

## **126th MAINE LEGISLATURE**

## FIRST REGULAR SESSION-2013

**Legislative Document** 

No. 237

S.P. 73

In Senate, February 5, 2013

An Act To Establish Uniform Quorum, Meeting and Chair Requirements for Professional and Occupational Licensing Boards

Submitted by the Department of Professional and Financial Regulation pursuant to Joint Rule 204.

Reference to the Committee on State and Local Government suggested and ordered printed.

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DAREK M. GRANT Secretary of the Senate

Presented by Senator CUSHING of Penobscot. Cosponsored by Representative CAMPBELL of Newfield and Senator: PATRICK of Oxford, Representatives: HAMANN of South Portland, LOCKMAN of Amherst, WINCHENBACH of Waldoboro.

1	Be it enacted by the People of the State of Maine as follows:
2	PART A
3	Sec. A-1. 10 MRSA §8010 is enacted to read:
4	<u>§8010. Quorum; chair</u>
5 6 7	Notwithstanding any provision of law to the contrary, a majority of the members serving on a board or commission under section 8001, subsection 38 constitutes a quorum. The board or commission shall elect its chair.
8	PART B
9 10	Sec. B-1. 10 MRSA §9003, sub-§7, as amended by PL 2007, c. 402, Pt. D, §1, is repealed.
11 12	Sec. B-2. 32 MRSA §63-A, sub-§3, as amended by PL 2007, c. 402, Pt. E, §1, is repealed.
13	Sec. B-3. 32 MRSA §213, as amended by PL 2007, c. 402, Pt. F, §4, is repealed.
14 15	Sec. B-4. 32 MRSA §288, sub-§4, as amended by PL 2007, c. 402, Pt. G, §2, is repealed.
16 17	Sec. B-5. 32 MRSA §502, as repealed and replaced by PL 2007, c. 402, Pt. H, §4, is amended to read:
18	<b>§502.</b> Powers and duties
19 20 21 22 23 24 25 26	The board shall meet at least once a year to conduct its business and to elect a chair. Additional meetings must be held as necessary to conduct the business of the board and may be convened at the call of the chair or a majority of the board members. Four members of the board constitute a quorum for the transaction of business. The board has the power to may make and adopt rules and a code of ethics consistent with law necessary for the enforcement of its authority, the performance of its duties and the governing of the practice of chiropractic, but a rule or code of ethics may not be made that is unreasonable or contravenes this chapter.
27 28	Sec. B-6. 32 MRSA §1153, as amended by PL 2007, c. 402, Pt. I, §7, is further amended to read:
29	§1153. Rules
30 31 32	The board shall meet at least once a year to conduct its business and to elect a chair. Additional meetings must be held as necessary to conduct the business of the board and may be convened at the call of the chair or a majority of the board members. Four

33 members of the board constitute a quorum. The board may adopt, pursuant to the Maine
 34 Administrative Procedure Act, Title 5, chapter 375, subchapter 2, rules it determines

1 2	necessary for the holding of examinations and for carrying out this chapter; and shall provide for reciprocity of licensing as required to implement section 1206.
3 4	Sec. B-7. 32 MRSA §1451, 3rd ¶, as amended by PL 2007, c. 402, Pt. J, §2, is repealed.
5 6	Sec. B-8. 32 MRSA §2273, sub-§3, as amended by PL 2007, c. 402, Pt. L, §1, is repealed.
7 8	Sec. B-9. 32 MRSA §3112, sub-§2, as amended by PL 2007, c. 402, Pt. N, §3, is repealed.
9 10	Sec. B-10. 32 MRSA §3403, as amended by PL 2007, c. 402, Pt. O, §3, is repealed.
11 12	Sec. B-11. 32 MRSA §3602, as amended by PL 2007, c. 402, Pt. P, §3, is repealed.
13 14	Sec. B-12. 32 MRSA §3822, as amended by PL 2007, c. 402, Pt. Q, §7, is repealed.
15 16	Sec. B-13. 32 MRSA §4856, as amended by PL 2007, c. 402, Pt. R, §3, is repealed.
17 18	Sec. B-14. 32 MRSA §4907, sub-§4, as amended by PL 2007, c. 402, Pt. S, §5, is repealed.
19 20	Sec. B-15. 32 MRSA §5505, sub-§4, as amended by PL 2007, c. 402, Pt. T, §2, is repealed.
21 22	Sec. B-16. 32 MRSA §6210, as amended by PL 2011, c. 691, Pt. D, §10, is repealed.
23 24	Sec. B-17. 32 MRSA §7029, as amended by PL 2007, c. 402, Pt. V, §5, is repealed.
25 26	<b>Sec. B-18. 32 MRSA §9703, sub-§3,</b> as amended by PL 2007, c. 402, Pt. W, §1, is repealed.
27 28	<b>Sec. B-19. 32 MRSA §9853, sub-§§3 and 5,</b> as amended by PL 2007, c. 402, Pt. X, §1, are repealed.
29 30	Sec. B-20. 32 MRSA §9903, sub-§3, as amended by PL 2007, c. 402, Pt. Y, §1, is repealed.
31 32	<b>Sec. B-21. 32 MRSA §12214, sub-§1,</b> as repealed and replaced by PL 2007, c. 402, Pt. Z, §6, is repealed.

- Sec. B-22. 32 MRSA §12502, sub-§6, as amended by PL 2007, c. 402, Pt. AA, 1 2 §1, is repealed. 3 Sec. B-23. 32 MRSA §13062, sub-§5, as amended by PL 2007, c. 402, Pt. BB, 4 §4, is repealed. 5 Sec. B-24. 32 MRSA §13062, sub-§7, as amended by PL 1993, c. 600, Pt. A, 6 §266, is repealed. 7 Sec. B-25. 32 MRSA §13718, as amended by PL 2007, c. 402, Pt. DD, §6, is 8 repealed. 9 Sec. B-26. 32 MRSA §13852, sub-§7, as amended by PL 2009, c. 112, Pt. A, 10 §19, is repealed. 11 Sec. B-27. 32 MRSA §13902, sub-§4, as amended by PL 2007, c. 402, Pt. FF, 12 §1, is repealed. Sec. B-28. 32 MRSA §14011, sub-§5, as amended by PL 2007, c. 402, Pt. GG, 13 14 §3, is repealed. 15 Sec. B-29. 32 MRSA §15103, sub-§3, as amended by PL 2007, c. 402, Pt. MM, 16 §1, is repealed. Sec. B-30. 32 MRSA §15205, sub-§2, as amended by PL 2007, c. 402, Pt. NN, 17 18 §1, is repealed. 19 Sec. B-31. 32 MRSA §17202, as enacted by PL 2007, c. 369, Pt. C, §3 and 20 affected by §5, is repealed. 21 Sec. B-32. 32 MRSA §18122, as enacted by PL 2009, c. 344, Pt. C, §3 and 22 affected by Pt. E, §2, is repealed. 23 **SUMMARY** 24 This bill establishes a uniform quorum requirement for the 31 licensing boards within the Department of Professional and Financial Regulation, Office of Professional and 25 26 Occupational Regulation. The quorum is a majority of the members serving on the board. The bill also repeals provisions in the individual board laws that require a board to meet 27
- at least once a year and that authorize the board chair or a majority of the members to
  convene a meeting of the board. The authority to elect a chair is moved from the
  individual board laws to the Maine Revised Statutes, Title 10, section 8010.