

MAINE STATE LEGISLATURE

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**STATE OF MAINE
114TH LEGISLATURE
FIRST REGULAR SESSION**



**BILL SUMMARY
JOINT STANDING COMMITTEE
ON
BUSINESS LEGISLATION**

JULY 1989

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ONE HUNDRED AND FOURTEENTH LEGISLATURE
FIRST REGULAR SESSION

JOINT STANDING COMMITTEE
BILL SUMMARIES
AUGUST 1989

This document is a compilation of the bill summaries prepared by this office for the Joint Standing Committees and Joint Select Committees of the Maine Legislature. The summaries are arranged by LD number for each committee.

All Adopted Amendments are listed, by paper number (e.g., H-584 or S-222), together with the sponsor for floor amendments. Final action is listed to the right of the title. If final House and Senate action differ, both are listed. Committee Reports and Floor Action are abbreviated as follows:

OTP	Ought to Pass
OTP-ND	Ought to Pass in New Draft
OTP-ND-NT	Ought to Pass in New Draft, New Title
OTP-A	Ought to Pass as Amended
ONTP	Ought Not to Pass
LVWD	Leave to Withdraw
INDEF PP	Indefinitely Postponed

Each individual summary was prepared by the analyst assigned, as noted for each committee. But, this document was produced by the efforts of all the office staff, including Research Assistant Barbara McGinn, and secretaries: Charlene Brann, and Valarie Parlin, and especially Laurette Knox who coordinated preparation of the overall document.

Please give us your suggestions and comments on these summaries and tell us of any inaccuracies.

SPONSOR(S)

COMMITTEE REPORT

AMENDMENTS ADOPTED

MITCHELL
CLARK N
KILKELLY
HOGLUND

LV/WD

SUMMARY

This bill deals with warranties for manufactured housing, including mobile and modular homes.

Mobile homes, but not all manufactured housing, are currently covered by a law requiring that for a one year period the manufacturer must correct substantial defects in materials or workmanship on site.

This bill eliminates the term "substantial defects" and substitutes "faulty materials, unskillful construction and failure to be fit for habitation" and adds a provision that the home must meet all standards for that type of housing. It extends the requirement for a warranty to all manufactured housing.

SPONSOR(S)

COMMITTEE REPORT

AMENDMENTS ADOPTED

BALDACCI

OTP-AM

S-150

SUMMARY

Under current law, an applicant for a license to practice acupuncture must have a baccalaureate degree. This bill would require an applicant to have either a baccalaureate degree or a license to practice as a registered professional nurse.

Committee Amendment "A" changes the date when a license is required of acupuncturists new to the practice after September 30, 1987, from September 30, 1987, to August 9, 1989, and of practicing acupuncturists as of September 30, 1987, from September 30, 1988, to August 9, 1989. It also adds 2 sets of qualifications which allow practicing acupuncturists as of August 9, 1989, to be licensed under different qualifications than will be required in the future.

The bill is made an emergency measure in order to accommodate these changes.

SPONSOR(S)

COMMITTEE REPORT

AMENDMENTS ADOPTED

GURNEY
DEXTER
CONSTANTINE
BALDACCI

OTP-AM

H-115

SUMMARY

In spite of its original erroneous title, this bill allows beauticians to practice cosmetology on persons at the person's place of business.

Committee Amendment "A" includes cosmetologists in the title and makes the same changes to the barbers' law as the bill made to the cosmetologists' law. With this amendment, both professions will be allowed

to practice their art at their customer's place of business. By current law such practice would be subject to any board rules. This amendment clarifies this point as regards cosmetologists and makes the issuance of such rules mandatory for both professions.

This amendment eliminates the requirement that a cosmetologist must be charging a fee in order to practice cosmetology in a nonbeauty shop setting. This provision is unnecessary since the definition of the practice of cosmetology includes the words "for hire or reward." This revision eliminates a conflict with current law which allows a person to perform cosmetological services without a fee. The revision would allow licensed cosmetologists to waive their fee; for example, for nursing home patients.

**LD 936 An Act to Provide for the Licensing of Counseling
Professionals and to Create a Board of Counseling
Professionals Licensure**

PUBLIC 465

<u>SPONSOR(S)</u>	<u>COMMITTEE REPORT</u>		<u>AMENDMENTS ADOPTED</u>	
ALLEN	OTP-AM	MAJ	H-541	MAJ REP
MARTIN J	ONTP	MIN		
PERKINS				
CLARK N				

SUMMARY

This bill creates a Board of Counseling Professionals Licensure within the Department of Professional and Financial Regulation.

This bill requires that persons must be licensed in order to call themselves professional counselors, clinical professional counselors and marriage and family therapists. Persons who are not licensed may not present themselves to the public by any title incorporating these names, but may continue to practice these professions. The board will set the qualifications for licensure and hear and act upon consumer complaints regarding any licensed practitioner.

Committee Amendment "A" changes the bill from a quasi-licensing act to a strict licensure act, which will prohibit practice in this State by those individuals not licensed by the Board of Counseling Professionals Licensure and makes it a Class E crime to do so.

The amendment more clearly defines the responsibilities of the board, restructures the board to make it more manageable, more clearly defines the various license categories and requirements and, lastly, details more clearly the exemptions to licensure.

The amendment adds an allocation and a fiscal note that indicates that start-up costs for the board will be loaned to the board from existing revenues of the department to be repaid when licensing begins and fee money becomes available.