

MAINE STATE LEGISLATURE

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1 FIRST REGULAR SESSION
2

3 ONE HUNDRED AND ELEVENTH LEGISLATURE
4

5 Legislative Document

No. 1076

6
7 S.P. 355

In Senate, March 7, 1983

8 Submitted by the Department of Business Regulation pursuant to Joint
9 Rule 24.

10 Referred to the Committee on Business Legislation. Sent down for
concurrence and ordered printed.

Presented by Senator Charette of Androscoggin.
JOY J. O'BRIEN, Secretary of the Senate

11 Cosponsors: Representative Brannigan of Portland, Representative
Pouliot of Lewiston and Representative Stevens of Bangor.

12 STATE OF MAINE
13

14 IN THE YEAR OF OUR LORD
15 NINETEEN HUNDRED AND EIGHTY-THREE
16

17 AN ACT to Increase Licensing Fees of
18 Agencies within the Department of Business
19 Regulation.
20

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

23 Sec. 1. 9-A MRSA §6-203, sub-§2, as amended by
24 PL 1975, c. 402, §1, is further amended to read:

25 2. Persons required to file notification who are
26 sellers, lessors, or lenders shall pay an additional
27 fee, at the time and in the manner stated in subsec-
28 tion 1, of ~~\$15~~ \$25 for each \$100,000, or part
29 thereof, ~~in excess of \$100,000,~~ of the original
30 unpaid balances arising from consumer credit trans-
31 actions entered into in this State within the pre-
32 ceding calendar year and held either by the seller,
33 lessor, or lender for more than 30 days after the
34 inception of the sale, lease or loan giving rise to

1 the obligations, or by an assignee who has not filed
2 notification. A refinancing of a sale, lease or loan
3 resulting in an increase in the amount of an obli-
4 gation is considered a new sale, lease or loan to the
5 extent of the amount of the increase.

6 Sec. 2. 9-A MRSA §6-203, sub-§3, as amended by
7 PL 1975, c. 402, §2, is further amended to read:

8 3. Persons required to file notification who are
9 assignees shall pay an additional fee, at the time
10 and in the manner stated in subsection 1, of ~~15~~ 25
11 for each \$100,000, or part thereof, of the unpaid
12 balances at the time of the assignment of obligations
13 arising from consumer credit transactions entered
14 into in this State taken by assignment during the
15 preceding calendar year, but an assignee need not pay
16 a fee with respect to an obligation on which the
17 assignor or other person has already paid a fee.

18 Sec. 3. 32 MRSA §1203, 2nd ¶, as amended by PL
19 1975, c. 725, §4, is further amended to read:

20 Applications for a first examination shall be
21 received by the board at least 15 days prior to a
22 scheduled meeting of the board. Any person failing
23 to pass his first such examination shall be
24 reexamined at any subsequent meeting of said the
25 board, within one year of such first examination,
26 upon payment of an additional examination fee of
27 ~~12-50~~ for a master electrician's license, \$5 for a
28 journeyman's license and \$7-50 for a limited
29 electrician's license 1/2 of the regular application
30 fee as set forth in this section and thereafter shall
31 be examined as often as he may desire, upon payment
32 of the full application fee as set forth in this
33 section.

34 Sec. 4. 32 MRSA §2057, first ¶, as repealed and
35 replaced by PL 1977, c. 360, §27, is amended to read:

36 Licenses for arborists shall expire ~~biennially~~ on
37 December 31st, or at such other times as the Commis-
38 sioner of Business Regulation may designate, and
39 shall become invalid on that date unless renewed.

1 Sec. 5. 32 MRSA §2058, as amended by PL 1981, c.
2 567, §5, is further amended to read:

3 §2058. Renewals

4 It shall be the duty of the board to notify every
5 person licensed under this subchapter of the date of
6 expiration of his certificate and the amount of fee
7 required for its annual renewal for a 2-year period.
8 Such notice shall be mailed to such person's last
9 known address at least 30 days in advance of the
10 expiration of such license. Applications for renewal
11 licenses shall contain whatever information is neces-
12 sary for the board to determine whether the applicant
13 should continue to hold a license and shall be accom-
14 panied by the required fee, which shall be returnable
15 if the applicant is denied a renewal license. Lost
16 licenses shall be replaced on application by the li-
17 censed arborist and payment of \$2.

18 Sec. 6. 32 MRSA §2059, as repealed and replaced
19 by PL 1981, c. 567, §6, is amended to read:

20 §2059. Fees

21 A \$25 fee shall accompany each application for
22 examination and shall not be returnable. When an
23 applicant is notified that he is eligible for a li-
24 cense following examination, he shall remit an addi-
25 tional \$20 to cover the biennial annual license fee
26 of \$20 before a license is issued.

27 The fee for a biennial an original or renewal
28 annual license shall be \$20 not exceed \$50.

29 Sec. 7. 32 MRSA §2402, sub-§2, ¶¶A - C, as
30 amended by PL 1979, c. 569, §15, are further amended
31 to read:

32 A. Master, original license, ~~\$32-50~~ \$50; bien-
33 nial renewal fee, ~~\$65~~ \$100;

34 B. Journeyman, original license, ~~\$12-50~~ \$25;
35 biennial renewal fee, ~~\$25~~ \$50; and

36 C. Apprentice, original license, ~~\$7-50~~ \$10;
37 biennial renewal fee, ~~\$15~~ \$20.

1 **Sec. 8.** 32 MRSA §2403, first ¶, as amended by PL
2 1979, c. 569, §17, is further amended to read:

3 Applicants for a master or journeyman's oil
4 burner technician or master solid fuel burner techni-
5 cian license shall present to the executive secretary
6 of the board a written application for examination,
7 containing such information as the board may require,
8 accompanied by a fee of ~~§10~~ §20. Examinations shall
9 be in whole or in part in writing, shall be conducted
10 by the board and shall be of a thorough and practical
11 character commensurate with the responsibilities of
12 the type license applied for.

13 **Sec. 9.** 32 MRSA §3116, first ¶, as repealed and
14 replaced by PL 1981, c. 501, §65, is amended to read:

15 All licenses shall be renewed biennially on or
16 before March 31st of each even-numbered year or at
17 such other times as the Commissioner of Business
18 Regulation may designate. The biennial licensure
19 renewal fee shall not exceed ~~§50~~ §60. The Central
20 Licensing Division shall notify each licensee, at his
21 last known address, 30 days in advance of the expira-
22 tion of his license. Renewal notices shall be on
23 forms provided by the board. Any license not renewed
24 by March 31st automatically expires. The board may
25 renew an expired license without penalty if the
26 renewal notice is returned within 30 days of the
27 expiration date. A license which has expired for more
28 than 30 days may be reinstated only by a majority
29 vote of the board after the following conditions are
30 met:

31 **Sec. 10.** 32 MRSA §3835, first ¶, as amended by
32 PL 1979, c. 189, §2, is further amended to read:

33 The board shall have authority to adopt and
34 enforce rules and regulations to require every person
35 having a license granted by the board to pay a bien-
36 nial renewal fee of ~~§40~~ up to §80. That fee shall
37 become due on a date fixed by the board, subject to
38 the approval of the Commissioner of Business Regula-
39 tion.

40 **Sec. 11.** 32 MRSA §6028, first ¶, as enacted by
41 PL 1975, c. 705, §4, is amended to read:

1 Every person to whom an initial license is issued
2 pursuant to this chapter shall pay a license fee of
3 \$25 up to \$50. The fee for a temporary license shall
4 be \$25 not exceed \$50. The fee for biennial renewal
5 of a license shall be \$50 not exceed \$100. The board
6 may, by regulation, provide for the waiver of all or
7 part of the fee for an initial license, if it is
8 issued less than 120 days before the date on which it
9 will expire. When the unexpired term of an initial
10 license of an applicant is or will be more than one
11 year at time of licensure, the board may, by regula-
12 tion, require such applicants to pay an additional
13 fee not to exceed 1/2 the biennial renewal fee. The
14 fee fees for an application and examination shall be
15 an amount established by the board, not to exceed
16 \$25.

17 Sec. 12. 32 MRSA §6215, as enacted by PL 1977,
18 c. 466, §2, is amended to read:

19 §6215. Application; membership fees

20 Application for registration as a registered sub-
21 stance abuse counselor shall be on a form prescribed
22 and furnished by the board. A nonrefundable applica-
23 tion fee shall be established by the board in an
24 amount not to exceed \$100 which fee shall accompany
25 the application. A fee shall be established by the
26 board in an amount not to exceed \$25 for
27 provisionally registered substance abuse counselors
28 who reapply for registration. A biennial fee for
29 registered substance abuse counselors shall be estab-
30 lished by the board in an amount not to exceed \$50
31 \$100 biennially. A triennial fee for provisionally
32 registered substance abuse counselors shall be estab-
33 lished by the board in an amount not to exceed \$50
34 \$100 triennially.

35 Sec. 13. 32 MRSA §7060, first ¶, as enacted by
36 PL 1977, c. 673, §3, is amended to read:

37 Certificates of registration shall expire bienni-
38 ally on December 31st or at such other times as the
39 Commissioner of Business Regulation may designate.
40 Biennial fees for renewal of registration shall be
41 set by the board in an amount not to exceed \$20 \$50
42 and shall be due and payable biennially on or before

1 the first day of January. Every 2nd renewal shall be
2 contingent upon evidence of participation in a con-
3 tinuing professional education course or program as
4 approved by the board. Any person who fails to renew
5 his license within 90 days following the expiration
6 date shall be required to take an examination.

7 Sec. 14. 32 MRSA §9605, as enacted by PL 1981,
8 c. 456, Pt. A, §113, is amended to read:

9 §9605. Licensing fees

10 1. Commercial driver education school license.
11 Each application for a commercial driver education
12 school shall be accompanied by an application fee of
13 \$20 which shall not be refunded. If the application
14 is approved by the board, the applicant, upon payment
15 of an additional fee of \$20 up to \$80, shall be
16 granted a license, which shall be valid during the
17 calendar year of its issue unless sooner revoked as
18 provided. The renewal fee is \$40 up to \$100.

19 2. Instructor license. Each application for an
20 instructor's license shall be accompanied by an
21 application fee of \$20 which shall not be refunded.
22 If the application is approved by the board, the
23 applicant, upon payment of an additional fee of ~~\$10~~
24 \$20, shall be granted a license, which shall be valid
25 during the calendar year of its issue unless sooner
26 revoked. The renewal fee is ~~\$30~~ \$40.

27 Sec. 15. 32 MRSA §9607, first ¶, as enacted by
28 PL 1981, c. 456, Pt. A, §113, is amended to read:

29 Every commercial driver education school shall be
30 assessed for the actual expenses incurred by the
31 board or its agents for ~~regular or~~ special investiga-
32 tions or enforcement activities undertaken under this
33 chapter.

34 Sec. 16. 32 MRSA §9607, sub-§1, as enacted by PL
35 1981, c. 456, Pt. A, §113, is amended to read:

36 1. Frequency of inspections. These activities
37 shall include at least an annual on-site visit to the
38 main office of each commercial driver school for the
39 purpose of reviewing records, facilities and oper-

1 ating procedures. The cost of one on-site inspection
2 of a school shall be deemed to be covered by the
3 school's annual license fee.

4 STATEMENT OF FACT

5 Sections 1 and 2 pertain to the Bureau of Con-
6 sumer Credit Protection which is funded primarily by
7 creditor registration and creditor volume fees. This
8 bill changes the annual volume fee from \$15 to \$25
9 each \$100,000 of credit extended and it repeals the
10 exemption for the first \$100,000 of credit extended.
11 The volume fees of assignees of credit would also
12 increase from \$15 to \$25 annually for each \$100,000
13 of credit extended. There is no exemption of assign-
14 ees' first \$100,000. It is estimated that this
15 increase will produce approximately \$70,000 in addi-
16 tional annual income for the bureau.

17 This fee was last changed in 1975 and became
18 effective on January 1, 1976.

19 Section 3 pertains to the reexamination fees of
20 the Electricians' Examining Board. The 110th Legis-
21 lature increasd electricians' examination and licen-
22 sure fees but the section on reexamination fees was
23 overlooked which has resulted in the board's giving
24 reexaminations at 1/4 rather than at 1/2 the regular
25 fee.

26 It is estimated that additional income from this
27 change will be negligible.

28 Sections 4, 5 and 6 pertain to the Arborist Exam-
29 ining Board which licenses biennially in December of
30 even-numbered years. The board is seriously
31 underfunded now and will have no additional income
32 until December, 1984. It is estimated that this
33 change will produce an additional \$5,850 in annual
34 income. This fee was changed from \$5 to \$10 each year
35 in 1982.

36 Sections 7 and 8 pertain to the Oil and Solid
37 Fuel Board which, in addition to examining and
38 licensing oil and solid fuel technicians, maintains

1 enforcement officers in the field. The board is seri-
2 ously underfunded now and will have no significant
3 income until December, 1983.

4 It is estimated that this change will produce an
5 additional \$45,000 per year income starting in fiscal
6 year 1984.

7 These fees were last changed in 1979.

8 Section 9 pertains to the Board of Examiners in
9 Physical Therapy which licenses biennially during
10 March of even-numbered years. It is estimated that
11 this change will produce an additional \$2,000 per
12 year starting in March, 1984. This fee was last
13 changed in 1981.

14 Section 10 pertains to the Board of Examiners of
15 Psychologists which licenses biennially during April
16 of even-numbered years. It is estimated that this
17 increase will produce an additional \$4,800 each year
18 starting in April, 1984. This fee was last changed in
19 1979.

20 Section 11 pertains to the State Board of Exam-
21 iners on Speech Pathology and Audiology which
22 licenses biennially during February of even-numbered
23 years. It is estimated that this increase will pro-
24 duce an additional \$4,000 each year starting in
25 February, 1984. This fee has remained unchanged since
26 enactment in 1975.

27 Section 12 pertains to the Board of Registration
28 of Substance Abuse Counselors which licenses bienni-
29 ally during August of odd-numbered years. It is esti-
30 mated that this increase will produce an additional
31 \$1,800 each year starting in August, 1983. This fee
32 has remained unchanged since enactment in 1977.

33 Section 13 pertains to the State Board of Social
34 Worker Registration which licenses biennially during
35 February of odd-numbered years. It is estimated that
36 this increase will produce an additional \$7,000 each
37 year starting in February, 1985. This fee has
38 remained unchanged since enactment in 1969.

1 Sections 14, 15 and 16 pertain to the Board of
2 Commercial Driver Education which licenses annually
3 during December. It is estimated that this increase
4 will produce an additional \$4,000 each year starting
5 in December, 1983. These fees have remained
6 unchanged since enactment in 1981.

7 Sections 15 and 16 also provide that the cost of
8 the required annual school inspections be included in
9 each school's license fee in order that these costs
10 may be equalized throughout the State.

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