

MAINE STATE LEGISLATURE

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124th MAINE LEGISLATURE

FIRST REGULAR SESSION-2009

Legislative Document

No. 1388

S.P. 504

In Senate, April 2, 2009

An Act Regarding the Licensing Fees for Certain Professional Programs

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 SCHNEIDER of Penobscot.
Cosponsored by Representative SMITH of Monmouth and
Senator: SULLIVAN of York, Representatives: CLEARY of Houlton, COHEN of Portland,
HUNT of Buxton, MacDONALD of Boothbay, WRIGHT of Berwick.

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

2 **PART A**

3 **Sec. A-1. 10 MRSA §9006-C, sub-§1**, as enacted by PL 1993, c. 642, §15, is
4 amended to read:

5 **1. Manufacturer's warranty seal.** Before manufactured housing may be installed
6 in this State, the manufacturer shall first obtain from the board a Maine manufacturer's
7 warranty seal ~~and~~. The warranty seal may be issued upon payment of the fee as set
8 pursuant to section 9021, subsection 2-A. The manufacturer must attach the seal to the
9 manufactured housing. The fee to the manufacturer for the warranty seal may not exceed
10 \$50.

11 **Sec. A-2. 10 MRSA §9006-C, sub-§2**, as amended by PL 2005, c. 344, §6, is
12 further amended to read:

13 **2. Installer's or mechanic's warranty seal.** Before manufactured housing may be
14 installed in this State, the installer or mechanic must obtain from the board a Maine
15 installer's or mechanic's warranty seal ~~and~~. The warranty seal may be issued upon
16 payment of the fee as set pursuant to section 9021, subsection 2-A. The installer or
17 mechanic must attach the seal to the manufactured housing. The fee to the installer or
18 mechanic for the warranty seal may not exceed \$25.

19 **Sec. A-3. 10 MRSA §9009, sub-§1**, as enacted by PL 1977, c. 550, §1, is
20 amended to read:

21 **1. Investigations.** The board is authorized to conduct any inspections and
22 investigations as may be necessary to carry out its responsibilities under this chapter.
23 Fees for inspection of manufactured housing that must be paid by the manufacturer,
24 dealer, developer dealer, installer or mechanic whose actions or failure to act gave rise to
25 the necessity of the inspection are set pursuant to section 9021, subsection 2-A. The
26 board is authorized to contract with local governments and private inspection
27 organizations to carry out such inspection functions to the extent not prohibited by federal
28 law, rule or regulation.

29 **Sec. A-4. 10 MRSA §9021, sub-§2-A**, as enacted by PL 2007, c. 402, Pt. D, §7,
30 is amended to read:

31 **2-A. Fees.** The Director of the Office of Licensing and Registration within the
32 Department of Professional and Financial Regulation may establish by rule fees for
33 purposes authorized under this chapter in amounts that are reasonable and necessary for
34 their respective purposes. The license fee to operate a mobile home park pursuant to
35 subchapter 6 may not exceed a base fee of \$40 ~~\$60~~ plus an additional amount of up to \$4
36 ~~\$6~~ per mobile home site. This fee must accompany each license application, including
37 applications for mobile home park expansion and license renewal. The review and
38 evaluation fees authorized by section 9083 may not exceed the actual cost of the review
39 or evaluation. The fee for any inspection authorized by this chapter may not exceed the
40 actual cost of the inspection. The fee for each warranty seal required by section 9006-C.

1 subsections 1 and 2 and each new dwelling unit required by section 9045 may not exceed
2 \$200. The fee for any other purpose authorized by this chapter may not exceed \$200
3 annually. Rules adopted pursuant to this section subsection are routine technical rules as
4 defined in Title 5, chapter 375, subchapter 2-A.

5 **Sec. A-5. 10 MRSA §9021, sub-§3**, as amended by PL 2007, c. 402, Pt. D, §7, is
6 further amended to read:

7 **3. License term.** ~~Licenses expire February 28th or at such other times as~~ A license
8 expires on the date set by the Commissioner of Professional and Financial Regulation
9 may designate and are issued on a biennial basis upon payment of the license fee as set
10 under subsection 2-A pursuant to section 8003, subsection 4 for the licensing period for
11 which the license was issued. An additional license fee for each additional business
12 location may be set under subsection 2-A for dealers, developer-dealers, installers or
13 mechanics who have more than one business location. A license may be renewed upon
14 receipt of an application for renewal and the payment of the renewal fee as set pursuant to
15 subsection 2-A. A license may be renewed up to 90 calendar days after the date of
16 expiration upon payment of a late fee in addition to the renewal fee. An applicant who
17 submits an application for renewal more than 90 calendar days after the expiration date is
18 subject to all requirements governing new applicants under this chapter.

19 **Sec. A-6. 10 MRSA §9065-A** is enacted to read:

20 **§9065-A. Preoccupancy inspection fee**

21 The fee for a preoccupancy inspection of manufactured housing, as required pursuant
22 to 24 Code of Federal Regulations, Part 3286, is set pursuant to section 9021, subsection
23 2-A.

24 **Sec. A-7. 10 MRSA §9084, first ¶**, as amended by PL 2007, c. 402, Pt. D, §14, is
25 further amended to read:

26 The board shall, within 30 days following receipt of application, issue ~~an annual a~~
27 license to operate any mobile home park that is found to comply with this subchapter and
28 the rules adopted by the board.

29 **Sec. A-8. 10 MRSA §9084, 5th ¶**, as amended by PL 2007, c. 402, Pt. D, §14, is
30 further amended to read:

31 ~~All mobile home park licenses expire annually on a date established~~ A license expires
32 on the date set by the Commissioner of Professional and Financial Regulation. Licenses
33 pursuant to section 8003, subsection 4 for the licensing period for which the license was
34 issued. A license may be renewed upon receipt of an application for renewal and upon
35 payment of the renewal fee as set under section 9021, subsection 2-A, subject to
36 compliance with rules of the board and with this subchapter. A license may be renewed
37 up to 90 days after the date of its expiration upon payment of a late fee in addition to the
38 renewal fee as set under section 9021, subsection 2-A. If any licensee fails to renew
39 within 90 days after expiration, that licensee is required to make a new application. An

1 applicant who submits an application for renewal more than 90 calendar days after the
2 expiration date is subject to all requirements governing new applicants under this chapter.

3 **PART B**

4 **Sec. B-1. 32 MRSA §558**, as amended by PL 2007, c. 402, Pt. H, §15, is further
5 amended to read:

6 **§558. Fees**

7 The Director of the Office of Licensing and Registration within the department may
8 establish by rule fees for purposes authorized under this chapter in amounts that are
9 reasonable and necessary for their respective purposes, except that the fee for any one
10 purpose may not exceed ~~\$300~~ \$250 annually. Rules adopted pursuant to this section are
11 routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

12 **PART C**

13 **Sec. C-1. 32 MRSA §3501-B**, as repealed and replaced by PL 2003, c. 250, Pt. B,
14 §5, is amended to read:

15 **§3501-B. Fees**

16 The Director of the Office of Licensing and Registration within the Department of
17 Professional and Financial Regulation may establish by rule fees authorized under this
18 chapter in amounts that are reasonable and necessary for their respective purposes, except
19 that the fee for any one purpose may not exceed ~~\$200~~ \$350 biennially. Rules adopted
20 pursuant to this section are routine technical rules as defined in Title 5, chapter 375,
21 subchapter 2-A.

22 **Sec. C-2. 32 MRSA §3504, first ¶**, as amended by PL 1999, c. 386, Pt. L, §9, is
23 repealed and the following enacted in its place:

24 A license expires on the date set by the commissioner pursuant to Title 10, section
25 8003, subsection 4 for the licensing period for which the license was issued. A license
26 may be renewed upon receipt of an application for renewal and payment of the renewal
27 fee as set under section 3501-B.

28 **PART D**

29 **Sec. D-1. 32 MRSA §14012-A**, as enacted by PL 2005, c. 262, Pt. D, §2, is
30 amended to read:

31 **§14012-A. Fees**

32 The Director of the Office of Licensing and Registration within the Department of
33 Professional and Financial Regulation may establish by rule fees for purposes authorized
34 under this chapter in amounts that are reasonable and necessary for their respective
35 purposes, except that the fee for any one purpose may not exceed \$450 annually. Rules

1 adopted pursuant to this section are routine technical rules as defined in Title 5, chapter
2 375, subchapter 2-A.

3 **Sec. D-2. 32 MRSA §14025, first ¶**, as amended by PL 2005, c. 262, Pt. D, §4, is
4 further amended to read:

5 A license expires on the date set by the Commissioner of Professional and Financial
6 Regulation pursuant to Title 10, section 8003, subsection 4 for the licensing period for
7 which the license was issued. ~~The board shall issue a renewal license for each ensuing~~
8 ~~licensing period in the absence of any reason or condition that might warrant the refusal~~
9 ~~to grant a license, upon receipt by the board of the written request of the applicant and the~~
10 ~~required fee for the license~~ A license may be renewed upon receipt of an application for
11 renewal and payment of the renewal fee as set under section 14012-A and upon the
12 applicant presenting evidence of compliance with the requirements of section 14027.
13 Licenses may be renewed up to 90 days after the date of expiration upon payment of a
14 late fee, as set under section 14012-A, in addition to a required renewal fee as set under
15 section 14012-A.

16 **Sec. D-3. 32 MRSA §14038, sub-§5**, as enacted by PL 2005, c. 518, §9, is
17 amended to read:

18 **5. Limited license term.** A trainee real property appraiser license may only be
19 renewed for ~~2-biennial~~ 5 annual terms. After 6 years, the trainee is not eligible for license
20 renewal but must qualify as a new applicant.

21 SUMMARY

22 This bill adjusts the fee cap for 4 licensing programs within the Department of
23 Professional and Financial Regulation.

24 Part A restores the fee cap for licenses issued by the Manufactured Housing Board
25 from \$200 biennially to \$200 annually to correct a drafting error in Public Law 2007,
26 chapter 402; increases the park fees from a \$40 base fee and up to \$4 per mobile home
27 site to a \$60 base fee and up to \$6 per mobile home site; and authorizes an assessment for
28 the actual cost of inspections of manufactured housing.

29 Part B changes the fee cap for chiropractor licenses from \$300 biennially to \$250
30 annually.

31 Part C increases the fee cap for plumber licenses from \$200 to \$350 biennially.

32 Part D changes the fee cap for real estate appraiser licenses from \$450 biennially to
33 \$450 annually.