

# MAINE STATE LEGISLATURE

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STATE OF MAINE  
116TH LEGISLATURE

SECOND REGULAR SESSION

BILL SUMMARIES  
JOINT STANDING COMMITTEE  
ON  
BUSINESS LEGISLATION

MAY 1994

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

**JOINT STANDING COMMITTEE  
BILL SUMMARIES**

**MAY 1994**

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, 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*

*P&S XXX*

*RESOLVE XXX*

*CON RES XXX*

*EMERGENCY*

*ONTP*

*INDEF PP*

*FAILED ENACTMENT*

*FAILED EMERGENCY ENACTMENT*

*FAILED MANDATE ENACTMENT*

*DIED BETWEEN BODIES*

*CONF CMTE UNABLE TO AGREE*

*VETO SUSTAINED*

*UNSIGNED*

*DIED ON ADJOURNMENT*

*Chapter # of enacted Public Law*

*Chapter # of enacted Private & Special Law*

*Chapter # of enacted Resolve*

*Chapter # of Constitutional Resolution passed by both Houses*

*Enacted law takes effect sooner than 90 days*

*Ought Not to Pass report accepted*

*Bill Indefinitely Postponed*

*Bill failed to get majority vote*

*Emergency bill failed to get 2/3 vote*

*Bill imposing local mandate failed to get 2/3 vote*

*House & Senate disagree; bill died*

*Committee of Conference unable to agree; bill died*

*Legislature failed to override Governor's Veto*

*Not signed by Governor within 10 days*

*Action incomplete when session ended; bill died*

These summaries were prepared by the analyst or analysts assigned to the committee. If you have any suggestions or comments on the summaries, please let us know.

5581LHS

7. It states that a franchisor may not prohibit transfer of a franchise to a family member in the event of death or incapacitation unless there is good cause for prohibiting that transfer.

All except items 1 and 3 preceding, in addition to applying to new contracts, also apply to future actions under existing contracts.

The franchise laws for farm machinery (29 MRSA chapter 5, subchapter VI) and for power equipment, machinery and appliances (including farm machinery) (10 MRSA chapter 211-A) both include termination provisions while the farm machinery law includes a transfer provision. In addition, both contain provisions concerning consumer warranties and the power equipment law has a coercion prohibition, similar to that in the original version of LD 1916.

HOUSE AMENDMENT "A" TO COMMITTEE AMENDMENT "A" (H-1005) removes from the committee amendment those provisions relating to retroactive application, encroachment and transfers of franchises. The amendment also defines the family members whom a franchisee may designate as a successor in the event of death or incapacitation.

HOUSE AMENDMENT "B" TO COMMITTEE AMENDMENT "A" (H-1019) sets up a panel to study the issue of franchising.

SENATE AMENDMENT "A" TO COMMITTEE AMENDMENT "A" (S-570) is the same as House Amendment "B" except for a minor change in the section dealing with discrimination.

HOUSE AMENDMENT "C" TO COMMITTEE AMENDMENT "A" (H-1047) is the same as Senate Amendment "A".

SENATE AMENDMENT "B" TO COMMITTEE AMENDMENT "A" (S-596) limits the bill to only the provision against limiting court jurisdiction.

**LD 1942**      **An Act to Clarify and Make Technical Changes to Various Professional Licensing Board Laws**

PUBLIC 659

| <b>SPONSOR(S)</b> | <b>COMMITTEE REPORT</b> | <b>AMENDMENTS ADOPTED</b> |
|-------------------|-------------------------|---------------------------|
| CIANCHETTE        | OTP-AM                  | S-490<br>S-558    SUMMERS |

**SUMMARY**

Part A of this bill accomplishes the following.

1. It amends the membership of the Nursing Home Administrators Licensing Board by changing the number of members from 8 to 7 by excluding the designation of a hospital administrator.
2. It replaces the language outlining the detailed complaint procedure for the Board of Chiropractic Examination and Registration with a brief general statement authorizing the board to investigate a complaint.
3. It clarifies examination deadlines and fees required to become a licensed electrician in the State.
4. It 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 the Maine Revised Statutes, Title 32, section 1660-A to make it gender-neutral.
5. It 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.

6. It amends the membership of the Oil and Solid Fuel Board to eliminate the Commissioner of Professional and Financial Regulation's designee and provide for a gubernatorial appointee who is a representative of manufacturers or purveyors of equipment that requires product registration with the board.
7. It repeals the provision for referrals to physical therapists from other health practitioners.
8. It clarifies the supervision requirements for journeyman plumbers and removes an outdated provision from the plumber licensing laws that no longer applies.
9. It clarifies reciprocity provisions to become a licensed professional forester in the State.
10. It further defines the term "speech pathology aide" and adds the definition of "speech pathology assistant" to the Licensure Act for Speech Pathologists and Audiologists.
11. It amends the requirements for graduate academic credit and clinical supervision and observation for licensure as a speech pathologist or an audiologist.
12. It 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.
13. It 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.
14. It amends the laws governing social workers to clarify the qualifications and requirements for initial licensure 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 requirements for licensure to call for submission of documentation every renewal interval, rather than every other interval.
15. It 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.
16. It defines "acupuncture intern" and makes an exception to the acupuncture licensing laws to enable students of acupuncture to acquire clinical experience under supervision.
17. It eliminates the provision mandating 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.
18. It discontinues the provisions for eligibility for licensure of existing counselors who have not passed an examination prescribed by the Board of Counseling Professionals Licensure.

Part B changes the laws that differentiate boards affiliated with the Department of Professional and Financial Regulation from those internal to that department.

1. Currently, the Commissioner of Professional and Financial Regulation has authority to review internal boards to ensure that they comply with their statutory and public service responsibility. The bill adds affiliated boards to that authority.

2. Currently, most internal boards are required to submit their budgets to the Commissioner of Professional and Financial Regulation, and this has been held to allow the commissioner to revise those budgets. The laws governing most affiliated boards prohibit the commissioner from revising their budgets. This bill allows the commissioner to change the budget of an affiliated board if the change is agreed to by that board.
3. Currently, the Department of Professional and Financial Regulation is allowed to provide administrative services to the internal boards and charge the boards accordingly. The bill extends that provision to affiliated boards. However, the current provisions that give hiring responsibility to the Commissioner of Professional and Financial Regulation for internal boards and to each board for affiliating boards are continued.

Part B also contains a provision dealing with those organizations that may approve the graduate education program required of persons who have graduated from an unaccredited medical school. Currently, certain organizations in the United States and Canada are qualified to give this approval as is any accrediting body that the board considers the equivalent of those in the United States and Canada. This last provision was introduced by Public Law 1989, chapter 5. The bill restores the language used prior to that change by limiting the accrediting bodies not in North America to those in Great Britain.

COMMITTEE AMENDMENT "A" (S-490) eliminates all of the provisions of Part A of the bill except the following:

1. It amends the membership of the Nursing Home Administrators Licensing Board, changing the number of members from 8 to 7 by removing the designation of a hospital administrator.
2. It clarifies examination deadlines and fees required to become a licensed electrician in the State.
3. It removes the obsolete designation of one seat on the Board of Hearing Aid Dealers and Fitters for a member of the Maine Committee on Aging, which has been discontinued.
4. It amends the membership of the Oil and Solid Fuel Board to remove the Commissioner of Professional and Financial Regulation or a designee and to provide for a gubernatorial appointee who is a representative of manufacturers or purveyors of equipment that requires product registration with the board.
5. It clarifies reciprocity provisions for licensing as a professional forester in this State.
6. It amends the laws governing social workers to revise the continuing education requirements for licensure by calling for submission of documentation every renewal interval rather than every other interval.
7. It defines "acupuncture intern" and makes an exception to the acupuncture licensing laws to enable students of acupuncture to acquire clinical experience under supervision.

This amendment adds provisions that allow oil burner technicians and plumbers to make electrical connections to natural gas equipment and puts into law the continuing education required for relicensure of professional land surveyors following the recommendations of the study required by Public Law 1993, chapter 29.

SENATE AMENDMENT "A" TO COMMITTEE AMENDMENT "A" (S-543) grandfathers any barber shop or beauty salon that operates a tanning device from being required to have a separate entrance for the tanning device.

SENATE AMENDMENT "B" TO COMMITTEE AMENDMENT "A" (S-558) is the same as Senate Amendment "A" except for a provision that if the structure of the shop is materially changed, or more tanning devices are added, then the shop loses the exemption.