

MAINE STATE LEGISLATURE

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STATE OF MAINE
DEPARTMENT OF PROFESSIONAL AND FINANCIAL REGULATION
DIVISION OF LICENSING AND ENFORCEMENT

SUMMER BOARD PROJECT (SBT)
SUMMARY REPORT

SBT SUMMARY REPORT

Subsequent to the report which was submitted to the Committee on Business Legislation in response to Public Law 1992, chapter 844, the Department of Professional and Financial Regulation conducted a further study to determine whether a need existed for administrative reform.

On July 8, 1993, a letter was sent to all boards and commissions within and affiliated with the Department of Professional and Financial Regulation, Committee on Business Legislation, and the Committee on Audit and Program Review inviting interested board members and legislators to participate in a "Summer Board Project." The "Project" was comprised of the **AFFILIATED TEAM and the STATUTORY TEAM**. In addition to seeking participation from board members and legislators, various employees at varying levels of classification were also invited to participate, as well as a representative of the Department of the Attorney General. Because the initial notice did not generate much interest, a second appeal was made which stimulated more interest.

Collectively, volunteers represented:

- 1] many of the boards within the Department;
- 2] a representative from each of the seven affiliated boards;
- 3] Representative Marc Vigue, a member of the Committee on Business Legislation;
- 4] Timothy Collier, Assistant Attorney General;
- 5] department management and mid-level management;
- 6] Christina Valar, DPFR Legal Counsel and legislative liaison; and
- 7] clerical support personnel from the Department and from some of the affiliated boards.

Each Team was provided with a meeting schedule identifying topics for discussion and evaluation. A total of eight meetings were held from mid-summer to early winter.

The "**AFFILIATED TEAM**" considered the following topics

- 1] accountability issues; and
- 2] structure issues.

SBT SUMMARY REPORT

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The "**AFFILIATED TEAM**" agreed to not recommend internalization. A major reason was that the Department was not in a position to offer physical housing to seven affiliated boards. It was apparent that the majority of the boards had adequate leased space and were providing services to the public during normal work hours.

The "**AFFILIATED TEAM**" agreed to expand the Commissioner's administrative oversight for all affiliated boards. Uniform statutory language was drafted to effect accountability and administrative changes to each affiliated board's statute. The recommended language was agreed to by all participants and recommended as Part B of the Department's omnibus bill and introduced as a Governor's Bill.

The "**STATUTORY TEAM**" considered the following topics:

- 1] administrative authority and oversight;
- 2] designation under the Division;
- 3] consolidation of budgets and staffing; and
- 4] complaint procedures and disciplinary procedures.

The "**STATUTORY TEAM**" agreed that the Department's organization structure as cited under 10 M.R.S.A., chapter , subsection 8001 did not reflect the existing configuration the Division of Licensing and Enforcement. An agreement was reached to reflect the actual structure.

The "**STATUTORY TEAM**" agreed to creating one divisional budget with sub-accounts for each board. While this move does not diminish or eliminate the complex process of preparing over thirty individual budgets within the Division of Licensing and Enforcement, it does streamline processes performed by the Bureau of the Budget and our agency's Administrative Services Division. This agreement was reached after exploring four options which were presented to the team by Linda Gilson, Director of the Division of Administrative Services.

Also, since employees are under the supervisory and administrative oversight of the Department, it was agreed that all employees should be moved under the Division's umbrella. The scattered way in which employee positions are currently allocated causes confusion and is contributes to a complex and

SBT SUMMARY REPORT

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cumbersome process. This move would streamline processes within the Department's Administrative Services Division.

The "**STATUTORY TEAM**" agreed that the complaint procedures and disciplinary authorities needed comprehensive reform. Although an effort was made to expand, consolidate and provide uniformity to complaint procedures and disciplinary authorities, it was determined that the complexity involved among the thirty plus boards required expertise with such a major revision and undertaking. Contact will be made with the Revisor's Office for recommendations and assistance.

The "**STATUTORY TEAM**" was provided by the Department with a condensed version of each board's statutory references pertaining to; budgets, contracts, employees, reports, compensation, disposition of fees, complaints and disciplines. Clearly duplication existed among all boards. To assure continuity and uniformity of language among all boards, recommendations were made to provide for ONE universal statutory reference under the general provisions of 32 M.R.S.A.

Uniform statutory language was drafted to affect administrative changes to each board's statute. The recommended language was agreed to by all participants and recommended as Part C of the Department's omnibus bill. Due to the immense proportions of Part C, the Revisor's Office was unable to assure its readiness for the second session of the 116th Legislature. As a result, the proposals made by the **STATUTORY TEAM** will be introduced at the next regular legislative session.

In closing, the Department is confident that the project was completed with success and expect to continue this type of open communication. By choice, not all boards were represented. However, ALL board members and employees were provided with the draft statutory recommendations and afforded an opportunity to attend a final meeting to answer questions and solicit comments.

Attached please find samples of letters, agendas and conclusions reflective of this project.





COPY

John R. McKernan, Jr.
Governor

Jane E. Titcomb
Commissioner

DEPARTMENT OF
PROFESSIONAL AND FINANCIAL REGULATION

July 8, 1993

Senator Alton Cianchette, Chair
Representative Annette Hoglund, Chair
Committee on Business Legislation
State House Room #123
Augusta, ME 04333

Dear Senator Cianchette and Representative Hoglund:

Last March I wrote to you concerning the legislative mandate this department faced, which caused us to examine the possibility of consolidating or eliminating various boards and commissions. In that communication, I relayed to you the Department's desire to continue such reformative inquiries, including the development of administrative reforms within the Division of Licensing and Enforcement. This summer the Division will be pursuing two reform topics as part of its Summer Board Team Project. This letter is to inform you of the issues to be examined this summer, and to invite you and your fellow committee members to participate in areas that may be of interest to you.

As members of the Legislature, you are probably aware that the initial phases of Total Quality Management (TQM) have been introduced to state government. This school of management is inclusory; it seeks improvements in work processes by focusing on the needs of the customer and empowering employees actually doing the work to initiate reform. In the spirit of TQM, we are seeking representation from our multi-various professional regulatory boards on this project. Board participation will provide department personnel with invaluable input from one of our biggest customer segments, the board members themselves. We are also seeking representation on this Project from your committee, the Committee on Audit and Program Review, legislative staff persons, the Governor's Office, and the Division's coordinators, clerks and inspectors.

Within this Project, we are establishing two teams. During monthly work sessions, each team will be responsible for examining an issue, and developing recommendations with accompanying legislation that would implement those recommendations. At the end of the summer, both teams will present their recommendations in a public forum. Hopefully some if not all of the recommendations

made, will evolve into Departmental Bills for the next legislative session. Our proposed teams are as follows:

1. The Statutory Team. This team will examine the need for administrative and statutory reform within the Division of Licensing and Enforcement. The team will develop a statutory designation of which Departmental boards and commissions fall administratively within the Division. It will discuss uniform Divisional staffing and budgeting, and review the adequacy of current administrative authority and oversight.

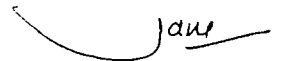
2. The Affiliated Team. This team will examine the possibility of including the affiliated boards within the administrative purview of the Division of Licensing and Enforcement.

The teams will be formed at an open session scheduled for 1:00 p.m. on Tuesday, July 20, 1993, in the Department's testing room. Thereafter, Statutory Team work sessions will be held at our offices at 1 p.m. on August 3, August 31, September 28, and October 26. Affiliated Team work sessions will be held at 1:00 p.m. on August 17, September 14, October 12, and November 2. The last scheduled work session for each team will consist of an open public forum, which will serve to present the team's conclusions and recommendations to all interested parties.

I urge the committee to take an active role in our Summer Board Team Project. Because of the magnitude of the topics we will be addressing, team membership must be limited to a number that will remain constructive. Please consult with your fellow committee members. If members are interested in participating in the Project, please contact Jeri Betts, Acting Administrator of the Division of Licensing and Enforcement, at 582-8723 by July 16. Participating committee members will receive their usual legislative per diem restitution.

We all look forward to working with you, to improve the quality of the regulatory process.

Sincerely Yours,



Jane E. Titcomb
Commissioner

JET/ac

cc: Committee members



John R. McKernan, Jr.
Governor

Jane E. Titcomb
Commissioner

DEPARTMENT OF
PROFESSIONAL AND FINANCIAL REGULATION

July 8, 1993

Dear Board or Commission Member:

Last April I wrote to you concerning the legislative mandate this department faced, which caused us to examine the possibility of consolidating or eliminating various boards and commissions. In that communication, I relayed to you the Department's desire to continue such reformative inquiries, including the development of administrative reforms within the Division of Licensing and Enforcement. This summer the Division will be pursuing two reform topics as part of its Summer Board Team Project. This letter is to inform you of the issues to be examined, and to invite board participation in areas that are of interest to you.

Many of you are already aware that the initial phases of Total Quality Management (TQM) have been introduced to state government. This school of management is inclusory; it seeks improvements in work processes by focusing on the needs of the customer and empowering employees actually doing the work to initiate reform. In the spirit of TQM, we are seeking representation from your board on this project. Board participation will provide department personnel with invaluable input from one of our biggest customer segments, the board members themselves. We are also seeking representation on this Project from the legislative committees of Business Legislation and Audit and Program Review, legislative staff persons, the Governor's Office, and the Division's coordinators, clerks and inspectors.

Within this Project, we are establishing two teams. During monthly work sessions, each team will be responsible for examining an issue, and developing recommendations with accompanying legislation that would implement those recommendations. At the end of the summer, both teams will present their recommendations in a public forum. Hopefully some if not all of the recommendations made, will evolve into Departmental Bills for the next legislative session. Our proposed teams are as follows:

1. The Statutory Team. This team will examine the need for administrative and statutory reform within the Division of Licensing and Enforcement. The team will develop a statutory designation of which Departmental boards and commissions fall administratively within the Division. It will discuss uniform

Divisional staffing and budgeting, and review the adequacy of current administrative authority and oversight.

2. The Affiliated Team. This team will examine the possibility of including the affiliated boards within the administrative purview of the Division of Licensing and Enforcement.

The teams will be formed at an open session scheduled for 1:00 p.m. on Tuesday, July 20, 1993, in the Department's testing room. Thereafter, Statutory Team work sessions will be held at our offices at 1 p.m. on August 3, August 31, September 28, and October 26. Affiliated Team work sessions will be held at 1:00 p.m. on August 17, September 14, October 12, and November 2. The last scheduled work session for each team will consist of an open public forum, which will serve to present the team's conclusions and recommendations to all interested parties.

I urge you to consider taking an active role in our Summer Board Team Project. Because of the magnitude of the topics we will be addressing, team membership must be limited to a number that will remain constructive. If you are interested in being your board's representative to the project, please contact your board chairperson. Board chairs should then contact Karen Bossie at 582-8723 by July 16, to indicate who your board's representative will be, and what team they wish to participate on. Participating board members will receive their usual per diem restitution.

Finally, I wish to emphasize my personal commitment to broadening communication between the Department and our multi-various boards. I would be happy to address board meetings, or schedule meetings with individual board members upon request.

We all look forward to working with you, to improve the quality of the regulatory process.

Sincerely Yours,



Jane E. Titcomb
Commissioner

JET/ac



John R. McKernan, Jr.
Governor

Jane E. Titcomb
Commissioner

**DEPARTMENT OF
PROFESSIONAL AND FINANCIAL REGULATION**

July 21, 1993

Representative Marc J. Vigue
79 Halifax Street C-21
Winslow, Maine 04901

Dear Representative Vigue:

Thank you for your interest in participating in our Summer Board Team Project that my July 8, 1993 letter describes.

It is a very ambitious undertaking that will include an examination of the enabling statutes of all boards and commissions. Because we value your participation in this project, and because we are seeking to increase participation, we have postponed the initial forum until August 3, 1993 at 1:00 p.m. Enclosed please find the agenda for that meeting, as well as a revised schedule for the Team meetings.

I feel very strongly that this Project will enhance the administration and structure of the boards, and I am personally committed to this endeavor.

I look forward to seeing you on August 3rd.

Sincerely,

Jane (by CKV)

Jane E. Titcomb
Commissioner

JET/glb

Enclosures

c: Senator Alton Cianchette
Representative Annette Hoglund



John R. McKernan, Jr.
Governor

Jane E. Titcomb
Commissioner

DEPARTMENT OF
PROFESSIONAL AND FINANCIAL REGULATION

July 21, 1993

Senator John Cleveland, Chair
Representative Phyllis R. Erwin, Chair
Committee on Audit and Program Review
State House Room #425
Augusta, Maine 04333

Dear Senator Cleveland and Representative Erwin:

This letter is to follow up on my letter of July 8, 1993. The Summer Board Team Project that the July 8, 1993 letter describes, is a very ambitious undertaking that will include an examination of the enabling statutes of all boards and commissions. Because we value your participation in this project, and because we are seeking to increase participation, we have postponed the initial forum until August 3, 1993, at 1:00 p.m. Enclosed please find the agenda for that meeting, as well as a revised schedule for the Team meetings.

I feel very strongly that this Project will enhance the administration and structure of the boards, and I am personally committed to this endeavor. If you have not already done so, please contact Karen Bossie at 582-8723, to indicate whether you, a member of your Committee or a staff representative will be participating in this Project.

Sincerely,

Jane (by CKV)

Jane E. Titcomb
Commissioner

JET/glb

Enclosures

c: Committee Members
Cheryl Ring, Principal Analyst



John R. McKernan, Jr.
Governor

Jane E. Titcomb
Commissioner

**DEPARTMENT OF
PROFESSIONAL AND FINANCIAL REGULATION**

July 21, 1993

Dear Commission Member:

Enclosed please find a copy of a July 8, 1993 letter, that was sent out to all the Boards and Commissions within the Division of Licensing and Enforcement, as well as those affiliated with the Department. It was my intent to include the Real Estate Commission members in that mailing, but you were inadvertently not copied.

The Summer Board Team Project that the July 8, 1993 letter describes, is a very ambitious undertaking that will include an examination of the enabling statutes of all boards and commissions. Because we value your participation in this project, and because we are seeking to increase participation by all of the various boards and commissions, we have postponed the initial forum until August 3, 1993 at 1:00 p.m.

I feel very strongly that this Project will enhance the administration and structure of the boards, and I am personally committed to this endeavor. Please contact Karen Bossie at 582-8723, to indicate your interest in representing the Commission on this Project.

Sincerely,

Jane E. Titcomb
Commissioner

JET/ac

Enclosures

Summer Board Team Project

Agenda - August 3, 1993

I. Welcoming Remarks - Jane E. Titcomb, Commissioner

II. Introduction of Team Members

A. Facilitators

1. Geraldine "Jeri" Betts, Acting Administrator,
Division of Licensing and Enforcement
2. Christina Valar, Counsel to the Commissioner
3. Diane Sawyer, Coordinator, Trade Boards Section
4. Alex Severance, Coordinator, Health Boards Section
5. Carol Leighton, Director, Real Estate Commission
6. Linda Gilson, Director, Administrative Services
7. Paul Sawyer, Director, Planning and MIS
8. Timothy Collier, Assistant Attorney General

B. Legislators

C. Board and Commission Participants

III. Introduction to Team Projects - Jeri Betts

A. Statutory Team

1. Administrative Authority and Oversight
2. Designation Under Division
3. Consolidated Budget
4. Consolidated Staffing
5. Complaint Procedure
6. Disciplinary Procedure

B. Affiliated Team

1. Accountability
 - Administrative Authority and Oversight
 - Meeting Statutory Charge
 - Budget and Staffing
 - Accessibility
2. Structure
 - Affiliation
 - Administrative Purview Without Internalization
 - Internalization

- BREAK - Refreshments available at the Back of the Room.

IV. Opportunity For Comment - Open Floor

V. Closing Remarks - Jeri Betts

STATE OF MAINE
DEPARTMENT OF PROFESSIONAL AND FINANCIAL REGULATION
Division of Licensing and Enforcement
State House Station #35
Augusta, ME 04333
Tel: 207/582-8723 Fax: 582-5415

MEMORANDUM

TO: Summer Board Team Participants
FROM: Geraldine "Jeri" Betts, Acting Administrator
RE: Introduction to Team Projects
DATE: August 03, 1993

Good afternoon and welcome to today's introductory meeting of the **Summer Board Team Project**.

My name is Jeri Betts, Acting Administrator and former Coordinator of the Division of Licensing and Enforcement. Although I see a few familiar faces, I've yet had the opportunity to meet all of our board members and look forward to meeting each of you personally.

The 115th Legislature passed Public Law 844, which was signed by the Governor on April 9, 1992. It required the Commissioner of this Department to assess the potential for consolidating or eliminating any of the boards within her jurisdiction.

That mandate initiated several meetings here in the Department. During the course of these meetings the need for meticulous review of the Division's law and the laws of the various professional licensing boards became apparent. Some of our boards' laws are significantly similar by comparison, while others differ considerably. The Department feels that during the course of this Summer Board Team's project, it is crucial that we look at "how business is done." We need to look to areas that will effect streamlining and stimulate work efficiency, as well as provide clear direction in administrative authority and oversight. Our goal is to see in place an administrative law, that will be uniformly applied to all boards, without interruption or disruption of a board's professional licensing law.

Recognizing that the best product is one that evolves from input and suggestions from the people who are directly and indirectly involved, we decided on the TEAM approach. This approach is on the same wavelength of the Total Quality Management (TQM) concept filtering through state government.

I also believe that changes are much more easily effected when done with reasonable agreement between all parties concerned. Not only should our common goal be to ensure public protection and preservation, it also should include the means by which we reach those goals.

* * * * *

I. STATUTORY TEAM ITEMS

The overriding purpose of the specific items set forth in section A of this memorandum is to streamline the administration of the regulatory boards and commissions in the Division of Licensing and Enforcement. To this end the Department puts forth items which seek to: 1) review the Department's administrative authority and oversight over the various boards and commissions, 2) statutorily designate which state boards and commissions fall administratively within the Division of Licensing and Enforcement, 3) consolidate the financial and budgetary concerns of the various boards into one Divisional budget, 4) provide for the uniform Divisional staffing of the boards, 5) review and streamline the complaint procedure, and 6) review the disciplinary procedure.

A. SPECIFIC ITEMS

1. Administrative Authority and Oversight

Over the years, as boards were internalized and the creation of the Division took place, issues regarding effective and clear authority and oversight by the Department, were not addressed. The Department has found that there is no clear distinction between the professional licensing boards' responsibilities and those of the Division. This has, at times, placed each in questionable situations. The Department hopes that the Statutory Team will recommend legislation that would categorically define the roles of these regulatory players.

2. Designation under the Division

The Department of Professional and Financial Regulation is composed of the various bureaus, boards and commissions listed in 10 M.R.S.A. §8001 and §8001-A. The bureaus, Real Estate Commission and the "affiliated boards" are free standing entities within the Department; all of the remaining boards and commissions come under the administrative purview of the Division of Licensing and Enforcement. The existing statutory mandate for the Division is to "provide assistance to the commissioner and to the agencies within the department in complaint investigation, disciplinary actions and enforcement, and in licensing examination..." Presently, the configuration of the Division is a result of divisional evolution. Some boards and commissions that needed the Division's help were brought into the Division, others were placed there by statute.

The Department believes there would be value in having the legislature statutorily designate which boards and commissions come under the Division of Licensing and Enforcement. Some of the following items seek to strengthen the regulatory powers of the Division. It is therefore vital to solidify the make-up of the Division, so that a uniformity of regulatory function can be achieved.

3. Consolidated Budget

Under the present configuration, each of the 33 boards has an individual budget prepared by the Division. The 7 affiliated boards must submit their budgets to the Commissioner for inclusion in the Departmental budget, yet the Department has relatively minor authority over the preparation or implementation of these budgets.

The Department has also found it very costly and complicated to administer 33 separate internal board budgets. Difficulties in the present system are especially apparent when executing quarterly transfers of funds and cost assessments between the boards and the Department's Administrative Services Division, or generally funded agencies such as the Bureau of the Budget.

The Department recommends the Statutory Team look into the possibility of consolidating the budgets of all the boards and commissions into a single budget for the Division. Reducing 33 budgets (40 if we incorporate the affiliated boards) to one is primarily a mechanical bookkeeping alteration. It will, however, greatly reduce the current bookkeeping strain placed on the Department's Administrative Services Division. Within the general Divisional budget, separate sub-accounts will be maintained for each board and commission, so that they will maintain their professional and fiscal integrity. A single general budget will save administrative costs and resources, as well as eliminate the wasteful multiplicity of effort presently expended.

4. Consolidated Staffing

It is the Department's responsibility to staff the various boards, so as to facilitate their efficient operation. Presently, the Division of Licensing and Enforcement's staff is composed of a confusing array of budgetarily allotted positions. Some personnel are assigned to the Division, while others are assigned to specific boards or commissions. The lack of uniformity in position designation produces an administrative burden when dealing with human resource issues, such as sufficiently staffing boards and balancing workloads. Budgetary allocation of human resource funding does not always reflect the Division's staffing realities. Thus, adjustments to various board's budgets must be made, again creating needless accounting and administrative difficulties.

The Department recommends the Statutory Team look into legislation that would assign all authority for the staffing of the Division's various operations to the Commissioner. The responsibility for staffing will lie with the Regulatory Board Administrator. Staffing all of the boards and commissions with Division of Licensing and Enforcement personnel will provide a uniformity of function and purpose among the employees. This uniformity will better facilitate the achievement of the Division's responsibility to consistently and fairly regulate professions on behalf of the public.

5. Complaint Procedure

The growth of the Division mandates that efficient and uniform complaint procedures be utilized by all boards. Therefore, the Division of

Licensing and Enforcement has initiated a policy for the handling of complaints. In dealing with complaints, it is important to establish continuity, as well as accountability. To achieve these goals, we feel the Statutory Team should consider legislation strengthening the Divisions role in the complaint procedure, as well as mandating participation by all boards.

6. Disciplinary Procedure

Currently, Title 10 provides for some disciplinary authority of boards, over their respective professions. It has become apparent that some boards have more disciplinary authority than others. Again with an eye towards continuity, the Department recommends a review of each board's disciplinary authority and recommends that legislation be developed that will provide all boards with effective disciplinary authority under Title 10.

* * * * *

II. AFFILIATED TEAM ITEMS

There have been concerns expressed both internally and by the Legislature, that affiliated boards are operating in a vacuum without sufficient oversight and accountability. The overriding purpose of the specific items set forth in section B of this memorandum is to clearly define the accountability and the administrative structure of the Department's affiliated boards.

While it may not be common knowledge, affiliated boards are required to submit certain reports to the Commissioner of this Department. The Commissioner has some statutory authority to ensure that affiliated boards fulfill their statutory mandates. No compensation to this Department is provided by any affiliated board, for any assistance by the Commissioner or a member of her staff. To address these concerns, the Department puts forth items which seek to: 1) review the Department's administrative authority and oversight over the affiliated boards, 2) review and determine affiliated boards structure and administrative purview of internalization vs. non-internalization.

B. SPECIFIC ITEMS

1. ACCOUNTABILITY

ADMINISTRATIVE AUTHORITY AND OVERSIGHT

Currently the Commissioner acts as liaison for the affiliated boards between the Governor's office and other various levels of state government agencies. The Commissioner is also responsible, in part, to ensure that affiliated boards operate within their statutory authority. However, this responsibility falls short of a detailed process.

The Department seeks legislation structuring the Commissioner's administrative authority and oversight of affiliated boards.

MEETING STATUTORY CHARGE

While the Commissioner is charged with ensuring accountability of all boards and commissions, as well as affiliated boards, conditions exist that do not provide the Department with the ability to gauge affiliated board activities. It is imperative that adherence to various government processes and procedures be maintained. A few examples are; 1) Administrative Procedures Act, 2) Civil Service Law, 3) American Disabilities Act etc. Thus, the Department favors legislation that will enable it to secure a board's accountability.

BUDGET AND STAFFING

Each affiliated board provides its own staffing and completes their own budget. Currently, the Department provides assistance and guidance to affiliated boards with regards to accounting, budgeting procedures, personnel and other routine government functions. Also, as required by law, all affiliated boards must submit their budgetary needs to the Commissioner of the Department. The Commissioner's responsibility is to present these budgets before the Committee on Appropriations and Financial Affairs.

The Department does not assess affiliated boards for this service which is contrary to internalized boards being assessed for these services

by various Divisions of the Department. Certainly, our desire is to continue providing this needed assistance and service to affiliated boards. But, it is critical that ALL boards be treated with fair and equitable practices, as we develop a structure for this oversight.

ACCESSIBILITY

As a government agency, all boards provide a service to the public. The Commissioner may require boards and commissions to be readily accessible to provide service to the general public. The Department expects that accessibility be assured and recommends a review to determine the measurement of assurance.

2. STRUCTURE

AFFILIATION - ADMINISTRATIVE PURVIEW WITHOUT INTERNALIZATION - INTERNALIZATION

The Department believes there needs to be a thorough review of whether or not the affiliated status of some boards should continue. We came to this conclusion after viewing the difficulties experienced by the Audit and Program Review Committee as they grappled with the affiliated status of two outside boards. Thus, it is our hope that the Affiliated Team will examine three alternatives with regard to these boards: continued affiliation, increased administrative purview without internalization, and internalization. No matter which structure the Team seeks to embrace, we hope this exercise will clarify the responsibilities of this Department over all of its boards and commissions.

* * * * *

As I've mentioned there are two teams, the **Statutory Team and the Affiliated Team**. Many of you have already made your preferred Team known. If for any reason you've decided to serve on a different Team or on both, please be sure to advise me before you leave today.

With that, I'll end my introduction. Please take a fifteen minute break to stretch your legs and help yourself to the refreshments at the back of the room. We'll resume at _____, at which time we'll have an open floor for anyone who would like to make comments.

**SUMMER BOARD TEAM PROJECT
JULY 20, 1993
INTRODUCTORY MEETING**

CLOSING REMARKS

Thank you for taking the time from your busy schedules to attend today's meeting and volunteering to be part of the Summer Board Team Project. I look forward to seeing you on August 17th at 1:00 p.m. for the first Affiliated Team work session and on August 31st at 1:00 p.m. for the first Statutory Team work session. Please, if you have any questions prior to these meetings, don't hesitate to call me.

Summer Board Team Project

Tues. August 3, 1993 - Introductory Meeting

Team Meeting Schedule

Statutory Team

Tues. August 31, 1993 - Administrative Authority and Oversight
Designation Under Division

Tues. September 28, 1993 - Consolidated Budget
Consolidated Staffing

Tues. October 26, 1993 - Complaint Procedure
Disciplinary Procedure

Tues. November 16, 1993 - Wrap-Up; Open Forum

Affiliated Team

Tues. August 17, 1993 - Accountability Issues

Tues. September 14, 1993 - Accountability Issues

Tues. October 12, 1993 - Structure Issues

Tues. November 2, 1993 - Wrap-Up; Open Forum

STATE OF MAINE
DEPARTMENT OF PROFESSIONAL AND FINANCIAL REGULATION
DIVISION OF LICENSING AND ENFORCEMENT

State House Station #35

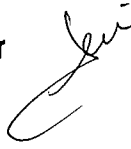
Augusta, Maine 04330

TEL: (207) 582-8723 - TELECOPIER: (207) 582-5415

Office Location • Gardiner Annex • 122 Northern Ave • Gardiner ME

* * * * *

M E M O R A N D U M

TO: Affiliated and Statutory Team Members
FROM: Jeri Betts, Acting Administrator 
RE: Meetings
DATE: August 12, 1993

* * * * *

This memo is a follow-up of our initial open forum which was held on August 3, 1993. Again, thank you for your interest in participate in our summer board team.

After the meeting some of you made comments and/or suggestions I'd like to share with everyone:

- 1) It is advised that each Team compile minutes of each meeting to cross-exchange with each other.
- 2) A list of Team members be provided.

Please bring the enclosed material with you to your Team's first meeting. I suggest that you review the material prior to the meeting. Please make note of questions you have to raise at the meeting. Facilitators will be present at each meeting to assist and provide direction to each Team.

The following material is enclosed:

1) **BOTH TEAMS:** List of participating members for each Team. Please call Karen Bossie (582-8723) if you find you are listed inaccurately or, if you've changed your mind and wish to change Team.

2) **STATUTORY TEAM:** Cut and paste copies of each internal board's law which refers to administrative and disciplinary processes.

3) **AFFILIATED TEAM:** Due to the late arrival of the information requested from some of the affiliated boards, material will be presented at the Team's first meeting next week.

4) **BOTH TEAMS:** Copy of Commissioner Titcomb's February 15, 1993, memorandum to the Committee on Business Legislation regarding authority and procedures of regulatory agencies. Also, a copy of recommended statutory changes that were being discussed by the Department as a result of the recent Board study which was mandated by legislature.

5) **BOTH TEAMS:** Copy of the Department's statutory authority, 10 MRSA, c. 901.

REMINDER: The next Team meetings are as follows:

AFFILIATED TEAM

Tuesday - 1:00 p.m., August 17, 1993: Accountability Issues

STATUTORY TEAM

Tuesday - 1:00 p.m., August 31, 1993: Administrative Authority and Oversight Designation Under the Division

All meetings will be held in the Department's testing room.

c: Jane E. Titcomb, Commissioner
Team Facilitators

Enclosures



F

John R. McKernan, Jr.
Governor

Jane E. Titcomb
Commissioner

DEPARTMENT OF
PROFESSIONAL AND FINANCIAL REGULATION

August 31, 1993

Representative Marc Vigue
79 Halifax Street, C-21
Winslow, Maine 04901

Dear Marc:

I just want to let you know how pleased I am with your participation in our Summer Board Team Project. Both Jeri and Christina have reported that you are enthusiastic and making a substantial contribution to this complex effort.

Thank you very much! Hope you've had a nice summer.

With best regards,

Jane

JET/ac

cc: ✓ Jeri Betts
Christina Valar
Abby Holman



DEPARTMENT OF PROFESSIONAL AND FINANCIAL REGULATION
DIVISION OF LICENSING AND ENFORCEMENT
(207) 582-8723
FAX (207) 582-5415

TO: Senator Alton E. Cianchette and Representative Annette M.
Hoglund, Chairs, Business Legislation Committee
Representative Marc Vigue, Project Team Member
Senator John J. Cleveland and Representative Phyllis R.
Erwin, Chairs, Audit and Program Review Committee
Board Members (internal and affiliated)
Timothy Collier, Assistant Attorney General
Project Team Members

FROM: Geraldine L. Betts, Acting Administrator

SUBJECT: SUMMER BOARD PROJECT

DATE: January 26, 1994

A handwritten signature in cursive script, reading "Geraldine L. Betts".

• • • • •

As most of you are aware, the Department initiated a summer board project to look at various issues pertaining to internal and affiliated professional licensing boards.

The two teams involved in this project were known as the affiliated board team and the statutory board team. Each team was represented by volunteer participants of both affiliated and internal board members, legislative representation, Department and Attorney General legal counsels, and employees in the administrative and supervisory levels. Numerous meetings were held and the attached legislative proposal is representative of each team's accomplishments and agreement to recommended statutory changes.

Due to deadline constraints, the legislative proposal has been submitted to the Governor's office and will be presented to legislature as part of the Governor's package. The portion addressing affiliated boards is recognized as Part II and the portion addressing statutory changes to Titles 10 and 32 is recognized as Part III.

(continued on back)

G:\ADMIN\JERI\SBTWRAP.MMO

Memorandum - Summer Board Project
January 24, 1994

Part I of the package was not a team issue and consists of various statutory changes for various professional licensing boards as specifically requested by those boards.

The legislative proposal is currently in the Revisor's Office and will be returned to us for final review. At that time, minor modifications may be made if necessary.

I would like to invite you to attend a meeting to comment on the finished product. The meeting is scheduled as follows:

DATE: February 11, 1994 (Friday)

TIME: 1:00 p.m. to 4:00 p.m.

LOCATION: Department of Professional and Financial Regulation
Gardiner Annex, Gardiner, ME - Testing Room

RSVP: To ensure adequate seating, please call Karen Bossie at 582-8723 to confirm your attendance. If you are unable to attend and wish to comment, please feel free to send your comments or call Jeri Betts at the address and phone number contained herein.

On behalf of the Department of Professional and Financial Regulation, I'd like to thank everyone who participated in this major project. Each team is to be congratulated and recognized for their contribution and devoted efforts.

c: File

STATE OF MAINE
DEPARTMENT OF PROFESSIONAL AND FINANCIAL REGULATION
DIVISION OF LICENSING AND ENFORCEMENT

State House Station #35

Augusta, Maine 04330

TEL: (207) 582-8723 - TELECOPIER: (207) 582-5415

Office Location • Gardiner Annex • 122 Northern Ave • Gardiner ME

* * * * *

MEMORANDUM

TO: Division Employees
FROM: Jeri Betts, Acting Administrator
RE: Summer Board Team Project
DATE: January 31, 1994

* * * * *

As you know, much of the summer and fall was spent with the Summer Board Project.

Attached is a copy of the finished product of the teams that were involved in making statutory recommendation to Titles 10 and 32, as well as a copy of the cover letter to all boards and various people who participated in the project. Please refer to this letter for date, time and place of the next summer board project team meeting. Since we are requesting an RSVP to this meeting, you may receive calls from members. You may either take the message and pass it on to Karen or direct the call to Karen or me.

Please don't hesitate to see me if you have any questions. Also, by copy of this notice to the Coordinators, I would like this topic to be placed on your next staff meeting for discussion. I will be happy to attend these meetings to provide clarifications if needed and to listen to any comments any of you may have.

Regardless, please don't hesitate to come see me if you have questions.

c: File

2 **PART II: SUMMER BOARD TEAM PROJECT - AFFILIATED BOARD**
4 **TEAM PROPOSALS**

6 **Sec. 1. 10 MRSA §8002(4)**, as last amended by PL 1977, c. 564, is further
8 amended to read:

10 **4. Review.** Review the functions and operation of bureaus, boards and
12 commissions within and affiliated with the department to assure that overlapping
14 functions and operations are eliminated and that each complies fully with its
16 statutory and public service responsibilities; and

18 **Sec. 2. 10 MRSA §8003, sub-§1 and sub-§6**, as last amended by PL 1991,
20 c. 509, are further amended to read:

22 **1. Division of Administrative Services.** There is created a Division of
24 Administrative Services, which shall constitute a division within the department, to
26 provide assistance to the commissioner and to the agencies within and affiliated with
the department in civil service matters, budgeting and financial matters, purchasing,
and clerical and support services, and to perform such other duties as the
commissioner may designate. The commissioner may employ a Director of
Administrative Services and such clerical and technical assistants as are necessary
to discharge the duties of the division, and shall outline their duties and fix their
compensation, subject to the Civil Service Law.

30 **6. Funding.** The commissioner may assess each internal bureau, board or
32 commission served by the Division of Administrative Services or by the Division of
Licensing and Enforcement its reasonable share of an amount sufficient to cover the
cost of operating the divisions. The commissioner may assess any affiliated board for
the services the affiliated board receives from the department.

34 **Sec. 3. 32 MRSA §1075**, as last amended by PL 1985, c. 748, is further
36 amended to read:

38 **§1075. Liaison; limitations**

40 On or before August 1st of each year, the board shall submit to the
42 Commissioner of Professional and Financial Regulation, for the preceding fiscal year
44 ending June 30th, its annual report of its operations and financial position, together
with such comments and recommendations as the board deems essential.

2 The commissioner shall act as a liaison between the board and the Governor.

4 The commissioner shall not have the authority to exercise or interfere with the
6 exercise of discretionary, regulatory or licensing authority granted by statute to the
8 board. The commissioner may require the board to be accessible to the public for
complaints and questions during regular business hours, and to provide any
information the commissioner requires in order to assure that the board is operating
administratively within the requirements of this chapter.

10 **Sec. 4. 32 MRSA §1076**, as last amended by PL 1985, c. 748, is further
12 amended to read:

14 **§1076. Budget**

16 The board shall submit to the Commissioner of Professional and Financial
18 Regulation its budgetary requirements in the same manner as is provided in Title 5,
20 section 1665, and the commissioner shall in turn transmit these requirements to the
22 Bureau of the Budget without any revision, alteration or change, unless alterations
are mutually agreed upon by the Department and the board or the board's designee.
The budget submitted by the board to the commissioner of Professional and Financial
Regulation shall be sufficient to enable the board to comply with this subchapter.

24 **Sec. 5. 32 MRSA §1308, paragraphs 4 and 5**, as last amended by PL 1993,
26 c. 1, are further amended to read:

28 The commissioner shall not have the authority to exercise or interfere with the
30 exercise of discretionary, regulatory or licensing authority granted by statute to the
32 board. The commissioner may require the board to be accessible to the public for
34 complaints and questions during regular business hours, ~~to maintain copies of all
application material with the department~~ and to provide any information the
commissioner requires in order to assure that the board is operating administratively
within the requirements of this chapter.

36 The board shall submit to the Commissioner of Professional and Financial
38 Regulation its budgetary requirements in the same manner as is provided in Title 5,
section 1665. The budget submitted by the board to the commissioner of Professional
and Financial Regulation shall be sufficient to enable the board to comply with this
subchapter.

42 **Sec. 6. 32 MRSA §2153, sub-§§10-A and 10-B**, as last amended by PL 1985,
44 c. 819, are further amended to read:

2 **10-A. Liaison; limitations.** The commissioner shall act as a liaison between
the board and the Governor.

4 The commissioner shall not have the authority to exercise or interfere with the
exercise of discretionary, regulatory or licensing authority granted by statute to the
6 board. The commissioner may require the board to be accessible to the public for
complaints and questions during regular business hours, and to provide any
8 information the commissioner requires in order to assure that the board is operating
administratively within the requirements of this chapter.

10 **10-B. Budget.** The board shall submit to the Commissioner of Professional
and Financial Regulation its budgetary requirements in the same manner as is
12 provided in Title 5, section 1665, and the commissioner shall in turn transmit these
requirements to the Bureau of the Budget without any revision, alteration or change,
14 unless alterations are mutually agreed upon by the Department and the board or the
board's designee. The budget submitted by the board to the commissioner of
16 Professional and Financial Regulation shall be sufficient to enable the board to
18 comply with this subchapter.

20 **Sec. 7. 32 MRSA §2418**, as last amended by PL 1985, c. 748, is further
22 amended to read:

24 **§2418. Reports; liaison; limitations**

26 On or before August 1st of each year, the board shall submit to the
Commissioner of Professional and Financial Regulation, for the preceding fiscal year
28 ending June 30th, its annual report of its operations and financial position, together
with such comments and recommendations as the board deems essential.

30 The commissioner shall act as a liaison between the board and the Governor.

32 The commissioner shall not have the authority to exercise or interfere with the
exercise of discretionary, regulatory or licensing authority granted by statute to the
34 board. The commissioner may require the board to be accessible to the public for
complaints and questions during regular business hours, and to provide any
36 information the commissioner requires in order to assure that the board is operating
38 administratively within the requirements of this chapter.

40 **Sec. 8. 32 MRSA §2418-A**, as last amended by PL 1985, c. 748, is further
42 amended to read:

44 The board shall submit to the Commissioner of Professional and Financial

2 Regulation its budgetary requirements in the same manner as is provided in Title 5,
3 section 1665, and the commissioner shall in turn transmit these requirements to the
4 Bureau of the Budget without any revision, alteration or change, unless alterations
5 are mutually agreed upon by the Department and the board or the board's designee.
6 The budget submitted by the board to the commissioner of Professional and Financial
7 Regulation shall be sufficient to enable the board to comply with this subchapter.

8
9 **Sec. 9. 32 MRSA §2563**, as last amended by PL 1985, c. 748, is further
10 amended to read:

12 **§2563. Report; liaison; limitations**

14 On or before August 1st of each, the board shall submit to the Commissioner
15 of Professional and Financial Regulation, for the preceding fiscal year ending June
16 30th, its annual report of its operations and financial position, together with such
17 comments and recommendations as the board deems essential.

18 The commissioner shall act as a liaison between the board and the Governor.

20 The commissioner shall not have the authority to exercise or interfere with the
21 exercise of discretionary, regulatory or licensing authority granted by statute to the
22 board. The commissioner may require the board to be accessible to the public for
23 complaints and questions during regular business hours, and to provide any
24 information the commissioner requires in order to assure that the board is operating
25 administratively within the requirements of this chapter.

28
29 **Sec. 10. 32 MRSA §2563-A**, as last amended by PL 1985, c. 748, is further
30 amended to read:

32 **§2563-A. Budget**

34 The board shall submit to the Commissioner of Professional and Financial
35 Regulation its budgetary requirements in the same manner as is provided in Title 5,
36 section 1665, and the commissioner shall in turn transmit these requirements to the
37 Bureau of the Budget without any revision, alteration or change, unless alterations
38 are mutually agreed upon by the Department and the board or the board's designee.

40
41 **Sec. 11. 32 MRSA §3269, sub-§§13 and 14**, as last amended by PL 1987, c.
42 178, are further amended to read:

44 **13. Liaison; limitation.** The commissioner shall act as a liaison between

the board and the Governor.

The commissioner shall not have the authority to exercise or interfere with the exercise of discretionary, regulatory or licensing authority granted by statute to the board. The commissioner may require the board to be accessible to the public for complaints and questions during regular business hours, and to provide any information the commissioner requires in order to assure that the board is operating administratively within the requirements of this chapter.

14. Budget. The board shall submit to the Commissioner of Professional and Financial Regulation its budgetary requirements in the same manner as is provided in Title 5, section 1665, and the commissioner shall in turn transmit these requirements to the Bureau of the Budget without any revision, alteration or change, unless alterations are mutually agreed upon by the Department and the board or the board's designee.

Sec. 12. 32 MRSA §3604, as last amended by PL 1985, c. 748, is further amended to read:

On or before August 1st of each year, the board shall submit to the Commissioner of Professional and Financial Regulation for the preceding fiscal year ending June 30th, its annual report of its operations and financial position, together with such comments and recommendations as the ~~commission~~ board deems essential.

The commissioner shall act as a liaison between the board and the Governor.

The commissioner shall not have the authority to exercise or interfere with the exercise of discretionary, regulatory or licensing authority granted by statute to the board. The commissioner may require the board to be accessible to the public for complaints and questions during regular business hours, and to provide any information the commissioner requires in order to assure that the board is operating administratively within the requirements of this chapter.

Sec. 13. 32 MRSA §3606, as last amended by PL 1985, c. 748, is further amended to read:

The board shall submit to the Commissioner of Professional and Financial Regulation its budgetary requirements in the same manner as is provided in Title 5, section 1665, and the commissioner shall in turn transmit these requirements to the Bureau of the Budget without any revision, alteration or change, unless alterations are mutually agreed upon by the Department and the board or the board's designee. The budget submitted by the board to the commissioner of Professional and Financial

the board and the Governor.

The commissioner shall not have the authority to exercise or interfere with the exercise of discretionary, regulatory or licensing authority granted by statute to the board. The commissioner may require the board to be accessible to the public for complaints and questions during regular business hours, and to provide any information the commissioner requires in order to assure that the board is operating administratively within the requirements of this chapter.

14. Budget. The board shall submit to the Commissioner of Professional and Financial Regulation its budgetary requirements in the same manner as is provided in Title 5, section 1665, and the commissioner shall in turn transmit these requirements to the Bureau of the Budget without any revision, alteration or change, unless alterations are mutually agreed upon by the Department and the board or the board's designee.

Sec. 12. 32 MRSA §3604, as last amended by PL 1985, c. 748, is further amended to read:

On or before August 1st of each year, the board shall submit to the Commissioner of Professional and Financial Regulation for the preceding fiscal year ending June 30th, its annual report of its operations and financial position, together with such comments and recommendations as the ~~commission~~ board deems essential.

The commissioner shall act as a liaison between the board and the Governor.

The commissioner shall not have the authority to exercise or interfere with the exercise of discretionary, regulatory or licensing authority granted by statute to the board. The commissioner may require the board to be accessible to the public for complaints and questions during regular business hours, and to provide any information the commissioner requires in order to assure that the board is operating administratively within the requirements of this chapter.

Sec. 13. 32 MRSA §3606, as last amended by PL 1985, c. 748, is further amended to read:

The board shall submit to the Commissioner of Professional and Financial Regulation its budgetary requirements in the same manner as is provided in Title 5, section 1665, and the commissioner shall in turn transmit these requirements to the Bureau of the Budget without any revision, alteration or change, unless alterations are mutually agreed upon by the Department and the board or the board's designee. The budget submitted by the board to the commissioner of Professional and Financial

STATE OF MAINE

IN THE YEAR OF OUR LORD
NINETEEN HUNDRED AND NINETY-FOUR

AN ACT to Create Uniformity in Various Professional
Licensing Boards and Commissions Laws and to
Clarify the Authority of the Commissioner

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

Sec. 1. 10 MRSA §8001, as last amended by PL 1991 c. 548, is further amended to read:

§8001. Department; organization

There is created and established the Department of Professional and Financial Regulation, in this chapter referred to as the "department," to regulate financial institutions, insurance companies, commercial sports, grantors of consumer credit and to license and regulate professions and occupations. The department shall be composed of the following ~~bureaus, boards and commissions:~~ agencies:

- 1. Bureau of Banking.** Banking, Bureau of;
- 2. Bureau of Consumer Credit Protection.** Consumer Credit Protection, Bureau of;
- 3. Bureau of Insurance.** Insurance, Bureau of;
- 4. Real Estate Commission.** Real Estate Commission; and
- 5. Division of Licensing and Enforcement.** Licensing and Enforcement, Division of;

- A. Maine State Board of Accountancy.** Accountancy, Maine State Board of;
- B. Acupuncture Licensing Board.** Acupuncture Licensing Board;
- C. Arborist Examining Board.** Arborist Examining Board;
- D. Maine State Board for Licensure of Architects, Landscape Architects and Interior Designers.** Architects, Landscape Architects

and Interior Designers, Maine State Board for Licensure of;

E. Maine Athletic Commission. Athletic Commission, Maine;

F. Board of Licensing of Auctioneers. Auctioneers, Board of Licensing of;

G. Board of Barbering and Cosmetology. Barbering and Cosmetology, Board of;

H. Board of Chiropractic Examination and Registration. Chiropractic Examination and Registration, Board of;

I. Board of Commercial Driver Education. Commercial Driver Education, Board of;

J. Board of Counseling Professionals Licensure. Counseling Professionals Licensure, Board of;

K. Board of Licensing of Dietetic Practice. Dietetic Practice, Board of Licensing of;

L. Electricians' Examining Board. Electricians' Examining Board;

M. State Board of Funeral Service. Funeral Service, State Board of;

N. State Board of Certification for Geologists and Soil Scientists. Geologists and Soil Scientists, State Board of Certification for;

O. Board of Hearing Aid Dealers and Fitters. Hearing Aid Dealers and Fitters, Board of;

P. Manufactured Housing Board. Manufactured Housing Board;

Q. Nursing Home Administrators Licensing Board. Nursing Home Administrators Licensing Board;

R. Board of Occupational Therapy Practice. Occupational Therapy Practice, Board of;

S. Oil and Solid Fuel Board. Oil and Solid Fuel Board;

T. Board of Examiners in Physical Therapy. Physical Therapy, Board of Examiners in;

- 2 U. **Maine State Pilotage Commission.** Pilotage Commission, Maine
 State;
- 4 V. **Plumbers' Examining Board.** Plumbers' Examining Board;
- 6 W. **Board of Commissioners of the Profession of Pharmacy.**
 Profession of Pharmacy, Board of Commissioners of;
- 8 X. **State Board of Licensure for Professional Foresters.** Professional
10 Foresters, State Board of Licensure for;
- 12 Y. **Board of Licensure for Professional Land Surveyors.** Professional
 Land Surveyors, Board of Licensure for;
- 14 Z. **State Board of Examiners of Psychologists.** Psychologists, State
16 Board of Examiners of;
- 18 AA. **Radiologic Technology Board of Examiners.** Radiologic Technology
20 Board of Examiners;
- 22 BB. **Board of Real Estate Appraisers.** Real Estate Appraisers, Board of;
- 24 CC. **Board of Respiratory Care Practitioners.** Respiratory Care
 Practitioners, Board of;
- 26 DD. **State Board of Social Worker Licensure.** Social Worker Licensure,
28 State Board of;
- 30 EE. **Board of Examiners on Speech Pathology and Audiology.** Speech
 Pathology and Audiology, Board of Examiners on;
- 32 FF. **State Board of Substance Abuse Counselors.** Substance Abuse
 Counselors, State Board of;
- 34 GG. **State Board of Veterinary Medicine.** Veterinary Medicine, State
36 Board of; and
- 38 HH. **Registration Functions.**
- 40 1. **Massage Therapists.** Massage Therapists.
- 42 2. **Charitable Solicitations Act.** Charitable Solicitation Act.
- 44 3. **Transient Sales.** Transient Sales.

2 **4. Door-To-Door Home Repair Transient Sellers. Door-To-Door**
3 **Home Repair Sellers.**

4 ~~**4. Maine Athletic Commission.** Athletic Commission, Maine;~~

6 ~~**5. Maine State Pilotage Commission.** Pilotage Commission, Maine State;~~

8 ~~**6. Real Estate Commission.** Real Estate Commission;~~

10 ~~**7. Arborist Examining Board.** Arborist Examining Board;~~

12 ~~**8. Board of Licensing of Auctioneers.** Auctioneers, Board of Licensing of;~~

14 ~~**9. Board of Barbering and Cosmetology.** Barbering and Cosmetology, Board of;~~

16 ~~**10. Board of Commercial Driver Education.** Commercial Driver Education,~~
18 ~~Board of;~~

20 ~~**11. Board of Licensing of Dietetic Practice.** Dietetic Practice, Board of~~
22 ~~Licensing of;~~

24 ~~**12. Electricians' Examining Board.** Electricians' Examining Board;~~

26 ~~**13. State Board of Licensure for Professional Foresters.** Foresters, State~~
28 ~~Board of Licensure for Professional;~~

30 ~~**14. State Board of Funeral Service.** Funeral Service, State Board of;~~

32 ~~**15. State Board of Certification for Geologists and Soil Scientists.** Geologists~~
34 ~~and Soil Scientists, State Board of Certification for;~~

36 ~~**16. Board of Hearing Aid Dealers and Fitters.** Hearing Aid Dealers and Fitters,~~
38 ~~Board of;~~

40 ~~**17. Manufactured Housing Board.** Manufactured Housing Board;~~

42 ~~**18. Nursing Home Administrators Licensing Board.** Nursing Home~~
44 ~~Administrators Licensing Board;~~

~~**19. Board of Occupational Therapy Practice.** Occupational Therapy Practice,~~
 ~~Board of;~~

~~**20. Oil and Solid Fuel Board.** Oil and Solid Fuel Board;~~

2 ~~21. Board of Examiners in Physical Therapy. Physical Therapy, Board of~~
~~Examiners in;~~

4 ~~22. Plumbers' Examining Board. Plumbers' Examining Board;~~

6 ~~23. State Board of Examiners of Psychologists. Psychologists, State Board of~~
~~Examiners of;~~

8 ~~24. Radiologic Technology Board of Examiners. Radiologic Technology Board~~
10 ~~of Examiners;~~

12 ~~25. Board of Respiratory Care Practitioners. Respiratory Care Practitioners,~~
14 ~~Board of;~~

16 ~~26. State Board of Social Worker Licensure. Social Worker Licensure, State~~
~~Board of;~~

18 ~~27. Board of Examiners on Speech Pathology and Audiology. Speech~~
20 ~~Pathology and Audiology, Board of Examiners on;~~

22 ~~28. State Board of Substance Abuse Counselors. Substance Abuse Counselors,~~
~~State Board of;~~

24 ~~29. State Board of Veterinary Medicine. Veterinary Medicine, State Board of;~~

26 ~~30. Acupuncture Licensing Board. Acupuncture Licensing Board;~~

28 ~~31. Board of Commissioners of the Profession of Pharmacy. Profession of~~
30 ~~Pharmacy, Board of Commissioners of;~~

32 ~~32. State Board of Licensure for Land Surveyors. Licensure for Land~~
~~Surveyors, State Board of;~~

34 ~~32-A. Maine State Board for Licensure of Architects, Landscape Architects~~
36 ~~and Interior Designers. Licensure of Architects, Landscape Architects and Interior~~
~~Designers, Maine State Board for;~~

38 ~~33. Board of Chiropractic Examination and Registration. Chiropractic~~
40 ~~Examination and Registration, Board of;~~

42 ~~34. Board of Licensure of Railroad Personnel. Licensure of Railroad Personnel,~~
~~Board of; and~~

44 ~~35. Board of Counseling Professionals Licensure. Counseling Professionals~~

Licensure, Board of, and

~~36. Board of Real Estate Appraisers. Real Estate Appraisers, Board of.~~

Sec. 2. 10 MRSA §8002 sub-§5, as last amended by PL 1985 c. 748, is further amended to read:

5. Liaison. Act as a liaison among the bureaus, boards and commissions within or affiliated with the department and act as liaison between them and the Governor.

The Commissioner shall not have authority to exercise or interfere with the exercise of discretionary regulatory or licensing authority granted by statute to the bureaus, boards or commissions within or affiliated with the department, except to the extent of administrative authority in §8003.

Sec. 3. 10 MRSA §8003 sub-§2, as last amended by PL 1991 c. 509, is amended to read:

2. Division of Licensing and Enforcement. There is created a Division of Licensing and Enforcement, which shall constitute a division within the Department, to provide assistance to the commissioner and to direct the boards and commissions agencies within the department Division as set forth in 10 MRSA, §8001(5) in complaint procedure and investigation, disciplinary actions and enforcement, and in licensing examination, and to perform such other duties as the Commissioner may designate. The eCommissioner may employ a Direector Regulatory Board Administrator of Licensing and Enforcement and such clerical and technical assistants as are necessary to discharge the duties of the division, and shall outline their duties and fix their compensation, subject to the Civil Service Law. The Division shall have the following powers, duties and functions:

A. Repealed.

B. To prepare and administer, with the advice of the boards and commissions, budgets necessary to carry out the regulatory functions of the boards and commissions. There shall be one divisional budget which shall include a separate account for each board or commission. The Division shall have the authority to disapprove expenditures by boards and commissions that are not necessary to protect the public health and welfare or would seriously jeopardize a board's or commission's fiscal well being.

C. To provide all staffing necessary and appropriate to assist the various boards and commissions. All clerks, technical support staff and supervisors shall be

2 assigned to the Division and allocated to the various boards and commissions
3 according to need.

4
5 **Sec. 4. 10 MRSA §9003, sub-§5,** as last amended by PL 1991 c. 391, is
6 repealed.

8
9 **Sec. 5. 32 MRSA §60-A,** is enacted to read:

10 **§60-A. Compensation**

12 Members of all boards and commissions shall be compensated according to Title
14 5, chapter 379, provided that expenses do not exceed the fees collected by the board.
16 If the fees collected are insufficient to pay the expenses provided, the members are
17 entitled to a pro rata payment in any years in which those fees are insufficient.

18
19 **Sec. 6. 32 MRSA §60-B,** is enacted to read:

20 **§60-B. Disposition of fees**

22 All monies received by the various boards and commissions shall be paid to the
24 Treasurer of State and credited to the account for that board or commission within
26 the budget of the Division of Licensing and Enforcement.

28 Monies received by boards and commissions shall be used for the expenses of
30 administrating their statutory responsibility, which may include, but shall not be
32 limited to, the costs of conducting investigations and of taking testimony and
33 procuring the attendance of witnesses; all legal proceedings taken for enforcement;
34 administrative expenses and any other costs incurred in carrying out their duties.

36 Any balance of these fees shall not lapse, but shall be carried forward as a
38 continuing account to be expended for the same purposes in the following fiscal years.

40
41 **Sec. 7. 32 MRSA §60-C,** is enacted to read:

42 **§60-C. Contracts**

44 All boards and commissions may enter into contracts to carry out its statutory
45 responsibilities.

2 Sec. 8. 32 MRSA §60-D, is enacted to read:

4 §60-D. Budget

6 The budget accounts of the various boards and commissions shall be prepared
and administered as provided in 10 MRSA, Section 8003.

8 Sec. 9. 32 MRSA §60-E, is enacted to read:

10 §60-E. Employees

12 The Commissioner of Professional Financial and Regulation shall appoint,
14 subject to the Civil Service Law, such employees as may be necessary to carry out the
16 duties and functions of the various boards and commissions. Any person so employed
18 shall be located in the department, allocated to the Division and under the
administrative and supervisory direction of the commissioner.

20 Sec. 10. 32 MRSA §60-F, is enacted to read:

22 §60-F. Disciplinary actions

- 24 1. All boards and commissions shall file all complaints received from any person
26 or initiated by any board or commission with the Division of Licensing and
Enforcement.
- 28 2. Substantiated allegations of unlicensed practice may be investigated by a
30 board's or commission's complaint officer or inspector in conjunction with the
32 Division's Case Compliance Coordinator. Should sufficient evidence of
34 unlicensed practice be uncovered, the evidence shall be compiled and presented
to the Attorney General's Office or the local district attorney's office for
prosecution.

36 Sec. 11. 32 MRSA §60-G, is enacted to read:

38 §60-G. Investigations; enforcement duties; assessments

40 When there is a finding of a violation, a board or commission may assess the
42 licensed person or entity for actual expenses incurred by the board, commission or its
agents for investigations and enforcement duties performed.

2 **Sec. 12. 32 MRSA §60-H**, is enacted to read:

4 **§60-H. Citations and fines**

6 Any board or commission may adopt by rule a list of violations for which
8 citations may be issued by professional technical support staff. Citations may carry
10 fin es of up to \$200. Citations as developed by the Division of Licensing and
12 Enforcement shall expressly inform the licensee that they may pay the fine or request
14 a hearing before the board regarding the violation.

16 **Sec. 13. 32 MRSA §63-A, sub-§§4, 5 and 6**, as last amended by PL 1991 c.
18 341, are repealed.

20 **Sec. 14. 32 MRSA §63-A, sub-§7**, as last amended by PL 1991 c. 341, is
22 further amended to read:

24 **7. Reports; budget.** Not later than August 1st of each year, the board shall
26 submit to the commissioner a report of its transactions of the preceding fiscal year
28 ending June 30th, and shall transmit to the commissioner a complete statement of
30 all receipts and expenditures of the board, attested by affidavit of its chair. ~~The~~
32 ~~board shall submit to the commissioner its budgetary requirements in the same~~
34 ~~manner as is provided in Title 5, section 1665.~~

36 **Sec. 15. 32 MRSA §63-B, sub-§7**, as last amended by PL 1985 c. 233, is
38 repealed.

40 **Sec. 16. 32 MRSA §213-A**, as last amended by PL 1991 c. 396, is repealed.

42 **Sec. 17. 32 MRSA §214, sub-§3**, as last amended by PL 1987 c. 395, is
44 repealed.

Sec. 18. 32 MRSA §217-B, as last amended by PL 1987 c. 395, is repealed.

Sec. 19. 32 MRSA §217-C, as last amended by PL 1991 c. 396, is repealed.

Sec. 20. 32 MRSA §271-A, as last amended by PL 1985 c. 748, is repealed.

2 **Sec. 21. 32 MRSA §501, last sentence**, as last amended by PL 1991 c. 392,
is repealed.

4
6 **Sec. 22. 32 MRSA §506, paragraphs 1 and 2**, as last amended by PL 1991
c. 392, are repealed.

8
10 **Sec. 23. 32 MRSA §1151, last paragraph**, as last amended by PL 1991 c.
438, is repealed.

12
14 **Sec. 24. 32 MRSA §1152, first paragraph**, as last amended by PL 1993 c.
220, is further amended to read.

16 **§1152 EMPLOYEES**

18 ~~The Commissioner of Professional and Financial Regulation, with the advice~~
20 ~~and consent of the board, may appoint, subject to the Civil Service Law, such~~
~~employees as may be necessary to carry out this chapter.~~ At no time may there be
22 fewer than 6 electrical inspectors to carry out the mandates of this chapter. The
board shall raise funds as necessary to support the costs of its employees and their
24 administrative support. ~~Any person so employed must be located in the Department~~
~~of Professional and Financial Regulation and under the administrative and~~
26 ~~supervisory direction of the Commissioner of Professional and Financial Regulation.~~

28 **Sec. 25. 32 MRSA §1154**, as last amended by PL 1983 c. 553, is repealed.

30
32 **Sec. 26. 32 MRSA §1451, paragraph 4**, as last amended by PL 1983 c. 812,
is repealed.

34
36 **Sec. 27. 32 MRSA §1451, paragraph 5**, as last amended by PL 1983 c. 812,
is further amended by read:

38 The board shall keep a record of all proceedings, issue all notices, certificates
40 of registration and licenses and cause inspections to be made at least once every 3
years of all establishments or places of business of any person engaged in the
42 profession of funeral service in the State. The inspection shall be for the purpose of
determining that these establishments and places are maintained in a clean and
44 sanitary manner and that suitable equipment for their proper conduct is maintained

2 and that the laws and the regulations of the board and of the Department of Human
3 Services relating to the conduct of these establishments are observed. ~~The board may~~
4 ~~employ one or more inspectors to carry out the duties of inspection imposed by this~~
5 ~~section, and the~~ The inspection may be made by members of the board upon
6 authorization by the board, and may otherwise enter into contracts to carry out its
7 responsibilities under this chapter.

8
9 **Sec. 28. 32 MRSA §1452-B**, as last amended by PL 1981 c. 703, is repealed.

10
11 **Sec. 29. 32 MRSA §1453**, as last amended by PL 1967 c. 253, is repealed.

12
13 **Sec. 30. 32 MRSA §1660-B, sub-§§6-A, and 10**, as last amended by PL 1985
14 c. 785, are repealed.

15
16 **Sec. 31. 32 MRSA §1660-D**, as last amended by PL 1993 c. 1, is repealed

17
18 **Sec. 32. 32 MRSA §2001, last paragraph**, as last amended by PL 1989 c.
19 503, is repealed.

20
21 **Sec. 33. 32 MRSA §2002, sub-§4**, as last amended by PL 1983 c. 413, is
22 repealed.

23
24 **Sec. 34. 32 MRSA §2004**, as last amended by PL 1987 c. 735, is repealed.

25
26 **Sec. 35. 32 MRSA §2273, sub-§4**, as last amended by PL 1983 c. 862, is
27 repealed.

28
29 **Sec. 36. 32 MRSA §2274, sub-§5**, as last amended by PL 1983 c. 746, is
30 repealed.

31
32 **Sec. 37. 32 MRSA §2275, sub-§§2 and 3**, as last amended by PL 1985 c. 785,
33 are repealed.

2 **Sec. 38. 32 MRSA §2351, paragraph 6**, as last amended by PL 1987 c. 395,
is repealed.

4 **Sec. 39. 32 MRSA §2354**, as last amended by PL 1991 c. 198, is repealed.

6 **Sec. 40. 32 MRSA §3112, sub-§2**, as last amended by PL 1985 c. 785, is
8 further amended to read:

10 **2. Meetings.** The board shall meet at least once a year to conduct its business
12 and to elect a chairman and a secretary who shall serve for 2 years. Additional
meetings shall be held as necessary to conduct the business of the board, and may be
14 convened at the call of the chairman or a majority of the board members. The board
shall keep such records and minutes as are necessary to the ordinary dispatch of its
16 functions. ~~Members of the board shall be compensated according to the provisions~~
of Title 5, chapter 379.

18 **Sec. 41. 32 MRSA §3112, sub-§5, paragraphs I and J**, as last amended by
20 PL 1985 c. 785, are further amended to read:

22 **I.** To submit, no later than August 1st of each year to the Commissioner of
24 Professional and Financial Regulation for the preceding year ending June 30th,
an annual report of its operations and financial position together with such
26 comments and recommendations as the board deems essential; and

28 **J.** ~~To furnish advice and consent to the Commissioner of Professional and~~
~~Financial Regulation, who shall be empowered to appoint, subject to the Civil~~
30 ~~Service Law, such employees as may be necessary to carry out this chapter.~~
~~Any person so employed shall be located in the Department of Professional and~~
32 ~~Financial Regulation and under the commissioner's supervision; and~~

34 **Sec. 42. 32 MRSA §3119**, as last amended by PL 1985 c. 389, is repealed.

36 **Sec. 43. 32 MRSA §3401, last paragraph**, as last amended by PL 1989 c.
38 503, is further amended to read:

40 Any member of the board may be removed from office for cause, by the
42 Governor. ~~The members of the board shall each be compensated according to the~~
provisions of Title 5, chapter 379.

2 **Sec. 44. 32 MRSA §3402, first paragraph**, as last amended by PL 1991 c.
509, is repealed.

4 **Sec. 45. 32 MRSA §3405**, as last amended by PL 1985 c. 389, is repealed.

6 **Sec. 46. 32 MRSA §3823**, as last amended by PL 1985 c. 389, is further
8 amended to read:

10 **§3823 ~~Disposal of fees~~ Grants**

12 ~~All fees charged and collected by the board shall be deposited by it in the State~~
14 ~~Treasury to the credit of the board. The board may accept grants from foundations~~
16 ~~or institutions, which shall also be deposited in the State Treasury to the credit of the~~
18 ~~board. All those moneys are appropriated to be used by the board in carrying out this~~
~~chapter. The expenditures of the board may be paid only from those moneys. Any~~
~~balance of these fees shall not lapse, but shall be carried forward as a continuing~~
~~account to be expended for the same purposes in the following fiscal years.~~

20 **Sec. 47. 32 MRSA §3824, sub-§4**, as last amended by PL 1991 c. 144, is
22 repealed.

24 **Sec. 48. 32 MRSA §4855, 2nd and 3rd paragraph**, as last amended by PL
26 1993 c. 404 is repealed.

28 **Sec. 49. 32 MRSA §4858**, as last amended by PL 1983 c. 812, is repealed.

30 **Sec. 50. 32 MRSA §4906, sub-§3**, as last amended by PL 1983 c. 413, is
32 repealed.

34 **Sec. 51. 32 MRSA §4908, second paragraph**, as last amended by PL 1987
36 c. 395, is repealed.

38 **Sec. 52. 32 MRSA §4908, sub-§2, second paragraph**, as last amended by PL
40 1987 c. 395, is repealed.

42 **Sec. 53. 32 MRSA §4908, sub-§3**, as last amended by PL 1987 c. 395, is
44

repealed.

Sec. 54. 32 MRSA §5006, as last amended by PL 1983 c. 812, is repealed.

Sec. 55. 32 MRSA §5010, as last amended by PL 1985 c. 389, is repealed.

Sec. 56. 32 MRSA §5011-B, as last amended by PL 1989 c. 450, is repealed.

Sec. 57. 32 MRSA §5011-C, as last amended by PL 1989 c. 450, is repealed.

Sec. 58. 32 MRSA §6012, as last amended by PL 1983 c. 812, is repealed.

Sec. 59. 32 MRSA §6013, sub-§5, as last amended by PL 1983 c. 413, is repealed.

Sec. 60. 32 MRSA §6028, last paragraph, as last amended by PL 1983 c. 413, is repealed.

Sec. 61. 32 MRSA §6211, as last amended by PL 1983 c. 812, is repealed.

Sec. 62. 32 MRSA §6212, sub-§5, as last amended by PL 1987 c. 395 is repealed.

Sec. 63. 32 MRSA §6222, as last amended by PL 1979 c. 96, is repealed.

Sec. 64. 32 MRSA §7028, as last amended by PL 1987 c. 113, is repealed.

Sec. 65. 32 MRSA §7030, sub-§4, as last amended by PL 1983 c. 413, is repealed.

Sec. 66. 32 MRSA §7061, as last amended by PL 1985 c. 389, is repealed.

2 **Sec. 67. 32 MRSA §9553-A, sub-§5**, as last amended by PL 1983 c. 413, is
repealed.

4
6 **Sec. 68. 32 MRSA §9554**, as last amended by PL 1983 c. 812, is repealed.

8 **Sec. 69. 32 MRSA §9606**, as last amended by PL 1981 c. 456, is repealed.

10
12 **Sec. 70. 32 MRSA §9703, sub-§4**, as last amended by PL 1989 c. 503, is
repealed.

14
16 **Sec. 71. 32 MRSA §9704, sub-§§3, 5, 7 and 8**, as last amended by PL 1985
c. 785, are repealed.

18
20 **Sec. 72. 32 MRSA §9853, sub-§4 and 6-J**, as last amended by PL 1985 c. 748,
are repealed.

22
24 **Sec. 73. 32 MRSA §9862**, as last amended by PL 1983 c. 524, is repealed.

26
28 **Sec. 74. 32 MRSA §9903, sub-§4**, as last amended by PL 1987 c. 313, is
repealed.

30
32 **Sec. 75. 32 MRSA §9904, sub-§5**, as last amended by PL 1987 c. 313, is
repealed.

34
36 **Sec. 76. 32 MRSA §9905**, as last amended by PL 1987 c. 313, is repealed.

38 **Sec. 77. 32 MRSA §9911, sub-§2**, as last amended by PL 1987 c. 313, is
repealed.

40
42 **Sec. 78. 32 MRSA §12214, sub-§§2, 3, 5, 8 and 10**, as last amended by PL
1987 c. 489, are repealed.

2 **Sec. 79. 32 MRSA §12406, sub-§5**, as last amended by PL 1987 c. 488, is
repealed.

4 **Sec. 80. 32 MRSA §12407, sub-§§5 and 6**, as last amended by PL 1987 c. 488,
6 are repealed.

8 **Sec. 81. 32 MRSA §12410, sub-§3**, as last amended by PL 1987 c. 488, is
10 repealed.

12 **Sec. 82. 32 MRSA §13504**, as last amended by PL 1987 c. 395, is repealed.

14 **Sec. 83. 32 MRSA §13507, sub-§4**, as last amended by PL 1987 c. 395, is
16 repealed.

18 **Sec. 84. 32 MRSA §13716, sub-§3**, as last amended by PL 1971 c.208 is
20 repealed.

22 **Sec. 85. 32 MRSA §13717**, as last amended by PL 1987 c. 710, is repealed.

24 **Sec. 86. 32 MRSA §13719**, as last amended by PL 1987 c. 710, is repealed.

26 **Sec. 87. 32 MRSA §13723, sub-§9**, as last amended by PL 1987 c. 710, is
28 repealed.

30 **Sec. 88. 32 MRSA §13731, sub-§6**, as last amended by PL 1987 c. 710, is
32 repealed.

34 **Sec. 89. 32 MRSA §13852, sub-§6**, as last amended by PL 1991 c. 263, is
36 repealed.

38 **Sec. 90. 32 MRSA §13853, sub-§§6, 7, and 9**, as last amended by PL 1991 c.
40 263, are repealed.

2 **Sec. 91. 32 MRSA §13902, sub-§3**, as last amended by PL 1989 c. 346, is
repealed.

4 **Sec. 92. 32 MRSA §13903, sub-§§4, 5, and 7**, as last amended by PL 1993 c.
6 29, are repealed.

8 **Sec. 93. 32 MRSA §13910, sub-§2**, as last amended by PL 1991 c. 509, is
10 repealed.

12 **Sec. 94. 32 MRSA §13967, sub-§§7 and 9**, as last amended by PL 1993 c. 404,
14 are repealed.

16 **Sec. 95. 32 MRSA §13968, sub-§§6, 7, and 9**, as last amended by PL 1989 c.
18 806, are repealed.

20 **Sec. 96. 32 MRSA §14211, sub-§§3 and 4**, as last amended by PL 1991 c. 397,
22 are repealed.

24 **Sec. 97. 32 MRSA §14212, sub-§§5 and 7**, as last amended by PL 1991 c. 397,
26 are repealed.

28 **Sec. 98. 32 MRSA §14214**, as last amended by PL 1991 c. 397, is repealed.
30

32 **Sec. 99. 32 MRSA §14238, sub-§2**, as last amended by PL 1991 c. 397, is
34 repealed.

36 **Sec. 100. 32 MRSA §14303**, as last amended by PL 1991 c. 403, is repealed.

38 **Sec. 101. 38 MRSA §90-B**, as last amended by PL 1983 c. 758, is repealed and
40 the following enacted in its place:

42 **§90-B BUDGET**

44 ~~The commission shall submit to the Commissioner of Professional and~~

2 ~~Financial Regulation its budgetary requirements in the same manner as is provided~~
3 ~~in Title 5, section 1665, and the commissioner shall in turn transmit these~~
4 ~~requirements to the Bureau of the Budget without any revision, alteration or change.~~

6 The commission's budget shall be prepared and administered as provided in
7 10 MRSA, section 8003.

8
9 **Sec. 102. 38 MRSA §106**, as last amended by PL 1985 c. 389, is repealed and
10 the following enacted in its place:

12 **§106** ~~Receipts and disbursements~~ Disposition of fees

14 ~~All fees received by the commission under this chapter shall be used to carry~~
15 ~~out the purpose of this chapter. Any balance of these fees shall not lapse, but shall~~
16 ~~be carried forward as a continuing account to be expended for the same purposes in~~
17 ~~the following fiscal years.~~

18
19 All monies received by the commission shall be paid to the Treasurer of State
20 and credited to the account for the commission within the budget of the Division of
21 Licensing and Enforcement within the Department of Professional and Financial
22 Regulation.

24 Monies received by the commission shall be used for the expenses of
25 administrating their statutory responsibility, which may include, but shall not be
26 limited to, the costs of conducting investigations and of taking testimony and
27 procuring the attendance of witnesses; all legal proceedings taken for enforcement;
28 administrative expenses and any other costs incurred in carrying out their duties.

30 Any balance of these fees shall not lapse, but shall be carried forward as a
31 continuing account to be expended for the same purposes in the following fiscal years.
32

34 **Transition.**

36 The following provision applies to the transition required by passage of this bill.

38 1. Employees. All employees of the following boards listed become employees of the
39 Department of Professional and Financial Regulation and allocated to the Division
40 of Licensing and Enforcement: Electricians' Examining Board, State Board of Social
41 Worker Licensure, Manufactured Housing Board, Board of Chiropractic Examination
42 and Registration, Board of Barbering and Cosmetology, State Board of Funeral
43 Service, Board of Counseling Professionals Licensure, State Board for Licensure
44 Architects, Landscape Architects and Interior Designers, Maine State Board of

Accountancy, Oil and Solid Fuel Board, and the Plumbers' Examining Board. The accrued fringe benefits, including vacation and sick leave, health and life insurance, seniority and retirement of those personnel, remain with those personnel.

Sec. 1 This section clarifies the structure of the Department by appropriately assigning boards and commissions under the Division of Licensing and Enforcement in keeping with current practice.

Sec. 2 This section adds the appropriate statutory reference citing the commissioner's authority.

Sec. 3 This section 1] corrects Administrator's title of the Division of Licensing and Enforcement 2] creates one divisional budget with sub-accounts for boards and commissions and 3] assigns all employees to the Division.

Sec. 4 This section repeals the disposition of fees for the Manufactured Housing Board.

Sec. 5 This section uniformly sets the compensation reference of all boards and commissions under the general provisions of Title 32 which applies to all boards and commissions.

Sec. 6 This section provides uniform language for the disposition of fees for all boards and commissions under the general provisions of Title 32 which applies to all boards and commissions.

Sec. 7 This section provides uniform language for boards and commissions entering into contracts to effect compliance with statutory responsibilities and places it under the general provisions of Title 32 which applies to all boards and commissions.

Sec. 8 This section uniformly sets the requirements by which all boards and commissions prepare and administer their respective budget and places it under the general provisions of Title 32 which applies to all boards and commissions.

Sec. 9 This section provides uniform language for the allocation of employees by the Department and authorizes the commissioner to direct employment of needed personnel and places this provision under the general provisions of Title 32 which applies to all boards and commissions.

Sec. 10 This section requires all boards and commissions to file all complaints with the Division, as well as provides authority for the Division to file substantiated allegations of unlicensed practice with the Department of the Attorney General or local district attorney's office. This provision is placed under the general provisions

of Title 32 which applies to all boards and commissions.

Sec. 11 This section uniformly enables all boards and commissions to assess investigative and enforcement costs when there is a finding of violations.

Sec. 12 This section enables all boards and commissions to adopt rules listing violations for which citations may be issued and limits fines to \$200.

Sec. 13 through 98 and 100. These sections repeals the references to 1] compensation 2] budget 3] employees 4] fees and 5] contracts of the various boards and commissions. This will effect elimination of overlapping authorities, provides uniformity of language and place these under the general provision of Title 32 which applies to all boards and commissions.

Sec. 99 This section repeals the board's authority to impose investigative assessment costs as passage of this bill will provide the authority under the general provisions of Title 32 which applies to all boards and commissions.

Sec. 101 This section brings the Pilot Commission's statutory authority regarding budget submissions in line with the general provisions of Title 32 which applies to all boards and commissions.

Sec. 102 This section brings the Pilot Commission's statutory authority regarding disposition of fees in line with the general provisions of Title 32 which applies to all boards and commissions.

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