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Legislative Document

No. 1599

H.P. 1158

House of Representatives, April 18, 2019

An Act To Allow Certain State Regulators To Lower Fees by Order

(AFTER DEADLINE)

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 205.

Reference to the Committee on Health Coverage, Insurance and Financial Services suggested and ordered printed.

A handwritten signature in cursive script that reads "R(t) B. Hunt".

ROBERT B. HUNT
Clerk

Presented by Representative KESCHL of Belgrade.
Cosponsored by Senator HAMPER of Oxford and
Representatives: ARATA of New Gloucester, DILLINGHAM of Oxford, MARTIN of Eagle
Lake, MILLETT of Waterford, REED of Carmel, WADSWORTH of Hiram.

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

2 **Sec. 1. 9-A MRSA §6-203, sub-§3-D** is enacted to read:

3 **3-D.** The administrator may by order lower or suspend any fee specified in this
4 section.

5 **Sec. 2. 9-B MRSA §214, sub-§2, ¶A,** as amended by PL 2003, c. 322, §6, is
6 further amended to read:

7 A. To provide for the balance of the reasonable expenses incurred to fulfill the
8 bureau's duty pursuant to this Title, including general regulatory costs, overhead,
9 transportation and general office and administrative expenses, except as otherwise
10 provided in this paragraph, the superintendent shall assess each financial institution
11 under the superintendent's supervision at the annual rate of at least 6¢ for each \$1,000
12 of the total of average assets, as defined by the superintendent. The frequency of
13 assessment may coincide with the frequency of filing periodic financial reports with
14 the bureau but may not be more frequent than quarterly. The superintendent may
15 raise the minimum assessment rate of 6¢ for each \$1,000 of the total of average assets
16 by promulgating rules pursuant to section 251 at such time as economic conditions
17 warrant such an increase. ~~¶~~ Except as otherwise provided in this paragraph, in no
18 event may the assessment be less than \$25. The superintendent may by order lower
19 or suspend any assessment specified in this paragraph or established by rule pursuant
20 to this paragraph. Rules adopted pursuant to this paragraph are routine technical
21 rules as defined in Title 5, chapter 375, subchapter 2-A.

22 **Sec. 3. 9-B MRSA §214, sub-§2-B,** as amended by PL 2003, c. 322, §7, is
23 further amended to read:

24 **2-B. Assessment on nondepository trust companies.** ~~Nondepository~~ Except as
25 otherwise provided in this subsection, nondepository trust companies that are not
26 affiliated with a financial institution shall pay an assessment at the annual rate of not less
27 than \$2,000 or an amount determined by the superintendent of at least 6¢ for every
28 \$10,000 of fiduciary assets under its management, custody or care. The superintendent
29 may further define by rule fiduciary assets under management, custody or care or change
30 the minimum assessment whenever economic conditions warrant such a change. The
31 superintendent may by order lower or suspend any assessment specified in this subsection
32 or established by rule pursuant to this subsection. Rules adopted pursuant to this
33 subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.
34 These assessments must be paid in accordance with subsection 2, paragraph B.

35 **Sec. 4. 10 MRSA §8003, sub-§2-A, ¶D,** as amended by PL 2001, c. 323, §9 and
36 PL 2011, c. 286, Pt. B, §5, is further amended to read:

37 D. To establish by rule and after reasonable notice to the affected board all fees
38 necessary and appropriate for all boards, commissions and regulatory functions
39 within the office, subject to any fee cap established by statute and applicable to that
40 board, commission or regulatory function. The Director of the Office of Professional
41 and Occupational Regulation shall set the criteria for all fees. The criteria must

1 include, but are not limited to, the costs, statutory requirements, enforcement
2 requirements and fees and expenses of each board, commission or regulatory
3 function. The Director of the Office of Professional and Occupational Regulation
4 may by order lower any fee established pursuant to this paragraph. Rules adopted
5 pursuant to this paragraph are routine technical rules pursuant to Title 5, chapter 375,
6 subchapter ~~H-A~~ 2-A;

7 **Sec. 5. 24-A MRSA §601, first ¶**, as amended by PL 2003, c. 203, §1, is further
8 amended to read:

9 The superintendent shall collect, and persons so served shall pay to the
10 superintendent, the fees and miscellaneous charges as set forth in this section. The
11 superintendent may adopt rules establishing the fees and charges in different amounts
12 from those specified under this section, except that the amount of any such fee or charge
13 may not exceed the cap established in this section. In the absence of such rules, the
14 maximum amounts set forth in this section apply. The superintendent may by order
15 lower or suspend any fee specified in this section. Rules adopted pursuant to this section
16 are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

17 **SUMMARY**

18 This bill authorizes the Superintendent of Insurance, the Superintendent of Consumer
19 Credit Protection, the Superintendent of Financial Institutions and the Director of the
20 Office of Professional and Occupational Regulation to lower or suspend certain fees
21 specified in law by order.