

MAINE STATE LEGISLATURE

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116th MAINE LEGISLATURE

FIRST REGULAR SESSION-1993

Legislative Document

No. 936

H.P. 695

House of Representatives, March 18, 1993

**An Act to Require That Professional Boards Set Copying Fees for
Members of the Professions They Regulate.**

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

A handwritten signature in cursive script that reads "Joseph W. Mayo".

JOSEPH W. MAYO, Clerk

Presented by Representative LIPMAN of Augusta.

Cosponsored by Representative: CARON of Biddeford, Senator: CONLEY of Cumberland.

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

4 Sec. 1. 10 MRSA c. 224 is enacted to read:

6 CHAPTER 224

8 RECORDS OF PATIENTS AND CLIENTS

10 §1497. Records of patients and clients

12 Any person or entity that provides a professional service to
14 a member of the public and who is licensed or regulated by a
16 department or agency of the State shall:

18 1. Retain records. Retain all records relating to the
20 provision of the professional service, or retain microfilm,
22 microfiche or other facsimile copies of those records, in a
24 manner that allows the records to be retrieved and copied; and

26 2. Provide copies of records. Provide copies of the
28 records or portions of them within 30 days of receipt of a
30 request for copies made by the person to whom the service was
32 provided or that person's authorized representative. A fee may
34 be charged for the provision of the copies, but the fee may not
36 exceed the lesser of:

38 A. The service provider's reasonable costs incurred in
40 providing the copies; or

42 B. A maximum charge of \$5 for the first page and \$1 for
44 each page thereafter.

46 A copying fee that exceeds the limitations of this subsection is
48 void and unenforceable.

50 A person who, after receiving notice of the provisions of this
section, charges a fee that exceeds the limitations of this
subsection or who takes any action to collect fees that exceed
the limitations of this subsection commits an unfair trade
practice under Title 5, chapter 10.

42 **STATEMENT OF FACT**

44 This bill requires persons who provide a professional
46 service to members of the public and are licensed by the State to
48 maintain the records that relate to provision of the professional
50 service. Copies of these records must be provided to the client
or patient within 30 days of the receipt of a request for copies
and the copies must be provided at a reasonable charge, which may
not exceed \$5 for the first page and \$1 for each subsequent

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page. A violation of the provisions of this bill constitutes an unfair trade practice.