

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE
ONE HUNDRED AND TWENTIETH LEGISLATURE
FIRST REGULAR SESSION
December 6, 2000 to June 22, 2001

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NON-EMERGENCY LAWS IS
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PUBLISHED BY THE REVISOR OF STATUTES
IN ACCORDANCE WITH MAINE REVISED STATUTES ANNOTATED,
TITLE 3, SECTION 163-A, SUBSECTION 4.

J.S. McCarthy Company
Augusta, Maine
2001

PART B

Sec. B-1. 1 MRSA c. 14-A is enacted to read:

CHAPTER 14-A

NOTICE OF INFORMATION PRACTICES

§541. Definitions

As used in this chapter, unless the context otherwise indicates, the following terms have the following meanings.

1. Personal information. "Personal information" means information about a natural person that readily identifies that specific person.

2. Public entity. "Public entity" means:

- A. The Legislature;
- B. The Judicial Department;
- C. A state agency or authority;
- D. The University of Maine System, the Maine Maritime Academy and the Maine Technical College System;
- E. A county, municipality, school district or any regional or other political or administrative subdivision; and
- F. An advisory organization established, authorized or organized by law or resolve or by executive order issued by the Governor.

§542. Notice of information practices

Each public entity that has a publicly accessible site on the Internet associated with it shall develop a policy regarding its practices relating to personal information and shall post notice of those practices on its publicly accessible site on the Internet. The policy must include:

1. Information collected. A description of the personal information collected on the publicly accessible site on the Internet;

2. Use and disclosure of information. A summary of how the personal information is used by the public entity and the circumstances under which it may be disclosed to others;

3. Choice. The extent to which the user has a choice of whether to provide personal information via the publicly accessible site on the Internet and the consequences of refusing to give that information;

4. Procedures for access and correction. The procedures, if any, by which the user may request access to that user's personal information and request correction of that information; and

5. Security. The steps taken to protect personal information from misuse or unauthorized access.

See title page for effective date.

CHAPTER 322

H.P. 1339 - L.D. 1794

An Act Requiring Cigarette Distributors to Determine Compliance of Manufacturers with Tobacco Manufacturers Laws

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

Sec. 1. 36 MRSA §4383 is enacted to read:

§4383. Distributor responsibilities

1. Distributor's determination of manufacturer compliance. A distributor may not affix, or cause to be affixed, stamps to individual packages of cigarettes sold or distributed by the distributor in this State if the tobacco product manufacturer of those cigarettes has:

A. Failed to become a participating manufacturer pursuant to Title 22, section 1580-I, subsection 1; and

B. Failed to create a qualified escrow fund pursuant to Title 22, section 1580-I, subsection 2 for any cigarettes the distributor sold or distributed for that tobacco product manufacturer.

As used in this section, "tobacco product manufacturer" has the same meaning as that term is defined in Title 22, section 1580-H, subsection 9.

2. Penalties. A distributor who violates this section is subject to the same penalties as provided in section 4366-B, subsection 4.

See title page for effective date.

CHAPTER 323

H.P. 1267 - L.D. 1718

An Act Relating to Licensing Board Fee Caps

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

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

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.

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

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

- (1) A financial report covering the most recently audited fiscal year;
- (2) ~~A~~ The required filing fee ~~of \$50~~ and the required renewal of registration fee ~~of \$100~~; and
- (3) A completed application.

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

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

- (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.
- (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.

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

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

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

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

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

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

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

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

- (1) A bond in the sum of \$25,000 that expires on the stated date of expiration;
- (2) A renewal of registration fee ~~of \$200~~; and
- (3) The completed original application.

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

§5015-A. Fees

The director of the office 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 \$200 annually. Rules adopted pursuant to this section are routine technical rules pursuant to Title 5, chapter 375, subchapter II-A.

Sec. 9. 10 MRSA §8003, sub-§2-A, ¶D, as enacted by PL 1999, c. 687, Pt. C, §6, is amended to read:

D. To establish by rule and after reasonable notice to the affected board all fees necessary and appropriate for all boards, commissions and regulatory functions within the office, subject to any fee cap established by statute and applicable to that board, commission or regulatory function. The Director of the Office of Licensing and Registration shall set the criteria for all fees. The criteria must include, but are not limited to, the costs, statutory requirements, enforcement requirements and fees and expenses of each board, commission or regulatory function. Rules adopted pursuant to this paragraph are routine technical rules pursuant to Title 5, chapter 375, subchapter II-A;

Sec. 10. 10 MRSA §8004-A is enacted to read:

§8004-A. Legislative reports

The Director of the Office of Licensing and Registration shall report annually to the joint standing committee of the Legislature having jurisdiction over professional licensing and registration on the status of licensing fees and fee caps.

Sec. 11. 32 MRSA §63-B, sub-§2, as enacted by PL 1985, c. 233, §6, is amended to read:

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

Sec. 12. 32 MRSA §63-B, sub-§5, as amended by PL 1995, c. 502, Pt. H, §21, is repealed and the following enacted in its place:

5. Application and license fees. Fees for applications, initial licenses and annual license renewals for nursing home administrators and administrators-in-training may be established as provided in section 67.

Sec. 13. 32 MRSA §65, as amended by PL 1993, c. 600, Pt. A, §33, is further amended to read:

§65. License renewal

All licenses issued under this chapter, except temporary licenses, expire annually on a date established by the commissioner and become invalid if not renewed. Every individual licensed under this chapter shall pay, on or before the expiration date, a fee for renewal of license to the board. The board shall notify each individual licensed under this chapter of the date of expiration of that individual's license and the amount of fee required for its renewal for a one-year period. The notice must be mailed to the individual's last known address at least 30 days before the expiration of the license. Renewals are contingent upon evidence of participation in continuing professional education. 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. An individual 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 and giving due consideration to the protection of the public, waive examination if that renewal application is made within 2 years from the date of the expiration.

Sec. 14. 32 MRSA §67 is enacted to read:

§67. 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 \$200 annually. Rules adopted pursuant to this section are routine technical rules pursuant to Title 5, chapter 375, subchapter II-A.

Sec. 15. 32 MRSA §287-A is enacted to read:

§287-A. 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 \$200 annually. Rules adopted pursuant to this section are routine technical rules pursuant to Title 5, chapter 375, subchapter II-A.

Sec. 16. 32 MRSA §289, sub-§5, as enacted by PL 1999, c. 146, §5, is repealed.

Sec. 17. 32 MRSA §1102-B, sub-§§2 and 4, as amended by PL 1999, c. 386, Pt. F, §9, are further amended to read:

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

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

Sec. 18. 32 MRSA §1203-A, as enacted by PL 1999, c. 386, Pt. F, §17, is amended to read:

§1203-A. Fees

~~The board shall adopt~~ Director of the Office of Licensing and Registration within the Department of Professional and Financial Regulation may establish by rule fees for application, examination, licensure ~~and biennial~~, renewal and other purposes authorized under

this chapter in amounts that are reasonable and necessary but not to exceed: for their respective purposes, except that the fee for any one purpose other than permit and inspection fees may not exceed \$150 biennially. Rules adopted pursuant to the section are routine technical rules pursuant to Title 5, chapter 375, subchapter II-A.

- 1. Application fee.** Application fee.....\$25;
- 2. Examination fee.** Examination fee....\$80; and
- 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. 19. 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. 20. 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 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.

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

Sec. 21. 32 MRSA §1658-M, sub-§1, ¶A, as enacted by PL 1997, c. 156, §9, is amended to read:

A. Licenses issued to hearing aid dealers and business organizations pursuant to section 1658-A, subsection 1 may be renewed annually upon application by the licensee accompanied by ~~a the required fee under section 1658-P set by the board director~~. The board shall notify every licensee of the date of expiration of the license and the amount of the fee required for renewal for a 12-month period. The notice must be mailed to the licensee's last known address at least 30 days in advance of the expiration of the license. The 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. A 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, 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.

Sec. 22. 32 MRSA §1658-P, as enacted by PL 1997, c. 156, §12, is repealed and the following enacted in its place:

§1658-P. Fees

The Director of the Office of Licensing and Registration within the department 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 \$325 annually. Rules adopted pursuant to this section are routine technical rules pursuant to Title 5, chapter 375, subchapter II-A.

Sec. 23. 32 MRSA §3833, as amended by PL 1999, c. 386, Pt. M, §2, is further amended to read:

§3833. Application and examination fees

An application fee ~~not to exceed \$200 under section 3833-A~~ and an examination fee ~~not to exceed \$375~~ may be established by the ~~board~~ director under section 3833-A. No part of these fees is 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.

Sec. 24. 32 MRSA §3833-A is enacted to read:

§3833-A. 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 for their respective 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.

Sec. 25. 32 MRSA §3835, as amended by PL 1995, c. 502, Pt. H, §32, is further amended to read:

§3835. Biennial registration

Licenses issued under this chapter expire biennially on a date established by the Commissioner of Professional and Financial Regulation, if not renewed. A person licensed under this chapter shall submit, on or before the biennial expiration 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.~~

The board shall notify every licensed psychologist of the expiration date of ~~his~~ the license and indicate the amount of fee required for biennial renewal. This notice ~~shall~~ must be mailed to each person's last known address at least 30 days in advance of the expiration date of that license. A license may be renewed 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 application is made within 2 years from the date of that expiration.

Sec. 26. 32 MRSA §3836, as amended by PL 1991, c. 144, §2, is further amended to read:

§3836. Conditional licensure

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

Sec. 27. 32 MRSA §9853, sub-§6, ¶E, as enacted by PL 1983, c. 524, is amended to read:

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

Sec. 28. 32 MRSA §9856, sub-§1, ¶¶B and C, as repealed and replaced by PL 1983, c. 816, Pt. A, §39, are amended to read:

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

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

Sec. 29. 32 MRSA §9859, as amended by PL 1991, c. 509, §31, is further amended to read:

§9859. Biennial licensure renewal; fees

An original or renewal licensure fee under section 9859-A must be paid by the applicant or licensee. All licenses must be renewed biennially on or before August 31st of each even-numbered year or at such other times as the Commissioner of Professional and Financial Regulation may designate. ~~The original and biennial licensure renewal fee may not exceed \$70.~~ The board shall notify each licensee, at the licensee's last known address, 30 days in advance of the expiration of the license. Renewal notices must be on forms provided by the Department of Professional and Financial Regulation. Any license not renewed by the designated renewal date automatically expires. Licenses may be renewed 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 licensing 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~~ Penalties may be assessed by the director for late renewals more than 90 days after the expiration.

Sec. 30. 32 MRSA §9859-A is enacted to read:

§9859-A. 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 biennially. Rules adopted pursuant to this section are routine technical rules pursuant to Title 5, chapter 375, subchapter II-A.

Sec. 31. 32 MRSA §14306-D, sub-§1, ¶E, as enacted by PL 1997, c. 681, §7, is amended to read:

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

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

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

Sec. 33. 32 MRSA §14306-F, sub-§1, as enacted by PL 1997, c. 681, §7, is amended to read:

1. Renewal. Each individual who applies for licensure ~~must~~ shall fill out a form designated by the department. A license expires ~~yearly~~ annually on the date of the individual's initial licensure or on such other date as the commissioner determines. 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 \$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. 34. 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. 35. 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, 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. 36. 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.

A. A license is valid for 3 years from the date of issuance. A license must designate the name of the holder, the license number, the grade of license, the issuing date and the expiration date. Any license issued under this chapter is automatically renewable upon payment of the renewal fee under subsection 9 as set forth in this chapter by the director. The expiration dates for licenses issued under this chapter may be established at such other times as the commissioner may designate. The board shall notify everyone registered under this chapter of the date of expiration of the license and the fee required for its renewal for a 3-year period. The notice must be mailed to the person's last known address at 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 its expiration upon payment of a late fee of \$10 in addition to the renewal fee. An additional late fee under subsection 9 may be imposed by the director for applications received up to 2 years after the date of expiration. 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 or other requirements. The board may levy penalties for nonrenewal. Notwithstanding any other provision of this chapter, the board shall waive examination if a renewal application is made within 90 days after separation from the United States Armed Forces, under conditions other than dishonorable, by a person who has failed to renew that person's license because that person was on active duty in the Armed Forces; except that the waiver of examination may not be granted if the person served more than 4 years in the Armed Forces, except if that person is required by some mandatory provision to serve a longer period and that person submits satisfactory evidence of this mandatory provision to the board.

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

C. The board shall determine the eligibility for licensure of any applicant who holds a current stationary steam engineering license issued by the proper authority of any state, territory or possession of the United States, the District of Columbia or Canada that has requirements equal to those of this State and recognizes the license issued by this State without further examination. The board shall certify as eligible for a license any applicant who holds a current Canadian marine or United States Coast Guard marine engineer's license and who has worked as a boiler engineer or operator 3 of the last 5 years prior to application. The applicant bears the burden of proving those matters necessary for a license based on reciprocity.

Sec. 37. 32 MRSA §15109, sub-§6-A, as enacted by PL 1999, c. 386, Pt. W, §17, is amended to read:

6-A. Examinations. Applicants for licensure shall present to the board a written application for examination, containing such information as the board may require, accompanied by ~~a required fee as set~~

~~forth by board rules an application fee and examination fee under subsection 9 set by the director. Examinations must be in whole or in part in writing and of a thorough and practical character commensurate with the responsibilities of the prospective license holder.~~

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

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

Sec. 38. 32 MRSA §15109, sub-§7, ¶¶B and G, as amended by PL 1999, c. 386, Pt. W, §18, are further amended to read:

B. The holder of a high pressure boiler operator's license may operate, supervise or have charge of a heating plant 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 engineer in charge of the plant in which the licensee is employed. The applicant for a high pressure boiler operator's license must have 6 months' operating experience prior to examination under a boiler operator's training 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 permit must be limited to a specified plant and must be limited to one year. The board may extend the permit for a period not to exceed one year under unusual circumstances. ~~The cost of a boiler operator's training permit may not exceed \$20.~~ The board may allow the owner of a small plant to sit for the high pressure boiler operator's examination without first obtaining a boiler operator's training permit.

G. One year of schooling in the field of boiler operation in a school approved by the board is equivalent to 6 months of operating experience. The board may conduct an accreditation review of the technical school. ~~The cost of the accreditation review must be paid by the technical school and may not exceed \$500. The technical school shall pay a fee for the accreditation review.~~

Sec. 39. 32 MRSA §15109, sub-§9, as amended by PL 1999, c. 386, Pt. W, §§19 and 20, is repealed and the following enacted in its place:

9. 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 accreditation review, facility review or inspection of any one boiler or pressure vessel may not exceed \$500, the fee for any shop inspection may not exceed \$3,000, the fee for an inspection certificate for any one boiler or pressure vessel may not exceed \$100 and the fee for any other purpose may not exceed \$150 triennially. Rules adopted pursuant to this section are routine technical rules pursuant to Title 5, chapter 375, subchapter II-A.

Sec. 40. 32 MRSA §15110, 2nd ¶, as enacted by PL 1995, c. 560, Pt. H, §14 and affected by §17, is amended to read:

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

Sec. 41. 32 MRSA §15110, 3rd ¶, as enacted by PL 1999, c. 386, Pt. W, §21, is amended to read:

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

Sec. 42. 32 MRSA §15113, 3rd ¶, as enacted by PL 1999, c. 386, Pt. W, §23, is amended to read:

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

Sec. 43. 32 MRSA §15117, first ¶, as amended by PL 1999, c. 687, Pt. E, §16, is further amended to read:

Each boiler or pressure vessel used or proposed for use within this State, except boilers or pressure vessels exempt under section 15102, must be thoroughly inspected by the chief inspector or one of the deputy inspectors or authorized inspectors, as to its design, construction, installation, condition and operation. The board shall adopt rules pursuant to the Maine Administrative Procedure Act specifying the method and frequency of inspection. When any boiler or pressure vessel inspected as specified by the board is found to be suitable and to conform to the rules of the board, the chief inspector shall issue to the owner or user of that boiler or pressure vessel, upon payment of a fee to the board, an inspection certificate for each

boiler or pressure vessel. The fee under subsection 9 must be set by the ~~board and may not exceed \$100~~ director. Inspection certificates must specify the maximum pressure that the boiler or pressure vessel inspected is allowed to carry. The inspection certificate may be valid for not more than 14 months from its date in the case of boilers and 38 months from its date in the case of pressure vessels and must be posted under glass in the engine or boiler room containing the boiler or pressure vessel or an engine operated by it or, in the case of a portable boiler, in the office of the plant where it is temporarily located. The board may adopt rules setting forth criteria by which a temporary extension of an inspection certificate beyond 14 months in the case of boilers and beyond 38 months in the case of pressure vessels may be authorized. Rules adopted pursuant to this section are routine technical rules pursuant to Title 5, chapter 375, subchapter II-A.

Sec. 44. 32 MRSA §15118, first ¶, as amended by PL 1999, c. 386, Pt. W, §28, is further amended to read:

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

See title page for effective date.

CHAPTER 324

H.P. 981 - L.D. 1305

An Act to Consolidate the Laws Regulating Transient Sellers and Door-to-door Home Repair Transient Sellers

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

Sec. 1. 32 MRSA c. 69-A, as amended, is repealed.

Sec. 2. 32 MRSA c. 128 is amended by repealing the chapter headnote and enacting the following in its place:

CHAPTER 128

REGULATION OF TRANSIENT SALES

SUBCHAPTER I

DOOR-TO-DOOR HOME REPAIR TRANSIENT SELLERS

Sec. 3. 32 MRSA §14501, first ¶, as enacted by PL 1993, c. 444, §1, is amended to read:

As used in this ~~chapter~~ subchapter, unless the context otherwise indicates, the following terms have the following meanings.

Sec. 4. 32 MRSA §14502, as enacted by PL 1993, c. 444, §1, is amended to read:

§14502. Exemptions

1. New homes. This ~~chapter~~ subchapter does not apply to the original construction of a single-family or multifamily residence.

2. Sales amount. This ~~chapter~~ subchapter does not apply to home repair services for which the gross sales price, including any interest or carrying charges, is less than \$25.

Sec. 5. 32 MRSA §14503, first ¶, as enacted by PL 1993, c. 444, §1, is amended to read:

It is a violation of this ~~chapter~~ subchapter if a contract for home repair services to be provided by a transient seller of home repair services fails to meet the written contract requirements, if applicable, of:

Sec. 6. 32 MRSA §14503, sub-§2, as enacted by PL 1993, c. 444, §1, is amended to read:

2. Transient sales. The laws governing transient sales, sections ~~4681 to 4689~~ 14701 to 14716;

Sec. 7. 32 MRSA §§14504 and 14505, as enacted by PL 1993, c. 444, §1, are amended to read:

§14504. Registration required

A transient seller of home repair services must register with the department and acquire a door-to-door sales registration in the manner set forth in section 14505 before engaging in the door-to-door sales of home repair services. The registration requirement under this section is in addition to the licensing requirements applicable to the occupation, trade or profession for which a license is required. A transient seller who solicits sales during the course of