

MAINE STATE LEGISLATURE

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June 4, 1931

To Elmer W. Campbell, Director of Sanitary Engineering

Re: Fees for Renotification (Plumbing Regulations)

You inquire as to the propriety under P. L. 1931, Chapter 236, of a plumbing regulation requiring a plumber whose work does not stand the test to renotify the proper administrative authority, and the owner, of a new test and pay a fee for such renotification.

The proposed regulations require the obtaining of a permit for installing plumbing, but set up no fee for this permit. The new statute above referred to, however, sets a minimum schedule of fees for permits in the case of cities or towns prescribing plumbing regulations and provides that in other cities or towns the State Department's regulations apply, and authorizes the Department to prescribe the fees with the same minima already referred to.

This schedule of fees, thus applicable as a minimum to both municipal and State permits, comprises merely fees for the issuance of permits for the installation of plumbing. Neither section gives any authority for setting up additional fees for a renotification after permitted plumbing has failed to meet the test. I doubt the implied power to set up such a fee from the limited, express power already referred to.

The regulations may prescribe, not only for the construction, but also for the inspection. But the only provision for a fee is on the issuance of a permit for installation.

I therefore doubt the propriety of your proposed regulation for such a fee.

Clement F. Robinson
Attorney General