

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)



121st MAINE LEGISLATURE

FIRST REGULAR SESSION-2003

Legislative Document

No. 1441

S.P. 479

In Senate, March 26, 2003

An Act To Establish New License Fee Caps

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

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

A handwritten signature in cursive script that reads "Joy J. O'Brien".

JOY J. O'BRIEN
Secretary of the Senate

Presented by Senator BROMLEY of Cumberland.
Cosponsored by Representative SULLIVAN of Biddeford.

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

4 **PART A**

6 **Sec. A-1. 32 MRSA §3112, sub-§5, ¶D**, as enacted by PL 1979, c. 555, §2, is repealed.

8 **Sec. A-2. 32 MRSA §3114-A, sub-§2, ¶B**, as amended by PL 1999, c. 386, Pt. K, §4, is further amended to read:

10 B. Pay an application fee ~~established by the board in an~~
12 ~~amount not to exceed \$75~~ as set under section 3116-A.

14 **Sec. A-3. 32 MRSA §3115**, as amended by PL 1983, c. 413, §136, is further amended to read:

16 **§3115. Licensure**

18 The board shall license any an applicant who meets the
20 requirements of this chapter and pays the biennial licensure fee
22 ~~specified in section 3116 as set under section 3116-A.~~ The fee
24 for original licenses effective for one year or less during the
26 biennial licensing period ~~shall be~~ is 1/2 the fee ~~specified in~~
28 ~~section 3116 set under section 3116-A.~~ Each person licensed
30 shall ~~receive~~ receives a certificate. Every certificate of
32 licensure and renewal certificate for the current biennium shall
34 must be conspicuously displayed at the place of employment of the
36 licensee. A certificate of licensure as a physical therapist
shall ~~entitle~~ entitles the person to whom it is granted to engage
in the practice of physical therapy anywhere in this State and to
use the words "physical therapist" or letters "P.T." to indicate
that he ~~the person~~ is licensed in this State. A certificate of
licensure as a physical therapist assistant shall ~~entitle~~
entitles the person to whom it is granted to act as a physical
therapist assistant and to use the words "physical therapist
assistant" or letters "P.T.A." to indicate that he ~~the person~~ is
licensed in this State.

38 **Sec. A-4. 32 MRSA §3116**, as amended by PL 1999, c. 386, Pt.
40 K, §5, is further amended to read:

42 **§3116. Biennial licensure renewal**

44 All licenses must be renewed biennially on or before March
46 31st of each even-numbered year or at such other times as the
Commissioner of Professional and Financial Regulation may
designate upon application by the licensee accompanied by the fee
48 set under section 3116-A. ~~The biennial licensure renewal fee may~~
~~not exceed \$60.~~ Any license not renewed by March 31st

2 automatically expires. The board may renew an expired license if
the renewal notice is returned within 90 days of the expiration
4 date and upon payment of a late fee of \$10 in addition to the
renewal fee. Any A person who submits an application for renewal
6 more than 90 days after the license expiration date is subject to
all requirements governing new applicants under this chapter,
8 except that the board may in its discretion, giving due
consideration to the protection of the public, waive examination
10 if the renewal application is made within 2 years from the date
of that expiration.

12 **Sec. A-5. 32 MRSA §3116-A** is enacted to read:

14 **§3116-A. Fees**

16 The Director of the Office of Licensing and Registration
18 within the Department of Professional and Financial Regulation
may establish by rule fees for purposes authorized under this
20 chapter in amounts that are reasonable and necessary for their
respective purposes, except that the fee for any one purpose may
22 not exceed \$100 biennially. Rules adopted pursuant to this
section are routine technical rules as defined in Title 5,
24 chapter 375, subchapter 2-A.

26 **PART B**

28 **Sec. B-1. 32 MRSA §3501, sub-§§2 and 2-A,** as amended by PL
1999, c. 386, Pt. L, §6, are further amended to read:

30 **2. Journeyman or limited license.** The board may issue a
32 journeyman plumber or limited plumber license to persons who
submit an application on a form prescribed by the board with the
34 required fee as set under section 3501-B and who provide
satisfactory evidence of the following qualifications:

36 A. A minimum of at least 2 years with 4,000 hours of work
38 in the field of plumbing installations as a licensed trainee
plumber under the supervision of a master plumber, or the
40 equivalent thereof, and obtaining a passing grade as
determined by the board on the journeyman's examination; or

42 B. A minimum of 2,000 hours of work in the field of
44 plumbing installations as a journeyman-in-training under the
supervision of a licensed master plumber, as long as the
46 work experience is obtained within 4 years of the date upon
which the applicant was issued a journeyman-in-training
48 license. A journeyman-in-training license must be issued
upon sworn application to any person who has satisfactorily
50 completed one academic year of instruction in plumbing at a
board-approved technical college and who has obtained a

2 passing grade, as determined by the board on the
journeyman's examination.

4 **2-A. Master plumber license.** The board may issue a master
plumber license to a person who submits an application on a form
6 prescribed by the board with the required fee as set under
section 3501-B and who provides satisfactory evidence of the
8 following qualifications:

10 A. A minimum of at least one year with 2,000 hours of work
in the field of plumbing installations as a journeyman
12 plumber or a minimum of at least 4 years with 8,000 hours of
work in the field of plumbing installations as a trainee
14 plumber under the supervision of a master plumber, or the
equivalent; and

16 B. Obtaining a passing grade, as determined by the board on
18 the master's examination.

20 **Sec. B-2. 32 MRSA §3501, sub-§2-B,** as enacted by PL 1999, c.
386, Pt. L, §6, is amended to read:

22 **2-B. Journeyman-in-training.** The board may issue a
24 journeyman-in-training license to a person who provides
satisfactory evidence of completion of a plumbing course
26 consisting of one year or 2 semesters at a board-approved
technical college and who submits the required fee set under
28 section 3501-B. A journeyman-in-training license is valid for a
single nonrenewable period of 4 years and may be issued only once
30 to any individual.

32 **Sec. B-3. 32 MRSA §3501, sub-§3,** as amended by PL 1999, c.
386, Pt. L, §6, is further amended to read:

34 **3. Trainee license.** The board may issue a trainee plumber
36 license without examination to any person who submits a written
application on a form supplied by the board with the required fee
38 set under section 3501-B and who provides satisfactory evidence
that the person has entered the employ of a licensed master
40 plumber to assist the licensed master plumber as a plumber's
trainee. Any person employed as a trainee plumber shall apply
42 for a license within 10 business days after the day the person
commences employment.

44 **Sec. B-4. 32 MRSA §3501-A, first ¶,** as enacted by PL 1999, c.
46 386, Pt. L, §7, is amended to read:

48 An applicant for a master, journeyman or
journeyman-in-training plumbing license shall present to the
50 board a written application for examination, containing

1 information that the board requires, accompanied by the
2 prescribed fee as set forth ~~by board rules~~ under section 3501-B.
3 Examinations must be in whole or in part in writing and of a
4 thorough and practical character commensurate with the
5 responsibilities of the prospective license holder.
6

7 **Sec. B-5. 32 MRSA §3501-B**, as enacted by PL 1999, c. 386, Pt.
8 L, §8, is repealed and the following enacted in its place:

10 **§3501-B. Fees**

12 The Director of the Office of Licensing and Registration
13 within the Department of Professional and Financial Regulation
14 may establish by rule fees authorized under this chapter in
15 amounts that are reasonable and necessary for their respective
16 purposes, except that the fee for any one purpose may not exceed
17 \$200 biennially. Rules adopted pursuant to this section are
18 routine technical rules as defined in Title 5, chapter 375,
19 subchapter 2-A.

20 **Sec. B-6. 32 MRSA §3504, 3rd ¶**, as amended by PL 1999, c. 386,
21 Pt. L, §10, is further amended to read:

22 A license may be renewed up to 90 days after the date of its
23 expiration upon payment of a late fee of ~~\$10~~ in addition to the
24 renewal fee. Any person who submits an application for renewal
25 more than 90 days after the license expiration date is subject to
26 all requirements governing new applications under this chapter,
27 except that the board may in its discretion, giving due
28 consideration to the protection of the public, waive examination
29 or other requirements. The board may assess penalties for late
30 renewal that is more than 90 days after the date of expiration.
31 Notwithstanding any other provision of this chapter, the board
32 shall waive examination if a renewal application is made within
33 90 days after separation from the United States Armed Forces,
34 under conditions other than dishonorable, by a person who has
35 failed to renew the person's license because the person was on
36 active duty in the United States Armed Forces; ~~provided that~~ the
37 waiver of examination may not be granted if the person served
38 more than 4 years in the United States Armed Forces, except if
39 the person is required by some mandatory provision to serve a
40 longer period and the person submits satisfactory evidence to the
41 board.
42
43

44
45 **SUMMARY**

46
47 **48** The bill increases the license fee cap for physical therapy
48 licenses from \$60 to \$100 and increases the cap for plumbers
49 licenses from \$150 to \$200.
50

2 This bill also gives the Director of the Office of Licensing
and Registration within the Department of Professional and
4 Financial Regulation the authority to set individual licensing
fee amounts.