

MAINE STATE LEGISLATURE

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**STATE OF MAINE
115TH LEGISLATURE**

**FIRST REGULAR SESSION
AND
FIRST SPECIAL SESSION**

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

AUGUST 1991

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**ONE HUNDRED AND FIFTEENTH LEGISLATURE
FIRST REGULAR SESSION
AND
FIRST SPECIAL SESSION
JOINT STANDING COMMITTEE
BILL SUMMARIES
AUGUST 1991**

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 volume is organized alphabetically by committee; within each committee, the summaries are arranged by LD number. A subject index is provided at the beginning of each committee's summaries.

All adopted amendments are listed, by paper number (e.g., H - 584 or S - 222), together with the sponsor for floor amendments. Final action on each bill is listed to the right of the title. Various types of final action are abbreviated as follows:

PUBLIC XXX	<i>Chapter # of enacted Public Law</i>
P&S XXX	<i>Chapter # of enacted Private & Special Law</i>
RESOLVE XXX	<i>Chapter # of enacted Resolve</i>
CON RES XXX	<i>Chapter # of Constitutional Resolution passed by both Houses</i>
EMERGENCY	<i>Enacted law takes effect sooner than 90 days</i>
CARRIED OVER	<i>Bill carried over to 2nd Session</i>
FAILED EMERGENCY ENACTMENT	<i>Bill failed to get 2/3 vote</i>
ONTP	<i>Ought Not to Pass report accepted</i>
LVWD	<i>Leave to Withdraw report accepted</i>
INDEF PP	<i>Bill Indefinitely Postponed</i>
DIED BETWEEN BODIES	<i>House & Senate disagree; bill died</i>
VETO SUSTAINED	<i>Legislature failed to override Governor's Veto</i>
UNSIGNED	<i>Not signed by Governor within 10 days</i>
DIED ON ADJOURNMENT	<i>Action incomplete when 1st session ended</i>

These summaries were prepared by the analyst or analysts assigned to the committee. But, this document was produced by the efforts of all the office staff, including secretaries: Charlene Raymond and Valarie Parlin, and especially Laurette Knox who coordinated preparation of the overall document.

If you have any suggestions or comments on these summaries, please let us know.

LD 1670 An Act to Prevent Preprinting of Federal Drug Enforcement Agency Registration Numbers on Prescription Drug Order Forms

ONTP

SPONSOR(S)
GARLAND
RICH
STEVENS A

COMMITTEE REPORT
ONTP

AMENDMENTS ADOPTED

SUMMARY

This bill prohibits a health practitioner from issuing a written prescription drug order with a preprinted Federal Drug Enforcement Agency registration number.

LD 1676 An Act to Make Technical Adjustments to Various Licensing Board Laws and to Adjust Budgetary Constraints Affecting Various Boards

**PUBLIC 509
EMERGENCY**

SPONSOR(S)
STEVENS A
BALDACCI
SHELTRA
RICH

COMMITTEE REPORT
OTP-AM

AMENDMENTS ADOPTED
H-583
S-339 VOSE

SUMMARY

The bill makes changes to various licensing board laws which are under the authority of the Department of Professional and Financial Regulation.

1. The bill authorizes the Commissioner of Professional and Financial Regulation to submit evidence of license status to any court in this State. It further gives agencies within or affiliated with the department the authority to specify requirements and conditions by rule under which licensees' numbers, names and addresses are to be displayed to the public, in order to properly inform the public of the licensees' license status. The bill further clarifies the investigative powers given to investigative personnel of the Department of Professional and Financial Regulation.
2. The bill exempts the Bureau of Banking from certain administrative powers.
3. The bill makes the following changes to the laws concerning the Board of Hearing Aid Dealers and Fitters:
 - A. Increases the cap on license fees;
 - B. Deletes the requirement that physicians consulted by purchasers have specialized training in the field of otolaryngology; and
 - C. Allows the board to establish continuing education requirements by rule.
4. The bill makes the following changes to the laws concerning the Board of Occupational Therapy Practice:
 - A. Repeals the license category of "occupational therapy aide," a category that is no longer recognized by the industry. No one is currently licensed in Maine in this category;
 - B. Repeals the exemptions concerning "associates" and "occupational therapy aides";

- C. Amends the term of temporary license to require that the permit is valid until the person is fully licensed and examination results are available to the board;
 - D. Reflects the change of the name of the American Occupational Therapy Association to the American Occupational Therapy Certification Board;
 - E. Allows the board to recognize national examination scores relating to the practice of occupational therapy in lieu of administering its own examination;
 - F. Repeals the "inactive status" category of licensure, since no licensee has ever applied for this category since the creation of this law;
 - G. Changes the term "continuing competency" to "continuing education"; and
5. The bill makes the following changes to the laws concerning the Oil and Solid Fuel Board:
- A. Redefines practical experience to include only "licensed" practical experience;
 - B. Further defines the minimum hours of study required and the content of those hours to obtain a journeyman oil burner technician license;
 - C. Establishes a new requirement for master oil burner technician licensure;
 - D. Increases the minimum forfeiture amount for any civil violation;
 - E. Clarifies the powers of the oil and solid fuel burner compliance officers;
 - F. Allows the board to standardize fees for original and renewal licenses and removes confusing language pertaining to unexpired licenses and allows the board to charge only half a license fee for individuals becoming licensed in the 2nd half of a biennium;
 - G. Gives the board power to waive requirements for a lapsed license and to levy penalties to cover administrative costs; and
6. The bill makes the following changes to the laws concerning the Plumbers' Examining Board:
- A. Clarifies the powers of state plumbing inspectors; and
 - B. Allows the board, by rule, to establish cutoff dates for examinations and clarifies that individuals applying in the 2nd year of the biennium pay only 1/2 the license fee.
7. The bill increases the cap on license fees for the State Board of Certification for Geologists and Soil Scientists.
8. The bill increases the cap on license fees for the State Board of Examiners on Speech Pathology and Audiology.
9. The bill makes the following changes to the laws concerning the State Board of Substance Abuse Counselors:
- A. Increases the cap on license fees;
 - B. Clarifies the fee requirement to include original license; and

- C. Redefines the treatment of minors related to "problems associated with" the abuse of drugs or alcohol.
10. The bill changes the cap on license fees for the Board of Respiratory Care Practitioners.
 11. The bill increases the cap on license fees for the Radiologic Technology Board of Examiners.
 12. The bill makes the following changes to the laws concerning the Board of Licensing of Dietetic Practice:
 - A. Amends the 10-year licensure requirement for examination exemption to clarify that the 10 years must be immediately prior to September 30, 1987;
 - B. Changes license renewals from annual to biennial;
 - C. Gives the board the power to assess penalties for late renewals to cover administrative costs; and
 - D. Increases the cap on license fees.
 13. The bill authorizes a civil penalty under the Maine Revised Securities Act.
 14. The bill makes changes to the laws concerning the Board of Licensure for Professional Land Surveyors.
 15. The bill makes the following changes to the Maine State Pilotage Commission laws:
 - A. Changes the term of license from 5 to 2 years and clarifies that the "commissioner" is the Commissioner of Professional and Financial Regulation;
 - B. Allows for current licenses to remain in effect until their expiration;
 - C. Increases the operating fee charged to pilots from 1% to 2% per year; and
 - D. Repeals the requirement that pilots licensed in Maine post a surety bond with the commission, as this requirement has been made unnecessary by the substantial disciplinary powers given the commission under the Maine Revised Statutes, Title 32, section 8003, subsection 5.

Committee Amendment "A" sets back the effective date for the law regulating appraisers from July 1, 1991 to December 31, 1991 unless an earlier date is mandated by federal authority. It also specifies the licensing fees rather than giving a limit and reduces the fees requested in the bill as follows:

	<u>Current Limit</u>	<u>Original Bill</u>	<u>Amendment</u>
Board of Hearing Aid Dealers and Fitters	\$ 100	\$200	\$185
Board of Occupational Therapy Practice	\$ 80	\$150	\$120
Board of Examiners of Speech Pathology and Audiology	\$ 100	\$200	\$140
State Board of Certification for Geologists and Soil Scientists	\$ 20	\$ 60	\$ 45
Board of Respiratory Care Practitioners	\$ 80	\$180	\$135
Radiologic Technology Board of Examiners	\$ 70	\$120	\$ 70
Board of Commercial Driver Education	\$ 100	\$250	\$250

Senate Amendment "A" to Committee Amendment "A" corrects a grammatical error.

LD 1717 An Act to Prohibit Unfair Sale Practices by Rent-to-own Businesses LV/WD

SPONSOR(S) **COMMITTEE REPORT** **AMENDMENTS ADOPTED**
 FARNSWORTH LV/WD
 LARRIVEE

SUMMARY

This bill places rental-purchase agreements under the Consumer Credit Code. It sets an interest limit, indicates prohibited contractual provisions, specifies certain required disclosures and provides advertising guidelines.

LD 1726 An Act Requiring Plumbers and Electricians to Demonstrate Financial Responsibility (By Request) ONTP

SPONSOR(S) **COMMITTEE REPORT** **AMENDMENTS ADOPTED**
 KETOVER ONTP
 HOGLUND

SUMMARY

This bill requires that plumbers and electricians engaged in their trades must maintain public liability and property damage insurance or otherwise demonstrate financial responsibility adequate to protect the public safety and welfare.