

# MAINE STATE LEGISLATURE

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(EMERGENCY)  
(New Draft of H.P. 382, L.D. 504)  
(New Title)  
FIRST REGULAR SESSION

ONE HUNDRED AND THIRTEENTH LEGISLATURE

Legislative Document

NO. 1350

H.P. 1003 House of Representatives, April 27, 1987  
Reported by Representative LEBOWITZ from the Committee on  
Business Legislation and printed under Joint Rule 2.

EDWIN H. PERT, Clerk

Original bill submitted by the Joint Standing Committee  
on Audit and Program Review pursuant to Maine Revised Statutes  
Annotated, Title 3, Section 501.

STATE OF MAINE

IN THE YEAR OF OUR LORD  
NINETEEN HUNDRED AND EIGHTY-SEVEN

AN ACT Relating to Social Worker License  
Fees.

1  
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3

4 **Emergency preamble.** Whereas, Acts of the Legis-  
5 lature do not become effective until 90 days after  
6 adjournment unless enacted as emergencies; and

7 Whereas, the Committee on Audit and Program Re-  
8 view has determined that, in the absence of an in-  
9 crease in license fees, as of the January 1, 1987,  
10 renewal date the expenditures of the State Board of  
11 Social Worker Registration will exceed their revenues  
12 during the licensing period 1987-88; and

1           Whereas, a deficit in the board's budget will  
2 induce obligations for the Department of Professional  
3 and Financial Regulation; and

4           Whereas, at the recommendation of the Joint  
5 Standing Committee on Audit and Program Review, the  
6 board has not mailed renewal notices for renewals due  
7 January 1987, pending passage of this Act; and

8           Whereas, in the judgment of the Legislature,  
9 these facts create an emergency within the meaning of  
10 the Constitution of Maine and require the following  
11 legislation as immediately necessary for the preser-  
12 vation of the public peace, health and safety; now,  
13 therefore,

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

16           **Sec. 1.** 32 MRSa §7028, as repealed and replaced  
17 by PL 1983, c. 812, §253, is repealed and the follow-  
18 ing enacted in its place:

19           §7028. Compensation and expenses

20           Compensation of members shall be in accordance  
21 with Title 5, chapter 379, provided that expenses do  
22 not exceed the fees collected by the board. If the  
23 fees to be collected under this chapter are insuffi-  
24 cient to pay the expenses provided by this section,  
25 the board members shall be entitled to a pro rata  
26 payment in any years in which the fees are insuffi-  
27 cient.

28           **Sec. 2.** 32 MRSa §7056, as amended by PL 1985, c.  
29 736, §16, is further amended to read:

30           §7056. Application; fees

31           Application for license as a licensed clinical,  
32 licensed master or licensed social worker shall be on  
33 a form prescribed and furnished by the board. An ap-  
34 plication fee and an examination fee may be estab-  
35 lished by the board in amounts which are reasonable  
36 and necessary for their respective purposes. All fees  
37 shall accompany the application.

1 The license fee for a licensed social worker  
2 shall be established by the board in an amount not to  
3 exceed \$50 \$70.

4 The license fee for a licensed master social  
5 worker shall be established by the board in an amount  
6 not to exceed \$75 \$110.

7 The license fee for a licensed clinical social  
8 worker shall be established by the board in an amount  
9 not to exceed \$125 \$175.

10 Fees for initial and renewal licenses shall be  
11 set so that total fee receipts do not exceed the  
12 amount required to cover properly the expense of per-  
13 forming the duties imposed upon the board.

14 If the board denies the issuance of a license to  
15 any applicant, the application and examination fees  
16 shall be nonrefundable.

17 **Sec. 3. 32 MRSA §7060, first ¶, as amended by PL**  
18 **1985, c. 736, §19, is further amended to read:**

19 Licenses shall expire biennially on December 31st  
20 or at such other times as the Commissioner of Busi-  
21 ~~ness-Occupational--and~~ Professional and Financial  
22 Regulation may designate. Biennial fees for renewal  
23 of license shall be set by the board in an amount not  
24 to exceed \$50 those amounts specified in section 7056  
25 and shall be due and payable biennially on or before  
26 the first day of January. License renewal fees for  
27 certified social workers shall be the same as those  
28 for licensed master social workers. Every 2nd renew-  
29 al shall be contingent upon evidence of participation  
30 in a continuing professional education course or pro-  
31 gram as approved by the board. A license may be re-  
32 newed up to 90 days after the date of expiration upon  
33 payment of a late fee of \$10 in addition to the re-  
34 newal fee. Any person who submits an application for  
35 renewal more than 90 days after the renewal date  
36 shall be subject to all requirements governing new  
37 applicants under this chapter, except that the board  
38 may in its discretion, giving due consideration to  
39 the protection of the public, waive examination if  
40 the renewal application is made within 2 years from  
41 the date of the expiration.

1           **Sec. 4. Allocation.** The following funds are al-  
2 located from other special revenue funds to carry out  
3 the purposes of this Act.

	<u>1987-88</u>	<u>1988-89</u>
5	<u>PROFESSIONAL AND FINANCIAL</u>	
6	<u>REGULATION, DEPARTMENT OF</u>	
7	State Board of Social Work-	
8	er Registration	
9	Positions-other count	(1.0)           (1.0)
10	Personal Services	\$21,500       \$22,700
11	All Other	<u>(3,200)       (3,200)</u>
12	Total	\$18,300       \$19,500

13           **Emergency clause.** In view of the emergency cited  
14 in the preamble, this Act shall take effect when ap-  
15 proved.

16   STATEMENT OF FACT

17           The current biennial fee situation for licensed  
18 social workers is as follows:

	<u>Initial</u>		<u>Renewal</u>		
	Actual Fee	Statu- tory Not to Exceed	Actual Fee	Statu- tory Not to Exceed	
24	Social Worker	\$50	\$50	\$40	\$50
25	Master Social Worker	\$75	\$75	\$40	\$50
26	Clinical Social Worker	\$125	\$125	\$65	\$50

27           Fee renewals are due January 1st of the odd-numbered  
years.

28           Prior to this fiscal year, social workers em-  
29 ployed in hospitals, nursing homes or by the State  
30 were not required to be licensed. This exemption was  
31 removed a year ago and, in conjunction with this re-

1 moval, for one year all persons who had any experi-  
2 ence as a social worker prior to that time could re-  
3 ceive a license without meeting the usual qualifica-  
4 tions. This has resulted in an increase in licensed  
5 social workers from 770 to 1200 in the last year.

6 This situation has been a major factor in the  
7 substantial increase in board expenses which have in-  
8 creased substantially in the last 2 years as  
9 documented below.

<u>Fiscal</u>			
<u>Year</u>			
<u>1988</u>			
<u>Projec-</u>		<u>Change</u>	
<u>tion</u>		<u>versus</u>	<u>1986</u>
		<u>\$'s</u>	<u>%</u>
16			
17	Clerical and legal services	\$18,000	+\$3,500 +24%
18	General operating expenses	\$16,000	+\$8,250 +106%
19	Departmental costs	\$3,300	+\$1,700 +105%

20 The Joint Standing Committee on Audit and Program  
21 Review in its recent study of the board concluded  
22 that, unless renewal fees are increased by the Janu-  
23 ary 1, 1987, renewal, the board will run out of mon-  
24 ey. Since the committee recommended that renewal no-  
25 tices not be sent out until the Legislature autho-  
26 rized higher fees, the notices were not sent.

27 The original bill raised the statutory maximum  
28 for renewal fees from \$50 to \$125 regardless of the  
29 category and made no changes in the initial fee.  
30 This new draft raises the statutory maximum on ini-  
31 tial fees by category and provides that renewal fees  
32 may not exceed these levels. The statutory limita-  
33 tions are \$70, \$110 and \$175 depending on the catego-  
34 ry of social worker. Testimony has indicated that  
35 initially fees will be left at their current levels  
36 for the initial fee and raised for renewals.

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