

# MAINE STATE LEGISLATURE

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# 129th MAINE LEGISLATURE

## FIRST REGULAR SESSION-2019

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Legislative Document

No. 1599

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H.P. 1158

House of Representatives, April 18, 2019

### An Act To Allow Certain State Regulators To Lower Fees by Order

(AFTER DEADLINE)

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Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 205.

Reference to the Committee on Health Coverage, Insurance and Financial Services suggested and ordered printed.

A handwritten signature in cursive script that reads "R(t) B. Hunt".

ROBERT B. HUNT  
Clerk

Presented by Representative KESCHL of Belgrade.  
Cosponsored by Senator HAMPER of Oxford and  
Representatives: ARATA of New Gloucester, DILLINGHAM of Oxford, MARTIN of Eagle  
Lake, MILLETT of Waterford, REED of Carmel, WADSWORTH of Hiram.

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

2 **Sec. 1. 9-A MRSA §6-203, sub-§3-D** is enacted to read:

3 **3-D.** The administrator may by order lower or suspend any fee specified in this  
4 section.

5 **Sec. 2. 9-B MRSA §214, sub-§2, ¶A,** as amended by PL 2003, c. 322, §6, is  
6 further amended to read:

7 A. To provide for the balance of the reasonable expenses incurred to fulfill the  
8 bureau's duty pursuant to this Title, including general regulatory costs, overhead,  
9 transportation and general office and administrative expenses, except as otherwise  
10 provided in this paragraph, the superintendent shall assess each financial institution  
11 under the superintendent's supervision at the annual rate of at least 6¢ for each \$1,000  
12 of the total of average assets, as defined by the superintendent. The frequency of  
13 assessment may coincide with the frequency of filing periodic financial reports with  
14 the bureau but may not be more frequent than quarterly. The superintendent may  
15 raise the minimum assessment rate of 6¢ for each \$1,000 of the total of average assets  
16 by promulgating rules pursuant to section 251 at such time as economic conditions  
17 warrant such an increase. ~~¶~~ Except as otherwise provided in this paragraph, in no  
18 event may the assessment be less than \$25. The superintendent may by order lower  
19 or suspend any assessment specified in this paragraph or established by rule pursuant  
20 to this paragraph. Rules adopted pursuant to this paragraph are routine technical  
21 rules as defined in Title 5, chapter 375, subchapter 2-A.

22 **Sec. 3. 9-B MRSA §214, sub-§2-B,** as amended by PL 2003, c. 322, §7, is  
23 further amended to read:

24 **2-B. Assessment on nondepository trust companies.** ~~Nondepository~~ Except as  
25 otherwise provided in this subsection, nondepository trust companies that are not  
26 affiliated with a financial institution shall pay an assessment at the annual rate of not less  
27 than \$2,000 or an amount determined by the superintendent of at least 6¢ for every  
28 \$10,000 of fiduciary assets under its management, custody or care. The superintendent  
29 may further define by rule fiduciary assets under management, custody or care or change  
30 the minimum assessment whenever economic conditions warrant such a change. The  
31 superintendent may by order lower or suspend any assessment specified in this subsection  
32 or established by rule pursuant to this subsection. Rules adopted pursuant to this  
33 subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.  
34 These assessments must be paid in accordance with subsection 2, paragraph B.

35 **Sec. 4. 10 MRSA §8003, sub-§2-A, ¶D,** as amended by PL 2001, c. 323, §9 and  
36 PL 2011, c. 286, Pt. B, §5, is further amended to read:

37 D. To establish by rule and after reasonable notice to the affected board all fees  
38 necessary and appropriate for all boards, commissions and regulatory functions  
39 within the office, subject to any fee cap established by statute and applicable to that  
40 board, commission or regulatory function. The Director of the Office of Professional  
41 and Occupational Regulation shall set the criteria for all fees. The criteria must

1 include, but are not limited to, the costs, statutory requirements, enforcement  
2 requirements and fees and expenses of each board, commission or regulatory  
3 function. The Director of the Office of Professional and Occupational Regulation  
4 may by order lower any fee established pursuant to this paragraph. Rules adopted  
5 pursuant to this paragraph are routine technical rules pursuant to Title 5, chapter 375,  
6 subchapter ~~H-A~~ 2-A;

7 **Sec. 5. 24-A MRSA §601, first ¶**, as amended by PL 2003, c. 203, §1, is further  
8 amended to read:

9 The superintendent shall collect, and persons so served shall pay to the  
10 superintendent, the fees and miscellaneous charges as set forth in this section. The  
11 superintendent may adopt rules establishing the fees and charges in different amounts  
12 from those specified under this section, except that the amount of any such fee or charge  
13 may not exceed the cap established in this section. In the absence of such rules, the  
14 maximum amounts set forth in this section apply. The superintendent may by order  
15 lower or suspend any fee specified in this section. Rules adopted pursuant to this section  
16 are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

17 **SUMMARY**

18 This bill authorizes the Superintendent of Insurance, the Superintendent of Consumer  
19 Credit Protection, the Superintendent of Financial Institutions and the Director of the  
20 Office of Professional and Occupational Regulation to lower or suspend certain fees  
21 specified in law by order.