

# MAINE STATE LEGISLATURE

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L.D. 2388

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BUSINESS AND ECONOMIC DEVELOPMENT

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STATE OF MAINE SENATE 119TH LEGISLATURE SECOND REGULAR SESSION

COMMITTEE AMENDMENT "A" to S.P. 938, L.D. 2388, Bill, "An Act Relating to Licensing Board Fees"

Amend the bill by inserting after the enacting clause and before section 1 the following:

'Sec. 1. 32 MRSA §1504, as repealed and replaced by PL 1989, c. 450, §24, is amended to read:

§1504. Fees; expiration and renewal of licenses

~~An application fee and an examination fee may be established by the board~~ The Director of the Office of Licensing and Registration may establish by rule fees for purposes authorized under this chapter in amounts which ~~that~~ are reasonable and necessary for their respective purposes, ~~except that the fee for any one purpose may not exceed \$300 annually.~~ Rules adopted pursuant to this section are routine technical rules pursuant to Title 5, chapter 375, subchapter II-A.

1. License renewal. All licenses and certificates of registration which ~~that~~ are issued by the board shall expire on ~~December 31st~~ February 1st annually or such other time as the Commissioner of Professional and Financial Regulation may designate. Any person holding a license or registration under this law may have the license renewed by making and filing an application with the board, within 30 days preceding the expiration of that license or certificate of registration, upon blanks prescribed by the board and upon payment of the established renewal fee. ~~The board shall establish by rule the initial and renewal fees for licensure and registration for an embalmer's license, funeral home and branch registration,~~

COMMITTEE AMENDMENT

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~~practitioner-of-funeral-service-license-and-practitioner-trainee  
license.--The-initial-and-renewal-license-and-registration-fees  
shall-not-exceed-the-following-amounts:~~

~~A.--An-embalmer's-license,-\$-80;~~

~~B.--A-funeral-director's-license,-\$-80;~~

~~C.--A-funeral-attendant's-registration,-\$-80;~~

~~D.--A-funeral-home-and-branch-registration,-\$-80;~~

~~E.--A-practitioner-of-funeral-service-license,-\$100;-and~~

~~F.--A-practitioner-trainee-license,~~

2. **Late renewal.** A license may be renewed up to 90 days after the date of its expiration upon payment of a late fee of \$10 in addition to the renewal fee. Any person who submits an application for renewal more than 90 days after the license expiration date is subject to all requirements governing new applicants under this chapter, except that the board may in its discretion, giving due consideration to the protection of the public, waive examination if the renewal application is made within 2 years from the date of the expiration.

**Sec. 2. 32 MRSA §2401-B, sub-§2,** as enacted by PL 1999, c. 386, Pt. J, §14, is amended to read:

2. **Apprentice.** The board may issue an apprentice license without examination to any person who applies and submits an annual a fee as adopted by the board Director of the Office of Licensing and Registration by rule. Any such person employed by, or under the direct supervision of, a master licensee must apply for an apprentice license immediately upon employment or immediately after beginning school in a heating program. An apprentice oil burner technician may clean oil burners and oil burning equipment as specified by rule.

**Sec. 3. 32 MRSA §2402-B,** as enacted by PL 1999, c. 386, Pt. J, §16, is repealed and the following enacted in its place:

**§2402-B. Fees**

The Director of the Office of Licensing and Registration may establish by rule fees for purposes authorized under this subchapter in amounts that are reasonable and necessary for their respective purposes, except that the fee for any one purpose may not exceed \$350 biennially. Rules adopted pursuant to this section are routine technical rules pursuant to Title 5, chapter 375, subchapter II-A.

2           **Sec. 4. 32 MRSA §2404**, as amended by PL 1997, c. 82, §5, is  
4 further amended to read:

6           **§2404. Renewals**

8           All licenses expire 2 years from the original date of issue  
10 or at such other time as the Commissioner of Professional and  
12 Financial Regulation may designate. The licenses may be renewed  
14 on a biennial basis without further examination upon the payment  
16 of the proper fee. The board shall notify everyone registered  
18 under this chapter of the date of expiration of the license and  
20 the amount of fee required for its renewal for a 2-year period.  
22 The notice must be mailed to the person's last known address at  
24 least 30 days in advance of the expiration date of the license.  
A license may be renewed up to 90 days after the date of  
expiration upon payment of a late fee of ~~ef-~~\$10 in addition to the  
renewal fee. Any person who submits an application for renewal  
more than 90 days after the license renewal date is subject to  
all requirements governing new applicants under this chapter,  
except that the board may, giving due consideration to the  
protection of the public, waive examination or other  
requirements. The board may assess penalties for late renewals  
more than 90 days after the date of expiration.'

26           Further amend the bill by inserting after section 7 the  
28 following:

30           '**Sec. 8. 32 MRSA §3652**, as amended by PL 1999, c. 257, §1, is  
32 further amended to read:

34           **§3652. Fees; reexamination; license renewal**

36           The Director of the Office of Licensing and Registration may  
38 establish by rule fees for purposes authorized under this chapter  
40 in amounts that are reasonable and necessary for their respective  
purposes, except that the fee for any one purpose may not exceed  
\$600 annually. Rules adopted pursuant to this section are  
routine technical rules pursuant to Title 5, chapter 375,  
subchapter II-A.

42           An applicant for an examination for a license to practice  
44 podiatry shall pay, at the time of filing an application, to the  
46 board a license application fee ~~of--not--more--than--\$200,~~ and a  
48 license fee ~~of--not--more--than--\$600,~~ plus actual cost of  
examination administration ~~as--set--by--the--board.~~ ~~If--the~~  
~~application--is--denied--and--examination--refused,--1/2--of--the~~  
~~application--fee--and--all--of--the--license--fee--must--be--returned--to~~  
the applicant. An applicant who fails to pass an examination is  
50 entitled to a reexamination within 6 months upon the payment of

2 ~~an additional \$50~~ a fee, but only 2 such reexaminations are  
permitted. Podiatrists licensed in another state and applying  
4 pay an application fee ~~of not more than \$200~~ and a license fee ~~of~~  
~~not more than \$600.~~

6  
8 A doctor of podiatric medicine licensed to practice  
podiatric medicine and surgery within this State shall apply, on  
10 or before August 1, 1993 and on or before July 1st of every year  
after August 1, 1993, to the board for a license renewal on a  
12 form furnished by the board and pay a renewal fee ~~of not more~~  
~~than \$600.~~

14 On or before August 1, 1993, and on or before July 1st of  
every year after August 1, 1993, an applicant who is practicing  
16 podiatric medicine and surgery in this State shall include  
satisfactory evidence to the board that in the preceding license  
18 period the applicant has completed a program of continuing  
education as prescribed in the rules of the board.

20  
22 An application for license renewal made not more than 90  
days after the date of expiration must include a late fee, ~~to be~~  
~~set by the board,~~ in addition to the renewal fee. An application  
24 received more than 90 days but less than 2 years after the  
expiration date is subject to the requirements for new applicants  
26 as well as continuing education requirements, if applicable, and  
a late fee ~~of not more than \$200~~, except that the board, giving  
28 due consideration to the health, welfare and safety of the  
citizens of the State, may waive the examination requirement at  
30 its discretion. A license that has been expired for over 2 years  
may not be renewed and must be processed as a new application.

32  
34 **Sec. 9. 32 MRSA §3654**, as amended by PL 1999, c. 257, §§2 and  
3, is further amended to read:

36 **§3654. Reciprocity; endorsement; residency**  
38 **requirement**

40 Beginning July 1, 1995, the board may issue a license to  
practice podiatry by endorsement to an applicant who has  
42 successfully passed the written examination of another state or  
of a national certifying agency in podiatry recognized by the  
board if the written examination of the other state or national  
44 certifying agency was, in the opinion of the board, equivalent to  
its own examination and if the applicant satisfies in all other  
46 respects the requirements for licensure in section 3651-A. An  
applicant for licensure by endorsement who graduated after  
48 January 1, 1991 from podiatric medical school under section  
3651-A shall provide the board evidence of satisfactory  
50 completion of at least one year of postgraduate clinical training

1 in a podiatric residency training program under section 3651-A.  
2 The application to the board must be accompanied by an  
3 application fee ~~of not more than \$200~~ and a license fee ~~of not~~  
4 ~~more than \$600.~~

6 **Sec. 10. 32 MRSA §4685, sub-§1**, as repealed and replaced by PL  
7 1991, c. 714, §12, is repealed and the following enacted in its  
8 place:

10 1. Fees. The department shall establish fees by rule for  
11 applications, registrations and renewals under this chapter in an  
12 amount not to exceed \$300 annually for any one purpose. Rules  
13 adopted pursuant to this subsection are routine technical rules  
14 pursuant to Title 5, chapter 375, subchapter II-A.

16 **Sec. 11. 32 MRSA §4911, 2nd ¶**, as enacted by PL 1983, c. 413,  
17 §182, is amended to read:

18  
19 A certificate may be renewed up to 90 days after the date of  
20 expiration upon payment of a late fee ~~of \$10~~ in addition to the  
21 renewal fee. Any person who submits an application for renewal  
22 more than 90 days after the license renewal date ~~shall be~~ is  
23 subject to all requirements governing new applicants under this  
24 chapter, except that the board may, in its discretion, giving due  
25 consideration to the protection of the public, waive examination  
26 if the renewal application is made within 2 years from the date  
27 of the expiration.

28  
29 **Sec. 12. 32 MRSA §4912**, as amended by PL 1997, c. 141, §1, is  
30 repealed and the following enacted in its place:

32 **§4912. Fees**

34 The Director of the Office of Licensing and Registration may  
35 establish by rule fees for purposes authorized under this  
36 subchapter in amounts that are reasonable and necessary for their  
37 respective purposes, except that the fee for any one purpose may  
38 not exceed \$250 annually. Rules adopted pursuant to this section  
39 are routine technical rules pursuant to Title 5, chapter 375,  
40 subchapter II-A.

42 **Sec. 13. 32 MRSA §6212, sub-§12**, as amended by PL 1997, c.  
43 210, §10, is further amended to read:

44  
45 **12. Clinical supervision.** For purposes of direct clinical  
46 supervision of licensed practitioners in the field of alcohol and  
47 drug counseling, the board may certify upon receipt of proper  
48 application and fee licensed psychologists, physicians,  
49 registered clinical nurse specialists, clinical professional  
50 counselors and clinical social workers, who are qualified to

2 provide alcohol and drug counseling services by virtue of the  
3 requirements for that profession. Other members of any mental  
4 health profession must meet the criteria set forth by the  
5 International Certification and Reciprocity Consortium or  
6 equivalent qualifications as determined by the board by  
rulemaking.

8 **Sec. 14. 32 MRSA §6215**, as amended by PL 1999, c. 386, Pt. R,  
9 §2, is further amended to read:

10 **§6215. Application; membership fees**

11 Application for registration as a registered alcohol and  
12 drug counselor or licensure as a licensed alcohol and drug  
13 counselor must be on forms prescribed and furnished by the  
14 board. ~~Application and examination fees may be established by~~  
15 ~~the board in amounts not to exceed \$100 each. Successful~~  
16 ~~applicants shall pay biennial fees set by the board in an amount~~  
17 ~~not to exceed \$75 for registration and \$150 for licensure as an~~  
18 ~~alcohol and drug counselor. The payment of fees is suspended~~  
19 ~~during the term of inactive status. The Director of the Office of~~  
20 ~~Licensing and Registration may establish by rule fees for~~  
21 ~~purposes authorized under this subchapter in amounts that are~~  
22 ~~reasonable and necessary for their respective purposes, except~~  
23 ~~that the fee for any one purpose may not exceed \$200 annually.~~  
24 Rules adopted pursuant to this section are routine technical  
25 rules pursuant to Title 5, chapter 375, subchapter II-A.

26  
27  
28 **Sec. 15. 32 MRSA §6219**, as amended by PL 1995, c. 394, §26,  
29 is further amended to read:

30 **§6219. Expiration and renewal**

31 The license and certificate ~~of~~ registration expire  
32 biennially annually on August ~~31st~~ November 30th or at such other  
33 time as the Commissioner of Professional and Financial Regulation  
34 may designate. Licensure or registration may be renewed ~~for the~~  
35 ~~succeeding 2 year period~~ upon written application of ~~the~~  
36 ~~registrant~~, the approval of the board and the payment of the fee  
37 provided. ~~A fee for renewal of license or certificate of~~  
38 ~~registration is \$150 biennially for licensing and \$75 biennially~~  
39 ~~for registration, due and payable on or before the expiration~~  
40 ~~date. Before a license or certificate of registration may be~~  
41 ~~renewed, the applicant must present evidence of continued~~  
42 ~~professional learning and training of a type acceptable to the~~  
43 ~~board. At a minimum, applicants for renewal must document the~~  
44 ~~successful completion of at least 50 hours of continuing~~  
45 ~~education, as defined by the board, within 2 years.~~  
46 education, as defined by the board, within 2 years.

47 Licensure or registration may be renewed up to 90 days after  
48 the date of expiration upon payment of a late fee of ~~\$10~~ in

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1 addition to the renewal fee. Any person who submits an  
2 application for renewal more than 90 days after the license  
renewal date is subject to all requirements governing new  
4 applicants under this chapter, except that the board may in its  
discretion, giving due consideration to the protection of the  
6 public, waive examination if that renewal application is made  
within 2 years from the date of that expiration or if the  
8 applicant is a registered inactive alcohol and drug counselor.  
The board is responsible for mailing notification of the date of  
10 expiration of a license or a certificate of registration to any  
licensed alcohol and drug counselor, inactive alcohol and drug  
12 counselor or registered alcohol and drug counselor not later than  
30 days prior to the date of expiration. ~~At a minimum,~~  
14 ~~applicants for renewal must document the successful completion of~~  
~~at least 50 hours of continuing education, as defined by rule by~~  
16 ~~the board, related to alcohol and drug counseling during the~~  
~~2-year period.~~

18  
19 **Sec. 16. 32 MRSA §13510, sub-§3**, as amended by PL 1991, c.  
20 338, §4, is further amended to read:

22 **3. Fee for license.** ~~The commission may, in its discretion,~~  
23 ~~set~~ Director of the Office of Licensing and Registration shall  
24 establish, by rule, the fee for each promoter's license to  
25 promote amateur events and for a license to promote professional  
26 events, depending upon the probable income of the licensee to be  
derived from the conducting of the contests and exhibitions. ~~The~~  
28 ~~commission~~ In addition, the director shall establish, by rule,  
fees for all other licenses issued under this section at a figure  
30 not to exceed \$50 ~~\$200 for a one-year license.~~ ~~The commission~~  
director shall establish by rule license fees for live events and  
32 the broadcast of live events. When application by a fraternal,  
charitable or patriotic organization for a license to promote and  
34 conduct amateur boxing or kick-boxing contests or exhibitions is  
made to the commission, it may grant the license without the  
36 requirement of the payment of a license fee. Rules adopted  
pursuant to this subsection are routine technical rules pursuant  
38 to Title 5, chapter 375, subchapter II-A.

40 **Sec. 17. 32 MRSA §13511, 2nd ¶**, as amended by PL 1991, c. 338,  
41 §5, is further amended to read:

42  
43 All persons, other than wrestlers, engaging in professional  
44 wrestling matches, shows or exhibitions of wrestlers must be  
licensed by the commission in a like manner. ~~The commission~~  
46 ~~shall by rule establish fees for licenses in an amount not to~~  
~~exceed \$50 a year.~~ The chair of the commission or the chair's  
48 designee may issue or deny temporary licenses. The full  
commission may review decisions by the chair or the chair's  
50 designee at its next regular meeting.



2           **Sec. 18. 32 MRSA §13514, first ¶**, as amended by PL 1987, c.  
816, Pt. KK, §23, is further amended to read:

4  
6           The promoter or promoters of all boxing or kick-boxing  
contests or exhibitions and all professional wrestling matches,  
shows or exhibitions held under this chapter shall pay to the  
8           Treasurer of State, for credit to the Athletic Commission Fund, a  
tax of 5% 15% of the gross receipts from the contest or  
10          exhibition. This section ~~shall--apply~~ applies to all boxing,  
kick-boxing and wrestling contests or exhibitions ~~which~~ that are  
12          shown over closed circuit television.

14           **Sec. 19. 32 MRSA §14358, first ¶**, as enacted by PL 1995, c.  
275, §1, is amended to read:

16  
18          An applicant for initial licensure must submit a written  
application with supporting documents to the department on forms  
provided by the department. The applicant must pay a  
20          nonrefundable application fee established by the department by  
rule in an amount not to exceed \$50 \$300 annually. Rules adopted  
22          pursuant to this section are routine technical rules pursuant to  
Title 5, chapter 375, subchapter II-A.

24           **Sec. 20. 32 MRSA §14359, first ¶**, as enacted by PL 1995, c.  
275, §1, is amended to read:

28          All licenses must be renewed annually on or before March  
31st of each year or such other times as the commissioner may  
30          designate. The annual licensure renewal fee must be established  
by the department by rulemaking and may not exceed \$100 \$300.  
32          The commissioner shall notify each licensee, at the licensee's  
last known address, 30 days in advance of the expiration of the  
34          license. Renewal notices must be on forms provided by the  
department. A license not renewed by March 31st automatically  
36          expires. The department may renew an expired license if the  
renewal application is returned within 90 days after the license  
38          expiration date and upon payment of a late fee of \$10 \$50 in  
addition to the renewal fee. A person who submits an application  
40          for renewal more than 90 days after the license expiration date  
is subject to all requirements governing new applicants under  
42          this chapter, except that the department may in its discretion,  
giving consideration to the protection of the public, waive  
44          examination if the renewal application is made within 2 years  
from the date of that expiration. Rules adopted pursuant to this  
46          section are routine technical rules pursuant to Title 5, chapter  
375, subchapter II-A.

48           **Sec. 21. 32 MRSA §14509**, as enacted by PL 1993, c. 444, §1,  
50          is amended to read:

2 **§14509. Registration fee**

4 A transient seller must pay to the department the following  
6 original and renewal license fees at the time an application is  
8 made for registration or renewal established by the department  
10 by rule in an amount not to exceed \$300 annually. Rules adopted  
12 pursuant to this section are routine technical rules pursuant to  
14 Title 5, chapter 375, subchapter II-A.

16 ~~1. Transient seller registration. For an original~~  
18 ~~transient seller of home repair services registration, \$100, and~~

20 ~~2. Renewal. For a renewal application, \$75.~~

22 The aggregate of fees provided for by this section is  
24 appropriated for the use of the department. Any balance of funds  
26 may not lapse but must be carried forward to be expended for the  
28 same purposes in the following fiscal year.

30 **Sec. 22. Allocation.** The following funds are allocated from  
32 Other Special Revenue funds to carry out the purposes of this Act.

34 **2000-01**

36 **PROFESSIONAL AND FINANCIAL**  
38 **REGULATION, DEPARTMENT OF**

40 **Licensing and Enforcement**

42 All Other \$13,500

44 Provides for the allocation  
46 of funds for the costs  
48 associated with rulemaking.'

Further amend the bill by relettering or renumbering any  
nonconsecutive Part letter or section number to read  
consecutively.

Further amend the bill by inserting at the end before the  
summary the following:

**'FISCAL NOTE**

**2000-01**

**APPROPRIATIONS/ALLOCATIONS**

2 Other Funds \$13,500

4 **REVENUES**

6 Other Funds \$266,685

8  
10 Raising the fee cap associated with issuing and renewing  
12 physician and physician assistant licenses will increase  
14 licensing fee collections by the Board of Licensure in Medicine  
16 within the Department of Professional and Financial Regulation.  
18 The increase in dedicated revenue is estimated to be \$266,685  
annually beginning in fiscal year 2000-01, if the maximum fee is  
imposed. If the fees are set at an amount lower than the cap,  
the actual dedicated revenue collected may be lower than  
estimated.

20 This bill also increases the fee cap associated with issuing  
22 and renewing licenses for several other boards and commissions.  
24 The increase in dedicated revenue associated with these changes  
can not be determined at this time.

26 Increasing the gate tax paid by promoters of all boxing or  
28 kick-boxing contests or exhibitions from 5% to 15% will increase  
the amount of dedicated revenue credited to the Athletic  
Commission Fund beginning in fiscal year 2000-01. The increase  
in dedicated revenue can not be determined at this time.

30 This bill also includes an Other Special Revenue funds  
32 allocation of \$13,500 in fiscal year 2000-01 for the Office of  
34 Licensing and Registration within the Department of Professional  
and Financial Regulation for the costs associated with  
rulemaking.'

38 **SUMMARY**

40  
42 This amendment increases the license fee caps for the Board  
44 of Funeral Service, the Oil and Solid Fuel Board, the State Board  
of Certification of Geologists and Soil Scientists, the State  
Board of Alcohol and Drug Counselors, the Maine Athletic  
Commission and athletic trainers.

46  
48 The amendment authorizes the Director of the Office  
50 Licensing and Registration within the Department of Professional  
and Financial Regulation to set the fees by rule for the Board of  
Funeral Service, the Oil and Solid Fuel Board, the State Board of

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2 Certification of Geologists and Soil Scientists, the State Board  
of Alcohol and Drug Counselors, the Maine Athletic Commission and  
4 the Board of Licensure of Podiatric Medicine.

6 The amendment establishes a fee cap for transient sellers of  
consumer goods and door-to-door home repair transient sellers.

8 The amendment increases the gate tax for the Maine Athletic  
10 Commission.

12 The amendment also changes the renewal cycle from biennial  
to annual for the State Board of Alcohol and Drug Counselors and  
14 adjusts the mandatory continuing education hours for renewal to  
correspond with the change in the renewal cycle.

16 Finally, the amendment makes several minor changes to  
18 implement the fee cap changes and adds an allocation section and  
fiscal note to the bill.