

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

2. Character references. Applicants must submit 2 completed character reference forms acceptable to the board.

3. Examination. Applicants for licensure as occupational therapists or occupational therapy assistants must pass an examination as provided for in section 2280-A.

4. Certification. Applicants, except those applying within 3 months of having taken the certification examination who have their examination scores sent directly to the board, must submit a verification of certification form, provided by either the board or NBCOT. All forms must be completed and signed by NBCOT.

5. Fee. Applicants must pay application and license fees according to this chapter.

6. Temporary license. Foreign-trained applicants must receive approval to sit for the examination from NBCOT in order to be eligible for a temporary license.

Sec. 13. 32 MRSA §2285, sub-§2, as enacted by PL 1983, c. 746, §2, is amended to read:

2. Disposal of fees. All fees received by the board shall must be paid to the Treasurer of State to be used for carrying out this chapter. Any balance of fees shall may not lapse but shall must be carried forward as a continuing account to be expended for the same purposes in the following fiscal years. All fees are nonrefundable.

Sec. 14. 32 MRSA §2286, sub-§2, ¶B, as enacted by PL 1983, c. 746, §2, is amended to read:

B. Unprofessional conduct. A licensee shall be deemed to have has engaged in unprofessional conduct if he the licensee violates any standard of professional behavior which has been established in the practice for which the licensee is licensed as defined by the Occupational Therapy Code of Ethics, as adopted by AOTA;

See title page for effective date.

CHAPTER 295

H.P. 285 - L.D. 349

**An Act to Modify the
Prequalification Laws to Allow the
Disqualification of Contractors for a
Time Not to Exceed One Year**

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

Sec. 1. 5 MRSA §1747, as amended by PL 1993, c. 324, §1, is further amended to read:

§1747. Questionnaire as prebid qualification

The public official may require, from any person a firm proposing to bid on public work duly advertised, a standard form of questionnaire and financial statement, containing a complete statement of the person's financial ability and experience in performing public work, qualification statement and a letter from a licensed bonding company confirming that the firm has the financial capacity to perform the work before furnishing that person with plans and specifications for the proposed public work advertised.

The Director of the Bureau of Public Improvements General Services, after consultation with the appropriate department head or superintendent of schools, may refuse to release plans and specifications to a contractor for the purpose of bidding on a project:

1. Untimely completion. If, in the opinion of the director, there is evidence the contractor has not completed in a timely manner a prior construction project or projects and the resulting noncompletion clearly reflects disregard for the completion date and has created a hardship for the owner;

2. Incomplete work. If, in the opinion of the director, that there is evidence the contractor has a history of inability to complete similar work;

3. Insufficient resources. If, in the opinion of the director, there is evidence the contractor does not have sufficient resources to successfully complete the work; or

4. Misconduct. If the contractor has been convicted of collusion or fraud or any other civil or criminal violation relating to construction projects.

If a contractor is disqualified for any of the reasons stated in subsection 1, 2 or 4, the director may disallow the contractor from bidding on any similar public improvements for a period not to exceed one year.

See title page for effective date.

CHAPTER 296

H.P. 1111 - L.D. 1554

**An Act to Eliminate Inconsistencies
and Unnecessary Duplication
Regarding the Training and
Certification of Individuals Who
Enforce Land Use Regulations**