

## Notice of Agency Rule-making Proposal

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AGENCY: Department of Professional and Financial Regulation, Office of Professional and Occupational Regulation

CHAPTER NUMBER AND TITLE: Chapter 10: Establishment of License Fees

PROPOSED RULE NUMBER (*leave blank; assigned by Secretary of State*):

CONTACT PERSON FOR THIS FILING: Holly Doherty, Staff Attorney, Office of Professional and Occupational Regulation, 35 State House Station, Augusta, ME 04333, tel. 207-624-8615

CONTACT PERSON FOR SMALL BUSINESS INFORMATION (if different): Same as above.

PUBLIC HEARING (if any): None scheduled.

COMMENT DEADLINE: November 30, 2015 at 5pm.

BRIEF \*SUMMARY: The Office of Professional and Occupational Regulation (“OPOR”) proposes fee changes across a number of licensing boards and programs. OPOR proposes to eliminate application fees for the following: Board of Accountancy; American Sign Language, English Interpreters and Translitterators; Board of Complementary Health Care Providers; Board of Licensure of Professional Land Surveyors; and Board of Respiratory Care Practitioners. OPOR also proposes to reduce fees for the following: all licenses issued by the Board of Accountancy; Limited Interpreter/Translitterator and Certified Interpreter/Translitterator licenses issued by the American Sign Language, English Interpreters and Translitterators Program; Chiropractor (initial licensure), Chiropractic Assistant, Temporary Chiropractic Assistant, and Chiropractic Acupuncture licenses issued by the Board of Chiropractic Licensure; all licenses issued by the Board of Complementary Health Care Providers; Manufactured Housing Community license, and the State of Maine warranty seal, State-certified modular home seal, and Installation warranty seal issued by the Manufactured Housing Board; Free Clinic license issued by the Board of Pharmacy; and Veterinarian and Veterinary technician licenses, and the Relief veterinarian service permit and Temporary permit issued by the State Board of Veterinary Medicine. Additionally, in order to update the rule, other board/program-specific changes are required for Charitable Solicitations, the Board of Licensure of Foresters, the Board of Funeral Service, and the Board of Social Worker Licensure. A more detailed description and the text of the proposed rule may be obtained from [www.maine.gov/professionallicensing](http://www.maine.gov/professionallicensing).

IMPACT ON MUNICIPALITIES OR COUNTIES (if any): None.

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STATUTORY AUTHORITY FOR THIS RULE: 10 MRS § 8003(2-A)(D); 32 MRS § 12203; 32 MRS § 1527; 9 MRS § 5015-A; 32 MRS § 558; 32 MRS §§ 12514-A, 12526; 32 MRS §§ 5507, 5515(6); 32 MRS §§ 1504, 1501-B (enacted by PL 2015, c. 246); 32 MRS § 18229; 10 MRS § 9021(2-A); 32 MRS § 13724; 32 MRS § 9710; 32 MRS §§ 7056, 7060; 32 MRS § 4863-A

SUBSTANTIVE STATE OR FEDERAL LAW BEING IMPLEMENTED (if different):

E-MAIL FOR OVERALL AGENCY RULE-MAKING LIAISON: holly.doherty@maine.gov

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\* Check one of the following two boxes.

The above summary is for use in both the newspaper and website notices.

The above summary is for the newspaper notice only. A more detailed summary / basis statement is attached.

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**Please approve bottom portion of this form and assign appropriate AdvantageME number.**

APPROVED FOR PAYMENT \_\_\_\_\_ DATE: \_\_\_\_\_  
(authorized signature)

FUND	AGENCY	ORG	APP	JOB	OBJT	AMOUNT
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**02 DEPARTMENT OF PROFESSIONAL AND FINANCIAL REGULATION****041 OFFICE OF PROFESSIONAL AND OCCUPATIONAL REGULATION (OPOR)****Chapter 10: ESTABLISHMENT OF LICENSE FEES**

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**Summary:** This chapter establishes fees for professional and occupational licenses and registrations issued by the Office of Professional and Occupational Regulation.

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1. Section 5(1) (Board of Accountancy), Section 5(3) (American Sign Language, English Interpreters and Transliterations), Section 5(10) (Charitable Solicitations), Section 5(11) (Board of Chiropractic Licensure), Section 5(12) (Board of Complementary Health Care Providers), Section 5(17) (Board of Licensure of Foresters), Section 5(18) (State Board of Funeral Service), Section 5(21) (Board of Licensure for Professional Land Surveyors), Section 5(22) (Manufactured Housing Board), Section 5(27) (Maine Board of Pharmacy), Section 5(36) (Board of Respiratory Care Practitioners), Section 5(37) (State Board of Social Worker Licensure), and Section 5(40) (State Board of Veterinary Medicine) of this chapter are amended to read as shown on pages 2 - 7 below.

2. All other provisions of this chapter remain unchanged.

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STATUTORY AUTHORITY: 10 MRS § 8003(2-A)(D); 32 MRS § 12203; 32 MRS § 1527; 9 MRS § 5015-A; 32 MRS § 558; 32 MRS §§ 12514-A, 12526; 32 MRS §§ 5507, 5515(6); 32 MRS §§ 1504, 1501-B (enacted by PL 2015, c. 246); 32 MRS § 18229; 10 MRS § 9021(2-A); 32 MRS § 13724; 32 MRS § 9710; 32 MRS §§ 7056, 7060; 32 MRS § 4863-A

**EFFECTIVE DATE:**

Section 5(1) (Board of Accountancy)  
Section 5(3) (American Sign Language, English Interpreters and Transliterations)  
Section 5(10) (Charitable Solicitations)  
Section 5(11) (Board of Chiropractic Licensure),  
Section 5(12) (Board of Complementary Health Care Providers)  
Section 5(17) (Board of Licensure of Foresters)  
Section 5(18) (State Board of Funeral Service)  
Section 5(21) (Board of Licensure for Professional Land Surveyors)  
Section 5(22) (Manufactured Housing Board)  
Section 5(27) (Maine Board of Pharmacy)  
Section 5(36) (Board of Respiratory Care Practitioners)  
Section 5(37) (State Board of Social Worker Licensure)  
Section 5(40) (State Board of Veterinary Medicine)

**1. Board of Accountancy**

Certified Public Accountant	1 yr	<del>\$75</del> <u>\$55</u>
Public Accountant	1 yr	<del>\$75</del> <u>\$55</u>
Firm	1 yr	<del>\$75</del> <u>\$55</u>
Branch	1 yr	<del>\$75</del> <u>\$55</u>
Application	NA	<del>\$50</del> <u>\$50</u>

**3. American Sign Language, English Interpreters and Transliterators**

Limited Interpreter/Transliterators	1 yr	<del>\$250</del> <u>\$200</u>
Limited Deaf Interpreter	1 yr	\$100
Certified Interpreter/Transliterators	1 yr	<del>\$250</del> <u>\$200</u>
Certified Deaf Interpreter	1 yr	\$100
Application	NA	<del>\$50</del> <u>\$50</u>

**10. Charitable Solicitations**

Charitable Organization	1 yr	\$25
<del>Exempt Organization</del>	<del>1 yr</del>	<del>\$10</del>
<del>Professional Fund-raising Counsel</del>	<del>1 yr</del>	<del>\$200</del>
Professional Solicitor	1 yr	\$200
Application		
Charitable Organization ( <del>all but exempt orgs</del> )	NA	\$25
<del>Commercial Fund-raising Counsel,</del>		
<del>—Professional Solicitor</del>	NA	\$50

**11. Board of Chiropractic Licensure**

Chiropractor – initial licensure	1 yr	<del>\$150</del> <u>\$100</u>
Chiropractor – renewal licensure	1 yr	\$100
Chiropractic Assistant	1 yr	<del>\$30</del> <u>\$15</u>
Temporary Chiropractic Assistant	1 yr	<del>\$30</del> <u>\$15</u>
Chiropractic Acupuncture	1 yr	<del>\$30</del> <u>\$15</u>
Continuing educ'n sponsor request for program approval	NA	\$200
Continuing educ'n indiv'l request for program approval	NA	\$75
Late Renewal:		
91 days - 2 yrs	NA	\$50

**12. Board of Complementary Health Care Providers**

Acupuncturist	1 yr	<del>\$195</del> <u>\$180</u>
Naturopathic doctor	1 yr	<del>\$195</del> <u>\$180</u>
Formulation and dispensing of custom-made Chinese herbal formulations	1 yr	<del>\$50</del> <u>\$35</u> additional
Naturopathic doctor acupuncturist specialist	1 yr	<del>\$50</del> <u>\$35</u> additional
Application	NA	<del>\$75</del> <u>\$75</u>

**17. Board of Licensure of Foresters**

Forester	1 yr	\$70
Intern Forester	1 yr	\$70
Late Renewal - 91 days - 2 yrs	NA	\$50
Application	NA	\$30
Examination	NA	<del>\$75</del> 3d party

**18. State Board of Funeral Service**

Practitioner of funeral service	1 yr	\$230
<del>Temporary practitioner of funeral service</del>	<del>6 mo</del>	<del>\$80</del>
Funeral director	1 yr	\$230
Trainee	1 yr	\$80
Attendant	1 yr	\$80
Funeral home	1 yr	\$230
State practical examination	NA	\$75
State written examination	NA	3d party
Re-inspection of home (payable in advance)	NA	\$200 + expenses

**21. Board of Licensure for Professional Land Surveyors**

Professional Land Surveyor	2 yr	\$275
Land Surveyor-in-Training	2 yr	\$175
<del>Application</del>	<del>NA</del>	<del>\$50</del>
Examinations		
Professional Land Surveyor Essay	NA	\$150
Professional Land Surveyor Maine Multiple Choice	NA	3d Party
Professional Land Surveyor Principles & Practice	NA	3d Party
Land Surveyor-in-Training	NA	3d Party
Late Renewal:		
More than 90 days	NA	\$50

**22. Manufactured Housing Board**

Manufactured Housing Community	1 yr	<del>\$60</del> <u>50</u> plus \$ <del>6</del> <u>5</u> per lot
Manufacturer	1 yr	\$100
Dealer	1 yr	\$100
Developer Dealer	1 yr	\$100
Dealer branch location	1 yr	\$100
Mechanic	1 yr	\$100
Installer	1 yr	\$100
State of Maine warranty seal	NA	<del>\$160</del> <u>150</u> per HUD & modular home
State-certified modular home seal	NA	<del>\$160</del> <u>150</u> per modular home
Installation warranty seal	NA	<del>\$160</del> <u>150</u> per HUD & modular home
Fee for each section of a HUD home manufactured in Maine (fee charged directly by HUD)	NA	\$2.50 per section
Fee for each section of a HUD home whose first location after leaving manufacturing plant is within Maine (fee charged directly by HUD)	NA	\$9 per section
Application Manufactured Housing Community (initial applications and expansions)	NA	\$100

**MANUFACTURED HOUSING INSPECTION FEES**

**1. STATE-CERTIFIED MODULAR HOMES**

**1.1 Initial complaint inspection, order of correction and re-inspection**

If no violation was found upon initial inspection.....No charge

If a violation was found upon initial inspection and an order of correction was issued, but the violation was found to be corrected in its entirety upon re-inspection.....No charge

If a violation was found upon initial inspection and an order of correction was issued, but the violation was not found to be corrected in its entirety upon re-inspection..... Actual cost of re-inspection, to be divided equally among all licensees who were initially in violation

**2. MANUFACTURED HOUSING COMMUNITIES**

2.1 Initial license inspection, inspection for cause or periodic inspection; order of correction and re-inspection

If no violation was found upon initial inspection.....No charge

If a violation was found upon initial inspection, an order of correction was issued, the owner certified to correction within 90 days, and the violation was found to be corrected in its entirety upon re-inspection.....No charge

If a violation was found upon initial inspection, an order of correction was issued, and the owner failed to correct the violation in its entirety and certify to correction within 90 days  
Actual cost of re-inspection

**3. HUD CODE MANUFACTURED HOMES**

3.1 Initial complaint inspection, order of correction and re-inspection

If no violation was found upon initial inspection.....No charge

If a violation was found upon initial inspection and an order of correction was issued, but the violation was found to be corrected in its entirety upon re-inspection.....No charge

If a violation was found upon initial inspection and an order of correction was issued, but the violation was not found to be corrected in its entirety upon re-inspection..... Actual cost of re-inspection, to be divided equally among all licensees who were initially in violation

3.2 Preoccupancy inspection fee ..... actual cost of inspection, to be paid by dealer

**27. Maine Board of Pharmacy**

Pharmacist - initial licensure by examination	1 yr	\$75
Pharmacist - initial licensure by score transfer	1 yr	\$75
Pharmacist - initial licensure by reciprocity	1 yr	\$75
Pharmacist - renewal	1 yr	75
Inactive pharmacist age 65 or older	1 yr	\$15
Inactive pharmacist under age 65	1 yr	\$50
Late renewal of inactive status licensure	NA	Current inactive renewal fee + back fees
Inactive pharmacist to active pharmacist licensure	1 yr	\$75 + 15 CE hours
Certificate of administration of drugs and immunizations		
Initial application (current licensees only; no application fee payable by persons seeking certificate at time of application for initial licensure)	NA	\$20
Renewal (all certificate holders, w/ annual lic renewal)	1 yr	\$10
Drug Outlet:		
Retail	1 yr	\$200
Mail Order Prescription	1 yr	\$200
Mail Order Contact Lens Supplier	1 yr	\$200
Wholesale	1 yr	\$200
Rural Health Center	1 yr	\$200
Free Clinic	1 yr	<del>\$200</del> 0
Manufacturer	1 yr	\$200
Pharmacy Technician	1 yr	\$20
Initial Pharmacy Student Intern	1 yr	\$20
Pharmacy students may be renewed for successive 1-year periods at no additional cost upon certification that the licensee continues to be enrolled in a professional academic degree program. The pharmacy student intern license automatically expires on the second renewal subsequent to the licensee's graduation and may not be further renewed.		
NABPLEX examination qualification review (per review)	NA	3d party + \$25
MPJE examination qualification review (per review)	NA	3d party + \$25
Pharmacist in charge - initial license or modification to business license	per occurrence	\$100
Late Renewal		
91 days - 2 yrs	NA	\$50

**36. Board of Respiratory Care Practitioners**

Therapist	1 yr	\$65
Technician	1 yr	\$65
Temporary	1 yr	\$50
Associate license	Limited to 30 days per calendar year	\$65
Trainee registration	Expires 30 days after graduation	\$50
<del>Application (therapist, technician, temporary)</del>	<del>NA</del>	<del>\$100</del>

**37. State Board of Social Worker Licensure**

Licensed Social Worker	2 yr	\$70
Licensed Social Worker - Conditional	2 yr	\$70
Licensed Master Social Worker	2 yr	\$70
Licensed Master Social Worker - Conditional Clinical	2 yr	\$70
Licensed Clinical Social Worker	2 yr	\$70
Certified Social Worker - Independent Practice	2 yr	\$70
<u>Inactive Status License</u>	<u>1 yr</u>	<u>\$35</u>
Application	NA	\$25
Examination	NA	3d party

**40. State Board of Veterinary Medicine**

Veterinarian	1 yr	<del>\$100</del> <u>95</u>
Veterinarian (age 70 or older)	1 yr	\$25
Veterinary technician	1 yr	<del>\$50</del> <u>35</u>
Veterinary technician (age 70 or older)	1 yr	\$25
Relief veterinarian service permit	see law	<del>\$100</del> <u>95</u>
Temporary permit	see law	<del>\$50</del> <u>35</u>
Veterinary clinical competency test	NA	3d party
Veterinary technician examination	NA	3d party
Late Renewal:		
91 days - 2 yrs	NA	\$50

# Rule-Making Fact Sheet

(5 MRS § 8057-A)

AGENCY: Department of Professional and Financial Regulation, Office of Professional and Occupational Regulation

NAME, ADDRESS, PHONE NUMBER OF AGENCY CONTACT PERSON: Holly Doherty, Staff Attorney, Office of Professional and Occupational Regulation, 35 State House Station, Augusta, ME 04333, phone: 207-624-8615

CHAPTER NUMBER AND RULE TITLE: Chapter 10: Establishment of License Fees

STATUTORY AUTHORITY: 10 MRS § 8003(2-A)(D) (general authority of OPOR Director); 32 MRS § 12203 (Board of Accountancy); 32 MRS § 1527 (American Sign Language, English Interpreters and Transliterations); 9 MRS § 5015-A (Charitable Solicitations); 32 MRS § 558 (Board of Chiropractic Licensure); 32 MRS §§ 12514-A, 12526 (Board of Complementary Health Care Providers); 32 MRS §§ 5507, 5515(6) (Board of Licensure of Foresters); 32 MRS §§ 1504, 1501-B (enacted by PL 2015, c. 246) (Board of Funeral Service); 32 MRS § 18229 (Board of Licensure for Professional Land Surveyors); 10 MRS § 9021(2-A) (Manufactured Housing Board); 32 MRS § 13724 (Board of Pharmacy); 32 MRS § 9710 (Board of Respiratory Care Practitioners); 32 MRS §§ 7056, 7060 (Board of Social Worker Licensure); 32 MRS § 4863-A (State Board of Veterinary Medicine)

DATE AND PLACE OF PUBLIC HEARING: None scheduled.

COMMENT DEADLINE: November 30, 2015 at 5pm.

PRINCIPAL REASON OR PURPOSE FOR PROPOSING THIS RULE: Financial projections showed that reductions in certain license fees and elimination of application fees were feasible and advisable for the following boards and programs:

- Board of Accountancy
- American Sign Language, English Interpreters and Transliterations
- Charitable Solicitations
- Board of Chiropractic Licensure
- Board of Complementary Health Care Providers
- Board of Licensure for Professional Land Surveyors
- Manufactured Housing Board
- Board of Pharmacy
- Board of Respiratory Care Practitioners
- State Board of Veterinary Medicine

Additionally, in order to update the rule, other necessary changes are proposed to the fees for Charitable Solicitations, the Board of Licensure of Foresters, the Board of Funeral Service, and the Board of Social Worker Licensure.

**BRIEF SUMMARY OF RELEVANT INFORMATION CONSIDERED DURING DEVELOPMENT OF THE RULE (PRIMARY SOURCES):** Budgetary needs of the licensing boards and programs identified above; professional judgment.

**ANALYSIS AND EXPECTED OPERATION OF THE RULE:** The Office of Professional and Occupational Regulation (“OPOR”) proposes the following fee changes across a number of boards and programs:

OPOR proposes to eliminate application fees for the following: Board of Accountancy; American Sign Language, English Interpreters and Translitterators; Board of Complementary Health Care Providers; Board of Licensure of Professional Land Surveyors; and Board of Respiratory Care Practitioners.

OPOR proposes to reduce fees for the following: all licenses issued by the Board of Accountancy; Limited Interpreter/Translitterator and Certified Interpreter/Translitterator licenses issued by the American Sign Language, English Interpreters and Translitterators Program; Chiropractor (initial licensure), Chiropractic Assistant, Temporary Chiropractic Assistant, and Chiropractic Acupuncture licenses issued by the Board of Chiropractic Licensure; all licenses issued by the Board of Complementary Health Care Providers; Manufactured Housing Community license, and the State of Maine warranty seal, State-certified modular home seal, and Installation warranty seal issued by the Manufactured Housing Board; Free Clinic license issued by the Board of Pharmacy; and Veterinarian and Veterinary technician licenses, and the Relief veterinarian service permit and Temporary permit issued by the State Board of Veterinary Medicine.

OPOR also proposes the following board/program-specific changes:

For Charitable Solicitations, OPOR proposes to eliminate references to Exempt Organization and Fund raising Counsel due to statutory changes implemented by PL 2013, c. 313.

For the Board of Licensure of Foresters, OPOR proposes to replace the \$75 examination fee with a reference to 3d party. Examinations are administered and scored by a third party, the Society of American Foresters (“SAF”). A candidate for examination registers with SAF, and the fee is paid directly to SAF at the time of registration.

For the Board of Funeral Service, OPOR proposes to add a new fee category for temporary practitioner of funeral service, which is a new license implemented by PL 2015, c. 246 that requires a fee.

For the Board of Social Worker Licensure, OPOR proposes to add a new fee category for Inactive Status License. This change is necessary because 32 MRS § 7060 sets forth a 1 year term for an inactive status license, whereas the statute sets forth a 2 year term for an active license. The Board of Social Worker Licensure is also proposing new rule language to coincide with 32 MRS § 7060.

**FINDINGS UNDER CRITERIA CONTAINED IN EXECUTIVE ORDER 20 FY 11/12:**

(A) The proposed rule will not negatively impact job growth or creation; (B) There are fees included in the rule. The fees are discussed immediately above in the section of this document

entitled “Analysis and Expected Operation of the Rule;” (C) There is no cost to the public in terms of time and money required to comply with the rules; (D) No other state laws or rules already address the subject matter of these rules; (E) There are no relevant federal standards.

FISCAL IMPACT OF THE RULE: Minimal.

***FOR RULES WITH FISCAL IMPACT OF \$1 MILLION OR MORE, ALSO INCLUDE:***  
ECONOMIC IMPACT, WHETHER OR NOT QUANTIFIABLE IN MONETARY TERMS:  
INDIVIDUALS OR GROUPS AFFECTED AND HOW THEY WILL BE AFFECTED:  
BENEFITS OF THE RULE:

*Note: If necessary, additional pages may be used.*