

MAINE STATE LEGISLATURE

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120th MAINE LEGISLATURE

FIRST REGULAR SESSION-2001

Legislative Document

No. 1718

H.P. 1267

House of Representatives, March 20, 2001

An Act Relating to Licensing Board Fee Caps.

Submitted by the Department of Professional and Financial Regulation pursuant to Joint Rule 204.

Reference to the Committee on Business and Economic Development suggested and ordered printed.

Millicent M. MacFarland

MILLICENT M. MacFARLAND, Clerk

Presented by Representative RICHARDSON of Brunswick.
Cosponsored by Senator SHOREY of Washington and
Representatives: CLOUGH of Scarborough, HATCH of Skowhegan.

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

2
4 **Sec. 1. 9 MRSA §5004, sub-§2-A**, as amended by PL 1999, c. 386, Pt. A, §9, is further amended to read:

6 **2-A. Fee for registration statement.** Charitable organizations shall pay an the required application fee of--\$50 and an the required initial fee and a the required renewal fee of \$100. The application fee is nonrefundable.

10 **Sec. 2. 9 MRSA §5004, sub-§4, ¶C**, as enacted by PL 1999, c. 386, Pt. A, §12, is amended to read:

14 C. A charitable organization that submits an application for renewal after the expiration date must submit:

16 (1) A financial report covering the most recently audited fiscal year;

18 (2) A The required filing fee of--\$50 and a the required renewal of registration fee of--\$100; and

20 (3) A completed application.

22 **Sec. 3. 9 MRSA §5004, sub-§4, ¶D**, as enacted by PL 1999, c. 386, Pt. A, §12, is amended to read:

24 D. The complete renewal of registration application packet must include all the requirements identified in subsection 3 as well as the following.

26 (1) The applicant must submit an audited financial statement as required in section 5005, subsections 1 and 2. The content of the financial statement must be in accordance with the requirements under section 5004, subsection 3. Failure to file an audited financial statement of the organization's most recent audited fiscal year may be grounds for disciplinary action as provided under Title 10, section 8003, subsection 5. If a charitable organization files a financial statement in accordance with section 5005, subsection 3, paragraph C, federal Internal Revenue Service 990 and Schedule A forms or a 990 EZ form may be accepted as satisfactory evidence.

32 (2) The applicant must submit the nonrefundable renewal of registration fee of--\$100 plus a the required filing fee of---\$50 for charitable organizations receiving more than \$30,000 in gross contributions.

2 **Sec. 4. 9 MRSA §5005, sub-§2,** as amended by PL 1999, c. 386,
Pt. A, §13, is further amended to read:

4 **2. Fee for financial reports.** A The financial report fee
of ~~of~~-\$50 must be paid to the office when any financial report is
6 filed.

8 **Sec. 5. 9 MRSA §5006, sub-§3,** as enacted by PL 1999, c. 386,
Pt. A, §15, is amended to read:

10 **3. Procedures for claiming exemption from registration.** A
12 charitable organization claiming to be exempt under subsection 1
must submit to the office annually on forms prescribed by that
14 office and accompanied by a--\$10 the required fee a sworn
statement setting forth the name and address of the organization
16 and its principal executive personnel, the purpose of the
organization and the factual basis for the exemption. The
18 organization claiming exemption must include a copy of any
financial statement, report or return filed with the federal
20 Internal Revenue Service. The office shall issue annually a
letter of exemption to those organizations considered exempt
22 under subsection 1.

24 **Sec. 6. 9 MRSA §5008, sub-§1,** as repealed and replaced by PL
1999, c. 790, Pt. A, is amended to read:

26 **1. Registration.** A person or entity may not act as a
28 professional fund-raising counsel, a professional solicitor or a
commercial co-venturer before that person or entity has
30 registered with the office. Applications for registration or
reregistration must be in writing, under oath, in the form
32 prescribed by the office and accompanied by an application fee ~~in~~
~~the amount of \$50~~ and a registration fee ~~in the amount of \$200.~~
34 ~~Application fees are.~~ The application fee is nonrefundable. The
applicant shall, at the time of making application for
36 registration or reregistration, file with and have approved by
the office a bond, in which the applicant must be the principal
38 obligor, in the sum of \$25,000, with one or more responsible
sureties whose liability in the aggregate as such sureties at
40 least equals that sum. The bond runs to any person or entity who
may have a cause of action against the principal obligor of the
42 bond for any malfeasance or misfeasance in the conduct of
charitable solicitation in this State. Registration is for a
44 period of one year. The registration fee and bond required by
this chapter must be waived for an auctioneer, when that
46 auctioneer engages in conduct for which that auctioneer is
already bonded, who is licensed by the Department of Professional
48 and Financial Regulation and who has otherwise complied with the
requirements of Title 32, chapter 5-B.

50

2 **Sec. 7. 9 MRSA §5008, sub-§1-A, ¶D**, as enacted by PL 1999, c.
386, Pt. A, §16, is amended to read:

4 D. A professional solicitor, professional fund-raising
5 counsel or commercial co-venturer that submits an
6 application for renewal of registration after the expiration
7 date must submit:

8 (1) A bond in the sum of \$25,000 that expires on the
9 stated date of expiration;

10 (2) A renewal of registration fee of ~~\$200~~; and

11 (3) The completed original application.

12 **Sec. 8. 9 MRSA §5015-A** is enacted to read:

13 **§5015-A. Fees**

14 The director of the office may establish by rule fees for
15 purposes authorized under this chapter in amounts that are
16 reasonable and necessary for their respective purposes, except
17 that the fee for any one purpose may not exceed \$200 annually.
18 Rules adopted pursuant to this section are routine technical
19 rules pursuant to Title 5, chapter 375, subchapter II-A.

20 **Sec. 9. 32 MRSA §63-B, sub-§2.** as enacted by PL 1985, c. 233,
21 §6, is amended to read:

22 **2. Rules.** The board may, in accordance with the Maine
23 Administrative Procedure Act, Title 5, chapter 375, subchapter
24 II, adopt rules commensurate with the authority vested in it by
25 this chapter, including, but not limited to, standards for
26 courses of study for administrators, requirements for the
27 training, experience and qualifications for the licensure of
28 administrators and administrators-in-training, continuing
29 educational requirements, standards and procedures for
30 examination for the licensure of administrators, standards and
31 procedures for the issuance, revocation and suspension of
32 licenses of administrators and for the investigation of written
33 charges and complaints filed with the board, ~~and establishment of~~
34 licensure fees.

35 **Sec. 10. 32 MRSA §63-B, sub-§5.** as amended by PL 1995, c. 502,
36 Pt. H, §21, is repealed and the following enacted in its place:

37 **5. Application and license fees.** Fees for applications,
38 initial licenses and annual license renewals for nursing home

2 administrators and administrators-in-training may be established
3 as provided in section 67.

4 **Sec. 11. 32 MRSA §65**, as amended by PL 1993, c. 600, Pt. A,
5 §33, is further amended to read:

6 **§65. License renewal**

7
8 All licenses issued under this chapter, except temporary
9 licenses, expire annually on a date established by the
10 commissioner and become invalid if not renewed. Every individual
11 licensed under this chapter shall pay, on or before the
12 expiration date, a fee for renewal of license to the board. The
13 board shall notify each individual licensed under this chapter of
14 the date of expiration of that individual's license and the
15 amount of fee required for its renewal for a one-year period.
16 The notice must be mailed to the individual's last known address
17 at least 30 days before the expiration of the license. Renewals
18 are contingent upon evidence of participation in continuing
19 professional education. A license may be renewed up to 90 days
20 after the date of its expiration upon payment of a late fee of
21 \$10 in addition to the renewal fee. An individual who submits an
22 application for renewal more than 90 days after the license
23 expiration date is subject to all requirements governing new
24 applicants under this chapter, except that the board may, in its
25 discretion and giving due consideration to the protection of the
26 public, waive examination if that renewal application is made
27 within 2 years from the date of the expiration.

28
29 **Sec. 12. 32 MRSA §67** is enacted to read:

30
31 **§67. Fees**

32
33 The Director of the Office of Licensing and Registration
34 within the Department of Professional and Financial Regulation
35 may establish by rule fees for purposes authorized under this
36 chapter in amounts that are reasonable and necessary for their
37 respective purposes, except that the fee for any one purpose may
38 not exceed \$200 annually. Rules adopted pursuant to this section
39 are routine technical rules pursuant to Title 5, chapter 375,
40 subchapter II-A.

41
42 **Sec. 13. 32 MRSA §287-A** is enacted to read:

43
44 **§287-A. Fees**

45
46 The Director of the Office of Licensing and Registration
47 within the Department of Professional and Financial Regulation
48 may establish by rule fees for purposes authorized under this
49 chapter in amounts that are reasonable and necessary for their
50

2 respective purposes, except that the fee for any one purpose may
3 not exceed \$200 annually. Rules adopted pursuant to this section
4 are routine technical rules pursuant to Title 5, chapter 375,
5 subchapter II-A.

6 **Sec. 14. 32 MRSA §289, sub-§5,** as enacted by PL 1999, c. 146,
7 §5, is repealed.

8 **Sec. 15. 32 MRSA §1102-B, sub-§§2 and 4,** as amended by PL 1999,
9 c. 386, Pt. F, §9, are further amended to read:

10 **2. Application procedure.** An application for a permit must
11 be made in a form prescribed by the board together with any
12 plans, specifications or schedules the board may require. If the
13 board determines that the installation or alteration planned is
14 in compliance with all applicable statutes, ordinances and rules,
15 it shall issue a permit, provided that the fee required under
16 subsection 3 4 has been paid.

17 **4. Procedures and fees.** Pursuant to the Maine
18 Administrative Procedure Act, Title 5, chapter 375, the board may
19 adopt procedures and fees for permit applications and the conduct
20 of inspections. The combined service fee for permit and
21 inspection must be paid with every application for a permit. The
22 board Director of the Office of Licensing and Registration shall
23 adopt by rule a schedule of appropriate service fees, but in no
24 event may any scheduled service fee exceed \$100. Rules adopted
25 pursuant to this subsection are routine technical rules pursuant
26 to Title 5, chapter 375, subchapter II-A.

27 **Sec. 16. 32 MRSA §1203-A,** as enacted by PL 1999, c. 386, Pt.
28 F, §17, is amended to read:

29 **§1203-A. Fees**

30 The board shall adopt Director of the Office of Licensing
31 and Registration within the Department of Professional and
32 Financial Regulation may establish by rule fees for application,
33 examination, licensure and biennial, renewal and other purposes
34 authorized under this chapter in amounts that are reasonable and
35 necessary but not to exceed for their respective purposes,
36 except that the fee for any one purpose other than permit and
37 inspection fees may not exceed \$150 biennially. Rules adopted
38 pursuant to the section are routine technical rules pursuant to
39 Title 5, chapter 375, subchapter II-A.

40 **1. Application fee.** Application fee. . . . \$25.

41 **2. Examination fee.** Examination fee. . . . \$80. and

42

3. ~~Licensure fee.~~ Licensure fee:

- A. ~~Journeyman or Journeyman-in-training.~~ \$80;
- B. ~~Master.~~ \$150;
- C. ~~Limited.~~ \$100;
- D. ~~Helper.~~ \$20;
- E. ~~Apprentice.~~ \$20; and
- F. ~~Electrical company.~~ \$0.

Sec. 17. 32 MRSA §1658-A, sub-§2, as amended by PL 1997, c. 156, §2, is further amended to read:

2. License for business organization. Any corporation, partnership, trust, association or other like organization engaged in the business of selling or offering for sale hearing aids at retail in the State shall apply to the board for a license to engage in that business. No business entity may so engage in the business of selling or offering for sale hearing aids without a license to do so. The board shall issue a license upon payment by the business entity of a an application and license fee under section 1658-P set by the ~~board in an amount not to exceed \$185~~ director and upon filing of a sworn statement from a person with authority from the business entity. That sworn statement must list the names and addresses of all hearing aid dealers and fitters directly or indirectly employed by the entity and must certify that the entity employs only hearing aid dealers and fitters who are duly licensed by the State. At least one of the licensees employed by the business entity must have been licensed for a minimum of 2 years and have at least 3,000 hours of work experience as a hearing aid dispenser or be certified by the National Board for Certification in Hearing Instrument Sciences.

The license required by this chapter must be conspicuously posted in the licensee's office or place of business.

Sec. 18. 32 MRSA §1658-J, first and 4th ¶¶, as amended by PL 1997, c. 156, §5, are further amended to read:

An applicant who fulfills the requirements as set forth in section 1658-I, subsection 1, paragraphs A to C, may obtain a trainee permit upon application to the board, accompanied by a the required fee under section 1658-P set by the ~~board in an amount not to exceed \$50~~ director and the signature of the licensed hearing aid dealer and fitter who is responsible for the

2 direct supervision of the trainee. A trainee permit is valid for
18 months. Giving due consideration to the public interest, the
board may approve the renewal of a trainee permit once.

4
6 If the holder of a trainee permit fails the examination,
that person may retake the examination, upon payment of a the
7 required fee not-to-exceed-\$25 under section 1658-P, within one
8 year after completing the training required under section 1658-I,
subsection 1.

10 **Sec. 19. 32 MRSA §1658-M, sub-§1, ¶A**, as enacted by PL 1997,
12 c. 156, §9, is amended to read:

14 A. Licenses issued to hearing aid dealers and business
16 organizations pursuant to section 1658-A, subsection 1 may
be renewed annually upon application by the licensee
18 accompanied by a the required fee under section 1658-P set
by the ~~board~~ director. The board shall notify every
20 licensee of the date of expiration of the license and the
amount of the fee required for renewal for a 12-month
22 period. The notice must be mailed to the licensee's last
known address at least 30 days in advance of the expiration
24 of the license. The license may be renewed up to 90 days
after the date of its expiration upon payment of a late fee
26 of ~~\$10~~ in addition to the renewal fee. A person who submits
an application for renewal more than 90 days after the
28 license expiration date is subject to all requirements
governing new applicants under this chapter, except that the
30 board, giving consideration to the protection of the public,
may waive examination if the renewal application is made
within 2 years from the date of the expiration.

32 **Sec. 20. 32 MRSA §1658-P**, as enacted by PL 1997, c. 156, §12,
34 is repealed and the following enacted in its place:

36 **§1658-P. Fees**

38 The Director of the Office of Licensing and Registration
40 within the department may establish by rule fees for purposes
authorized under this chapter in amounts that are reasonable and
42 necessary for their respective purposes, except that the fee for
any one purpose may not exceed \$325 annually. Rules adopted
44 pursuant to this section are routine technical rules pursuant to
Title 5, chapter 375, subchapter II-A.

46 **Sec. 21. 32 MRSA §3833**, as amended by PL 1999, c. 386, Pt. M,
48 §2, is further amended to read:

50 **§3833. Application and examination fees**

2 An application fee ~~net-to-exceed-\$200~~ under section 3833-A
4 and an examination fee ~~net-to-exceed-\$375~~ may be established by
6 the ~~board~~ director under section 3833-A. No part of these fees is
8 returnable under any circumstances other than failure of the
board to hold examinations at the time originally announced,
~~whereupon-the.~~ The examination fee only may be returned at the
option of the candidate if the examination is not held at the
time originally announced.

10 Sec. 22. 32 MRSA §3833-A is enacted to read:

12 **§3833-A. Fees**

14 The Director of the Office of Licensing and Registration
16 within the Department of Professional and Financial Regulation
18 may establish by rule fees for purposes authorized under this
20 chapter in amounts that are reasonable for their respective
22 purposes, except that the fee for any one purpose may not exceed
\$500 biennially. Rules adopted pursuant to this section are
routine technical rules pursuant to Title 5, chapter 375,
subchapter II-A.

24 Sec. 23. 32 MRSA §3835, as amended by PL 1995, c. 502, Pt. H,
§32, is further amended to read:

26 **§3835. Biennial registration**

28 Licenses issued under this chapter expire biennially on a
30 date established by the Commissioner of Professional and
32 Financial Regulation, if not renewed. A person licensed under
34 this chapter shall submit, on or before the biennial expiration
36 date, an application for license renewal together with the
biennial renewal fee under section 3833-A set by the director.
~~The board shall set the fees in an amount not to exceed \$400 for
psychologists and psychological examiners and \$200 for temporary
licensure.~~

38 The board shall notify every licensed psychologist of the
40 expiration date of his the license and indicate the amount of fee
42 required for biennial renewal. This notice ~~shall~~ must be mailed
44 to each person's last known address at least 30 days in advance
46 of the expiration date of that license. A license may be renewed
48 up to 90 days after the date of 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 renewal date ~~shall-be~~ 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 that renewal

2 application is made within 2 years from the date of that
3 expiration.

4 **Sec. 24. 32 MRSA §3836**, as amended by PL 1991, c. 144, §2, is
5 further amended to read:

6 **§3836. Conditional licensure**
7

8 The board may, at any time at its discretion, grant a
9 license without an assembled examination to any person who at the
10 time of application is licensed or certified by a similar board
11 of another state whose standards, in the opinion of the board,
12 are equivalent to those required by this chapter. The board, at
13 its discretion, may issue a conditional license, at the
14 appropriate level, to applicants for a permanent license upon
15 payment of a the required fee under section 3833-A, to be
16 established by the ~~board~~ director. The conditional license is
17 effective for one year and requires that the licensee practice
18 only under supervision. An oral examination must be taken and
19 passed during the term of the conditional license.
20

21 **Sec. 25. 32 MRSA §9853, sub-§6, ¶E**, as enacted by PL 1983, c.
22 524, is amended to read:

23 E. To make rules in accordance with this chapter necessary
24 for the enforcement of its authority and performance of its
25 duties consistent with the Maine Administrative Procedure
26 Act, Title 5, chapter 375. These rules may include, but not
27 be limited to, licensing requirements, approved courses,
28 examinations, and continuing education requirements for
29 renewal of licenses ~~and fees~~;
30

31 **Sec. 26. 32 MRSA §9856, sub-§1, ¶¶B and C**, as repealed and
32 replaced by PL 1983, c. 816, Pt. A, §39, are amended to read:

33 B. Pay an application fee ~~which shall not exceed \$70~~; and

34 C. Pay an examination fee ~~which shall not exceed \$50~~.

35 **Sec. 27. 32 MRSA §9859**, as amended by PL 1991, c. 509, §31,
36 is further amended to read:

37 **§9859. Biennial licensure renewal; fees**
38

39 An original or renewal licensure fee under section 9859-A
40 must be paid by the applicant or licensee. All licenses must be
41 renewed biennially on or before August 31st of each even-numbered
42 year or at such other times as the Commissioner of Professional
43 and Financial Regulation may designate. ~~The--original--and~~
44 ~~biennial--licensure--renewal--fee--may--not--exceed--\$70.~~ The board
45

2 shall notify each licensee, at the licensee's last known address,
3 30 days in advance of the expiration of the license. Renewal
4 notices must be on forms provided by the Department of
5 Professional and Financial Regulation. Any license not renewed
6 by the designated renewal date automatically expires. Licenses
7 may be renewed up to 90 days after the date of expiration upon
8 payment of a late fee of \$10 in addition to the renewal fee. Any
9 person who submits an application for renewal more than 90 days
10 after the licensing renewal date is subject to all requirements
11 governing new applicants under this chapter, except that the
12 board may, giving due consideration to the protection of the
13 public, waive examination or other requirements. ~~The board may~~
14 ~~assess penalties~~ Penalties may be assessed by the director for
late renewals more than 90 days after the expiration.

16 **Sec. 28. 32 MRSA §9859-A** is enacted to read:

18 **§9859-A. Fees**

20 The Director of the Office of Licensing and Registration
21 within the Department of Professional and Financial Regulation
22 may establish by rule fees for purposes authorized under this
23 chapter in amounts that are reasonable and necessary for their
24 respective purposes, except that the fee for any one purpose may
25 not exceed \$100 biennially. Rules adopted pursuant to this
26 section are routine technical rules pursuant to Title 5, chapter
27 375, subchapter II-A.

28 **Sec. 29. 32 MRSA §14306-D, sub-§1, ¶E,** as enacted by PL 1997,
30 c. 681, §7, is amended to read:

32 E. Pay a one time application fee of \$25 and a yearly an
33 annual licensing fee of \$100. All fees are nonrefundable.

34 **Sec. 30. 32 MRSA §14306-E, sub-§3,** as enacted by PL 1997, c.
36 681, §7, is amended to read:

38 3. **Registration fee.** Until December 31, 2001, massage
39 practitioners who maintain their status as registered massage
40 practitioners ~~must~~ shall pay a yearly an annual registration fee
41 of \$100.

42 **Sec. 31. 32 MRSA §14306-F, sub-§1,** as enacted by PL 1997, c.
44 681, §7, is amended to read:

46 1. **Renewal.** Each individual who applies for licensure ~~must~~
47 shall fill out a form designated by the department. A license
48 expires yearly annually on the date of the individual's initial
49 licensure or on such other date as the commissioner determines.
50 Notice of expiration must be mailed to a licensed massage

therapist's last known address at least 30 days before the expiration of the license. The notice must include requests for any information necessary for renewal. A late fee of ~~of--\$10~~ is assessed on any license renewal that is postmarked later than the anniversary date of the individual's initial licensure. If, after 90 days from the anniversary date, an individual has not renewed the license, the individual must reapply for licensure.

Sec. 32. 32 MRSA §14306-G is enacted to read:

§14306-G. Fees

The Director of the Office of Licensing and Registration within the Department of Professional and Financial Regulation may establish by rule fees for purposes authorized under this chapter in amounts that are reasonable and necessary for their respective purposes, except that the fee for any one purpose may not exceed \$100 annually. Rules adopted pursuant to this section are routine technical rules pursuant to Title 5, chapter 375, subchapter II-A.

Sec. 33. 32 MRSA §15108-A, as enacted by PL 1999, c. 386, Pt. W, §11, is amended to read:

§15108-A. Boiler and pressure vessel inspectors

The board shall issue a license as a boiler inspector upon payment of an application fee and license fee under section 15109, subsection 9 set by the director to any person who files an application and meets the qualifications as specified by rule. ~~The fee for issuing a license as a boiler inspector must be set by the board director, but may not exceed \$50 per year. The application fee may not exceed \$25.~~ The board shall issue a license as a boiler inspector upon payment of an application fee and license fee to any person who files an application and holds a certificate as an inspector of steam boilers from a state that has a standard of licensing equal to that of this State or a certification from the National Board of Boiler and Pressure Vessel Inspectors, or its successor organization.

Sec. 34. 32 MRSA §15109, sub-§3, as amended by PL 1999, c. 386, Pt. W, §12, is further amended to read:

3. Issuance of license. The board shall issue a license to an applicant in the grade requested, upon payment of an application fee and license fee set by the director under subsection 9, if the applicant has satisfactorily met the examination and other requirements of this section.

2 A. A license is valid for 3 years from the date of
issuance. A license must designate the name of the holder,
4 the license number, the grade of license, the issuing date
and the expiration date. Any license issued under this
6 chapter is automatically renewable upon payment of the
renewal fee under subsection 9 as set forth in this chapter
7 by the director. The expiration dates for licenses issued
under this chapter may be established at such other times as
8 the commissioner may designate. The board shall notify
10 everyone registered under this chapter of the date of
expiration of the license and the fee required for its
12 renewal for a 3-year period. The notice must be mailed to
the person's last known address at least 30 days in advance
14 of the expiration date of the license.

16 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
18 the renewal fee. An additional late fee under subsection 9
may be imposed by the director for applications received up
20 to 2 years after the date of expiration. Any person who
submits an application for renewal more than 90 days after
22 the license expiration date is subject to all requirements
governing new applicants under this chapter, except that the
24 board may in its discretion, giving due consideration to the
protection of the public, waive examination or other
26 requirements. The board may levy penalties for nonrenewal.
Notwithstanding any other provision of this chapter, the
28 board shall waive examination if a renewal application is
made within 90 days after separation from the United States
30 Armed Forces, under conditions other than dishonorable, by a
person who has failed to renew that person's license because
32 that person was on active duty in the Armed Forces; except
that the waiver of examination may not be granted if the
34 person served more than 4 years in the Armed Forces, except
if that person is required by some mandatory provision to
36 serve a longer period and that person submits satisfactory
evidence of this mandatory provision to the board.

38 B. The license certificate must be displayed in plain view
40 in the plant where the licensee is employed.

42 C. The board shall determine the eligibility for licensure
of any applicant who holds a current stationary steam
44 engineering license issued by the proper authority of any
state, territory or possession of the United States, the
46 District of Columbia or Canada that has requirements equal
to those of this State and recognizes the license issued by
48 this State without further examination. The board shall
certify as eligible for a license any applicant who holds a
50 current Canadian marine or United States Coast Guard marine

2 engineer's license and who has worked as a boiler engineer
or operator 3 of the last 5 years prior to application. The
4 applicant bears the burden of proving those matters
necessary for a license based on reciprocity.

6 **Sec. 35. 32 MRSA §15109, sub-§6-A**, as enacted by PL 1999, c.
386, Pt. W, §17, is amended to read:

8
10 **6-A. Examinations.** Applicants for licensure shall present
to the board a written application for examination, containing
12 such information as the board may require, accompanied by a
~~required fee as set forth by board rules~~ an application fee and
14 examination fee under subsection 9 set by the director.
Examinations must be in whole or in part in writing and of a
16 thorough and practical character commensurate with the
responsibilities of the prospective license holder.

18 The board shall establish by rule cutoff dates for applications
for examination.

20
22 The passing grade on any examination may not be less than 70%. A
candidate failing one examination may apply for reexamination,
24 which may be granted upon payment of a the required fee
established by the board director.

26 **Sec. 36. 32 MRSA §15109, sub-§7, ¶¶B and G**, as amended by PL
1999, c. 386, Pt. W, §18, are further amended to read:

28
30 B. The holder of a high pressure boiler operator's license
may operate, supervise or have charge of a heating plant
32 having a capacity of not more than 20,000 #/HR or operate or
supervise a plant up to the capacity of the license of the
34 engineer in charge of the plant in which the licensee is
employed. The applicant for a high pressure boiler
36 operator's license must have 6 months' operating experience
prior to examination under a boiler operator's training
38 permit. The board shall issue a permit for the purpose of
gaining that experience upon receipt of an application fee
and permit fee set by the director under subsection 9. Such
40 permit must be limited to a specified plant and must be
limited to one year. The board may extend the permit for a
42 period not to exceed one year under unusual circumstances.
~~The cost of a boiler operator's training permit may not~~
44 ~~exceed \$20.~~ The board may allow the owner of a small plant
to sit for the high pressure boiler operator's examination
46 without first obtaining a boiler operator's training permit.

48 G. One year of schooling in the field of boiler operation
in a school approved by the board is equivalent to 6 months
50 of operating experience. The board may conduct an

2 accreditation review of the technical school. ~~The cost of~~
3 ~~the accreditation review must be paid by the technical~~
4 ~~school and may not exceed \$500. The technical school shall~~
5 ~~pay a fee for the accreditation review.~~

6 **Sec. 37. 32 MRSA §15109, sub-§9**, as amended by PL 1999, c.
7 386, Pt. W, §§19 and 20, is repealed and the following enacted in
8 its place:

10 **9. Fees.** The Director of the Office of Licensing and
11 Registration within the Department of Professional and Financial
12 Regulation may establish by rule fees for purposes authorized
13 under this chapter in amounts that are reasonable and necessary
14 for their respective purposes, except that the fee for any
15 accreditation review, facility review or inspection of any one
16 boiler or pressure vessel may not exceed \$500, the fee for any
17 shop inspection may not exceed \$3,000, the fee for an inspection
18 certificate for any one boiler or pressure vessel may not exceed
19 \$100 and the fee for any other purpose may not exceed \$150
20 triennially. Rules adopted pursuant to this section are routine
21 technical rules pursuant to Title 5, chapter 375, subchapter II-A.

22 **Sec. 38. 32 MRSA §15110, 2nd ¶**, as enacted by PL 1995, c. 560,
23 Pt. H, §14 and affected by §17, is amended to read:

24 The board may adopt rules, pursuant to the Maine
25 Administrative Procedure Act, relating to qualifications of
26 welders performing welding for compensation and may conduct
27 examinations, and issue certificates and charge a reasonable fee
28 for those examinations and certificates. A fee may be charged for
29 those examinations and certificates.

30 **Sec. 39. 32 MRSA §15110, 3rd ¶**, as enacted by PL 1999, c. 386,
31 Pt. W, §21, is amended to read:

32 The board may conduct a welding test facility review. ~~The~~
33 ~~cost of that review must be paid by the welding test facility and~~
34 ~~may not exceed \$500. The welding test facility shall pay the~~
35 ~~required fee for the review.~~

36 **Sec. 40. 32 MRSA §15113, 3rd ¶**, as enacted by PL 1999, c. 386,
37 Pt. W, §23, is amended to read:

38 The board may conduct shop inspections. ~~The cost of the~~
39 ~~shop inspection must be paid by the shop and may not exceed~~
40 ~~\$3,000. The shop shall pay the required fee for the inspection.~~

41 **Sec. 41. 32 MRSA §15117, first ¶**, as amended by PL 1999, c.
42 687, Pt. E, §16, is further amended to read:

2 Each boiler or pressure vessel used or proposed for use
3 within this State, except boilers or pressure vessels exempt
4 under section 15102, must be thoroughly inspected by the chief
5 inspector or one of the deputy inspectors or authorized
6 inspectors, as to its design, construction, installation,
7 condition and operation. The board shall adopt rules pursuant to
8 the Maine Administrative Procedure Act specifying the method and
9 frequency of inspection. When any boiler or pressure vessel
10 inspected as specified by the board is found to be suitable and
11 to conform to the rules of the board, the chief inspector shall
12 issue to the owner or user of that boiler or pressure vessel,
13 upon payment of a fee to the board, an inspection certificate for
14 each boiler or pressure vessel. The fee under subsection 9 must
15 be set by the ~~board~~ and may not exceed \$100 director. Inspection
16 certificates must specify the maximum pressure that the boiler or
17 pressure vessel inspected is allowed to carry. The inspection
18 certificate may be valid for not more than 14 months from its
19 date in the case of boilers and 38 months from its date in the
20 case of pressure vessels and must be posted under glass in the
21 engine or boiler room containing the boiler or pressure vessel or
22 an engine operated by it or, in the case of a portable boiler, in
23 the office of the plant where it is temporarily located. The
24 board may adopt rules setting forth criteria by which a temporary
25 extension of an inspection certificate beyond 14 months in the
26 case of boilers and beyond 38 months in the case of pressure
27 vessels may be authorized. Rules adopted pursuant to this
28 section are routine technical rules pursuant to Title 5, chapter
375, subchapter II-A.

30 **Sec. 42. 32 MRSA §15118, first ¶**, as amended by PL 1999, c.
31 386, Pt. W, §28, is further amended to read:

32
33 The owner or user of each boiler or pressure vessel required
34 by this chapter to be inspected by the chief inspector or a
35 deputy inspector shall pay an inspection fee to the inspector
36 upon inspection a fee or fees under section 15109, subsection 9
37 to be determined by the board director. Not more than \$500 one
38 inspection fee may be collected for the inspection of any one
39 boiler or pressure vessel made in any one year, unless additional
40 inspections are required by the owners or users of the boiler or
41 pressure vessel or unless the boiler or pressure vessel has been
42 inspected and an inspection certificate has been refused,
43 withheld or withdrawn or unless an additional inspection is
44 required because of the change of location of a stationary boiler
45 or pressure vessel. The nature and size of miniature boilers or
46 pressure vessels to be inspected may be determined by the board.

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SUMMARY

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This bill establishes fee caps for the Charitable Solicitations Act and the massage therapists licensure law and raises existing fee caps for the Nursing Home Administrators Licensing Board, the Board of Licensing of Auctioneers, the Electricians' Examining Board, the Board of Hearing Aid Dealers and Fitters, the State Board of Examiners of Psychologists, the Radiologic Technology Board of Examiners and the Board of Boilers and Pressure Vessels. Consistent with Public Law 1999, chapter 685 and Public Law 1999, chapter 687, Part C, section 6, this bill shifts the fee-making authority for the licensing boards identified above from the boards to the Director of the Office of Licensing and Registration within the Department of Professional and Financial Regulation.