

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 EIGHTEENTH LEGISLATURE

SECOND REGULAR SESSION
January 7, 1998 to March 31, 1998

SECOND SPECIAL SESSION
April 1, 1998 to April 9, 1998

THE GENERAL EFFECTIVE DATE FOR
SECOND REGULAR SESSION
NON-EMERGENCY LAWS IS
JUNE 30, 1998

SECOND SPECIAL SESSION
NON-EMERGENCY LAWS IS
JULY 9, 1998

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

sion of a building ~~shall be~~ is an expansion ~~which that~~ increases either the volume or floor area by 30% or more. This subsection is not intended to prohibit a municipal board of appeals from granting a variance, subject to the requirements of this article and Title 30-A, section 4353, nor is it intended to prohibit a less than substantial expansion of a legally existing nonconforming structure, ~~provided that~~ as long as the expansion does not create further nonconformity with the water setback requirement.

See title page for effective date.

CHAPTER 727

H.P. 1565 - L.D. 2198

**An Act to Implement the
Recommendations Relating to the
Review of the Department of
Professional and Financial
Regulation's Office of the
Commissioner, Office of Consumer
Credit Regulation and Office of
Licensing and Registration under the
State Government Evaluation Act**

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

PART A

Sec. A-1. 3 MRSA §959, sub-§1, ¶B, as enacted by PL 1995, c. 488, §2, is amended to read:

B. The joint standing committee of the Legislature having jurisdiction over banking and insurance matters shall use the following list as a guideline for scheduling reviews:

(1) State Employee Health Commission in 1999; and

(2) Department of Professional and Financial Regulation, in conjunction with the joint standing committee of the Legislature having jurisdiction over business and economic development matters, in 2007.

Sec. A-2. 3 MRSA §959, sub-§1, ¶C, as amended by PL 1995, c. 671, §§1 to 3 and PL 1997, c. 245, §19, is further amended by amending subparagraph (5) to read:

(5) Department of Professional and Financial Regulation, in conjunction with the joint standing committee of the Legislature having jurisdiction over banking and insurance matters, in 1997 2007;

Sec. A-3. 10 MRSA §8002, first ¶, as amended by PL 1995, c. 502, Pt. H, §9, is further amended to read:

The commissioner is the chief administrative officer of the department and is responsible for supervising the administration of the department. The commissioner is appointed by the Governor, subject to review by the joint standing committee of the Legislature having jurisdiction over ~~business and economic development~~ banking and insurance matters, and to confirmation by the Legislature. The commissioner serves at the pleasure of the Governor. As chief administrative officer of the department, the commissioner has the following duties and authority to:

Sec. A-4. 10 MRSA §8002, sub-§§7 and 8, as enacted by PL 1995, c. 502, Pt. H, §9, are amended to read:

7. Delegate authority. Authorize the heads of bureaus, offices, boards and commissions within the department to carry out the commissioner's duties and authority; ~~and~~

8. Adequate resources. Ensure that each bureau, office, board and commission has adequate resources to carry out regulatory functions and that the department's expenditures are equitably apportioned; and

Sec. A-5. 10 MRSA §8002, sub-§9 is enacted to read:

9. Licensing. Coordinate all administrative processes related to licensing functions of bureaus, offices, boards and commissions within the department, including but not limited to the frequency and form of applications and licenses.

PART B

Sec. B-1. 9-A MRSA §1-106, as amended by PL 1985, c. 819, Pt. A, §9, is repealed.

Sec. B-2. 9-A MRSA §1-301, sub-§14, ¶A, as amended by PL 1987, c. 396, §6, is further amended to read:

A. Except as provided in paragraph B, a "consumer loan" is a loan made by a person regularly engaged in the business of making loans in which:

(i) the debtor is a person other than an organization;

(ii) the debt is incurred primarily for a personal, family or household purpose;

(iii) either the debt is payable in ~~instalments~~ installments or a finance charge is made; and

(iv) ~~either the amount financed does not exceed \$25,000 or the debt is secured by manufactured housing or an interest in land for loans made by:~~

(a) A supervised financial organization, either the amount financed does not exceed \$25,000 or the debt is secured by manufactured housing or an interest in land; or

(b) A supervised lender other than a supervised financial organization, either the amount financed does not exceed \$35,000 or the debt is secured by manufactured housing or an interest in land.

Sec. B-3. 9-A MRSA §2-201, sub-§2, ¶A, as amended by PL 1985, c. 763, §21, is further amended to read:

A. The total of:

(i) 30% per year on that part of the unpaid balances of the amount financed ~~which that~~ is \$700 \$1,000 or less;

(ii) 21% per year on that part of the unpaid balances of the amount financed ~~which that~~ is more than \$700 \$1,000 but does not exceed ~~\$2,000~~ \$2,800; and

(iii) 15% per year on that part of the unpaid balances of the amount financed ~~which that~~ is more than \$2,000 \$2,800; or

Sec. B-4. 9-A MRSA §2-201, sub-§8, as amended by PL 1985, c. 763, Pt. A, §23, is repealed.

Sec. B-5. 9-A MRSA §2-302, sub-§2, ¶A, as amended by PL 1987, c. 129, §34, is further amended to read:

A. Every applicant shall also, at the time of filing such application, file with the administrator, if ~~he the administrator~~ so requires, a bond satisfactory to the administrator in an amount not to exceed \$25,000. The terms of the bond must run concurrent with the period of time during which the license will be in effect. The bond ~~shall must~~ run to the State for the use of the State and of any person or persons who may have a cause of action against the licensee under this Act. The bond ~~shall must~~ be conditional that the licensee will faithfully conform to and abide by the provisions of this Act and to all rules ~~and regulations~~ lawfully made by the administrator

hereunder and will pay to the State and to any such person or persons any and all amounts of money that may become due or owing to the State or to such person or persons from the licensee under and by virtue of this Act during the period for which the bond is given;

Sec. B-6. 9-A MRSA §2-307, sub-§2, as amended by PL 1985, c. 763, Pt. A, §27, is further amended to read:

2. With respect to a supervised loan in which the amount financed is ~~\$2,000~~ \$2,800 or less, a lender may not take a security interest in the principal residence of the consumer. This subsection does not apply when the lender holds a first mortgage on the residence at the time the loan is made or when the loan is made pursuant to an open-end credit plan involving a commitment to advance amounts in excess of ~~\$2,000~~ \$2,800. Notwithstanding Title 14, no judgment of foreclosure of a mortgage upon the principal residence of a consumer may be entered on account of the consumer's failure to repay supervised loans under an open-end credit plan, unless the consumer's outstanding balance described in section 8-205, subsection 2, paragraph I, has at some time exceeded ~~\$2,000~~ \$2,800 and the consumer has not paid the account in full subsequent to the date of the last periodic statement showing an outstanding balance in excess of ~~\$2,000~~ \$2,800.

Sec. B-7. 9-A MRSA §2-307, sub-§3, as amended by PL 1985, c. 763, Pt. A, §28, is repealed.

Sec. B-8. 9-A MRSA §2-308, sub-§1, as amended by PL 1985, c. 819, Pt. A, §11, is further amended to read:

1. Except as provided in section 3-308, supervised loans, not made pursuant to open-end credit and in which the amount financed is ~~\$700~~ \$1,000 or less and the principal of which is payable in more than a single payment, ~~shall must~~ be scheduled to be payable in substantially equal installments at equal periodic intervals except to the extent that the schedule of payments is adjusted to the seasonal or irregular income of the debtor and over a period of not more than 25 months.

Sec. B-9. 9-A MRSA §2-308, sub-§2, as amended by PL 1985, c. 763, Pt. A, §30, is repealed.

Sec. B-10. 9-A MRSA §2-401, sub-§2, as repealed and replaced by PL 1987, c. 129, §39, is amended to read:

2. With respect to a consumer loan, other than a loan pursuant to open-end credit, a lender may contract for and receive a finance charge calculated according to the actuarial method, not exceeding the equivalent ~~of the greater of either~~ of the following:

A. The total of:

(i) 30% per year on that part of the unpaid balances of the amount financed ~~which that~~ is ~~\$700~~ \$2,000 or less;

(ii) ~~21%~~ 24% per year on that part of the unpaid balances of the amount financed ~~which that~~ is more than ~~\$700~~ \$2,000 but does not exceed ~~\$2,000~~ \$4,000; and

(iii) ~~15%~~ 18% per year on that part of the unpaid balances of the amount financed ~~which that~~ is more than ~~\$2,000~~ \$4,000.

~~B. 18% per year on the unpaid balances of the amount financed.~~

Notwithstanding paragraph A, with respect to a consumer loan in which the amount financed exceeds \$8,000, a lender may not contract for and receive a finance charge calculated according to the actuarial method in excess of 18% per year on the entire amount of the loan.

Sec. B-11. 9-A MRSA §2-401, sub-§6, as amended by PL 1985, c. 763, Pt. A, §32, is repealed.

Sec. B-12. 9-A MRSA §2-502, sub-§5, as amended by PL 1985, c. 763, Pt. A, §35, is repealed.

Sec. B-13. 9-A MRSA §3-301, sub-§1, as amended by PL 1985, c. 763, Pt. A, §36, is further amended to read:

1. With respect to a consumer credit sale, a seller may take a security interest in the property sold. In addition, a seller may take a security interest in goods upon which services are performed or in which goods sold are installed or to which they are annexed, or in land to which the goods are affixed or which is maintained, repaired or improved as a result of the sale of the goods or services, if in the case of a security interest in land the debt secured is ~~\$2,000~~ \$2,800 or more, or, in the case of a security interest in goods, the debt secured is ~~\$700~~ \$1,000 or more. Except as provided with respect to cross-collateral, section 3-302, a seller may not otherwise take a security interest in property of the buyer to secure the debt arising from a consumer credit sale.

Sec. B-14. 9-A MRSA §3-301, sub-§4, as amended by PL 1985, c. 763, Pt. A, §37, is repealed.

Sec. B-15. 9-A MRSA §4-301, sub-§3, as amended by PL 1985, c. 763, Pt. A, §40, is further amended to read:

3. With respect to a transaction, except pursuant to open-end credit, a creditor may not contract for or receive a separate charge for insurance against loss of or damage to property, unless the amount financed

exclusive of charges for the insurance is ~~\$1,000~~ \$1,400 or more and the cash price of the item or property is ~~\$1,000~~ \$1,400 or more.

Sec. B-16. 9-A MRSA §4-301, sub-§5, as amended by PL 1985, c. 763, Pt. A, §40, is repealed.

Sec. B-17. 9-A MRSA §5-103, sub-§2, as amended by PL 1985, c. 763, Pt. A, §41, is further amended to read:

2. If a creditor takes possession of or voluntarily accepts surrender of goods in which ~~he~~ that creditor has a security interest to secure a debt and the amount financed is ~~\$2,000~~ \$2,800 or less, the consumer and any sureties are not personally liable to the creditor for the unpaid balance of the debt.

Sec. B-18. 9-A MRSA §5-103, sub-§6, as amended by PL 1985, c. 763, Pt. A, §41, is repealed.

Sec. B-19. 9-A MRSA §6-106, sub-§6, as enacted by PL 1987, c. 129, §67, is amended to read:

6. The expenses of the administrator necessarily incurred in the examination or investigation of any person engaged in conduct governed by this Act ~~shall~~ must be chargeable to that person. The expenses of the administrator incurred in the examination of supervised financial organizations must be assessed in accordance with the provisions of Title 9-B, section 214, subsection 1. ~~That~~ With respect to any other person, that person shall must be assessed for the actual expenses incurred by the administrator, including, but not necessarily limited to, travel expenses and the proportionate part of the salaries and expenses of examiners engaged in the examination or investigation. Notwithstanding this subsection, for a person other than a supervised financial organization, the administrator may adjust the examination assessments to make more equitable travel-related costs that result from a creditor's location in this State. Notice of the assessment of those costs ~~shall~~ must be given to the person by the administrator as soon as feasible after the close of the examination or investigation and the person ~~shall~~ must have the time specified by the administrator to pay the assessment, which may not be less than 30 days.

Sec. B-20. 9-A MRSA §6-201, as amended by PL 1989, c. 70, §2, is further amended to read:

§6-201. Applicability

This Part applies to a person engaged in this State in entering into consumer credit transactions and to a person having an office or place of business in this State who takes assignments of and undertakes direct collection of payments from or enforcement of rights against debtors arising from these transactions. In addition, this Part applies to a person, wherever

located, who takes assignments of and undertakes direct collection of payments from or enforcement of rights against debtors arising from a consumer credit sale of a motor vehicle subject to this Title.

Sec. B-21. 9-A MRSA §10-202, as enacted by PL 1989, c. 70, §3, is amended to read:

§10-202. Bond

Each application ~~shall~~ **must** be accompanied by evidence of a surety bond, in a form approved by the administrator in the aggregate amount of \$10,000, to run to the State for use by the State and any person or persons who may have a cause of action against a credit services organization. The terms of the bond must run concurrent with the period of time during which the license will be in effect.

Sec. B-22. 32 MRSA §11032, as enacted by PL 1985, c. 702, §2, is amended to read:

§11032. Bond

The ~~superintendent administrator~~ shall require each licensee to file and maintain in force a surety bond, in a form prescribed by ~~the superintendent~~ and acceptable to ~~him~~, the administrator and in such sum as ~~he~~ the administrator may deem reasonably necessary, to safeguard the interests of the public. The terms of the bond must run concurrent with the period of time during which the license will be in effect. The bond may be cancelled by the surety on the bond by giving 30 days' notice to the ~~superintendent administrator~~, but the cancellation ~~shall~~ **may** not in any manner affect the liability of the surety as to anything occurring prior to the cancellation.

Sec. B-23. 32 MRSA §11036, sub-§1, as enacted by PL 1985, c. 702, §2, is amended to read:

1. Financial statements. The ~~superintendent administrator~~ may at any time require a licensee to submit to the bureau a ~~verified financial statement~~ such financial statements as determined necessary for examination by the ~~superintendent administrator~~ so that ~~he~~ the administrator may determine whether or not the licensee is financially responsible to carry on a debt collector's business.

PART C

Sec. C-1. 10 MRSA §8001, sub-§38, ¶X, as enacted by PL 1995, c. 397, §11, is repealed.

Sec. C-2. 10 MRSA §9003, sub-§2, ¶A, as repealed and replaced by PL 1995, c. 462, Pt. A, §26, is repealed.

Sec. C-3. 10 MRSA §9003, sub-§2, ¶B, as repealed and replaced by PL 1995, c. 462, Pt. A, §26, is repealed and the following enacted in its place:

B. Three public members, at least one of whom lives in manufactured housing;

Sec. C-4. 22 MRSA §42, sub-§3, as amended by PL 1991, c. 827, §1 and affected by §2, is further amended to read:

3. Subsurface sewage disposal. The department shall adopt minimum rules relating to ~~plumbing and~~ subsurface sewage disposal systems. All rules, including installation and inspection rules, must be consistent with Title 30-A, chapter 185, subchapter III; and Title 32, chapter 49, but this does not preempt the authority of municipalities under Title 30-A, section 3001; to adopt more restrictive ordinances. ~~The department shall hold hearings on the first Tuesday of February of each year for the purpose of considering changes in the rules pertaining to plumbing and subsurface sewage disposal systems and the installation and inspection thereof.~~ These rules may regulate the location of water supply wells to provide minimum separation distances from subsurface sewage disposal systems. The department may require a deed covenant or deed restriction when determined necessary.

Any person who violates the rules adopted under this subsection, or who violates a municipal ordinance adopted pursuant to Title 30-A, sections 4201 and 4211 or uses a subsurface waste water disposal system not in compliance with rules applicable at the time of installation or modification must be penalized in accordance with Title 30-A, section 4452. Enforcement of the rules is the responsibility of the municipalities rather than the department. The department or a municipality may seek to enjoin violations of the rules or municipal ordinances. In the prosecution of a violation by a municipality, the court shall award reasonable attorney's fees to a municipality if that municipality is the prevailing party, unless the court finds that special circumstances make the award of these fees unjust.

Sec. C-5. 23 MRSA §4206, sub-§1, ¶H, as enacted by PL 1971, c. 593, §16, is amended to read:

H. To acquire, construct, operate and maintain such harbor facilities as may be necessary to implement the planned development of coastal resources, ports and harbors; to operate and maintain the port facilities as now within or as may hereafter come within the jurisdiction of the Department of Transportation; and to oversee the administration of the Maine State Pilotage Commission;

Sec. C-6. 25 MRSA §2441, sub-§3, as repealed and replaced by PL 1991, c. 464, §6, is repealed.

Sec. C-7. 32 MRSA §60-G, as amended by PL 1995, c. 502, Pt. H, §18, is further amended to read:

§60-G. Disciplinary actions; unlicensed practice

1. Filing of complaints. A board or commission listed in Title 10, section 8001, subsection 38 and Title 10, section 8001-A shall file complaints received from a person or initiated by a board or commission with the Office of Licensing and Registration.

2. Investigation of allegations of unlicensed practice. Allegations of unlicensed practice may be investigated by a board's or commission's complaint officer or inspector in conjunction with the Office of Licensing and Registration's complaint unit. 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.

3. Unlicensed practice; criminal penalties. Notwithstanding any other provision of law, any person who practices or represents to the public that the person is authorized to practice a profession or trade and intentionally, knowingly or recklessly fails to obtain a license as required by this Title or intentionally, knowingly or recklessly practices or represents to the public that the person is authorized to practice after the license required by this Title has expired or been suspended or revoked commits a Class E crime. Violation of this subsection is a Class D crime if the person has a prior conviction under this subsection. For purposes of this subsection, the date of the prior conviction must precede the commission of the offense being enhanced by no more than 3 years.

4. Unlicensed practice; civil penalties. Any person who practices or represents to the public that the person is authorized to practice a profession or trade without first obtaining a license as required by this Title or after the license has expired or has been suspended or revoked commits a civil violation punishable by a fine of not less than \$100 but not more than \$2,000 for each violation. An action under this subsection may be brought in District Court or, in combination with an action under subsection 5, in Superior Court.

5. Unlicensed practice; injunctions. The Attorney General may bring an action in Superior Court to enjoin any person from violating subsection 4 and to restore to any person who has suffered any ascertainable loss by reason of that violation any money or personal or real property that may have been

acquired by means of that violation and to compel the return of compensation received for engaging in that unlawful conduct.

A person who violates the terms of an injunction issued under this subsection shall pay to the State a fine of not more than \$10,000 for each violation. In any action under this subsection, when a permanent injunction has been issued, the court may order the person against whom the permanent injunction is issued to pay to the General Fund the costs of the investigation of that person by the Attorney General and the costs of suit, including attorney's fees. In any action by the Attorney General brought against a person for violating the terms of an injunction issued under this subsection, the court may make the necessary orders or judgments to restore to any person who has suffered any ascertainable loss of money or personal or real property or to compel the return of compensation received by reason of such conduct found to be in violation of an injunction.

Sec. C-8. 32 MRSA §3403-A, sub-§1, as enacted by PL 1983, c. 413, §143, is amended to read:

1. Rules. The board may, in accordance with the Maine Administrative Procedure Act, Title 5, chapter 375, subchapter II, adopt rules commensurate with the authority vested in it by this chapter. These rules may include, but not be limited to, internal plumbing, licensing requirements, examinations and reciprocity of licensing with similar boards of other states ~~which~~ that maintain standards equivalent to this State.

Sec. C-9. 32 MRSA §3403-B is enacted to read:

§3403-B. Plumbing code

1. Plumbing and plumbing code. The board shall adopt minimum rules relating to plumbing, including a plumbing code. All rules, including installation and inspection rules, must be consistent with this chapter and Title 30-A, chapter 185, subchapter III, except that the authority of municipalities to adopt more restrictive ordinances under Title 30-A, section 3001 is not preempted. Rules adopted pursuant to this section are routine technical rules as defined in Title 5, chapter 375, subchapter II-A.

2. Plumbing code violations. Any person who violates the rules adopted pursuant to this section or who violates a municipal ordinance adopted pursuant to Title 30-A, sections 4201 and 4211 must be penalized in accordance with Title 30-A, section 4452. Enforcement of the rules is the joint responsibility of the municipalities and the board. The board or a municipality may seek to enjoin violations of the rules or municipal ordinances. In the prosecution of a violation by a municipality, the court shall award

reasonable attorney's fees to a municipality if that municipality is the prevailing party, unless the court finds that special circumstances make the award of fees unjust.

Sec. C-10. 32 MRSA §6208-A, sub-§1, as amended by PL 1995, c. 394, §9, is further amended to read:

1. Membership. The State Board of Alcohol and Drug Counselors, as established by Title 5, section 12004-A, subsection 41, consists of 11 members. Nine members are appointed by the Governor. One member must be the Director of the Office of Substance Abuse or a designee. One member, appointed by the Chancellor of the University of Maine System, must be a member of the university faculty involved in the training of substance abuse or alcohol and drug counselors. Of these 11 members, 5 members must be licensed alcohol and drug counselors. Two members must be nonproviders, one of whom must be a family member of a consumer of alcohol and drug counseling services ~~or a consumer of alcohol and drug counseling services who has abstained from the use of alcohol and other drugs for a period of at least 2 years.~~ One member must be a public member. One member must be a representative of a regional alcohol and drug abuse council. Members must represent a broad geographic distribution of the State and must be from among the professional associations representative of the field.

Sec. C-11. 32 MRSA §12502, sub-§1, as enacted by PL 1995, c. 671, §13, is amended to read:

1. Membership. The Board of Complementary Health Care Providers, as established in Title 5, section 12004-A, subsection 8-A, shall regulate the professions of acupuncture and naturopathic medicine according to the provisions of this chapter. The board consists of 7 members appointed by the Governor. The Governor shall make the initial appointments to the board no later than 60 days after the effective date of this section and shall inform the Commissioner of Professional and Financial Regulation of these appointments. The commissioner shall call the first meeting of the board on a date no later than 30 days following notification of appointments by the Governor. All members of the board must be residents of this State. Two members of the board must be acupuncturists licensed in this State. Two members of the board must be practitioners of naturopathic medicine who are eligible for licensure under, or are licensed pursuant to, the requirements of subchapter III. One member must be a member of the public ~~who is not a practitioner of any healing art or has no family connection with such a practitioner.~~ One member must be an allopathic or osteopathic physician who is licensed in this State. One member must be a pharmacist who is licensed in this State.

Sec. C-12. 32 MRSA §13062, sub-§2, as amended by PL 1991, c. 53, §2 and affected by §10, is further amended to read:

2. Qualifications. Each industry member of the commission must have been a real estate broker or associate broker by vocation in this State for at least 5 years prior to appointment. The public members, the members' spouses, parents and children must have no professional or financial connection with the real estate brokerage business.

Sec. C-13. 32 MRSA §13062, sub-§3, as enacted by PL 1987, c. 395, Pt. A, §212, is amended to read:

3. Geographic distribution. There ~~shall~~ may not be ~~at no time~~ more than one industry member of the commission from any one county at one time.

Sec. C-14. 32 MRSA §13062, sub-§6, as amended by PL 1993, c. 600, Pt. A, §266, is further amended to read:

6. Appointments. The members of the commission are appointed by the Governor, ~~subject to review by the joint standing committee of the Legislature having jurisdiction over business legislation and to confirmation by the Senate.~~ Appointments of members must comply with section 60.

Sec. C-15. 32 MRSA §13967, sub-§2, as repealed and replaced by PL 1993, c. 404, Pt. A, §20, is amended to read:

2. Members. The board consists of 7 members appointed by the Governor. Each member must be a citizen of the United States and a resident of this State. The composition of the board consists of:

- ~~A. One representative of a mortgage lending organization;~~
- B. ~~One~~ Two public ~~member~~ members; and
- C. Five members who hold valid appraiser licenses or certifications, including at least one residential and one ~~commercial~~ commercial real estate appraiser.

Sec. C-16. 32 MRSA §14804, sub-§8 is enacted to read:

8. Inspection of aboveground propane and natural gas storage facilities. The board shall inspect and issue permits to aboveground propane and natural gas storage facilities. The cost of inspection of an aboveground propane and natural gas storage facility and the permit may not exceed \$50.

Sec. C-17. 38 MRSA §85-A, sub-§§1 and 2, as amended by PL 1991, c. 509, §46, are further amended to read:

1. Commissioner. "Commissioner" means the Commissioner of ~~Professional and Financial Regulation~~ Transportation.

2. Department. "Department" means the Department of ~~Professional and Financial Regulation~~ Transportation.

Sec. C-18. 38 MRSA §90-B, as repealed and replaced by PL 1995, c. 397, §125, is amended to read:

§90-B. Budget

The commission's budget must be prepared ~~and administered as provided in Title 10, section 8003~~ and submitted to the commissioner for approval.

Sec. C-19. 38 MRSA §90-C, as enacted by PL 1995, c. 397, §126, is amended to read:

§90-C. Employees

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

Sec. C-20. 38 MRSA §106, first ¶, as amended by PL 1995, c. 502, Pt. H, §48, is further amended to read:

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 ~~Office of Licensing and Registration within the Department of Professional and Financial Regulation~~ Transportation.

PART D

Sec. D-1. Allocation. The following funds are allocated from Other Special Revenue to carry out the purposes of this Act.

1998-99

PROFESSIONAL AND FINANCIAL REGULATION, DEPARTMENT OF

Division of Licensing and Enforcement

All Other \$10,300

Allocates funds to reflect the transfer of the responsibility

for the permitting and inspection of aboveground flammable liquid storage facilities to the Propane and Natural Gas Board.

Division of Licensing and Enforcement

All Other (\$938)

Deallocates funds to reflect the transfer of the Maine State Pilotage Commission to the Department of Transportation.

DEPARTMENT OF PROFESSIONAL AND FINANCIAL REGULATION TOTAL

\$9,362

Sec. D-2. Allocation. The following funds are allocated from the Marine Ports Fund to carry out the purposes of this Act.

1998-99

TRANSPORTATION, DEPARTMENT OF

Ports and Marine Transportation

All Other \$938

Allocates funds for general operating expenses of the Maine State Pilotage Commission.

DEPARTMENT OF TRANSPORTATION TOTAL

\$938

See title page for effective date.

CHAPTER 728

H.P. 1639 - L.D. 2272

An Act to Implement Recommendations of the Fire Marshal Study Group

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