

## **131st MAINE LEGISLATURE**

## **SECOND REGULAR SESSION-2024**

**Legislative Document** 

No. 2265

H.P. 1454

House of Representatives, March 13, 2024

An Act to Implement Recommendations Resulting from the State Government Evaluation Act Review of the Department of Professional and Financial Regulation

Reported by Representative ROBERTS of South Berwick for the Joint Standing Committee on Innovation, Development, Economic Advancement and Business pursuant to the Maine Revised Statutes, Title 3, section 955, subsection 4.

Reference to the Committee on Innovation, Development, Economic Advancement and Business suggested and ordered printed pursuant to Joint Rule 218.

R(+ B. Hunt

ROBERT B. HUNT Clerk

1	Be it enacted by the People of the State of Maine as follows:
2 3	Sec. 1. 2 MRSA §6, sub-§2, as amended by PL 2019, c. 343, Pt. XXX, §1, is further amended to read:
4 5	<b>2.</b> Range 90. The salaries of the following state officials and employees are within salary range 90:
6	Superintendent of Financial Institutions;
7	Superintendent of Consumer Credit Protection;
8	State Tax Assessor;
9 10	Associate Commissioner for Tax Policy, Department of Administrative and Financial Services;
11	Superintendent of Insurance;
12	Executive Director of the Maine Consumer Choice Health Plan;
13	Two deputy commissioners, Department of Administrative and Financial Services;
14	Deputy Commissioner, Department of Corrections;
15	Public Advocate;
16	Two deputy commissioners, Department of Health and Human Services;
17	Chief Information Officer;
18	Associate Commissioner, Department of Corrections;
19	Chief of the State Police;
20	Securities Administrator, Office of Securities; and
21	Director, Office of Professional and Occupational Regulation-; and
22	Deputy Commissioner, Department of Professional and Financial Regulation.
23 24	<b>Sec. 2. 5 MRSA §934, sub-§1, ¶D,</b> as amended by PL 2001, c. 182, §2, is further amended to read:
25	D. Assistant to the Deputy Commissioner; and
26 27	Sec. 3. 10 MRSA §8002, first ¶, as amended by PL 2011, c. 1, Pt. AA, §1, is further amended to read:
28 29 30 31 32 33 34 35 36 37 38	The Commissioner of Professional and Financial Regulation, referred to in this chapter as the "commissioner," is the chief administrative officer of the department and is responsible for supervising the administration of the department. The commissioner is appointed by the Governor, subject to review by the joint standing committee of the Legislature having jurisdiction over banking and insurance matters, and to confirmation by the Legislature. The commissioner serves at the pleasure of the Governor. Unless Except as provided in subsection 13 or unless otherwise provided in law, the commissioner may not exercise or interfere with the exercise of discretionary regulatory authority granted by statute to the bureaus, offices, boards or commissions within and affiliated with the department. As chief administrative officer of the department, the commissioner has the following duties and authority to:

1 Sec. 4. 10 MRSA §8002, sub-§2, as amended by PL 1995, c. 502, Pt. H, §9, is 2 further amended to read:

**2. Personnel.** Except as otherwise specified, appoint and remove, subject to the Civil Service Law, all personnel considered necessary to fulfill the duties and functions of the department; appoint an assistant to the <u>a deputy</u> commissioner to serve at the commissioner's pleasure; and transfer personnel within the department to ensure efficient utilization of department personnel;

8 Sec. 5. 10 MRSA §8002, sub-§11, as amended by PL 2011, c. 603, §2, is further
9 amended to read:

10 **11. Report on fees.** By December 1st of each even-numbered year, conduct a review of the fees assessed by the department and provide a written report to the State Budget Officer and the joint standing committees of the Legislature having jurisdiction over appropriations and financial affairs, insurance and financial services matters and business, research and economic development matters identifying any fee changes the commissioner recommends for the next biennium; and

Sec. 6. 10 MRSA §8002, sub-§12, as enacted by PL 2011, c. 603, §3, is amended
to read:

18 **12. Recommend measures.** Recommend legislation or other measures to the 19 Governor and the Legislature for the purpose of assisting current and former members of 20 the United States Armed Forces in obtaining any professional license within the provisions 21 of the department related to their relevant training and experience from their military 22 service-<u>; and</u>

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Sec. 7. 10 MRSA §8002, sub-§13 is enacted to read:

24 **13. Emergency authority.** When a state of emergency is declared pursuant to state 25 or federal law, temporarily modify or suspend any continuing education requirements, 26 license expiration dates, examination requirements, license fees or other licensing 27 requirements as necessitated by the declared emergency. The temporary modification or 28 suspension may extend no more than one year beyond the date the state of emergency is 29 declared.

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## SUMMARY

31 This bill is reported out by the Joint Standing Committee on Innovation, Development, 32 Economic Advancement and Business pursuant to the Maine Revised Statutes, Title 3, 33 section 955, subsection 4. It implements the recommendations of the committee resulting 34 from its review of the Department of Professional and Financial Regulation under the State 35 Government Evaluation Act. The bill establishes the position of Deputy Commissioner within the Department of Professional and Financial Regulation and provides emergency 36 37 authority to the Commissioner of Professional and Financial Regulation to take certain 38 actions when a state of emergency is declared. The position of Deputy Commissioner replaces the position of Assistant to the Commissioner. 39

The committee has not taken a position on the substance of this bill. By reporting this bill out, the committee is not suggesting and does not intend to suggest that it agrees or disagrees with any aspect of this bill. The committee is reporting the bill out for the sole purpose of having a bill printed that can be referred to the committee for an appropriate

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- public hearing and subsequent processing in the normal course. The committee is taking this action to ensure clarity and transparency in the legislative review of the proposals 2 contained in the bill.
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