

# 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**

**THE GENERAL EFFECTIVE DATE FOR**  
**FIRST REGULAR SESSION**  
**NON-EMERGENCY LAWS IS**  
**SEPTEMBER 13, 2003**

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

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**Penmor Lithographers**  
**Lewiston, Maine**  
**2003**

**§796. No transaction of insurance business by investors in securities**

The securities issued by the special purpose reinsurance vehicle pursuant to a special purpose reinsurance vehicle insurance securitization are not deemed to be insurance or reinsurance contracts. An investor in such securities issued pursuant to insurance securitization or any holder of such securities may not by sole means of this investment or holding be deemed to be transacting an insurance business in this State. The underwriters or selling agents and their partners, directors, officers, members, managers, employees, agents, representatives and advisors involved in an insurance securitization are not deemed to be conducting an insurance or reinsurance agency, brokerage, intermediary, advisory or consulting business by virtue of their activities in connection with the special purpose reinsurance vehicle or with the insurance securitization.

**§797. Authority to adopt rules**

The superintendent may adopt rules necessary to effectuate the purposes of this subchapter. Any rules so adopted do not affect a special purpose reinsurance vehicle insurance securitization in effect at the time of adoption. Rules adopted pursuant to this subchapter are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

**§798. Exemption from insurance laws within limitations**

1. Titles consistent. A special purpose reinsurance vehicle is subject to chapters 1, 3 and 5 to the extent consistent with this subchapter.

2. Provisions not applicable. No other provisions of this Title are applicable to a special purpose reinsurance vehicle organized under this subchapter, except as expressly provided in this subchapter or in rules adopted by the superintendent pursuant to section 797.

See title page for effective date.

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## CHAPTER 250

S.P. 479 - L.D. 1441

### An Act To Establish New License Fee Caps

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

**PART A**

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

**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:

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

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

**§3115. Licensure**

The board shall license ~~any~~ an applicant who meets the requirements of this chapter and pays the biennial licensure fee ~~specified in section 3116 as set under section 3116-A.~~ The fee for original licenses effective for one year or less during the biennial licensing period ~~shall be~~ is 1/2 the fee ~~specified in section 3116 set under section 3116-A.~~ Each person licensed ~~shall receive~~ receives a certificate. Every certificate of licensure and renewal certificate for the current biennium ~~shall~~ must be conspicuously displayed at the place of employment of the 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~~ 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~~ the person is licensed in this State.

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

**§3116. Biennial licensure renewal**

All licenses must be renewed biennially on or before March 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 set under section 3116-A. ~~The biennial licensure renewal fee may not exceed \$60.~~ Any license not renewed by March 31st automatically expires. The board may renew an expired license if the renewal notice is returned within 90 days of the expiration 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 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 if the renewal application is made within 2 years from the date of that expiration.

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

**§3116-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 as defined in Title 5, chapter 375, subchapter 2-A.

**PART B**

**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:

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

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

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

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

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

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

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

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

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

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

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

An applicant for a master, journeyman or journeyman-in-training plumbing license shall present to the board a written application for examination, containing information that the board requires, accompanied by the prescribed fee as set ~~forth by board rules~~ under section 3501-B. 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.

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

**§3501-B. Fees**

The Director of the Office of Licensing and Registration within the Department of Professional and Financial Regulation may establish by rule fees 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 biennially. Rules adopted pursuant to this section are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

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

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. Any person who submits an application for renewal more than 90 days after the license expiration date is subject to all requirements governing new applications 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 assess penalties for late renewal that is more than 90 days after the date of expiration. 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 the person's license because the person was on active duty in the United States Armed Forces; ~~provided that~~ the waiver of examination may not be granted if the person served more than 4 years in the United States Armed Forces, except if the person is required by some mandatory provision to serve a longer period and the person submits satisfactory evidence to the board.

See title page for effective date.

## CHAPTER 251

### H.P. 1098 - L.D. 1505

#### An Act To Amend the Licensing Requirements for Veterinarians

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

**Sec. 1. 32 MRSA §4859, sub-§4**, as amended by PL 1997, c. 246, §11, is repealed.

**Sec. 2. 32 MRSA §4861**, as amended by PL 1997, c. 246, §§13 to 18, is further amended to read:

#### **§4861. Application for license; qualifications and examination**

~~Any~~ A person desiring a license to practice veterinary medicine in this State shall make written application ~~to the board~~ and pay the required licensure fee set under section 4863-A. The application must show that the applicant holds a doctorate degree in veterinary medicine from an approved veterinary medicine program that is a graduate of a veterinary school recognized and approved by the American Veterinary Medical Association United States Department of Education and by the board, and is a person of good moral character and provide such other information and proof as the board may require establish by rule. ~~The application must be accompanied by a fee not to exceed \$50 established by the board. The board may adopt rules applicable to graduates of approved veterinary medicine programs by the Commissioner of Education and rules applicable to foreign educated graduates who can demonstrate equivalent education and training. Rules adopted pursuant to this section are routine technical rules as defined by Title 5, chapter 375, subchapter 2-A.~~

~~An applicant who is not a graduate of a school of veterinary medicine accredited by the American Veterinary Medical Association must possess a certificate issued by the Educational Commission for Foreign Veterinary Graduates or a Certificate of Qualification issued by the Canadian Veterinary Medical Association, unless the applicant is applying for licensure by endorsement and at the time the applicant became licensed in the state, province or territory from which the applicant is applying, an Educational Commission for Foreign Veterinary Graduates certificate was not required by this State.~~

~~If the board determines that the applicant possesses the proper qualifications, it shall admit the applicant to the next examination. If an applicant is found not qualified to take the examination, the secretary of the board shall immediately notify the applicant in writing of such a finding and the grounds therefor. An applicant found unqualified may request a hearing on the question of the applicant's qualifications under the procedure set forth in Title 5, chapter 375, subchapter IV.~~

**1. Examinations.** ~~The board shall hold at least one examination during each year and may hold such additional examinations as are necessary. The secretary shall give public notice of the time and place for each examination reasonably in advance of the date set for the examination. A person desiring to take an examination must make application at least 45 days before the date of the examination and pay an examination fee not to exceed \$100, as determined by the board.~~