

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE
ONE HUNDRED AND SEVENTEENTH LEGISLATURE

SECOND SPECIAL SESSION
September 5, 1996 to September 7, 1996

ONE HUNDRED AND EIGHTEENTH LEGISLATURE

FIRST REGULAR SESSION
December 4, 1996 to March 27, 1997

FIRST SPECIAL SESSION
March 27, 1997 to June 20, 1997

THE GENERAL EFFECTIVE DATE FOR
FIRST REGULAR SESSION
NON-EMERGENCY LAWS IS
JUNE 26, 1997

FIRST SPECIAL SESSION
NON-EMERGENCY LAWS IS
SEPTEMBER 19, 1997

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
1997

person may register a complaint of fraud, deceit, gross negligence, incompetency or misconduct against any licensee under this chapter. These complaints ~~shall~~ must be in writing, ~~and shall be sworn to by the person making them, and filed with the secretary treasurer of the board.~~

Sec. 11. 32 MRSA §1658-N, sub-§5, as repealed and replaced by PL 1983, c. 413, §80, is amended to read:

5. Negligence. Incompetence, negligence or neglect in the conduct of the practice of fitting and dealing in hearing aids, including, but not limited to, the improper fitting of a hearing aid, the sale of a hearing aid to a person with normal hearing, making an ear mold impression or fitting an ear mold without prior inspection of the external ear canal, making ear mold impression or fitting an ear mold after prior inspection revealed the presence of ~~debris or fluid,~~ or impacted, cerumen in the ear canal, failure to indicate the need for medical or audiological evaluation when the prospective purchaser's history reveals a probable risk of disease or progressive hearing impairment, the failure to make the required medical referrals, the incorrect reporting of hearing test results to any person, the failure to be present to fit the final hearing aid on the ear of the purchaser, and the tampering with a satisfactorily performing hearing aid owned by a purchaser or potential purchaser so as to cause that hearing aid to no longer perform correctly;

Sec. 12. 32 MRSA §1658-P is enacted to read:

§1658-P. Fees

The board may charge fees in the following categories in amounts not to exceed those specified in this section.

1. Application. The fee for an application is \$25.

2. Original dealer license. The fee for an original dealer license is \$185.

3. Original business license. The fee for an original business license is \$185.

4. Renewal of dealer or business license. The fee for a renewal of dealer or business license is \$185.

5. Trainee permit, including first examination. The fee for a trainee permit, including a first examination, is \$50.

6. Retake of practical examination. The fee for a retake of a practical examination is \$25.

Sec. 13. 32 MRSA §1659, 2nd ¶, as enacted by PL 1983, c. 413, §81, is amended to read:

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 written notice of the denial of ~~his~~ the applicant's application, the reasons 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. 14. 32 MRSA §1660-B, sub-§4, as enacted by PL 1981, c. 703, Pt. A, §73, is repealed.

Sec. 15. Allocation. The following funds are allocated from Other Special Revenue to carry out the purposes of this Act.

	1997-98	1998-99
PROFESSIONAL AND FINANCIAL REGULATION, DEPARTMENT OF		
Licensing and Enforcement		
All Other	\$625	\$625
Allocates additional funds for the Board of Hearing Aid Dealers and Fitters to cover additional examination costs.		

See title page for effective date.

CHAPTER 157

S.P. 62 - L.D. 172

An Act to Provide for Long-range Revenue Forecasts

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

Sec. 1. 5 MRSA §§1710-F and 1710-G, as enacted by PL 1995, c. 368, Pt. J, §1, are amended to read:

§1710-F. Duties of committee

1. Duties; use of economic assumptions. The committee shall develop current fiscal biennium and 2 ensuing fiscal ~~biennium~~ biennia revenue projections using the economic assumptions recommended by the Consensus Economic Forecasting Commission.

2. Biennial revenue projections. The committee shall submit recommendations for state revenue projections for the next 2 fiscal ~~biennium~~ biennia and analyze revenue projections for the current fiscal biennium, which must be approved by a majority of the committee members. No later than December 1st of each even-numbered year, the committee shall submit to the Governor, the Legislative Council, the joint standing committee of the Legislature having jurisdiction over appropriations and financial affairs and the State Budget Officer a report that presents the analyses, findings and recommendations for General Fund and Highway Fund revenue projections for the next 2 fiscal ~~biennium~~ biennia. In its report the committee shall fully describe the methodology employed in reaching its recommendations. Revenue projections for other funds of the State may be included in the report at the discretion of the committee.

3. Current and ensuing biennium adjustments. No later than March 1st and December 1st annually the committee shall submit to the Governor, the Legislative Council, the joint standing committee of the Legislature having jurisdiction over appropriations and financial affairs and the State Budget Officer a report that presents the analyses, findings and recommendations for adjustments to General Fund revenue and Highway Fund revenue for the current and ensuing fiscal ~~biennium~~ biennia. In each report the committee shall fully describe the methodology employed in reaching its recommendations. Revenue adjustments for other funds of the State may be included in the report at the discretion of the committee.

§1710-G. Use of revenue forecasts

The State Budget Officer shall consider the revenue projections recommended by the committee in setting revenue estimates in accordance with section 1665, subsection 3. The State Budget Officer shall use the revenue projections of the committee in preparing General Fund and Highway Fund revenue and expenditure forecasts in accordance with section 1664 and section 1665, subsection 7. If the State Budget Officer adjusts the revenue projections recommended by the committee in setting revenue estimates in accordance with section 1665, subsection 3, the State Budget Officer shall submit to the Governor, the Legislative Council and the joint standing committee of the Legislature having jurisdiction over appropriations and financial affairs a report that presents the analyses, findings and recommenda-

tions by revenue line and explains the variances from the revenue projections recommended by the committee.

See title page for effective date.

CHAPTER 158

H.P. 252 - L.D. 316

An Act to Establish a 30-day Temporary Sea Urchin and Scallop Diving Tender License

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

Sec. 1. 12 MRSA §6533, first ¶, as amended by PL 1995, c. 392, §1, is further amended to read:

~~The~~ Except as provided under subsection 3, the commissioner may not issue a sea urchin and scallop diving tender license under section 6535 or a scallop diving tender license under section 6536 to any person ~~for calendar year 1995 or later~~ unless that person has attended a safety training session offered under this section.

Sec. 2. 12 MRSA §6533, sub-§3 is enacted to read:

3. Requirement for 30-day license. The commissioner may issue a 30-day temporary sea urchin and scallop diving tender license under section 6535, subsection 2-A to a person if that person provides a current certificate documenting that the person has received training in cardiopulmonary resuscitation.

Sec. 3. 12 MRSA §6535, sub-§2-A is enacted to read:

2-A. Thirty-day temporary license. A person may be issued a 30-day temporary sea urchin and scallop diving tender license. A person may be issued a license only one time under this subsection. A license issued under this subsection may not be renewed.

Sec. 4. 12 MRSA §6535, sub-§3, as enacted by PL 1995, c. 392, §2, is amended to read:

3. Eligibility. A sea urchin and scallop diving tender license and a 30-day temporary sea urchin and scallop diving tender license may be issued only to an individual and ~~is a~~ are resident ~~license~~ licenses.

Sec. 5. 12 MRSA §6535, sub-§4, as enacted by PL 1995, c. 392, §2, is repealed and the following enacted in its place: