

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWENTY-FOURTH LEGISLATURE

SECOND REGULAR SESSION
January 6, 2010 to April 12, 2010

THE GENERAL EFFECTIVE DATE FOR
SECOND REGULAR SESSION
NON-EMERGENCY LAWS IS
JULY 12, 2010

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

Augusta, Maine
2010

ject to this Act that are executed, delivered, issued for delivery, continued or renewed in this State on or after January 1, 2011. For purposes of this Act, all contracts are deemed to be renewed no later than the next yearly anniversary of the contract date.

See title page for effective date.

CHAPTER 589

H.P. 1130 - L.D. 1592

An Act To Update the Laws Affecting the Maine Center for Disease Control and Prevention

Mandate preamble. This measure requires one or more local units of government to expand or modify activities so as to necessitate additional expenditures from local revenues but does not provide funding for at least 90% of those expenditures. Pursuant to the Constitution of Maine, Article IX, Section 21, 2/3 of all of the members elected to each House have determined it necessary to enact this measure.

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

Sec. 1. 22 MRSA §263 is enacted to read:

§263. Fees for services provided to municipalities

The department shall adopt rules to charge fees for services provided to municipalities by the Maine Center for Disease Control and Prevention pertaining to health data and vital statistics, including but not limited to fees for services, paper and supplies. The department shall review fees charged under this section every 3 years beginning in 2013. Rules adopted pursuant to this section are major substantive rules as defined by Title 5, chapter 375, subchapter 2-A.

Sec. 2. 22 MRSA §2494, sub-§3, as amended by PL 2007, c. 539, Pt. F, §1, is further amended to read:

3. Three hundred dollars. ~~One hundred seventy-five~~ Three hundred dollars for all other establishments, places and camps not included in subsection 1 or 2.

Sec. 3. 22 MRSA §2502 is enacted to read:

§2502. Transaction fee for electronic renewal of license

The department may collect a transaction fee from a licensee who renews a license electronically under this chapter. The fee may not exceed the cost of providing the electronic license renewal service. The department may adopt rules necessary to implement this section. Rules adopted pursuant to this section are

routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

Sec. 4. 30-A MRSA §2652, sub-§1, ¶C, as amended by PL 2005, c. 683, Pt. C, §8, is further amended to read:

C. Affidavit establishing or correcting a record of birth, marriage or death as provided by Title 22, sections 2705 and 2764, \$4;

(1) Issuance of a copy of the record to the applicant, ~~\$40~~ \$15 for the first copy and ~~\$5~~ \$6 for each additional copy;

Sec. 5. 30-A MRSA §2652, sub-§1, ¶D, as amended by PL 2005, c. 683, Pt. C, §8, is further amended to read:

D. Affidavit legitimating a birth as provided by Title 22, section 2765, \$4;

(1) Issuance of a copy of the amended birth record to the applicant, ~~\$40~~ \$15 for the first copy and ~~\$5~~ \$6 for each additional copy;

Sec. 6. 30-A MRSA §2652, sub-§2, as amended by PL 2005, c. 86, §1, is further amended to read:

2. Marriage intentions and license. Recording marriage intentions and issuing a marriage license, ~~\$30~~ \$40, except, when the laws of this State require 2 licenses, the fee is ~~\$15~~ \$20 each;

Sec. 7. 30-A MRSA §2652, sub-§3, as amended by PL 2005, c. 112, §§1 and 2, is further amended to read:

3. Birth, marriage or death certificates. Issuing the following:

A. Certificate of birth, marriage or death, the clerk may charge up to ~~\$40~~ \$15 for the first copy and ~~up to \$5~~ \$6 for each additional copy; and

B. ~~Burial permit, \$5~~ Permit for the disposition of human remains, \$20, except that no fee is owed if the disposition of human remains is paid for through the municipal general assistance program under chapter 1161; and

Sec. 8. 30-A MRSA §2652, as amended by PL 2005, c. 86, §1; c. 112, §§1 and 2; and c. 683, Pt. C, §8, is further amended by adding at the end a new paragraph to read:

The Department of Health and Human Services, Maine Center for Disease Control and Prevention shall review the fees charged by the clerk under this section every 3 years beginning in 2013.

Sec. 9. 30-A MRSA §4211, sub-§5, as amended by PL 2009, c. 213, Pt. FFFF, §1, is further amended to read:

5. Permit fees. The following permit fees may be charged.

A. A plumbing permit fee ~~of \$6 not to exceed \$10~~ per internal fixture may be charged.

C. A minimum fee, not to exceed ~~\$24~~ \$40, may be charged for all internal plumbing permits combined.

D. A nonengineered subsurface wastewater disposal system fee not to exceed ~~\$100~~ \$250 may be charged, and a surcharge of \$15 must be charged. The surcharge must be paid by the municipality to the Treasurer of State, who shall credit the amount to the Water Quality Improvement Fund established under Title 38, section 424-B.

Sec. 10. 32 MRSA §1243, as amended by PL 1991, c. 416, §5, is further amended to read:

§1243. Inspections

Upon any person's request and payment of a ~~\$50 license fee not to exceed \$150~~, the department shall inspect that person's training, place of practice and equipment for compliance with the rules adopted by the department under this chapter. All fees collected by the department must be deposited in ~~the General Fund~~ a special revenue account dedicated to a health inspection program.

Sec. 11. 32 MRSA §4252, as amended by PL 1975, c. 293, §4 and PL 2003, c. 689, Pt. B, §6, is further amended to read:

§4252. Issuance of licenses

The Department of Health and Human Services is empowered to license persons to practice the art of tattooing. Such licenses ~~shall be~~ are issued annually by the department upon the payment of a fee ~~of \$50 not to exceed \$250~~. Licenses ~~shall~~ expire on September 30th of each year. All fees collected by the department pursuant to this section must be deposited in a special revenue account dedicated to a health inspection program.

Sec. 12. 32 MRSA §4314, as enacted by PL 1997, c. 383, §1, is amended to read:

§4314. Fee

The fee for a license under this chapter may not exceed ~~\$50~~ \$150. The fee required by this section includes the cost of a biennial inspection of the micropigmentation facility by the department. However, the department may inspect the facility at any time. All fees collected by the department pursuant to this section must be deposited into a special revenue account dedicated to a health inspection program.

Sec. 13. 32 MRSA §4325, as enacted by PL 1997, c. 206, §1, is amended to read:

§4325. Issuance of licenses

The department may license persons to practice the art of body piercing. Licenses are issued annually by the department upon the payment of a fee not to exceed ~~\$75~~ \$250. The license for a person engaged in both the arts of tattooing, as defined by chapter 63, and body piercing may not exceed ~~\$100~~ \$300. The fee required by this section includes the cost of an annual inspection of the body piercing establishment by the department. Licenses expire one year from date of issue. All fees collected by the department pursuant to this section must be deposited into a special revenue account dedicated to a health inspection program.

Sec. 14. Appropriations and allocations. The following appropriations and allocations are made.

**HEALTH AND HUMAN SERVICES,
DEPARTMENT OF (FORMERLY DHS)**

Division of Data, Research and Vital Statistics Z037

Initiative: Allocates funds from increased fee revenue for program operating expenses.

OTHER SPECIAL REVENUE FUNDS	2009-10	2010-11
All Other	\$0	\$442,665
OTHER SPECIAL REVENUE FUNDS TOTAL	\$0	\$442,665

Health - Bureau of 0143

Initiative: Allocates funds from increased fee revenue for program operating expenses.

OTHER SPECIAL REVENUE FUNDS	2009-10	2010-11
All Other	\$0	\$321,488
OTHER SPECIAL REVENUE FUNDS TOTAL	\$0	\$321,488

Plumbing - Control Over 0205

Initiative: Allocates funds from increased fee revenue for program operating expenses.

OTHER SPECIAL REVENUE FUNDS	2009-10	2010-11
All Other	\$0	\$429,820
OTHER SPECIAL REVENUE FUNDS TOTAL	\$0	\$429,820

HEALTH AND HUMAN
SERVICES,
DEPARTMENT OF
(FORMERLY DHS)

DEPARTMENT TOTALS	2009-10	2010-11
OTHER SPECIAL REVENUE FUNDS	\$0	\$1,193,973
DEPARTMENT TOTAL - ALL FUNDS	\$0	\$1,193,973

See title page for effective date.

CHAPTER 590

H.P. 1189 - L.D. 1688

**An Act To Update the Laws
Affecting the Department of
Health and Human Services,
Division of Licensing and
Regulatory Services**

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

Sec. 1. 22 MRSA §1723 is enacted to read:

§1723. Processing fee

Beginning October 1, 2010, a facility or health care provider subject to the licensing, certification or registration processes of this chapter or chapter 405, 411, 412, 417 or 419 shall pay a processing fee not to exceed \$10 to the department for the reissuance of a license, certificate or registration when the licensee, certificate holder or registration holder made changes that require the reissuance of a license, certificate or registration.

The department may adopt rules necessary to implement this section. Rules adopted pursuant to this paragraph are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

Sec. 2. 22 MRSA §1812-G, sub-§4-A is enacted to read:

4-A. Provider verification fee. The department may establish a provider verification fee not to exceed \$25 annually per provider for verification of a certified nursing assistant's credentials and training. Providers may not pass the cost on to the individual certified nursing assistant. Provider verification fees collected by the department must be placed in a special revenue account to be used by the department to operate the registry, including but not limited to the cost of criminal history record checks. The department may adopt rules necessary to implement this subsection. Rules

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

Sec. 3. 22 MRSA §2131, sub-§3, as enacted by PL 1989, c. 579, §4, is amended to read:

3. Fee. The initial and annual fee for registration is \$25.

The department may adopt rules necessary to implement this subsection. Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

Sec. 4. 22 MRSA §7704 is enacted to read:

§7704. Processing fee

Beginning October 1, 2010, a facility, health care provider or program subject to the licensing or certification processes of chapter 1663, 1664, 1667, 1669, 1671 or 1673; a nursery school subject to chapter 1675; an adult day care program subject to chapter 1679; or a hospice provider subject to chapter 1681 shall pay a processing fee not to exceed \$10 to the department for the reissuance of a license or certificate when the licensee or certificate holder made changes that require the reissuance of a license or certificate.

The department may adopt rules necessary to implement this section. Rules adopted pursuant to this paragraph are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

Sec. 5. 22 MRSA §7705 is enacted to read:

§7705. Transaction fee for electronic renewal of license

The department may collect a transaction fee from providers renewing their licenses electronically under this subtitle. The fee may not exceed the cost of providing the electronic license renewal service. The department may adopt rules necessary to implement this section. Rules adopted pursuant to this paragraph are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

Sec. 6. 22 MRSA §8303-A, as amended by PL 2005, c. 530, §10 and c. 640, §4, is repealed and the following enacted in its place:

§8303-A. Fee for licenses

1. Child care facilities and certified family child care providers. The department shall adopt rules to establish reasonable fees for both initial licensure or certification and license or certification renewals for child care facilities and certified family child care providers. Rules adopted pursuant to this subsection are major substantive rules pursuant to Title 5, chapter 375, subchapter 2-A.

2. Nursery schools. The department shall adopt rules to establish reasonable initial and renewal licens-