

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWENTY-FOURTH LEGISLATURE

FIRST REGULAR SESSION
December 3, 2008 to June 13, 2009

THE GENERAL EFFECTIVE DATE FOR
FIRST REGULAR SESSION
NON-EMERGENCY LAWS IS
SEPTEMBER 12, 2009

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

Augusta, Maine
2009

financial statements over the employee's or assistant's name.

Sec. 37. 32 MRSA §12275, sub-§14, as enacted by PL 2007, c. 384, §14, is amended to read:

14. Substantial equivalency. For purposes of this section:

A. ~~As an~~ An individual exercising permit privileges in the State practicing as a certified public accountant without a license on the basis of substantial equivalency pursuant to section 12251, subsection 4-B 12232 and complying with the restrictions on the scope of such privileges under subsection 4-B a practice is equivalent to an individual holding a certificate under section 12227 and to an individual holding a permit to practice licensed as a certified public accountant under section 12251 12230 or 12231 or a corresponding provision of prior law, and each reference in this section to certificate and permit holders a licensed certified public accountant is deemed to include, on an equal basis, individuals exercising such privileges such an individual;

B. A firm in compliance with section 12252, subsection 1 must, for the purposes of this section, be deemed to hold a valid ~~permit to practice~~ license issued under section 12252; and

C. Notwithstanding any other provision of this section, it is not a violation of this section if a firm that does not hold a valid ~~permit~~ license under section 12252 and that does not maintain an office in this State provides professional services in this State if the firm complies with the requirements of section 12252, subsection 1, paragraph B or C, whichever is applicable.

Sec. 38. Maine Revised Statutes headnote amended; revision clause. In the Maine Revised Statutes, Title 32, chapter 113, subchapter 3, in the subchapter headnote, the words "registration of certified public accountants" are amended to read "licensure of certified public accountants" and the Revisor of Statutes shall implement this revision when updating, publishing or republishing the statutes.

Sec. 39. Maine Revised Statutes headnote amended; revision clause. In the Maine Revised Statutes, Title 32, chapter 113, subchapter 4, in the subchapter headnote, the words "registration of public accountants" are amended to read "licensure of public accountants" and the Revisor of Statutes shall implement this revision when updating, publishing or republishing the statutes.

Sec. 40. Maine Revised Statutes headnote amended; revision clause. In the Maine Revised Statutes, Title 32, chapter 113, subchapter 5, in the subchapter headnote, the word "licenses" is amended to read "licensure of accounting firms" and the Revisor

of Statutes shall implement this revision when updating, publishing or republishing the statutes.

Sec. 41. Maine Revised Statutes headnote amended; revision clause. In the Maine Revised Statutes, Title 32, chapter 113, subchapter 7, in the subchapter headnote, the words "enforcement against holders of certificates and licenses" are amended to read "enforcement against licensees" and the Revisor of Statutes shall implement this revision when updating, publishing or republishing the statutes.

See title page for effective date.

CHAPTER 243

H.P. 930 - L.D. 1326

An Act To Amend the Laws Governing Licensed Financial Service Providers

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

Whereas, this Act will provide financial stability to the Department of Professional and Financial Regulation, Bureau of Consumer Credit Protection; and

Whereas, this Act more equitably allocates fees paid to the Bureau of Consumer Credit Protection among licensed financial services providers in proportion to the resources needed to regulate those providers; and

Whereas, immediate enactment will authorize the Bureau of Consumer Credit Protection to collect its revenue in accordance with scheduled payments due in July and August 2009; 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. 9-A MRSA §2-302, sub-§1-A, as enacted by PL 2005, c. 164, §2, is amended to read:

1-A. At the time of application for a license to make supervised loans and on an ongoing basis during the term of any such license, the applicant shall apply to the administrator for registration of all loan officers employed or retained by the applicant. Applications must be filed in a manner prescribed by the administrator, must include the names, addresses and work locations of the loan officers and such additional in-

formation as is reasonably requested by the administrator and must be accompanied by an application fee of up to \$20 for each loan officer, up to a maximum of ~~\$200~~ \$400 in total. An applicant's registration of a loan officer within 90 days of the date that registration would otherwise be required does not constitute a violation of this subsection.

Sec. 2. 9-A MRSA §2-302, sub-§7, as enacted by PL 2005, c. 274, §2, is amended to read:

7. The administrator may adopt rules requiring that applicants, applicants' partners, officers or directors and employees of applicants satisfy initial and continuing educational requirements. The reasonable costs of meeting such educational requirements must be assessed to applicants. Providers of initial and continuing education courses of study shall submit each course to the administrator for approval, and each submission must be accompanied by a \$100 fee. Rules adopted pursuant to this subsection are routine technical rules pursuant to Title 5, chapter 375, subchapter 2-A.

Sec. 3. 9-A MRSA §10-201, as repealed and replaced by PL 2005, c. 683, Pt. B, §4, is amended to read:

§10-201. Licensing and biennial relicensing

A person desiring to engage or continue in business in this State as a loan broker shall apply to the administrator for a license under this article on or before January 31st of each even-numbered year. The application must be in a form prescribed by the administrator. The administrator may refuse the application if it contains erroneous or incomplete information. At the time of application and on an ongoing basis during the term of any such license, the applicant shall apply to the administrator for registration of all loan officers employed or retained by the applicant. An application for registration as a loan officer must be filed in a manner prescribed by the administrator and include the name, address and work location of the loan officer and such additional information as is reasonably requested by the administrator. An applicant's registration of a loan officer within 90 days of the date that registration would otherwise be required does not constitute a violation of this section. A license may not be issued unless the administrator, upon investigation, finds that the financial responsibility, character and fitness of the applicant and, where applicable, its partners, officers or directors and the character and fitness of its loan officers, warrant belief that the business will be operated honestly and fairly within the purposes of this Title. The administrator may adopt rules requiring that applicants, applicants' partners, officers or directors and employees of applicants satisfy initial and continuing educational requirements. The reasonable costs of meeting such educational requirements are assessed to applicants. Providers of initial and continuing education courses of study shall submit each

course to the administrator for approval, and each submission must be accompanied by a \$100 fee. Rules adopted pursuant to this section are routine technical rules pursuant to Title 5, chapter 375, subchapter 2-A.

The initial application for a license as a loan broker must include a fee of ~~\$400~~ \$600. The biennial relicensing application must include a fee of ~~\$200~~ \$300. Initial applicants and biennial relicensing applicants must pay an additional fee of up to \$20 for registration of each loan officer, up to a maximum of ~~\$200~~ \$400 in total. Notwithstanding other remedies available under this Title, applications received after the due date are subject to an additional fee of \$100.

A licensee may conduct business only at or from a place of business for which the licensee holds a license and not under any other name than that on the license. A license fee of \$300 is imposed for a license issued for a place of business other than that of the first licensed location of the licensee. A biennial relicensing application for each such branch location must include a fee of \$150.

A licensed loan broker may conduct business only through a loan officer who possesses a current, valid registration. A loan officer must be registered at the loan officer's principal licensed work location and may then work from any licensed location of the loan broker. The registration of a loan officer is valid only when that person is employed or retained and supervised by a licensed loan broker. When a loan officer ceases to be employed by a licensed loan broker, the loan broker shall promptly notify the administrator in writing.

Sec. 4. 32 MRSA §6173, sub-§2-A is enacted to read:

2-A. Separate registration required. A separate registration is required for each place of business. An application fee of \$250 must accompany an application for registration for a place of business other than that of the first registered location of the registrant.

Sec. 5. 32 MRSA §6174-B, sub-§2, as enacted by PL 2007, c. 36, §9, is amended to read:

2. Consumer education. A debt management service provider shall offer a consumer education program approved by the administrator. Providers of consumer education programs shall submit each such program to the administrator for approval, and each such submission must be accompanied by a \$100 fee. A debt management service provider may charge consumers a reasonable fee for the program not to exceed \$50.

Sec. 6. 32 MRSA §11031, sub-§2, as amended by PL 1999, c. 184, §24, is further amended to read:

2. Licenses. Licenses granted by the superintendent under this section are for a period of 2 years and expire on July 31st or at such other times as the superintendent may designate. Each license may be renewed biennially as long as the superintendent regards the business as responsible and safe, but in all cases terminate unless renewed by the expiration date. Each license must plainly state the name and business address of the licensee and be posted in a conspicuous place in the office where the business is transacted. The fee for each biennial license is ~~\$400~~ \$600. When the unexpired license term of an applicant is or will be less than one year at a time of licensure, the license fee may not exceed 1/2 the biennial license fee. If a licensee desires to carry on business in more than one place, the licensee shall procure a branch office license for each additional place where the business is to be conducted. The fee for each biennial branch office license is ~~\$200~~ \$300. Notwithstanding other remedies available under this chapter, applications received after the due date are subject to an additional fee of \$100.

Sec. 7. 32 MRSA §11051, as corrected by RR 1995, c. 1, §27 and affected by §28 and amended by PL 1999, c. 547, Pt. B, §78 and affected by §80 and amended by PL 2007, c. 273, Pt. B, §§5 and 6 and affected by c. 695, Pt. A, §47, is further amended to read:

§11051. Investigation, suspension and revocation of licenses

The Bureau of Consumer Credit Protection may examine or investigate the records and practices of a licensee ~~any person the superintendent believes has engaged in conduct governed by this chapter~~ in accordance with Title 9-A, section 6-106, may review and approve collection letters proposed for use in this State and may charge for expenses incurred pursuant to Title 9-A, section 6-106, subsection 6. The superintendent may file a complaint with the District Court to suspend or revoke a license issued pursuant to this chapter, if, after investigation or hearing, or both, the superintendent has reason to believe that the licensee has violated any provisions of this chapter or any administrative rules issued pursuant to this chapter, or has failed to maintain its financial condition sufficient to qualify for a license on an original application.

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

Effective June 3, 2009.

CHAPTER 244

H.P. 821 - L.D. 1180

**An Act To Clarify and Update
the Laws Related to Life and
Health Insurance**

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

Whereas, the American Recovery and Reinvestment Act of 2009 provides health insurance premium assistance to persons laid off on or after September 1, 2008 and eligible for continuation of health insurance coverage under state law; and

Whereas, persons eligible for continuation of health insurance coverage under state law must be provided a 2nd election period to qualify for premium assistance through the American Recovery and Reinvestment Act of 2009; and

Whereas, this bill provides that 2nd election period to conform to federal law; and

Whereas, immediate enactment of this Act is necessary to allow laid off employees the opportunity to elect to continue coverage and qualify for premium assistance; 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:

PART A

Sec. A-1. 24-A MRSA §5002-B, sub-§1, ¶A, as amended by PL 2003, c. 157, §1, is further amended to read:

A. That person, including a person entitled to Medicare benefits due to disability, has been covered under a policy that supplemented benefits under Medicare or has been covered under a Medicare Advantage plan with no gap in coverage greater than 90 days beginning with the person's open enrollment period. A policy supplementing benefits payable under Medicare may include an individual health policy, a group health plan, a Medicare supplement policy or other coverage issued by the same or a different carrier.

PART B

Sec. B-1. 24-A MRSA §2713-A, as enacted by PL 1989, c. 556, Pt. D, §2, is amended to read: