board or the board's designee. The budget submitted by the board to the commissioner must be sufficient to enable the board to comply with this subchapter.

Sec. B-10. 32 MRSA §2418, last ¶, as repealed and replaced by PL 1977, c. 604, §22, is amended to read:

The commissioner ~~shall not have the authority to may not~~ exercise or interfere with the exercise of

discretionary, regulatory or licensing authority granted by statute to the board. The commissioner may require the board to be accessible to the public for complaints and questions during regular business hours and to provide any information the commissioner requires in order to ensure that the board is operating administratively within the requirements of this chapter.

Sec. B-11. 32 MRSA §2418-A, as amended by PL 1985, c. 748, §42, is further amended to read:

§2418-A. Budget

The board shall submit to the Commissioner of Professional and Financial Regulation its budgetary requirements in the same manner as is provided in Title 5, section 1665, and the commissioner shall in turn transmit these requirements to the Bureau of the Budget without any revision, alteration or change, unless alterations are mutually agreed upon by the department and the board or the board's designee. The budget submitted by the board to the commissioner must be sufficient to enable the board to comply with this subchapter.

Sec. B-12. 32 MRSA §2563, last ¶, as repealed and replaced by PL 1977, c. 604, §24, is amended to read:

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

Sec. B-13. 32 MRSA §2563-A, as amended by PL 1985, c. 748, §42, is further amended to read:

§2563-A. Budget

The board shall submit to the Commissioner of Professional and Financial Regulation its budgetary requirements in the same manner as is provided in Title 5, section 1665, and the commissioner shall in turn transmit these requirements to the Bureau of the Budget without any revision, alteration or change, unless alterations are mutually agreed upon by the department and the board or the board's designee.

Sec. B-14. 32 MRSA §3269, sub-§13, as enacted by PL 1977, c. 604, §29, is amended to read:

13. Liaison; limitation. The commissioner shall act as a liaison between the board and the Governor.

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

Sec. B-15. 32 MRSA §3269, sub-§14, as amended by PL 1985, c. 748, §42, is further amended to read:

14. Budget. The board shall submit to the Commissioner of Professional and Financial Regulation its budgetary requirements in the same manner as is provided in Title 5, section 1665, and the commissioner shall in turn transmit these requirements to the Bureau of the Budget without any revision, alteration or change, unless alterations are mutually agreed upon by the department and the board or the board's designee.

Sec. B-16. 32 MRSA §3271, sub-§2, as amended by PL 1989, c. 5, §2, is further amended to read:

2. Postgraduate training. Each applicant who has graduated from an accredited medical school on or after January 1, 1970 is required to have satisfactorily completed at least 24 months in a graduate educational program approved by the Accreditation Council on Graduate Medical Education, the Canadian Medical Association or the Royal College of Physicians and Surgeons of Canada. Each applicant who has graduated from an accredited medical school prior to January 1, 1970, is required to have satisfactorily completed at least 12 months in a graduate educational program approved by the Accreditation Council on Graduate Medical Education, the Canadian Medical Association or the Royal College of Physicians and Surgeons of Canada. Each applicant who has graduated from an unaccredited medical school is required to have satisfactorily completed at least 36 months in a graduate educational program approved by the Accreditation Council on Graduate Medical Education, the Canadian Medical Association, the Royal College of Physicians and Surgeons of Canada or ~~approved by an accrediting body which the board considers an equivalent of the accrediting bodies~~ the Royal Colleges of Physicians of England, Ireland or Scotland. Notwithstanding this subsection, any applicant who is board certified in family practice and who graduated prior to July 1, 1974, is board certifiable, board certified or board eligible in emergency medicine and who graduated prior to July 1, 1982, ~~shall be~~ is deemed to meet the postgraduate training requirements of this subsection.

Sec. B-17. 32 MRSA §§3604 and 3606, as amended by PL 1985, c. 748, §42, are further amended to read:

§3604. Reports; liaison; limitations

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

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

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

§3606. Budget

The board shall submit to the Commissioner of Professional and Financial Regulation its budgetary requirements in the same manner as is provided in Title 5, section 1665, and the commissioner shall in turn transmit these requirements to the Bureau of the Budget without any revision, alteration or change, unless alterations are mutually agreed upon by the department and the board or the board's designee. The budget submitted by the board to the commissioner must be sufficient to enable the board to comply with this subchapter.

See title page for effective date.

CHAPTER 660

H.P. 1279 - L.D. 1727

**An Act Concerning Rights of People
Who Are in Default of Child
Support Payment**

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

Sec. 1. 19 MRSA §305, sub-§2, ¶¶E and F, as enacted by PL 1993, c. 410, Pt. V, §4, are amended to read:

E. If the department certifies the obligor to a board for noncompliance with a court order of support, the board must revoke the obligor's license and refuse to issue or reissue a license until the obligor provides the board with a release from the department that states the obligor is in compliance with the obligor's support order. A revocation by an agency or a refusal by an agency to reissue, renew or otherwise extend the license or certificate of authority is deemed a final determination within the meaning of Title 5, section 10002; ~~and~~

F. If the obligor files a motion to modify support with the court or requests the department to amend a support obligation established by an administrative decision, the department shall stay action to certify the obligor to any board for noncompliance with a court order of support; and

Sec. 2. 19 MRSA §305, sub-§2, ¶G is enacted to read:

G. The obligor can come into compliance with a court order of support by:

(1) Paying current support;

(2) Paying all past-due support or, if unable to pay all past-due support and a periodic payment for past-due support has not been ordered by the court, by making periodic payments in accordance with a written payment agreement with the department; and

(3) Meeting the obligor's health insurance obligation.

Sec. 3. 19 MRSA §305, sub-§3, as enacted by PL 1993, c. 410, Pt. V, §4, is amended to read:

3. Administrative hearing. An obligor may request an administrative hearing upon service of the notice described in subsection 2. The request for hearing must be made in writing and must be received by the department within 20 days of service. The department shall conduct hearings under this subsection in accordance with the requirements of Title 5, chapter 375, subchapter IV. The issues that may be ~~considered~~ determined at hearing are limited to whether the obligor is required to pay child support under a court or administrative order and whether the obligor is in compliance with a court order of support, although the obligor may raise additional issues, including the reasonableness of a payment agreement in light of the obligor's current circumstances, to be preserved for appeal.