

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)



115th MAINE LEGISLATURE

SECOND REGULAR SESSION-1992

Legislative Document

No. 2246

H.P. 1592

House of Representatives, January 28, 1992

Submitted by the Department of Professional and Financial Regulation pursuant to Joint Rule 24.

Reference to the Committee on Business Legislation suggested and ordered printed.

A handwritten signature in cursive script that reads "Ed Pert".

EDWIN H. PERT, Clerk

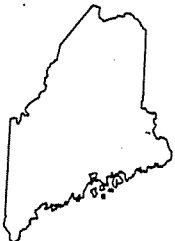
Presented by Representative STEVENS of Sabattus.
Cosponsored by Senator COLLINS of Aroostook.

STATE OF MAINE

IN THE YEAR OF OUR LORD
NINETEEN HUNDRED AND NINETY-TWO

**An Act to Modify Various Licensing and Registration Laws and to
Address Budgetary Constraints.**

(EMERGENCY)



Emergency preamble. Whereas, Acts of the Legislature do not
2 become effective until 90 days after adjournment unless enacted
as emergencies; and

4
Whereas, it is vital that the funds provided for in this Act
6 be available for the beginning of fiscal year 1992-93; and

8
Whereas, that fiscal year may begin before the expiration of
the 90-day period; and

10
Whereas, in the judgment of the Legislature, these facts
12 create an emergency within the meaning of the Constitution of
Maine and require the following legislation as immediately
14 necessary for the preservation of the public peace, health and
safety; now, therefore,

16
Be it enacted by the People of the State of Maine as follows:

18
Sec. 1. 9 MRSA §5004, sub-§2-A, as enacted by PL 1989, c. 55,
20 §1, is amended to read:

22
2-A. Fee for registration statement. Charitable
organizations shall pay an initial and a renewal fee of \$25 ~~\$40~~.

24
Sec. 2. 9 MRSA §5005, sub-§2, as amended by PL 1981, c. 456,
26 Pt. A, §27, is further amended to read:

28
2. Fee for financial reports. A fee of \$25-~~shall~~ \$50 must
be paid to the commissioner when any financial report is filed.

30
Sec. 3. 9 MRSA §5008, sub-§1, as amended by PL 1983, c. 553,
32 §46, is further amended to read:

34
1. Registration. No A person may not act as a professional
fund-raising counsel, professional solicitor or a commercial
36 co-venturer before he that person has registered with the
commissioner. Applications for registration or reregistration
38 shall must be in writing, under oath, in the form prescribed by
the commissioner and shall must be accompanied by a an
40 application fee in the amount of ~~\$100~~ \$50 and a registration fee
in the amount of \$200. Application fees are nonrefundable. The
42 applicant shall, at the time of making application for
registration or reregistration, file with and have approved by
44 the commissioner a bond, in which the applicant shall must be the
principal obligor, in the sum of \$10,000, with one or more
46 responsible sureties whose liability in the aggregate as such
sureties will at least equal that sum. The bond shall-~~run~~ runs
48 to any person who may have a cause of action against the
principal obligor of the bond for any malfeasance or misfeasance
50 in the conduct of charitable solicitation in this State.
Registration shall--be is for a period of one year. The
52 registration fee and bond required by this chapter shall must be

waived for an auctioneer, when he that auctioneer engages in
conduct for which he that auctioneer is already bonded, who is
licensed by the Department of Business, ~~Occupational~~ and
Professional and Financial Regulation and who has otherwise
complied with the requirements of Title 32, chapter 5-A.

Sec. 4. 10 MRSA §9083, first ¶, as repealed and replaced by PL
1985, c. 600, §2, is amended to read:

The board shall establish a fee for a license to operate a
mobile home park within the meaning of this subchapter. The fee
~~shall~~ must include a base fee of \$30 \$40 plus an additional
amount of up to \$3 \$4 per mobile home site. This fee must
accompany each application for license, including applications
for mobile home park expansion and renewal of license.

Sec. 5. 25 MRSA §2354, as amended by PL 1991, c. 198, §1, is
further amended to read:

§2354. Inspection of buildings being repaired

Subject to Title 32, chapter ~~125~~ 33, the inspector of
buildings shall inspect all buildings while in process of being
repaired, and see that all reasonable safeguards are used against
the catching and spreading of fire and that the chimneys and
flues are made safe. The inspector may give directions in writing
to the owner as necessary concerning such repairs to render the
building safe from the catching and spreading of fire.

Sec. 6. 25 MRSA §2465, sub-§§2, 3 and 5, as amended by PL 1991,
c. 198, §3, are further amended to read:

2. Prohibitions. No person may, for compensation,
construct or install any vent or solid fuel burning appliance
unless constructed or installed in accordance with the provisions
of the National Fire Protection Association Code #211, "The
Standards for Chimneys, Fireplaces, Vents and Solid Fuel Burning
Appliances." Construction and installation of chimneys and
fireplaces are governed by Title 32, chapter ~~125~~ 33.

3. Enforcement. Subject to Title 32, chapter ~~125~~ 33, the
Fire Marshal or the marshal's designees, ~~Safety--Compliance~~
~~Officers-of-the-Oil-and-Solid-Fuel-Board~~ state oil and solid fuel
compliance officers, duly appointed fire chiefs or their
designees, and municipal building inspectors and code enforcement
officers may enforce the requirements of "The Standards for
Chimneys, Fireplaces, Vents and Solid Fuel Burning Appliances"
and Title 32, section 2313-A.

5. Home rule. Subject to Title 32, chapter ~~125~~ 33, any
municipality may adopt as ordinance requirements for the
materials, installation or construction of chimneys, fireplaces,

2 vents or solid fuel burning appliances which that exceed the
requirements of "The Standards for Chimneys, Fireplaces, Vents
and Solid Fuel Burning Appliances."

4
6 **Sec. 7. 25 MRSA §2465, sub-§6**, as amended by PL 1991, c. 198,
§4, is further amended to read:

8 **6. Penalty.** Any person who, for compensation, constructs
or installs vents or solid fuel burning appliances in violation
10 of the standards, and permits such violation to remain
uncorrected after 30 days' notice from any official empowered to
12 enforce this section, ~~shall be considered~~ is guilty of a civil
violation and ~~shall be~~ is subject to a forfeiture of not more
14 than \$500 for each violation. The court may waive any penalty or
cost against any violator upon satisfactory proof that the
16 violation was corrected within 30 days of the issuance of a
complaint. Construction and installation of chimneys and
18 fireplaces are governed by Title 32, chapter ~~125~~ 33.

20 Any person who fails to provide a purchaser with an instruction
manual or the authorized publication of the Department of
22 Economic and Community Development, as described in subsection
5-A, commits a civil violation for which a forfeiture of not less
24 than \$200 nor more than \$500 for the first offense and not less
than \$500 nor more than \$800 for each subsequent offense ~~must~~ may
26 be adjudged. In addition to the civil penalty provided in this
subsection, any violation of this chapter constitutes a violation
28 of Title 5, chapter 10.

30 **Sec. 8. 32 MRSA §226, sub-§2**, as repealed and replaced by PL
1991, c. 396, §21, is repealed.

32 **Sec. 9. 32 MRSA §226, sub-§3** is enacted to read:

34 **3. Technical submissions; construction or development.** An
36 architect's seal is not required under circumstances described in
this subsection.

38 **A. An architect's seal is not required on technical**
40 **submissions, such as preliminary studies, plans, designs,**
drawings, specifications or contract documents, for the
42 **erection, construction, development, alteration, renovation**
or remodeling of:

44 (1) A building that does not have as its principal
46 purpose human occupancy or habitation;

48 (2) Single or 2-family dwellings, sheds, storage
buildings and garages incidental to the dwellings; or

50 (3) Farm buildings, including barns, silos, sheds or
52 housing for farm equipment and machinery, livestock,

2 poultry or storage, if the structures are designed to
3 be occupied by no more than 10 persons.

4 B. An architect's seal is not required on technical
5 submissions, such as preliminary studies, plans, designs,
6 drawings, specifications or contract documents, for the
7 alteration, renovation or remodeling of a building that has
8 as its principal purpose human occupancy or habitation when
9 that work does not affect structural or other safety
10 features of the building. The determination of what is a
11 "structural or other safety feature" must be made by local
12 officials responsible for code enforcement using reasonable
13 care and a knowledge of state and local building codes.

14 **Sec. 10. 32 MRSA §1202, sub-§2,** as amended by PL 1989, c. 443,
15 §85, is further amended to read:

16 **2. Apprentice or helper.** The board may issue a license
17 upon payment of an annual fee as adopted by the board, not to
18 exceed \$20, to any person who applies therefor for a license,
19 without examination,--provided--such--applicant--submits--evidence
20 satisfactory--to--the--board--that--the--applicant--has--entered--the
21 employ--of--a--licensed--electrician--as--an--apprentice--electrician--or
22 to--assist--a--licensed--electrician--as--an--electrician's--helper--or--is
23 a--full-time--student--in--an--electrical--course--at--a--regional
24 vocational--technical--center,--a--Maine--vocational--region,--or--a
25 technical--college. Any such person employed by an electrician as
26 an apprentice for the purpose of qualifying for any license
27 mentioned in section 1203, or as electrician's helper, shall must
28 apply for a license as such immediately after commencing such
29 that employment or immediately after starting school in an
30 electrical course.

31 **Sec. 11. 32 MRSA §2311, sub-§9-A,** as enacted by PL 1991, c.
32 198, §8, is amended to read:

33 **9-A. Registered.** "Registered" means that a manufacturer or
34 importer of oil and solid waste fuel burning central heating
35 equipment, prefabricated fireplaces and chimneys or accessory
36 equipment has met all the requirements for registration under
37 this chapter and has been issued a certificate of registration.

38 **Sec. 12. 32 MRSA §4682-A, sub-§3,** as enacted by PL 1983, c.
39 236, §1, is amended to read:

40 **3. Penalty.** A violation of subsection 2 is a civil
41 violation for which a forfeiture of not more less than \$200 may
42 be adjudged.

43 **Sec. 13. 32 MRSA §4685, sub-§1,** as amended by PL 1985, c. 763,
44 Pt. A, §91, is repealed and the following enacted in its place:

2 1. Fee. Every person, including the self-employed or those
4 who employ one or more transient sellers of consumer merchandise,
6 shall pay to the Department of Professional and Financial
 Regulation the following fees at the time an application is made
 for the registration or renewal.

8 A. The application fee for a transient seller and an
10 employee of a registered transient seller is \$25. The fee
 is nonrefundable.

12 B. For an original or renewal transient seller's
14 registration, the fee is \$75. The fee is refundable if the
 application is denied.

16 C. For a registration of each employee of transient sellers
18 and for a registration renewal, the fee is \$25. The fee is
 refundable if the application is denied.

20 **Emergency clause.** In view of the emergency cited in the
22 preamble, this Act takes effect when approved.

24 **STATEMENT OF FACT**

26 This bill addresses various operational and budgetary
28 matters affecting the regulatory responsibilities of the Division
30 of Licensing and Enforcement within the Department of
 Professional and Financial Regulation and certain boards within
 the division.

32 The bill increases the registration statement fee for
34 charitable organizations from \$25 to \$40 and increases the
36 financial report filing fee from \$25 to \$50. The bill proposes
38 that professional fund-raising counsels, professional solicitors
40 and commercial co-venturers file an application with an
 application fee of \$50 and further increases the registration fee
 from \$100 to \$200. The proposed fee increases are needed to meet
 departmental financial responsibilities.

42 The bill clarifies an unintended ambiguity in the Maine
44 State Board for Licensure of Architects and Landscape Architects
 law amended by Public Law 1991, chapter 396.

46 The bill eliminates the requirement that helpers and
48 apprentices provide the name of an employer when applying for
 licensure with the Electricians' Examining Board.

50 The bill corrects a technical error that inserted the word
52 "waste" to define the type of solid fuel burning central heating
 equipment that is within the jurisdiction of the Oil and Solid
 Fuel Board.

2 The 113th Legislature, pursuant to the recommendations of
4 the Legislature's Manufactured Housing Commission in Public Law
6 1989, chapters 271 and 690, recognized that the Manufactured
8 Housing Board required 2 additional field people and one
10 part-time clerical person to carry out its statutory
12 responsibilities. As a result, these positions were authorized.
14 Funding for the additional personnel was not provided at that
16 time. As a result, the board is unable to meet its existing
18 financial obligations. Consequently, the bill increases park
20 license fees from \$30 to \$40 and the additional fee per mobile
22 home site from \$3 to \$4.

14 The bill replaces the word "more" with "less" in the
16 penalties provision of the itinerant vendors law to provide for
18 higher penalties that may be adjudged to persons in violation of
20 the law. The bill provides for an application fee for itinerant
22 vendors and increases the registration fee for itinerant vendors
 from \$15 to \$75 and the registration fee for each employee of
 itinerant vendors from \$5 to \$25. The proposed fee increases are
 necessary to meet departmental financial obligations.