

# MAINE STATE LEGISLATURE

The following document is provided by the  
**LAW AND LEGISLATIVE DIGITAL LIBRARY**  
at the Maine State Law and Legislative Reference Library  
<http://legislature.maine.gov/lawlib>



Reproduced from electronic originals  
(may include minor formatting differences from printed original)

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

**AS PASSED BY THE**  
**ONE HUNDRED AND SEVENTEENTH LEGISLATURE**

**FIRST REGULAR SESSION**  
**December 7, 1994 to June 30, 1995**

**THE GENERAL EFFECTIVE DATE FOR**  
**FIRST REGULAR SESSION**  
**NON-EMERGENCY LAWS IS**  
**SEPTEMBER 29, 1995**

**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**  
**1995**

Allocates funds for the continuation of the Groundfish Hatchery Fund for fiscal year 1995-96.

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

Effective June 30, 1995.

**CHAPTER 397**

**H.P. 1102 - L.D. 1549**

**An Act to Create Uniformity in Laws Governing Various Professional Licensing Boards and Commissions**

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

**Sec. 1. 9-A MRSA §6-116, sub-§2,** as enacted by PL 1985, c. 763, Pt. A, §51, is amended to read:

2. Financial information not normally available to the public that is submitted in confidence by an applicant for a license individual or organization to comply with the licensing, registration or other regulatory functions of the administrator; and

**Sec. 2. 10 MRSA c. 901** is amended by repealing the chapter headnote and enacting the following in its place:

**CHAPTER 901**

**DEPARTMENT OF PROFESSIONAL AND FINANCIAL REGULATION**

**Sec. 3. 10 MRSA §8001, first ¶,** as repealed and replaced by PL 1991, c. 548, Pt. B, §1, is amended to read:

There is created and established the Department of Professional and Financial Regulation, in this chapter referred to as the "department," to regulate financial institutions, insurance companies, commercial sports, grantors of consumer credit and to license and regulate professions and occupations. The department is composed of the following ~~bureaus, boards and commissions:~~

**Sec. 4. 10 MRSA §8001, sub-§§1 to 3,** as repealed and replaced by PL 1991, c. 548, Pt. B, §1, are amended to read:

**1. Bureau of Banking.** Bureau of Banking;  
~~Bureau of;~~

**2. Bureau of Consumer Credit Protection.** Bureau of Consumer Credit Protection;  
~~Bureau of;~~

**3. Bureau of Insurance.** Bureau of Insurance;  
~~Bureau of;~~

**Sec. 5. 10 MRSA §8001, sub-§§4 to 22,** as repealed and replaced by PL 1991, c. 548, Pt. B, §1, are repealed.

**Sec. 6. 10 MRSA §8001, sub-§22-A,** as enacted by PL 1993, c. 600, Pt. A, §6, is repealed.

**Sec. 7. 10 MRSA §8001, sub-§§23 to 32,** as repealed and replaced by PL 1991, c. 548, Pt. B, §1, are repealed.

**Sec. 8. 10 MRSA §8001, sub-§32-A,** as amended by PL 1993, c. 389, §3, is repealed.

**Sec. 9. 10 MRSA §8001, sub-§33,** as amended by PL 1993, c. 600, Pt. A, §7, is repealed.

**Sec. 10. 10 MRSA §8001, sub-§§35 to 36,** as repealed and replaced by PL 1991, c. 548, Pt. B, §1, are repealed.

**Sec. 11. 10 MRSA §8001, sub-§§37 and 38** are enacted to read:

**37. Real Estate Commission.** Real Estate Commission; and

**38. Division of Licensing and Enforcement.** Division of Licensing and Enforcement. The Division of Licensing and Enforcement is composed of the following:

A. Board of Accountancy;

B. Acupuncture Licensing Board;

C. Arborist Examining Board;

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

E. Maine Athletic Commission;

F. Board of Licensing of Auctioneers;

G. Board of Barbering and Cosmetology;

H. Board of Chiropractic Licensure;

I. Board of Commercial Driver Education;

J. Board of Counseling Professionals Licensure;

K. Board of Licensing of Dietetic Practice;

L. Electricians' Examining Board;

M. State Board of Licensure for Professional Foresters;

N. State Board of Funeral Service;

O. State Board of Certification for Geologists and Soil Scientists;

P. Board of Hearing Aid Dealers and Fitters;

Q. Board of Licensure for Professional Land Surveyors;

R. Manufactured Housing Board;

S. Nursing Home Administrators Licensing Board;

T. Board of Occupational Therapy Practice;

U. Oil and Solid Fuel Board;

V. Board of Commissioners of the Profession of Pharmacy;

W. Board of Examiners in Physical Therapy;

X. Maine State Pilotage Commission;

Y. Plumbers' Examining Board;

Z. Board of Licensure of Podiatric Medicine;

AA. State Board of Examiners of Psychologists;

BB. Radiologic Technology Board of Examiners;

CC. Board of Real Estate Appraisers;

DD. Board of Respiratory Care Practitioners;

EE. State Board of Social Worker Licensure;

FF. Board of Examiners on Speech Pathology and Audiology;

GG. State Board of Substance Abuse Counselors; and

HH. State Board of Veterinary Medicine.

The Division of Licensing and Enforcement also has the following regulation functions: licensure of athletic trainers; registration of massage therapists; registration of persons pursuant to the Charitable Solicitations Act; and registration of transient sellers, including door-to-door home repair transient sellers.

**Sec. 12. 10 MRSA §8003, sub-§2,** as amended by PL 1987, c. 609, §2, is further amended to read:

## **2. Division of Licensing and Enforcement.**

There is created a Division of Licensing and Enforcement, which ~~shall constitute~~ constitutes a division within the department, to provide assistance to the commissioner and to ~~direct the agencies boards and commissions~~ direct the agencies boards and commissions within the ~~department~~ division, as set forth in section 8001, subsection 38, in complaint procedure and investigation, disciplinary actions and enforcement, ~~and in~~ examinations and licensing examinations, and to perform such other duties as the commissioner may designate. The commissioner may employ a ~~Director~~ Regulatory Board Administrator of Licensing and Enforcement 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. The division has the following powers, duties and functions:

B. To prepare and administer, with the advice of the boards and commissions, budgets necessary to carry out the regulatory functions of the boards and commissions. There is one divisional budget that includes a separate account for each board or commission. The division has the authority to disapprove expenditures by boards and commissions that are not necessary to protect the public health and welfare or would seriously jeopardize a board's or commission's fiscal well-being; and

C. To provide all staffing necessary and appropriate to assist the various boards and commissions. All clerks, technical support staff and supervisors must be assigned to the division and allocated to the various boards and commissions according to need.

**Sec. 13. 10 MRSA §9003, sub-§5,** as amended by PL 1993, c. 642, §10, is repealed.

**Sec. 14. 30-A MRSA §3962, sub-§1, ¶B-1,** as enacted by PL 1993, c. 59, §2, is amended to read:

B-1. The terms of redemption or repurchase, including any reduction in the finance charge for early redemption or repurchase and the right of the consumer to at least one extension of ~~31 days~~ one month at the same rate of interest upon request in writing or in person; and

**Sec. 15. 30-A MRSA §3963, sub-§5,** as enacted by PL 1993, c. 59, §3, is amended to read:

**5. Extension required upon request.** A consumer is entitled to at least one extension of the pawn transaction of ~~31 days~~ one month at the same rate of interest upon request in writing or in person.

**Sec. 16. 32 MRSA §§60-B to 60-I** are enacted to read:

**§60-B. Compensation**

Members of a board or commission are entitled to compensation in accordance with Title 5, chapter 379. If the fees collected by a board or commission are insufficient to pay the compensation provided by Title 5, chapter 379, the members are entitled to a pro rata payment in any year in which those fees are insufficient.

**§60-C. Disposition of fees**

All money received by a board or commission must be paid to the Treasurer of State and credited to the account for that board or commission within the budget of the Division of Licensing and Enforcement.

Money received by a board or commission must be used for the expenses of administering its statutory responsibilities, including, but not limited to, the costs of conducting investigations, taking testimony and procuring the attendance of witnesses, the costs of all legal proceedings initiated for enforcement and administrative expenses.

Any balance of these fees may not lapse but must be carried forward as a continuing account to be expended for the same purposes in the following fiscal years.

**§60-D. Contracts**

A board or commission may enter into contracts to carry out its statutory responsibilities. The Department of Professional and Financial Regulation, Division of Licensing and Enforcement may enter into contracts in its own right, or on behalf of boards and commissions, in order to ensure the provision of goods and services necessary to fulfill statutory responsibilities.

**§60-E. Budget**

The budget account of a board or commission must be prepared and administered as provided in Title 10, section 8003.

**§60-F. Employees**

The Commissioner of Professional and Financial Regulation shall appoint, subject to the Civil Service Law, employees as may be necessary to carry out the duties and functions of the various boards and commissions. A person so employed must be located in the department, allocated to the Division of Licensing and Enforcement and under the administrative and supervisory direction of the commissioner.

**§60-G. Disciplinary actions**

**1. Filing of complaints.** A board or commission shall file complaints received from a person or

initiated by a board or commission with the Division of Licensing and Enforcement.

**2. Investigation of allegations of unlicensed practice; prosecution.** Allegations of unlicensed practice may be investigated by a board's or commission's complaint officer or inspector in conjunction with the division's case compliance coordinator. If sufficient evidence of unlicensed practice is uncovered, the evidence must be compiled and presented to the Department of the Attorney General or the local district attorney's office for prosecution.

**§60-H. Investigations; enforcement duties; assessments**

When there is a finding of a violation, a board or commission may assess the licensed person or entity for actual expenses incurred by the board, commission or its agents for investigations and enforcement duties performed.

"Actual expenses" include, but are not limited to, travel expenses and the proportionate part of the salaries and other expenses of investigators or inspectors, hourly costs of hearing officers not to exceed \$800, costs associated with record retrieval and the costs of transcribing or reproducing the administrative record.

The board or commission, as soon as feasible after finding a violation, shall give the licensee notice of the assessment. The licensee shall pay the assessment in the time specified by the board, which may not be less than 30 days.

**§60-I. Citations and fines**

Any board or commission may adopt by rule a list of violations for which citations may be issued by professional technical support staff. A violation may carry a fine not to exceed \$200. Citations issued by the Division of Licensing and Enforcement must expressly inform the licensee that the licensee may pay the fine or request a hearing before the board or commission regarding the violation.

**Sec. 17. 32 MRSA §63-A, sub-§§4 and 5,** as amended by PL 1993, c. 600, Pt. A, §28, are repealed.

**Sec. 18. 32 MRSA §63-A, sub-§6,** as amended by PL 1991, c. 341, §3, is repealed.

**Sec. 19. 32 MRSA §63-A, sub-§7,** as amended by PL 1993, c. 600, Pt. A, §28, is further amended to read:

**7. Reports; budget.** No later than August 1st of each year, the board shall submit to the commissioner a report of its transactions of the preceding fiscal year ending June 30th and shall transmit to the commis-

sioner a complete statement of all receipts and expenditures of the board, attested by affidavit of its chair. ~~The board shall submit to the commissioner its budgetary requirements in the same manner as provided in Title 5, section 1665.~~

**Sec. 20. 32 MRSA §63-B, sub-§7**, as enacted by PL 1985, c. 233, §6, is repealed.

**Sec. 21. 32 MRSA §213-A**, as amended by PL 1991, c. 396, §§6 and 7, is repealed.

**Sec. 22. 32 MRSA §214, sub-§3**, as enacted by PL 1983, c. 413, §6, is repealed.

**Sec. 23. 32 MRSA §217-B**, as amended by PL 1987, c. 395, Pt. A, §113, is repealed.

**Sec. 24. 32 MRSA §217-C**, as enacted by PL 1991, c. 396, §10, is repealed.

**Sec. 25. 32 MRSA §271-A**, as amended by PL 1985, c. 748, §31, is repealed.

**Sec. 26. 32 MRSA §501**, as amended by PL 1993, c. 600, Pt. A, §43, is further amended to read:

**§501. Membership; qualifications; term; removal**

The Board of Chiropractic Licensure, as established by Title 5, section 12004-A, subsection 8, and in this chapter called the "board," consists of 7 individuals appointed by the Governor. These individuals must be residents of this State, 5 of whom must be graduates of a legally chartered chiropractic school, college or university having the power to confer degrees in chiropractic and must be, at the time of their appointment, actively engaged in the practice of their profession for a period of at least 3 years in this State. Two members must be representatives of the public. Each appointment is for a period of 3 years. Appointments of members must comply with section 60. A member of the board may be removed from office for cause by the Governor. ~~Members of the board are entitled to compensation in accordance with the provisions of Title 5, chapter 379.~~

**Sec. 27. 32 MRSA §506**, as amended by PL 1993, c. 600, Pt. A, §47, is further amended to read:

**§506. License expiration**

~~The board shall submit to the Commissioner of Professional and Financial Regulation its budgetary requirements in the same manner as provided in Title 5, section 1665, and the commissioner shall in turn transmit these requirements to the Bureau of the Budget without revision or change.~~

~~With the advice of the board, the commissioner may appoint, subject to the Civil Service Law, employees necessary to carry out this chapter.~~

~~Employees must be located in the department and shall act under the administrative and supervisory direction of the commissioner.~~

All licenses expire ~~biennially~~ biennially, beginning on December 31, 1992 or at any other time the commissioner designates.

**Sec. 28. 32 MRSA §1151, last ¶**, as amended by PL 1991, c. 438, §1, is repealed.

**Sec. 29. 32 MRSA §1152, first ¶**, as amended by PL 1993, c. 220, §1, is further amended to read:

~~The Commissioner of Professional and Financial Regulation, with the advice and consent of the board, may appoint, subject to the Civil Service Law, such employees as may be necessary to carry out this chapter. At no time may there be fewer than 6 electrical inspectors to carry out the mandates of this chapter. The board shall raise funds as necessary to support the costs of its employees and their administrative support. Any person so employed must be located in the Department of Professional and Financial Regulation and under the administrative and supervisory direction of the Commissioner of Professional and Financial Regulation.~~

**Sec. 30. 32 MRSA §1154**, as amended by PL 1983, c. 553, §27, is repealed.

**Sec. 31. 32 MRSA §1451, 4th ¶**, as amended by PL 1983, c. 812, §206, is repealed.

**Sec. 32. 32 MRSA §1451, 5th ¶**, as amended by PL 1983, c. 553, §30, is further amended to read:

The board shall keep a record of all proceedings, issue all notices, certificates of registration and licenses and cause inspections to be made at least once every 3 years of all establishments or places of business of any person engaged in the profession of funeral service in the State. The inspection ~~shall~~ must be for the purpose of determining that these establishments and places are maintained in a clean and sanitary manner and that suitable equipment for their proper conduct is maintained and that the laws and the regulations of the board and of the Department of Human Services relating to the conduct of these establishments are observed. ~~The board may employ one or more inspectors to carry out the duties of inspection imposed by this section, and the~~ The inspection may be made by members of the board upon authorization by the board, and may otherwise enter into contracts to carry out its responsibilities ~~under this chapter or by professional technical staff.~~

**Sec. 33. 32 MRSA §1452-B**, as amended by PL 1981, c. 703, Pt. A, §47, is repealed.

**Sec. 34.** 32 MRSA §1453, as amended by PL 1967, c. 253, §3, is repealed.

**Sec. 35.** 32 MRSA §1660-B, sub-§6-A, as enacted by PL 1983, c. 413, §84, is repealed.

**Sec. 36.** 32 MRSA §1660-B, sub-§10, as amended by PL 1985, c. 785, Pt. B, §133, is repealed.

**Sec. 37.** 32 MRSA §1660-D, as corrected by RR 1993, c. 1, §86, is repealed.

**Sec. 38.** 32 MRSA §2001, last ¶, as repealed and replaced by PL 1983, c. 812, §215, is repealed.

**Sec. 39.** 32 MRSA §2002, sub-§4, as enacted by PL 1983, c. 413, §104, is repealed.

**Sec. 40.** 32 MRSA §2004, as amended by PL 1987, c. 735, §62, is repealed.

**Sec. 41.** 32 MRSA §2153-A, sub-§11, as enacted by PL 1993, c. 600, Pt. A, §123, is amended to read:

**11. Budget.** 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 or change, alteration or change, unless alterations are mutually agreed upon by the Department of Professional and Financial Regulation 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. 42.** 32 MRSA §2153-A, last ¶, as enacted by PL 1993, c. 600, Pt. A, §123, is repealed and the following enacted in its place:

The Commissioner of Professional and Financial Regulation shall act as a liaison between the board and the Governor. The commissioner 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. 43.** 32 MRSA §2273, sub-§4, as repealed and replaced by PL 1983, c. 862, §77, is repealed.

**Sec. 44.** 32 MRSA §2274, sub-§5, as enacted by PL 1983, c. 746, §2, is repealed.

**Sec. 45.** 32 MRSA §2275, sub-§2, as amended by PL 1985, c. 785, Pt. B, §134, is repealed.

**Sec. 46.** 32 MRSA §2275, sub-§3, as enacted by PL 1983, c. 746, §2, is repealed.

**Sec. 47.** 32 MRSA §2351, 5th ¶, as repealed and replaced by PL 1983, c. 812, §219, is repealed.

**Sec. 48.** 32 MRSA §2354, as amended by PL 1991, c. 198, §17, is repealed.

**Sec. 49.** 32 MRSA §3112, sub-§2, as amended by PL 1983, c. 812, §227, is further amended to read:

**2. Meetings.** The board shall meet at least once a year to conduct its business and to elect a ~~chairman~~ chair and a secretary, who ~~shall~~ shall serve for 2 years. Additional meetings ~~shall~~ must 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 keep ~~such~~ records and minutes as are necessary to the ordinary dispatch of its functions. ~~Members of the board shall be compensated according to the provisions of Title 5, chapter 379.~~

**Sec. 50.** 32 MRSA §3112, sub-§5, ¶I, as amended by PL 1983, c. 553, §46, is further amended to read:

I. To submit, no later than August 1st of each year to the Commissioner of Professional and Financial Regulation for the preceding fiscal year ending June 30th, an annual report of its operations and financial position together with such comments and recommendations as the board ~~deems~~ considers essential;

**Sec. 51.** 32 MRSA §3112, sub-§5, ¶J, as amended by PL 1985, c. 785, Pt. B, §137, is repealed.

**Sec. 52.** 32 MRSA §3112, sub-§5, ¶K, as enacted by PL 1983, c. 413, §131, is repealed.

**Sec. 53.** 32 MRSA §3119, as enacted by PL 1985, c. 389, §15, is repealed.

**Sec. 54.** 32 MRSA §3401, last ¶, as enacted by PL 1987, c. 597, §9, is amended to read:

Any member of the board may be removed from office for cause, by the Governor. ~~The members of the board shall each be compensated according to the provisions of Title 5, chapter 379.~~

**Sec. 55.** 32 MRSA §3402, first ¶, as amended by PL 1985, c. 785, Pt. B, §138, is repealed.

**Sec. 56.** 32 MRSA §3405, as amended by PL 1985, c. 389, §20, is repealed.

**Sec. 57. 32 MRSA §3603**, as amended by PL 1993, c. 600, Pt. A, §236, is repealed.

**Sec. 58. 32 MRSA §3605-B, sub-§5**, as enacted by PL 1993, c. 600, Pt. A, §239, is repealed.

**Sec. 59. 32 MRSA §3606**, as amended by PL 1993, c. 659, Pt. B, §17, is repealed.

**Sec. 60. 32 MRSA §3823**, as amended by PL 1985, c. 389, §21, is further amended to read:

#### **§3823. Grants**

~~All fees charged and collected by the board shall be deposited by it in the State Treasury to the credit of the board. The board may accept grants from foundations or institutions, which shall also. These grants must be deposited in the State Treasury to the credit of the board. All those moneys are appropriated to be used by the board in carrying out this chapter. The expenditures of the board may be paid only from those moneys. Any balance of these fees shall not lapse, but shall be carried forward as a continuing account to be expended for the same purposes in the following fiscal years.~~

**Sec. 61. 32 MRSA §3824, sub-§4**, as corrected by RR 1993, c. 1, §88, is repealed.

**Sec. 62. 32 MRSA §4855, 2nd ¶**, as enacted by PL 1975, c. 477, §4, is repealed.

**Sec. 63. 32 MRSA §4855, 3rd ¶**, as amended by PL 1985, c. 785, Pt. B, §141, is repealed.

**Sec. 64. 32 MRSA §4858**, as repealed and replaced by PL 1983, c. 812, §242, is repealed.

**Sec. 65. 32 MRSA §4907, sub-§3**, as repealed and replaced by PL 1983, c. 812, §244, is repealed.

**Sec. 66. 32 MRSA §4907, sub-§6**, as enacted by PL 1983, c. 413, §176, is repealed.

**Sec. 67. 32 MRSA §4908, 2nd ¶**, as repealed and replaced by PL 1979, c. 300, §3, is repealed.

**Sec. 68. 32 MRSA §4908, sub-§2**, as amended by PL 1987, c. 395, Pt. A, §176, is further amended to read:

**2. Reports.** 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 commissioner ~~deems~~ considers essential.

~~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.~~

**Sec. 69. 32 MRSA §4908, sub-§3**, as amended by PL 1987, c. 395, Pt. A, §177, is repealed.

**Sec. 70. 32 MRSA §5006**, as repealed and replaced by PL 1983, c. 812, §246, is repealed.

**Sec. 71. 32 MRSA §5009, sub-§4**, as enacted by PL 1983, c. 413, §189, is repealed.

**Sec. 72. 32 MRSA §5010**, as repealed and replaced by PL 1985, c. 389, §23, is repealed.

**Sec. 73. 32 MRSA §5011-B**, as amended by PL 1989, c. 450, §32, is repealed.

**Sec. 74. 32 MRSA §5011-C**, as amended by PL 1989, c. 450, §33, is repealed.

**Sec. 75. 32 MRSA §5018, 3rd ¶**, as amended by PL 1987, c. 395, Pt. A, §190, is further amended to read:

The board is empowered to designate a person or persons to investigate and report to it upon the charge. Such person or persons so designated ~~shall be reimbursed~~ are entitled to reimbursement for expenses in the same manner as prescribed for the board in ~~section 5010~~ this chapter and section 60-B.

**Sec. 76. 32 MRSA §6012**, as repealed and replaced by PL 1983, c. 812, §248, is repealed.

**Sec. 77. 32 MRSA §6013, sub-§5**, as enacted by PL 1983, c. 413, §202, is repealed.

**Sec. 78. 32 MRSA §6028, last ¶**, as enacted by PL 1975, c. 705, §4, is repealed.

**Sec. 79. 32 MRSA §6029**, as enacted by PL 1975, c. 705, §4, is amended to read:

#### **§6029. Notice**

The board shall publish, in an appropriate manner, the licensure standards prescribed by this chapter, any amendments ~~thereto~~ to those standards and such rules ~~and regulations~~ as it may promulgate ~~adopt~~ under the authority vested by section 6012 this chapter.

**Sec. 80. 32 MRSA §6211**, as amended by PL 1983, c. 812, §251, is repealed.

**Sec. 81. 32 MRSA §6212, sub-§5**, as enacted by PL 1977, c. 466, §2, is repealed.



**Sec. 82. 32 MRSA §6222**, as enacted by PL 1985, c. 389, §25, is repealed.

**Sec. 83. 32 MRSA §7028**, as repealed and replaced by PL 1987, c. 113, §1, is repealed.

**Sec. 84. 32 MRSA §7030, sub-§4**, as enacted by PL 1983, c. 413, §225, is repealed.

**Sec. 85. 32 MRSA §7061**, as repealed and replaced by PL 1985, c. 389, §26, is repealed.

**Sec. 86. 32 MRSA §9553-A, sub-§5**, as enacted by PL 1983, c. 413, §234, is repealed.

**Sec. 87. 32 MRSA §9554**, as repealed and replaced by PL 1983, c. 812, §255, is repealed.

**Sec. 88. 32 MRSA §9606**, as enacted by PL 1981, c. 456, Pt. A, §113, is repealed.

**Sec. 89. 32 MRSA §9703, sub-§4**, as amended by PL 1989, c. 503, Pt. B, §152, is repealed.

**Sec. 90. 32 MRSA §9704, sub-§5**, as enacted by PL 1985, c. 288, §3, is repealed.

**Sec. 91. 32 MRSA §9704, sub-§7**, as amended by PL 1985, c. 785, Pt. B, §145, is repealed.

**Sec. 92. 32 MRSA §9704, sub-§8**, as enacted by PL 1985, c. 288, §3, is repealed.

**Sec. 93. 32 MRSA §9853, sub-§4**, as repealed and replaced by PL 1985, c. 295, §49, is repealed.

**Sec. 94. 32 MRSA §9853, sub-§6, ¶¶H and I**, as enacted by PL 1983, c. 524, are amended to read:

H. To conduct hearings to assist with investigations and to determine whether grounds exist for suspension, revocation or denial of a license, 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 for any reason other than failure to pay a required fee, unless it has afforded the licensee an opportunity for an adjudicatory hearing. The board shall hold an adjudicatory hearing at the written request of any person who is denied a license 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 a 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; and

I. After hearing, to censure or proceed as provided in section 9860; ~~and~~.

**Sec. 95. 32 MRSA §9853, sub-§6, ¶J**, as enacted by PL 1983, c. 524, is repealed.

**Sec. 96. 32 MRSA §9862**, as enacted by PL 1983, c. 524, is repealed.

**Sec. 97. 32 MRSA §9903, sub-§4**, as enacted by PL 1985, c. 389, §28, is repealed.

**Sec. 98. 32 MRSA §9904, sub-§5**, as enacted by PL 1985, c. 389, §28, is repealed.

**Sec. 99. 32 MRSA §9905**, as amended by PL 1987, c. 313, §4, is repealed.

**Sec. 100. 32 MRSA §9911, sub-§2**, as enacted by PL 1985, c. 389, §28, is repealed.

**Sec. 101. 32 MRSA §11002, sub-§2**, as enacted by PL 1985, c. 702, §2, is amended to read:

**2. Conducting business in this State.** "Conducting business in this State" means the collection or attempted collection of a debt due another by a debt collector located in this State ~~or~~; the face-to-face solicitation of creditors in this State as clients; and the collection or attempted collection of their debts; by a debt collector, wherever located; or the collection or attempted collection of debts incurred between a consumer in this State and creditor in this State by a debt collector, wherever located.

**Sec. 102. 32 MRSA §12214, sub-§§2, 3, 5, 8 and 10**, as enacted by PL 1987, c. 489, §2, are repealed.

**Sec. 103. 32 MRSA §12406, sub-§5**, as enacted by PL 1987, c. 488, §3, is repealed.

**Sec. 104. 32 MRSA §12407, sub-§§5 and 6**, as enacted by PL 1987, c. 488, §3, are repealed.

**Sec. 105. 32 MRSA §12410, sub-§3**, as enacted by PL 1987, c. 488, §3, is repealed.

**Sec. 106. 32 MRSA §13504**, as enacted by PL 1987, c. 395, Pt. A, §212, is repealed.

**Sec. 107. 32 MRSA §13507, sub-§4**, as enacted by PL 1987, c. 395, Pt. A, §212, is repealed.

**Sec. 108. 32 MRSA §13716, sub-§3**, as enacted by PL 1987, c. 710, §5, is repealed.

**Sec. 109. 32 MRSA §13717**, as enacted by PL 1987, c. 710, §5, is repealed.

**Sec. 110. 32 MRSA §13719**, as enacted by PL 1987, c. 710, §5, is repealed.

**Sec. 111. 32 MRSA §13723, sub-§9**, as enacted by PL 1987, c. 710, §5, is repealed.

**Sec. 112. 32 MRSA §13731, sub-§6**, as enacted by PL 1987, c. 710, §5, is repealed.

**Sec. 113. 32 MRSA §13852, sub-§6**, as enacted by PL 1989, c. 465, §3, is repealed.

**Sec. 114. 32 MRSA §13853, sub-§§6, 7 and 9**, as enacted by PL 1989, c. 465, §3, are repealed.

**Sec. 115. 32 MRSA §13902, sub-§3**, as enacted by PL 1989, c. 346, §3, is repealed.

**Sec. 116. 32 MRSA §13903, sub-§§4, 5 and 7**, as enacted by PL 1989, c. 346, §3, are repealed.

**Sec. 117. 32 MRSA §13910, sub-§2**, as enacted by PL 1989, c. 346, §3, is repealed.

**Sec. 118. 32 MRSA §13967, sub-§§7 and 9**, as enacted by PL 1989, c. 806, §3, are repealed.

**Sec. 119. 32 MRSA §13968, sub-§§6, 7 and 9**, as enacted by PL 1989, c. 806, §3, are repealed.

**Sec. 120. 32 MRSA §14211, sub-§§3 and 4**, as enacted by PL 1991, c. 397, §6, are repealed.

**Sec. 121. 32 MRSA §14212, sub-§§5 and 7**, as enacted by PL 1991, c. 397, §6, are repealed.

**Sec. 122. 32 MRSA §14214**, as enacted by PL 1991, c. 397, §6, is repealed.

**Sec. 123. 32 MRSA §14238, sub-§2**, as enacted by PL 1991, c. 397, §6, is repealed.

**Sec. 124. 32 MRSA §14303**, as enacted by PL 1991, c. 403, §1, is repealed.

**Sec. 125. 38 MRSA §90-B**, as amended by PL 1983, c. 758, §15, is repealed and the following enacted in its place:

**§90-B. Budget**

The commission's budget must be prepared and administered as provided in Title 10, section 8003.

**Sec. 126. 38 MRSA §90-C** is enacted to read:

**§90-C. Employees**

The Commissioner of Professional and Financial Regulation may appoint employees as necessary, as provided in Title 32, section 60-F.

**Sec. 127. 38 MRSA §106**, as enacted by PL 1985, c. 389, §40, is repealed and the following enacted in its place:

**§106. Disposition of fees**

All money received by the commission must be paid to the Treasurer of State and credited to the account for the commission within the budget of the Division of Licensing and Enforcement within the Department of Professional and Financial Regulation.

Money received by the commission must be used for the expenses of administering its statutory responsibilities, including, but not limited to, the costs of conducting investigations, taking testimony and procuring the attendance of witnesses, the costs of all legal proceedings initiated for enforcement and administrative expenses.

Any balance of these fees may not lapse but must be carried forward as a continuing account to be expended for the same purposes in the following fiscal years.

**Sec. 128. Allocation.** The following funds are allocated from Other Special Revenue to carry out the purposes of this Act.

	1995-96	1996-97
<b>PROFESSIONAL AND FINANCIAL REGULATION, DEPARTMENT OF</b>		
<b>Accountancy - Board of</b>		
Positions - Other Count	(-1.0)	(-1.0)
Personal Services	(\$30,222)	(\$40,294)
All Other	(37,284)	(51,672)
<b>TOTAL</b>	<b>(\$67,506)</b>	<b>(\$91,966)</b>
Deallocation of funds to accomplish a funding transfer to the Division of Licensing and Enforcement.		
<b>Acupuncture Licensing Board</b>		
All Other	(\$2,078)	(\$2,853)
Deallocation of funds to accomplish a funding transfer to the Division of		

Licensing and Enforcement.

TOTAL (\$39,949) (\$47,777)

**Arborist Examining Board**

Personal Services (\$563) (\$750)  
 All Other (3,464) (4,699)  
 TOTAL (\$4,027) (\$5,449)

Deallocates funds to accomplish a funding transfer to the Division of Licensing and Enforcement.

**Commercial Driver Education**

Deallocates funds to accomplish a funding transfer to the Division of Licensing and Enforcement.

Personal Services (\$315) (\$420)  
 All Other (10,727) (14,490)  
 TOTAL (\$11,042) (\$14,910)

Deallocates funds to accomplish a funding transfer to the Division of Licensing and Enforcement.

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

Positions - Other Count (-1.0) (-1.0)  
 Personal Services (\$28,107) (\$37,143)  
 All Other (32,414) (46,124)  
 TOTAL (\$60,521) (\$83,267)

**Counseling Professionals Licensure - Board of**

Deallocates funds to accomplish a funding transfer to the Division of Licensing and Enforcement.

Positions - Other Count (-0.5) (-0.5)  
 Personal Services (\$17,231) (\$22,811)  
 All Other (24,627) (34,060)  
 TOTAL (\$41,858) (\$56,871)

Deallocates funds to accomplish a funding transfer to the Division of Licensing and Enforcement.

**Maine Athletic Commission**

Personal Services (\$1,500) (\$2,000)  
 All Other (5,146) (6,861)  
 TOTAL (\$6,646) (\$8,861)

**Electricians' Examining Board**

Deallocates funds to accomplish a funding transfer to the Division of Licensing and Enforcement.

Positions - Other Count (-8.0) (-8.0)  
 Personal Services (\$254,932) (\$339,995)  
 All Other (69,706) (92,908)  
 TOTAL (\$324,638) (\$432,903)

Deallocates funds to accomplish a funding transfer to the Division of Licensing and Enforcement.

**Barbering and Cosmetology - Board of**

Positions - Other Count (-7.0) (-7.0)  
 Personal Services (\$198,494) (\$262,904)  
 All Other (85,143) (116,151)  
 TOTAL (\$283,637) (\$379,055)

**Foresters - State Board of Licensure for**

Deallocates funds to accomplish a funding transfer to the Division of Licensing and Enforcement.

Personal Services (\$1,125) (\$1,500)  
 All Other (10,355) (14,186)  
 TOTAL (\$11,480) (\$15,686)

Deallocates funds to accomplish a funding transfer to the Division of Licensing and Enforcement.

**Chiropractic Licensure - Board of**

Positions - Other Count (-1.0) (-1.0)  
 Personal Services (\$24,511) (\$33,538)  
 All Other (10,438) (14,239)

**Funeral Service - State Board of**

Personal Services	(\$7,586)	(\$10,408)
All Other	(10,156)	(13,874)
<b>TOTAL</b>	<b>(\$17,742)</b>	<b>(\$24,282)</b>

Deallocates funds to accomplish a funding transfer to the Division of Licensing and Enforcement.

**Geologists and Soil Scientists - State Board of Certification for**

Personal Services	(\$735)	(\$980)
All Other	(1,882)	(2,583)
<b>TOTAL</b>	<b>(\$2,617)</b>	<b>(\$3,563)</b>

Deallocates funds to accomplish a funding transfer to the Division of Licensing and Enforcement.

**Hearing Aid Dealers and Fitters - Board of**

Personal Services	(\$3,780)	(\$5,040)
All Other	(5,446)	(7,458)
<b>TOTAL</b>	<b>(\$9,226)</b>	<b>(\$12,498)</b>

Deallocates funds to accomplish a funding transfer to the Division of Licensing and Enforcement.

**Land Surveyors - Board of Registration for**

Personal Services	(\$2,250)	(\$3,000)
All Other	(16,814)	(23,242)
<b>TOTAL</b>	<b>(\$19,064)</b>	<b>(\$26,242)</b>

Deallocates funds to accomplish a funding transfer to the Division of Licensing and Enforcement.

**Licensing of Auctioneers - Board of**

Personal Services	(\$1,350)	(\$1,800)
All Other	(4,545)	(6,089)
<b>TOTAL</b>	<b>(\$5,895)</b>	<b>(\$7,889)</b>

Deallocates funds to accomplish a funding transfer to the Division of Licensing and Enforcement.

**Licensing and Enforcement**

Positions - Other Count	(32.0)	(32.0)
Personal Services	\$999,701	\$1,331,735
All Other	685,022	935,926
<b>TOTAL</b>	<b>\$1,684,723</b>	<b>\$2,267,661</b>

Allocates funds to accomplish the consolidation of 35 professional regulatory board programs into one program. This funding transfer includes all operating costs and the following positions: one Clerk Typist III position from the Board of Accountancy; one Clerk Typist III position from the State Board for Licensure of Architects, Landscape Architects and Interior Designers; 2 Clerk Typist II positions, 2 Clerk Typist III positions, 2 Compliance Officer positions and one Case Compliance Coordinator position from the Board of Barbering and Cosmetology; one Clerk Typist II position from the Board of Chiropractic Licensure; 1/2 Clerk Typist II position from the Board of Counseling Professionals Licensure; one Clerk Typist II position, one Clerk Typist III position, 5 Electrical Inspector positions and one Senior Electrical Inspector position from the Electricians' Examining Board; 1/2 Clerk Typist II position, one Clerk Typist III position, one Manufactured Housing Inspector position and one Executive Director position from the Manufactured Housing Board; one Clerk Typist

III position, 2 Oilburner Inspector positions and one Senior Oilburner Inspector position from the Oil and Solid Fuel Board; one Clerk Typist II position, one Clerk Typist III position, one Plumbing Inspector position and one Senior Plumbing Inspector position from the Plumbers' Examining Board; and one Clerk Typist II position and one Clerk Typist III position from the State Board of Social Worker Licensure.

Personal Services	(\$1,050)	(\$1,400)
All Other	(1,877)	(2,574)
<b>TOTAL</b>	<b>(\$2,927)</b>	<b>(\$3,974)</b>

Deallocates funds to accomplish a funding transfer to the Division of Licensing and Enforcement.

**Oil and Solid Fuel Board**

Positions - Other Count	(-4.0)	(-4.0)
Personal Services	(\$124,977)	(\$168,017)
All Other	(25,043)	(34,254)
<b>TOTAL</b>	<b>(\$150,020)</b>	<b>(\$202,271)</b>

Deallocates funds to accomplish a funding transfer to the Division of Licensing and Enforcement.

**Licensing of Dietetic Practice - Board of**

Personal Services	(\$1,050)	(\$1,400)
All Other	(4,658)	(6,280)
<b>TOTAL</b>	<b>(\$5,708)</b>	<b>(\$7,680)</b>

Deallocates funds to accomplish a funding transfer to the Division of Licensing and Enforcement.

**Pharmacy - Board of Commissioners of the Profession of**

Personal Services	(\$2,940)	(\$3,920)
All Other	(37,279)	(50,904)
<b>TOTAL</b>	<b>(\$40,219)</b>	<b>(\$54,824)</b>

Deallocates funds to accomplish a funding transfer to the Division of Licensing and Enforcement.

**Manufactured Housing Board**

Positions - Other Count	(-3.5)	(-3.5)
Personal Services	(\$112,091)	(\$147,806)
All Other	(70,052)	(93,403)
<b>TOTAL</b>	<b>(\$182,143)</b>	<b>(\$241,209)</b>

Deallocates funds to accomplish a funding transfer to the Division of Licensing and Enforcement.

**Physical Therapy - Board of Examiners**

Personal Services	(\$1,125)	(\$1,500)
All Other	(11,423)	(15,847)
<b>TOTAL</b>	<b>(\$12,548)</b>	<b>(\$17,347)</b>

Deallocates funds to accomplish a funding transfer to the Division of Licensing and Enforcement.

**Nursing Home Administrators Licensing Board**

Personal Services	(\$2,205)	(\$2,940)
All Other	(7,743)	(10,660)
<b>TOTAL</b>	<b>(\$9,948)</b>	<b>(\$13,600)</b>

Deallocates funds to accomplish a funding transfer to the Division of Licensing and Enforcement.

**Maine State Pilotage Commission**

All Other	(\$482)	(\$659)
-----------	---------	---------

Deallocates funds to accomplish a funding transfer to the Division of Licensing and Enforcement.

**Occupational Therapists - Board of**

**Plumbers' Examining Board**

Positions - Other Count	(-4.0)	(-4.0)
Personal Services	(\$116,036)	(\$155,377)
All Other	(30,089)	(40,510)
<b>TOTAL</b>	<b>(\$146,125)</b>	<b>(\$195,887)</b>

Deallocates funds to accomplish a funding transfer to the Division of Licensing and Enforcement.

**Licensure of Podiatric Medicine - Board of**

Personal Services	(\$938)	(\$1,250)
All Other	(5,103)	(7,006)
<b>TOTAL</b>	<b>(\$6,041)</b>	<b>(\$8,256)</b>

Deallocates funds to accomplish a funding transfer to the Division of Licensing and Enforcement.

**Psychologists - Board of Examiners**

Personal Services	(\$4,523)	(\$5,670)
All Other	(20,378)	(28,235)
<b>TOTAL</b>	<b>(\$24,901)</b>	<b>(\$33,905)</b>

Deallocates funds to accomplish a funding transfer to the Division of Licensing and Enforcement.

**Radiologic Technology Board of Examiners**

All Other	(\$7,107)	(\$9,766)
-----------	-----------	-----------

Deallocates funds to accomplish a funding transfer to the Division of Licensing and Enforcement.

**Real Estate Appraisers - Board of**

Personal Services	(\$1,838)	(\$2,450)
All Other	(46,328)	(64,204)
<b>TOTAL</b>	<b>(\$48,166)</b>	<b>(\$66,654)</b>

Deallocates funds to accomplish a funding transfer to the Division of Licensing and Enforcement.

**Respiratory Care Practitioners - Board of**

Personal Services	(\$2,100)	(\$2,800)
All Other	(7,211)	(9,911)
<b>TOTAL</b>	<b>(\$9,311)</b>	<b>(\$12,711)</b>

Deallocates funds to accomplish a funding transfer to the Division of Licensing and Enforcement.

**Social Worker Licensure - State Board of**

Positions - Other Count	(-2.0)	(-2.0)
Personal Services	(\$51,319)	(\$68,212)
All Other	(57,780)	(79,805)
<b>TOTAL</b>	<b>(\$109,099)</b>	<b>(\$148,017)</b>

Deallocates funds to accomplish a funding transfer to the Division of Licensing and Enforcement.

**Speech Pathology and Audiology - Board of Examiners on**

Personal Services	(\$1,838)	(\$2,450)
All Other	(4,403)	(5,835)
<b>TOTAL</b>	<b>(\$6,241)</b>	<b>(\$8,285)</b>

Deallocates funds to accomplish a funding transfer to the Division of Licensing and Enforcement.

**Substance Abuse Counselors - State Board of**

All Other	(\$12,468)	(\$17,189)
-----------	------------	------------

Deallocates funds to accomplish a funding transfer to the Division of Licensing and Enforcement.

**Veterinary Medicine - State Board of**

Personal Services	(\$2,970)	(\$3,960)
All Other	(5,373)	(7,395)
<b>TOTAL</b>	<b>(\$8,343)</b>	<b>(\$11,355)</b>

Deallocates funds to accomplish a funding transfer to the Division of

Licensing and Enforcement.

**DEPARTMENT OF PROFESSIONAL AND FINANCIAL REGULATION**  
**TOTAL**

\$-0-                      \$-0-

**Sec. 129. Transition provisions.** All employees of the following boards are employees of the Department of Professional and Financial Regulation and allocated to the Division of Licensing and Enforcement: the Electricians' Examining Board; the State Board of Social Worker Licensure; the Manufactured Housing Board; the Board of Chiropractic Licensure; the Board of Barbering and Cosmetology; the State Board of Funeral Service; the Board of Counseling Professionals Licensure; the State Board for Licensure of Architects, Landscape Architects and Interior Designers; the Board of Accountancy; the Oil and Solid Fuel Board; and the Plumbers' Examining Board. The accrued fringe benefits of those employees, including vacation and sick leave, health and life insurance, seniority and retirement, remain with those employees.

See title page for effective date.

**CHAPTER 398**

**H.P. 1101 - L.D. 1548**

**An Act to Clarify and Amend Provisions of the Maine Insurance Code and Workers' Compensation Self-insurance**

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

**Whereas,** self-insurers may assume considerable expenses that may otherwise be avoided under the provisions contemplated by this legislation; and

**Whereas,** current requirements are cost-prohibitive for many self-insurers; and

**Whereas,** the law currently requires the Maine Self-Insurance Guarantee Association to assess all new members of the association for their respective contributions to the Maine Self-Insurance Guarantee Fund; and

**Whereas,** the association relies upon information concerning new members received from the Superintendent of Insurance in making these assessments; and

**Whereas,** the association makes its annual assessments in July of each year; and

**Whereas,** it is necessary for the Superintendent of Insurance to notify the association of new members in advance of the annual assessment date; 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 §2385-F** is enacted to read:

**§2385-F. Coverage denial**

Workers' compensation coverage may not be issued to an employer until the employer pays any undisputed premiums or assessments to a previous workers' compensation insurer, including a domestic mutual insurer established pursuant to section 3703, a group self-insurer approved pursuant to Title 39-A, section 403, subsection 4, or the workers' compensation residual market mechanism.

**Sec. 2. 39-A MRSA §403, sub-§3,** as amended by PL 1993, c. 510, §1, is repealed and the following enacted in its place:

**3. Proof of solvency and financial ability to pay; trust.** The employer may comply with this section by furnishing satisfactory proof to the Superintendent of Insurance of solvency and financial ability to pay the compensation and benefits, and depositing cash, satisfactory securities, irrevocable standby letters of credit issued by a qualified financial institution or a surety bond with the board, in such sum as the superintendent may determine pursuant to subsection 8, the bond to run to the Treasurer of State and to be conditional upon the faithful performance of this Act relating to the payment of compensation and benefits to any injured employee. In case of cash or securities being deposited, the cash or securities must be placed in an account at interest by the Treasurer of State, and the accumulation of interest on the cash or securities so deposited must be credited to the account and may not be paid to the employer to the extent that the interest is required to support any present value discounting in the determination of the amount of the deposit. Any security deposit must be held by the Treasurer of State in trust for the benefit of the self-insurer's employees for the purposes of making payments under this Act. If the superintendent determines that the self-insurer has experienced a deterioration in financial condition that adversely