

# MAINE STATE LEGISLATURE

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**LAWS**  
**OF THE**  
**STATE OF MAINE**

**AS PASSED BY THE**

**ONE HUNDRED AND TWENTY-FOURTH LEGISLATURE**

**FIRST REGULAR SESSION**  
**December 3, 2008 to June 13, 2009**

**THE GENERAL EFFECTIVE DATE FOR**  
**FIRST REGULAR SESSION**  
**NON-EMERGENCY LAWS IS**  
**SEPTEMBER 12, 2009**

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

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**Augusta, Maine**  
**2009**

and employees, other agencies of State Government, as authorized by the Governor, employees of the United States Environmental Protection Agency, the United States Army Corps of Engineers, the United States Fish and Wildlife Service, the National Marine Fisheries Services, the United States Department of Agriculture, the Attorney General and employees of the municipality in which the aquaculture facility is located. The designation must be clearly indicated on each page or other portion of information. The commissioner shall establish procedures to ensure that information so designated is segregated from public records of the department. The department's public records must include the indication that information so designated has been submitted to the department, giving the name of the submitter and the general nature of the information. Upon a request for information, the scope of which includes information so designated, the commissioner shall notify the submitter. Within 15 days after receipt of the notice, the submitter shall demonstrate to the satisfaction of the department that the designated information should not be disclosed ~~because the information is a trade secret or production, commercial or financial information, the disclosure of which would impair the competitive position of the submitter and would make available information not otherwise publicly available.~~ Unless such a demonstration is made, the information must be disclosed and becomes a public record. The department may grant or deny disclosure for the whole or any part of the designated information requested and within 15 days shall give written notice of the decision to the submitter and the person requesting the designated information. A person aggrieved by a decision of the department may appeal to the Superior Court. Information that has been designated by the submitter as proprietary information may not be disclosed in a manner or form that permits identification of any person or vessel, except when required by court order or when specifically permitted under this section. All information provided by the department to the municipality under this paragraph is confidential and not a public record under Title 1, chapter 13. If a request for the information is submitted to the municipality, the municipality shall submit that request to the commissioner to be processed by the department as provided in this paragraph.

**Sec. 13. 12 MRSA §6077, sub-§4, ¶E**, as enacted by PL 1991, c. 381, §6, is amended to read:

E. It is unlawful to disclose designated information to any person not authorized by this section.

(1) Any person who solicits, accepts or agrees to accept, or who promises, offers or gives any pecuniary benefit in return for the

disclosure of designated information is guilty of a Class D crime.

(2) A person who knowingly discloses designated information, knowing that the disclosure is not authorized, commits a civil violation for which a penalty of not more than \$5,000 may be assessed.

(3) In any action under this paragraph, the court shall first declare that the information is ~~a trade secret or production, commercial or financial proprietary information, the disclosure of which would impair the competitive position of the submitter and would make available information not otherwise publicly available.~~

**Sec. 14. 12 MRSA §6077, sub-§4, ¶F** is enacted to read:

F. For the purposes of this subsection, "proprietary information" means information that is a trade secret or production, commercial or financial information, the disclosure of which would impair the competitive position of the submitter and would make available information not otherwise publicly available.

**Sec. 15. 12 MRSA §6078-A, sub-§1**, as enacted by PL 2003, c. 247, §19, is amended to read:

**1. Fund established.** The Aquaculture Monitoring, Research and Development Fund, referred to in this section as "the fund," is established. All income received by the commissioner under this section must be deposited with the Treasurer of State, tracked according to its source and credited to the fund. Any balance remaining in the fund at the end of a fiscal year does not lapse but must be carried forward to the next fiscal year. Any interest earned on assets of the fund is credited to the fund. All records related to harvests submitted by aquaculture lease holders are considered ~~confidential business record~~ proprietary information for the purposes of section 6077, subsection 4.

**Emergency clause.** In view of the emergency cited in the preamble, this legislation takes effect when approved.

Effective June 2, 2009.

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**CHAPTER 241**  
**S.P. 504 - L.D. 1388**

**An Act Regarding the  
Licensing Fees for Certain  
Professional Programs**

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

## PART A

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

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

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

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

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

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

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

**2-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. The license fee to operate a mobile home park pursuant to subchapter 6 may not exceed a base fee of ~~\$40~~ \$60 plus an additional amount of up to ~~\$4~~ \$6 per mobile home site. This fee must accompany each license application, including applications for mobile home park expansion and license renewal. The review and evaluation fees authorized by section 9083 may not exceed the actual cost of the review or evaluation. The fee for any inspection au-

thorized by this chapter may not exceed the actual cost of the inspection. The fee for each warranty seal required by section 9006-C, subsections 1 and 2 and each new dwelling unit required by section 9045 may not exceed \$200. The fee for any other purpose authorized by this chapter may not exceed \$200 annually. Rules adopted pursuant to this ~~section~~ subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

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

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

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

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

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

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

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

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

~~All mobile home park licenses expire annually on a date established~~ A license expires on the date set by the Commissioner of Professional and Financial Regulation. Licenses pursuant to section 8003, subsection 4 for the licensing period for which the license was issued. A license may be renewed upon receipt of an

application for renewal and upon payment of the renewal fee as set under section 9021, subsection 2-A, subject to compliance with rules of the board and with this subchapter. A license may be renewed up to 90 days after the date of its expiration upon payment of a late fee in addition to the renewal fee as set under section 9021, subsection 2-A. ~~If any licensee fails to renew within 90 days after expiration, that licensee is required to make a new application.~~ An applicant who submits an application for renewal more than 90 calendar days after the expiration date is subject to all requirements governing new applicants under this chapter.

### PART B

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

#### §558. 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 ~~\$300~~ \$250 annually. Rules adopted pursuant to this section are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

### PART C

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

#### §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~~ \$350 biennially. Rules adopted pursuant to this section are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

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

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

### PART D

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

#### §14012-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 \$450 annually. Rules adopted pursuant to this section are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

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

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

**Sec. D-3. 32 MRSA §14027, sub-§1**, as amended by PL 2005, c. 518, §1, is further amended to read:

**1. Requirement.** As a prerequisite to renewal of a license, an applicant must have completed the minimum hour requirements for continuing education in programs or courses approved by the appraiser qualifications board, which must include a 7-hour national uniform standards of professional appraisal practice update course completed in the even-numbered year as part of license renewal. ~~For purposes of this section, the board may establish, by rule, a core educational requirement.~~

**Sec. D-4. 32 MRSA §14038, sub-§5**, as enacted by PL 2005, c. 518, §9, is amended to read:

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

See title page for effective date.