

# MAINE STATE LEGISLATURE

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

**AS PASSED BY THE**

**ONE HUNDRED AND NINETEENTH LEGISLATURE**

**FIRST REGULAR SESSION**  
**December 2, 1998 to June 19, 1999**

**THE GENERAL EFFECTIVE DATE FOR**  
**FIRST REGULAR SESSION**  
**NON-EMERGENCY LAWS IS**  
**SEPTEMBER 18, 1999**

**PUBLISHED BY THE REVISOR OF STATUTES**  
**IN ACCORDANCE WITH MAINE REVISED STATUTES ANNOTATED,**  
**TITLE 3, SECTION 163-A, SUBSECTION 4.**

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**J.S. McCarthy Company**  
**Augusta, Maine**  
**1999**

**Sec. 1. 32 MRSA §12252, sub-§3**, as enacted by PL 1987, c. 489, §2, is repealed and the following enacted in its place:

**3. Individual permits required.** The following provisions apply to the issuance of individual permits.

A. An applicant for initial issuance or renewal of a permit to practice under this section shall show that a simple majority of the ownership of the firm, in terms of financial interests and voting rights of all partners, officers, shareholders, members or managers, belongs to holders of certificates who are licensed in a state and that all partners, officers, shareholders, members or managers whose principal place of business is in this State and who perform professional services in this State hold valid permits issued by the board. At least a simple majority of the ownership of a public accounting firm, in terms of financial interests and voting rights, must belong to holders of permits issued by the board. Firms may include nonlicensee owners in accordance with paragraph B.

B. A certified public accountancy firm or public accountancy firm may include nonlicensee owners as long as:

(1) All nonlicensee owners are individuals who actively participate in the certified public accountancy firm or public accountancy firm; and

(2) The firm complies with such other requirements as the board may impose by rule.

**Sec. 2. 32 MRSA §12275, sub-§3**, as enacted by PL 1987, c. 489, §2, is amended to read:

**3. Use of title.** ~~No~~ A firm may not assume or use the title or designation "certified public accountant," the abbreviation "CPA" or any other title, designation, words, letters, abbreviation, sign, card or device indicating that the firm is composed of certified public accountants, unless:

A. The firm holds a valid permit issued under section 12252; and

B. ~~All~~ Fifty-one percent of all partners, officers and shareholders of the firm hold certificates.

See title page for effective date.

## CHAPTER 201

H.P. 954 - L.D. 1352

### An Act to Ensure that Workers' Compensation Death Benefits are Paid to Dependents Without Regard to Country of Residence

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

**Sec. 1. 39-A MRSA §102, sub-§8**, as enacted by PL 1991, c. 885, Pt. A, §8 and affected by §§9 to 11, is amended by amending the last blocked paragraph to read:

In all other cases, questions of total or partial dependency must be determined in accordance with the fact as the fact was at the time of the injury. If there is more than one person wholly dependent, the compensation must be divided equally among them and persons partly dependent, if any, are not entitled to a part of the compensation during the period in which compensation is paid to persons wholly dependent. If there is no one wholly dependent and more than one person who is partly dependent, the compensation must be divided among them according to the relative extent of their dependency. ~~If a dependent is an alien residing outside the United States or outside the Dominion of Canada, the compensation paid to any such dependent is 1/2 that provided in the case of the death of an employee.~~

**Sec. 2. Retroactivity.** This Act applies retroactively to June 1, 1998.

See title page for effective date.

## CHAPTER 202

H.P. 726 - L.D. 1016

### An Act to Require That a Translator Be Available to Employees In the Workers' Compensation Process

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

**Sec. 1. 39-A MRSA §329** is enacted to read:

#### **§329. Interpreter required**

An employee whose native language is not English and who does not understand the English language to the degree necessary to reasonably understand and participate in proceedings that affect the employee's rights is entitled to have an interpreter present at all proceedings before the board or a