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## An Act To Amend the Licensing Laws of Certain Professions and Occupations

Be it enacted by the People of the State of Maine as follows:

### PART A

**Sec. A-1. 10 MRSA §8003, sub-§2-A, ¶D**, as amended by PL 2001, c. 323, §9 and PL 2011, c. 286, Pt. B, §5, is further amended to read:

D. To establish by rule and after reasonable notice to the affected board all fees necessary and appropriate for all boards, commissions and regulatory functions within the office, subject to any fee cap established by statute and applicable to that board, commission or regulatory function. The Director of the Office of Professional and Occupational Regulation shall set the criteria for all fees. The criteria must include, but are not limited to, the costs, statutory requirements, enforcement requirements and fees and expenses of each board, commission or regulatory function. The Director of the Office of Professional and Occupational Regulation, by order, may lower any fee established pursuant to this paragraph. Rules adopted pursuant to this paragraph are routine technical rules pursuant to Title 5, chapter 375, subchapter ~~H-A2-A~~;

**Sec. A-2. 10 MRSA §8003, sub-§5-A, ¶A**, as amended by PL 2009, c. 112, Pt. B, §4, is further amended to read:

A. The office, board or commission may deny or refuse to renew a license, may suspend or revoke a license and may impose other discipline as authorized in this subsection for any of the following reasons:

- (1) The practice of fraud, deceit or misrepresentation in obtaining a license from a bureau, office, board or commission, or in connection with services rendered while engaged in the occupation or profession for which the person is licensed;
- (2) Any gross negligence, incompetence, misconduct or violation of an applicable code of ethics or standard of practice while engaged in the occupation or profession for which the person is licensed;
- (3) Conviction of a crime to the extent permitted by Title 5, chapter 341;
- (4) Any violation of the governing law of an office, board or commission;

- (5) Any violation of the rules of an office, board or commission;
- (6) Engaging in any activity requiring a license under the governing law of an office, board or commission that is beyond the scope of acts authorized by the license held;
- (7) Continuing to act in a capacity requiring a license under the governing law of an office, board or commission after expiration, suspension or revocation of that license;
- (8) Aiding or abetting unlicensed practice by a person who is not licensed as required by the governing law of an office, board or commission;
- (9) Noncompliance with an order or consent agreement of an office, board or commission;
- (10) Failure to produce any requested documents in the licensee's possession or under the licensee's control concerning a pending complaint or proceeding or any matter under investigation; ~~or~~
- (11) Any violation of a requirement imposed pursuant to section 8003-G.; or
- (12) Failure to provide to a patient, upon written request, a copy of that patient's treatment records within a reasonable amount of time as may be determined by the applicable board.

## PART B

**Sec. B-1. 32 MRSA §1202-A, sub-§2, ¶A**, as enacted by PL 2017, c. 198, §17, is amended to read:

A. A journeyman electrician may make electrical installations while employed by a supervising master electrician, limited electrician or electrical company. A person licensed under this subsection may supervise:

- (1) Two helper electricians who are enrolled in, or have completed, a program of study consisting of 576 hours of education as approved by the board or from an accredited institution;
- (2) Two apprentice electricians; or
- (3) ~~One~~Two helper electricianelectricians.

**Sec. B-2. 32 MRSA §1202-A, sub-§4, ¶A**, as enacted by PL 2017, c. 198, §17, is amended to read:

A. A master electrician may make electrical installations without limitation. A master electrician is responsible for verifying the current licensure of all of that master electrician's employees, if licensure is applicable, prior to and during employment. Master electricians are responsible for any electrical installation they perform and for the electrical installations of individuals they supervise at the time of the electrical installations.

A master electrician may supervise 2 helper electricians who are enrolled in, or have completed, a program of study consisting of 576 hours of education as approved by the board or from an accredited institution; 2 apprentice electricians; or ~~one~~2 helper electricians~~electricians~~. Any helper electrician or apprentice electrician must be employed by a master electrician and be under the master electrician's supervision.

A master electrician may supervise an unlimited number of licensed journeyman electricians, journeyman-in-training electricians or limited electricians.

**Sec. B-3. 32 MRSA §1202-A, sub-§4, ¶B**, as corrected by RR 2017, c. 1, §28, is amended to read:

B. In order to obtain a license under this subsection, a person must first pass an examination approved by the board and provide evidence of having:

(1) Worked at least 12,000 hours in the field of electrical installations as a licensed helper electrician or apprentice electrician under the direct supervision of a master electrician, journeyman electrician or limited electrician, or worked at least 4,000 hours in the field of electrical installations as a journeyman electrician ~~or journeyman-in-training electrician~~ under the indirect supervision of a master electrician or limited electrician ~~or worked at least 6,000 hours in the field of electrical installations as a journeyman-in-training electrician and having~~have completed a program of study consisting of 576 hours as approved by the board or from an accredited institution. The 576 hours must consist of 450 hours of required study, including a course of 45 hours in the current National Electrical Code and 126 hours of degree-related courses; or

(2) Comparable work experience or education or training, or a combination of work experience, education and training, completed within the State or outside the State, that is acceptable to the board.

**Sec. B-4. 32 MRSA §1202-A, sub-§5, ¶A**, as enacted by PL 2017, c. 198, §17, is amended to read:

A. A limited electrician may only make electrical installations authorized by the specific limited license category. A limited electrician is responsible for verifying the current licensure of all employees, if licensure is applicable, prior to and during employment. Limited electricians are responsible for any electrical installation work they perform and for work of individuals they supervise at the time of electrical installation.

A limited electrician may supervise 2 helper electricians who are enrolled in, or have completed, a program of study consisting of 576 hours of education as approved by the board or from an accredited institution; 2 apprentice electricians; or ~~one~~ 2 helper electricians. A limited electrician may supervise helper electricians or apprentice electricians only in the performance of electrical installations authorized by the limited electrician's specific limited license category.

## PART C

**Sec. C-1. 32 MRSA §3114-A, sub-§1, ¶A**, as amended by PL 1999, c. 386, Pt. K, §3, is repealed.

## PART D

**Sec. D-1. 32 MRSA §14035, sub-§2**, as amended by PL 2013, c. 547, §5 and affected by §19, is further amended to read:

**2. Professional qualifications.** An applicant for a certified general real property appraiser license must meet the licensing requirements established by the appraiser qualifications board. As a prerequisite to taking the examination required by section 14035-A, an applicant must meet the requirements specified in rules adopted by the appraiser qualifications board.

~~A. Hold a bachelor's or higher degree from an accredited college or university;~~

~~B. Satisfactorily complete 300 creditable class hours as specified in the appraiser qualifications board's required core curriculum, which must include the 15-hour national uniform standards of professional appraisal practice course and examination; and~~

~~D. Hold a valid license under this chapter and demonstrate 3,000 hours of appraisal experience obtained during no fewer than 30 months, including 1,500 hours of nonresidential appraisal work.~~

**Sec. D-2. 32 MRSA §14036, sub-§2**, as amended by PL 2013, c. 547, §8 and affected by §19, is further amended to read:

**2. Professional qualifications.** An applicant for a certified residential real property appraiser license must meet the licensing requirements established by the appraiser qualifications board. As a prerequisite to taking the examination required by section 14036-A, an applicant must meet the requirements specified in rules adopted by the appraiser qualifications board.

~~A. Hold a bachelor's or higher degree from an accredited college or university;~~

~~B. Satisfactorily complete 200 creditable class hours as specified in the appraiser qualifications board's required core curriculum, which must include the 15-hour national uniform standards of professional appraisal practice course and examination; and~~

~~D. Hold a valid license under this chapter and demonstrate 2,500 hours of appraisal experience obtained during no fewer than 24 months, including complex residential property appraisals completed under the supervision of a certified residential real property appraiser or a certified general real property appraiser under section 14035.~~

**Sec. D-3. 32 MRSA §14037, sub-§2**, as amended by PL 2013, c. 547, §11 and affected by §19, is further amended to read:

**2. Professional qualifications.** An applicant for a residential real property appraiser license must meet the licensing requirements established by the appraiser qualifications board. As a prerequisite to taking the examination required by section 14037-A, an applicant must meet the requirements specified in rules adopted by the appraiser qualifications board.

~~A. Satisfactorily complete 150 creditable class hours as specified in the appraiser qualifications board's required core curriculum, which must include the 15-hour national uniform standard of professional appraisal practice course and examination;~~

~~C. Hold a valid license under this chapter and demonstrate 2,000 hours of appraisal experience obtained during no fewer than 12 months; and~~

~~D. Hold an associate or higher degree from an accredited college or university or have successfully completed 30 semester credit hours of college-level courses from an accredited college, junior college, community college or university.~~

## PART E

**Sec. E-1. 32 MRSA §17101, sub-§16**, as enacted by PL 2007, c. 369, Pt. C, §3 and affected by §5, is amended to read:

**16. Speech-language pathology assistant.** "Speech-language pathology assistant" means an individual who meets minimum qualifications that the board may establish for speech-language pathology assistants, that are less than those qualifications established by this chapter for licensure as a speech-language pathologist, but must include an ~~associate's~~ associate degree or its equivalent, as determined by the board, or a higher degree in the field of communication disorders.

**Sec. E-2. 32 MRSA §17103, sub-§6**, as enacted by PL 2007, c. 369, Pt. C, §3 and affected by §5, is amended to read:

**6. Speech-language pathology assistants.** ~~Registration~~Licensure may be granted to an individual who meets the minimum qualifications for a speech-language pathology assistant established by the board and who is supervised by a licensed speech-language pathologist, as set forth by the board by rule. Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

**Sec. E-3. 32 MRSA §17301, sub-§5**, as enacted by PL 2007, c. 369, Pt. C, §3 and affected by §5, is amended to read:

**5. Speech-language pathology assistant.** A speech-language pathology assistant must have an ~~associate's~~associate degree or higher from an accredited institution in the field of communication disorders, or its equivalent as determined by the board, and must meet such other minimum qualifications as the board may establish.

**Sec. E-4. 32 MRSA §17308, first ¶**, as enacted by PL 2007, c. 369, Pt. C, §3 and affected by §5, is amended to read:

A license issued under this chapter expires at a time that the commissioner may designate. Every individual licensed under this chapter shall pay the renewal fee as set under section 17309. Renewals are contingent upon evidence of participation in continuing professional education as determined by the board; ~~temporary licenses~~licensees, speech-language pathology assistants and trainee permitstrainees are exempt from this requirement. A license may be renewed up to 90 days after the date of its expiration upon payment of the late fee and renewal fee under section 17309. An individual who submits an application for renewal more than 90 days after the license expiration date is subject to all requirements governing new applicants under this chapter, except that the board may, in its discretion, waive examination if that renewal application is received together with the late fee and renewal fee under section 17309 within 2 years from the date of the expiration.

## SUMMARY

The bill makes the following changes to the licensing laws of certain professions and occupations.

1. It provides authority for the Director of the Office of Professional and Occupational Regulation within the Department of Professional and Financial Regulation to reduce license fees by order.

2. It adds failure by a licensee to provide treatment records to a patient within a reasonable time when requested by the patient in writing as a new ground for discipline.

3. It increases from one to 2 the number of helper electricians that may be supervised by a master, journeyman or limited electrician at any one time and corrects an error in hours of work experience required for a journeyman-in-training to apply for a master electrician license.

4. It repeals current license requirements for real estate appraisers and replaces them with less stringent license requirements adopted by rule by the federally authorized appraiser qualifications board.

5. It authorizes the issuance of licenses to speech-language pathology assistant applicants who have a degree higher than an associate degree and exempts temporary licensees, speech-language pathology assistants and trainee licensees from continuing education requirements at the time of license renewal.