

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWENTIETH LEGISLATURE

FIRST SPECIAL SESSION
November 13, 2002 to November 14, 2002

ONE HUNDRED AND TWENTY-FIRST LEGISLATURE

FIRST REGULAR SESSION
December 4, 2002 to June 14, 2003

THE GENERAL EFFECTIVE DATE FOR
FIRST SPECIAL SESSION
NON-EMERGENCY LAWS IS
FEBRUARY 13, 2003

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FIRST REGULAR SESSION
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SEPTEMBER 13, 2003

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

Penmor Lithographers
Lewiston, Maine
2003

13. Copies of certificates. Certified copy of insurer certificate of authority or other license issued under this Title may not exceed \$10.

14. Copies of other documents. Copies of other documents on file in the bureau: reasonable charge as fixed by the superintendent; and for certifying and fixing official seal may not exceed \$10.

16. Self-insurance authorization. Fees applicable to each self-insurer, individual or group, seeking authorization or authorized to operate a workers' compensation self-insurance plan may not exceed:

A. For filing application for initial authorization, including all documents submitted as part of the application \$1,000;

A-1. For filing application for authority to self-insure under Title 39-A, section 403, subsection 16, including all documents submitted as part of the application \$500;

B. Authorization and each annual continuation \$300; and

C. Filing yearly report of self-insurer \$100.

If a self-insurer terminates the plan or otherwise does not continue to self-insure, the fee applicable to filing of yearly reports must apply to that period in which the making of these reports is mandated.

17. Rules, rates and forms filings. Rate filings, rating rules filings, insurance policy, forms, riders, endorsements and certificate filings may not exceed \$20.

18. Third-party administrators. Third-party administrators license fees ~~are~~ may not exceed:

A. Original issuance fee \$100; and

B. Annual renewal fee \$100.

19. Purchasing group registrations. Purchasing group registration fees ~~are~~ may not exceed:

A. Original issuance fee \$100; and

B. Annual renewal fee \$100.

20. Preferred provider arrangement administrator. Preferred provider arrangement administrator fees ~~are~~ may not exceed:

A. Original registration issuance fee \$100; and

B. Annual renewal fee \$100.

21. Reinsurance intermediary. Reinsurance intermediary issuance fees and renewal fees ~~are~~ may not exceed:

A. Original license issuance fee \$50; and

B. Annual continuation \$50.

22. Managing general agents. Managing general agents fees ~~are~~ may not exceed:

A. Original registration fee \$100; and

B. Annual continuation of registration fee \$100.

23. Continuing education vendors and courses. Filing fees for continuing education courses and vendors ~~are~~ may not exceed:

A. Filing fee for each continuing education vendor \$100;

B. Biennial continuation of approval \$100; and

C. Filing fee for original approval of each continuing education course \$20.

24. Multiple-employer welfare arrangements. Applications for authorization may not exceed \$500.

25. Transferees of structured settlement payment rights. Transferees of structured settlement payment rights registration fees ~~are~~ may not exceed:

A. Original issuance fee \$100; and

B. Annual renewal fee \$100.

26. Accreditation as reinsurer. Application fee for accreditation as reinsurer may not exceed \$500.

See title page for effective date.

CHAPTER 204

H.P. 1099 - L.D. 1506

An Act To Make Technical Changes to Statutes Regarding Regulatory Boards and Registrations

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

PART A

Sec. A-1. 9 MRSA §5010, as amended by PL 1981, c. 456, Pt. A, §36, is further amended to read:

§5010. Annual report by commissioner

The commissioner shall annually, prior to ~~February~~ December 1st, make a report to the Governor and the Legislature on the activities of charitable organizations within this State, based on the information filed under this chapter.

PART B

Sec. B-1. 10 MRSA §8003, sub-§5, ¶C, as amended by PL 1999, c. 386, Pt. B, §4, is further amended to read:

C. The bureau, office, board or commission may:

(1) Require all applicants for license or registration renewal to have responded under oath to all inquiries set forth on renewal forms;

(2) Require applicants for license or registration renewal to present proof of satisfactory completion of continuing professional or occupational education in accordance with each bureau's, office's, board's or commission's rules. Failure to comply with the continuing education rules may, in the bureau's, office's, board's or commission's discretion, result in a decision to deny license or registration renewal or may result in a decision to enter into a consent agreement and probation setting forth terms and conditions to correct the licensee's or registrant's failure to complete continuing education. Terms and conditions of a consent agreement may include requiring completion of increased hours of continuing education, civil penalties, suspension and other terms as the bureau, office, board, commission, the licensee or registrant and the Department of the Attorney General determine appropriate. Notwithstanding any contrary provision set forth in a bureau's, office's, board's or commission's governing law, continuing education requirements may coincide with the license or registration renewal period;

(3) Refuse to renew a license or registration ~~or deny a license~~ when the bureau, office, board or commission finds a licensee or registrant to be in noncompliance with a bureau, office, board or commission order or consent agreement;

(4) Allow licensees or registrants to hold inactive status licenses or registrations in accordance with each bureau's, office's, board's or commission's rules. The fee for an inactive license or registration may not exceed the statutory fee cap established for the bureau's, office's, board's or commission's license or registration renewal set forth in its governing law; or

(5) Delegate to staff the authority to review and approve applications for licensure pursuant to procedures and criteria established by rule. Rules developed pursuant to this subparagraph are routine technical rules as described in Title 5, chapter 375, subchapter ~~H-A~~ 2-A.

PART C

Sec. C-1. 32 MRSA §1152, as amended by PL 1995, c. 397, §29, is further amended to read:

§1152. Employees

~~At no time may there be fewer than 6 electrical inspectors to carry out the mandates of this chapter. The board shall raise funds as necessary to support the costs of its employees and their administrative support.~~

Electrical inspectors ~~appointed under this section~~ have powers throughout the several counties of the State, similar to those of sheriffs in their respective counties, relating to enforcement of this chapter and rules ~~and regulations promulgated thereunder~~ adopted under this chapter. These powers are limited to the power to conduct investigations, issue citations, serve summonses and order corrections of violations in accordance with specific statutory authority.

Sec. C-2. 32 MRSA §1153-A, as repealed and replaced by PL 1973, c. 363, is repealed and the following enacted in its place:

§1153-A. Standards; installation

The board shall establish by rule technical standards for the proper installation of electrical equipment. These standards must conform as nearly as practicable to the National Electrical Code, National Fire Protection Association standard #70. The installation of the electrical equipment must also comply with the applicable statutes of the State and all applicable ordinances, orders, rules and regulations of any city or town where the installation is being performed. Rules adopted pursuant to this section are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

Sec. C-3. 32 MRSA §1156, as repealed and replaced by PL 1973, c. 363, is repealed.

PART D

Sec. D-1. 32 MRSA §3117-A, last ¶, as enacted by PL 1983, c. 413, §139, is repealed.

PART E

Sec. E-1. 32 MRSA §12228, sub-§4, as amended by PL 1999, c. 245, §4, is further amended to read:

4. Examination. ~~The examination to be passed as a condition for the granting of a certificate must be in writing or in electronic form, must be held twice a year and must~~ An applicant is required to pass an examination administered by the board to test the applicant's knowledge of the subjects of accounting and auditing and such other related subjects as the board may specify by rule in order to qualify for a certificate. Rules adopted pursuant to this section are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A. ~~The time for holding the examination must be fixed by the board and may be changed from time to time. The board shall prescribe by rule the methods of applying for and conducting the examination, including methods for grading papers and determining a passing grade required of an applicant for a certificate, except that the board, to the extent possible, shall see to it that the grading of the examination and the passing grades are uniform with those applicable in all other states. The board may make the use of all or any part of the Uniform certified public accountant Certified Public Accountant Examination and the Advisory Grading Service of the American Institute of certified public accountants Certified Public Accountant or any other examination approved by the board and may contract with 3rd parties to perform such administrative services with respect to the examination as it considers appropriate to assist it in performing its duties under this section.~~

Sec. E-2. 32 MRSA §12228, sub-§5, as repealed and replaced by PL 1997, c. 265, §4, is repealed.

Sec. E-3. 32 MRSA §12228, sub-§7, as amended by PL 1997, c. 265, §5, is further amended to read:

7. Waiver. The board may, in particular cases, waive or defer any of the requirements of ~~subsections 5 and subsection 6~~ regarding the circumstances in which the various sections of the examination must be passed upon a showing that, by reason of circumstances beyond the applicant's control, the applicant was unable to meet that requirement.

Sec. E-4. 32 MRSA §12240, sub-§4, as amended by PL 1999, c. 245, §7, is repealed and the following enacted in its place:

4. Examination. An applicant is required to pass an examination administered by the board to test the applicant's knowledge of the subjects of accounting and auditing and such other related subjects as the

board may specify by rule in order to be qualified for a certificate. Rules adopted by the board under this section are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A. The board may contract with 3rd parties to perform those administrative services with respect to the examination as it considers appropriate to assist it in performing its duties under this section.

Sec. E-5. 32 MRSA §12240, sub-§5, as amended by PL 1995, c. 353, §25, is repealed.

PART F

Sec. F-1. 32 MRSA §14804, sub-§1, as enacted by PL 1995, c. 389, §4, is amended to read:

1. Rules. The board shall adopt rules necessary for the proper performance of its duties pursuant to the Maine Administrative Procedure Act to implement the licensure requirements established by this Act, which may include the following:

- A. Reasonable standards regarding education or its equivalent and experience requirements for applicants for licensure; and
- B. Reasonable standards for license renewal.

The board shall ~~establish by rule~~ adopt technical standards for the proper installation and servicing of propane and natural gas equipment by rule. ~~These standards must be in accordance with the National Fire Protection Association Standards, Numbers 54 and 58 and any updates of those standards. The board may adopt by rule national or other technical standards, in whole or in part, it finds considers necessary to carry out the mandates of this chapter.~~

PART G

Sec. G-1. 32 MRSA §15102, sub-§2, ¶J, as amended by PL 1999, c. 386, Pt. W, §4, is further amended to read:

- J. Pressure vessels that do not exceed:
 - (1) Five cubic feet in volume ~~or~~ and 250 pounds per square inch gauge pressure;
 - (2) One and 1/2 cubic feet in volume and 600 pounds per square inch gauge pressure; or
 - (3) An inside diameter of 6 inches with no limitation on pressure; or

PART H

Sec. H-1. 32 MRSA §2102, sub-§2-A, ¶A, as enacted by PL 1993, c. 379, §4 and affected by §11, is repealed.

Sec. H-2. 32 MRSA §2103, sub-§4, as amended by PL 1993, c. 600, Pt. A, §113, is further amended to read:

4. Licensure in another state or jurisdiction. The practice of:

A. Nursing by a registered nurse or a licensed practical nurse currently licensed in another state or United States territory for a period of 90 days pending licensure in the State if the nurse, upon employment, has furnished the employer with satisfactory evidence of current licensure in another state or United States territory and the nurse furnishes a letter of authorization to the prospective employer of having submitted proper application and fees to the board for licensure prior to employment;

B. A currently licensed nurse of another United States jurisdiction or foreign country who is providing educational programs or consultative services within this State for a period not to exceed a total of 21 days per year;

C. A currently licensed nurse of another state who is transporting patients into, out of or through this State. The exemption is limited to a period not to exceed 48 hours for each transport; ~~or~~

D. Nursing in this State by a currently licensed nurse whose employment was contracted outside this State but requires the nurse to accompany and care for the patient while in this State. This practice is limited to the particular patient to 3 months within one year and is at the discretion of the board; or

E. Nursing by a registered nurse or licensed practical nurse currently licensed in a jurisdiction outside the United States or its territories for a period not to exceed 90 days pending receipt of a United States social security number as long as all other requirements for licensure have been submitted and verified and the registered or licensed nurse has furnished upon employment satisfactory evidence of current licensure in another jurisdiction and the nurse furnishes a letter of authorization to the prospective employer of having submitted proper application and fees to the board for licensure prior to employment;

Sec. H-3. 32 MRSA §2103, sub-§6, as amended by PL 1993, c. 600, Pt. A, §113, is further amended to read:

6. Nursing services; practice of religious principles. ~~This chapter does not prohibit nursing~~ Nursing services performed in accordance with the practice of the religious principles or tenets of a church or denomination that relies upon prayer or spiritual means alone for healing; ~~or~~

Sec. H-4. 32 MRSA §2103, sub-§7 is enacted to read:

7. Nursing services by successful candidates of the National Council of State Boards of Nursing, Inc.'s National Council's Learning Extension licensure examination pending receipt of United States social security number. The practice of nursing for a period not to exceed 90 days by an applicant for licensure as a registered professional nurse or practical nurse who has passed the National Council of State Boards of Nursing, Inc.'s National Council's Learning Extension licensure examination and has met all requirements for licensure except obtaining a United States social security number, as required by Title 36, section 175.

Sec. H-5. 32 MRSA §2201, sub-§2, as amended by PL 1993, c. 600, Pt. A, §126, is repealed.

Sec. H-6. 32 MRSA §2251-A, sub-§1, as amended by PL 1993, c. 600, Pt. A, §133, is repealed.

See title page for effective date.

CHAPTER 205

H.P. 1094 - L.D. 1497

**An Act To Amend the Laws
Pertaining to the Department of
Corrections**

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

Sec. 1. 5 MRSA §9057, sub-§6, as amended by PL 1997, c. 271, §1, is further amended to read:

6. Confidential information. Information may be disclosed that is confidential pursuant to Title 22, chapters 958-A and 1071 and sections 7703 and 1828; Title 24, section 2506; and Title 34-A, except for information, the disclosure of which is absolutely prohibited under Title 34-A, section ~~3003~~ 1216. Disclosure may be only for the determination of issues involving unemployment compensation proceedings relating to a state employee, state agency personnel