

MAINE STATE LEGISLATURE

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STATE OF MAINE
116TH LEGISLATURE

FIRST REGULAR SESSION

BILL SUMMARIES
JOINT STANDING COMMITTEE
ON
BUSINESS LEGISLATION

JULY 1993

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**ONE HUNDRED AND SIXTEENTH LEGISLATURE
FIRST REGULAR SESSION**

**JOINT STANDING COMMITTEE
BILL SUMMARIES**

JULY 1993

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.

The committee report or reports, the prime sponsor for each bill and the lead co-sponsor in each house if one has been designated are listed below each bill title. 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:

<i>PUBLIC XXX</i>	<i>Chapter # of enacted Public Law</i>
<i>P&S XXX</i>	<i>Chapter # of enacted Private & Special Law</i>
<i>RESOLVE XXX</i>	<i>Chapter # of enacted Resolve</i>
<i>CON RES XXX</i>	<i>Chapter # of Constitutional Resolution passed by both Houses</i>
<i>EMERGENCY</i>	<i>Enacted law takes effect sooner than 90 days</i>
<i>CARRIED OVER</i>	<i>Bill carried over to Second Session</i>
<i>ONTP</i>	<i>Ought Not to Pass report accepted</i>
<i>ENACTMENT FAILED</i>	<i>Bill failed to get majority vote</i>
<i>INDEF PP</i>	<i>Bill Indefinitely Postponed</i>
<i>FAILED EMERGENCY ENACTMENT</i>	<i>Emergency bill failed to get 2/3 vote</i>
<i>FAILED MANDATE ENACTMENT</i>	<i>Bill imposing local mandate failed to get 2/3 vote</i>
<i>DIED BETWEEN BODIES</i>	<i>House & Senate disagree; bill died</i>
<i>CONF CMTE UNABLE TO AGREE</i>	<i>Committee of Conference formed but unable to agree</i>
<i>VETO SUSTAINED</i>	<i>Legislature failed to override Governor's Veto</i>
<i>UNSIGNED</i>	<i>Not signed by Governor within 10 days</i>
<i>DIED ON ADJOURNMENT</i>	<i>Action incomplete when session ended; bill died</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.

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

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SPONSOR(S)

PARADIS J

COMMITTEE REPORT

OTP-AM

AMENDMENTS ADOPTED

S-252
 S-268 PINGREE
 S-293 WEBSTER
 S-294 CLEVELAND
 S-305 WEBSTER
 S-320 CLEVELAND

SUMMARY

This bill accomplishes the following.

1. The bill amends the membership of the Nursing Home Administrators Licensing Board by restoring the number of members to 7 by excluding the designation of a hospital administrator. This change would bring the law into conformity with the intent of legislation proposed in 1991 that replaced the position on the board designated for a hospital administrator with an administrator of an intermediate care facility for the mentally retarded, rather than to add the latter position.
2. The bill changes the title of the Board of Chiropractic Examination and Registration to the Board of Chiropractic Licensure. The bill replaces the language outlining the detailed complaint procedure with a brief general statement authorizing the board to investigate a complaint.
3. The bill clarifies examination deadlines and fees required to become a licensed electrician in the State.
4. The bill removes the obsolete designation of one seat on the Board of Hearing Aid Dealers and Fitters that was for a member of the discontinued Maine Committee on Aging; it also modifies the language of Title 32, section 1660-A to make it gender-neutral.
5. The bill clarifies the definition of solid fuel.
6. The bill makes it a criminal violation for any person, firm or corporation to make an oil or solid fuel burning installation without first obtaining a license.
7. The bill repeals the provision for referrals to physical therapists from other health practitioners.
8. The bill provides for an even distribution of workload and cash receipts attendant to license registration renewal of physicians over a 24-month cycle. Current law provides that the registrations of all permanent licenses issued to physicians by the Board of Registration in Medicine expire simultaneously on June 30th of even-numbered years. The bill provides for a 5-year time limit to apply for license reinstatement after a lapse in registration for failure to make a timely application to renew. Current law sets no time limit on reinstatement after lapse but, under Title 32, section 3281, licensees who voluntarily withdraw from license registration may not be reinstated after 5 years. The proposed revision would treat all former licensees equally.
9. The bill clarifies the supervision requirements for journeyman plumbers.
10. The bill removes an outdated provision from the plumber licensing laws that no longer applies.
11. The bill amends and clarifies the definitions in the Maine Veterinary Practice Act of 1975 by replacing the term "animal technician" with the term "veterinary technician" and adding the terms "animal health assistant," "direct supervision," "indirect supervision" and "supervisor."

12. The bill creates and defines the scope of practice of an animal health assistant.
13. The bill changes the certification renewal of geologists and soil scientists from a biennial to an annual cycle to even cash flow.
14. The bill increases the initial and renewal fees for geologist and soil scientist certificates.
15. The bill clarifies reciprocity provisions to become a licensed professional forester in the State.
16. The bill further defines the term "speech pathology aide" and adds the definition of "speech pathology assistant" to the Licensure Act for Speech Pathologists and Audiologists.
17. The bill amends the requirements for graduate academic credit and clinical supervision and observation for licensure as a speech pathologist or an audiologist.
18. The bill amends and clarifies the descriptions of the various positions on the State Board of Substance Abuse Counselors, stipulating that 2 members must be public members, one of whom must be a consumer of substance abuse counseling or a family member of a consumer, and that 2 members must be registered substance abuse counselors. It also eliminates the board position for a representative from a regional alcohol and drug abuse council because, due to discontinued funding, these councils are no longer operating.
19. The bill amends the license and registration renewal requirements for substance abuse counselors by deleting the requirement of 250 hours of supervised experience within the core functions as defined by the State Board of Substance Abuse Counselors.
20. The bill amends the laws governing social workers to clarify the qualifications and requirements for initial and renewal of licensure at the various levels specified by law; to change the words "certified" or "certificate of registration" to "license" in keeping with the intent of the law; and to revise the continuing education requirement for licensure to call for submission of documentation every renewal interval, rather than every other interval.
21. The bill requires licensed commercial driver education schools to report at the time of starting new classes a listing of students being enrolled and assess a filing fee to each student enrolled.
22. The bill eliminates the provision allowing an informal conference between the Board of Commissioners of the Profession of Pharmacy and a licensee against whom a complaint has been filed to be conducted in executive session.
23. The bill discontinues the provisions for eligibility for licensure of existing counselors who have not passed a national examination prescribed by the Board of Counseling Professionals Licensure.
24. The bill further defines and clarifies the definition of "real estate appraiser." It also defines "real estate appraiser trainee" and expands licensure requirements for registered real estate appraisers.
25. The bill adds a provision that licensed appraisers who are not in compliance with the required course hours and experience have until December 31, 1994 and December 31, 1995, respectively, to come into compliance. It requires that applicants for licensure demonstrate 2 years' experience in the real estate appraisal field. The bill also sets forth the requirements for individuals to register with the Board of Real Estate Appraisers as appraiser trainees.

26. The bill amends Title 32, section 13973 to include suspension of any professional or occupational license in the consideration of an application for licensure or certification by the Board of Real Estate Appraisers.

27. The bill clarifies the minimum classroom hours and minimum experience to be completed by current licensed or state-certified real estate appraisers and adds provisions for timely notice and the consequences of noncompliance.

This bill was submitted by the Department of Professional and Financial Regulation as a means of dealing with numerous technical-type issues concerning the various licensing boards.

Committee Amendment "A" (S-252) removes all portions of the bill that the Committee on Business Legislation determined are not necessary for the functioning of a board prior to the Second Regular Session of the 116th Legislature. The following sections from the original bill are retained by this amendment.

Section 17. The law gives the Oil and Solid Fuel Board jurisdiction over coal and wood. This bill extends their jurisdiction to other organic materials.

Sections 20 to 22. The bill provides for an even distribution of workload and cash receipts attendant on license registration renewal of physicians over a 24-month cycle. The bill provides for a 5-year time limit to apply for license reinstatement after a lapse in registration for failure to make a timely application to renew. The proposed revision would treat all former licensees equally. Finally, the bill allows the board to inquire into the qualifications of a candidate for relicensure, including professional standing, liability claims history and license status in other states.

Sections 26 to 37. The bill replaces the term "animal technician" with the term "veterinary technician." An animal technician required 2 years of college training or completion of a 2-year certified program. A veterinary technician requires 2 years in a college program. The bill does not change the function of this position, which is to perform under supervision and direction any function of a veterinarian except diagnosis, prescribing treatment or performing surgery. The bill also establishes the category of animal health assistant for which there are no qualifications. Under direct supervision of a veterinarian or veterinary technician, the animal health assistant performs all the duties of the veterinary technician except those dealing with reading laboratory tests.

Sections 38 and 39. The bill changes the relicensing cycle for geologists from 2 years to one year. The fee is increased from \$45 to \$65 per year.

Section 60. The practice of licensed real estate appraisers working on federally regulated transactions is limited to single-family residential properties consisting of one to 4 units. The amendment moves the new provision from the definition of a real estate appraiser to the definition of a licensed real estate appraiser and clarifies some wording.

Sections 61 and 62. The bill adds the category of registered real estate appraiser trainee.

Section 63. The bill adds 2 appraisers to the board for a total of 7, one of whom is a public member and one is a representative of a mortgage lending organization. The amendment clarifies some wording of this provision.

Section 65. The bill requires an applicant for a license for real estate appraisal to have 2 years of field experience.

Section 66. The bill provides the requirements for registration as an appraiser trainee.

Section 67. Currently, a person may be denied an appraiser's license if that person has had any professional or occupational license revoked. The bill adds license suspension to this provision.

Section 69. The bill requires that persons who are grandfathered in to licensing or certification status as an appraiser must meet the education requirements of licensure by December 31, 1994 and the experience requirements by December 31, 1995.

Senate Amendment "A" (S-294) eliminates the language in the bill dealing with biennial renewal of license registration, qualification inquiry, fees and reinstatement of licenses for physicians.

Senate Amendment "A" (S-268) to Committee Amendment "A" adds a provision allowing holders of a license from the Board of Funeral Service to obtain an inactive status license.

Senate Amendment "B" (S-320) strikes that portion of the bill that repeals existing law governing biennial reregistration and fees for physicians.

Senate Amendment "B" (S-292) to Committee Amendment "A" amends the laws governing plumbing regulations to provide that plumbing inspections and permits are not required for plumbing work that is done in a private residence by the owner of that residence and for installation of domestic heating appliances by master oil burner technicians licensed under Title 32.

Senate Amendment "C" (S-293) to Committee Amendment "A" amends the laws governing plumbing regulations to provide that a plumbing permit fee of \$4 may be charged per fixture, a maximum plumbing permit fee of \$4 may be charged for all other plumbing work and a minimum plumbing permit fee may not be charged.

Senate Amendment "D" (S-305) to Committee Amendment "A" amends the laws governing plumbing regulations to provide that plumbing inspections and permits are not required for minor plumbing work and minor installations that are done in a private residence by the owner of that residence and for installation of domestic heating appliances by master oil burner technicians licensed under Title 32.

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