

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND EIGHTH LEGISLATURE

FIRST REGULAR SESSION

January 5, 1977 to July 25, 1977

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TITLE 3, SECTION 164, SUBSECTION 6.

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PUBLIC LAWS
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L. Prescribing narcotic or hypnotic or other drugs listed as controlled substances by the Drug Enforcement Administration for other than accepted therapeutic purposes;

M. Conviction of violation of any federal or state law regulating the possession, distribution or use of cannabis or of any drug listed as a controlled substance by the Drug Enforcement Administration. The judgment of conviction, unless pending appeal, shall be conclusive evidence of such unprofessional conduct;

N. Failure to report to the secretary of the board treatment of a physician licensed under this chapter for addiction to alcohol or drugs or for mental illness in accordance with section 3286;

O. Repeated charging of unreasonable and excessive fees for services rendered; or

P. Misconduct as defined by the board in its rules and regulations.

Sec. 10. 32 MRSA § 3283, 2nd ¶, 4th and 5th sentences, as enacted by PL 1971, c. 591, § 1, are amended to read:

The accused ~~may~~ shall submit a written answer to the complaint or allegations summarized in the notice at least 10 days before the hearing at the office of the secretary. ~~Failure to submit such written answer shall have the effect of a denial of the complaint or allegations and shall work no disability on the accused practitioner at the hearing~~

Effective October 24, 1977

CHAPTER 389

AN ACT Relating to Reporting of Data of Abortions Performed by an Attending Physician.

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

22 MRSA § 1577 is enacted to read:

§ 1577. Abortion data

1. Definitions. As used in this section, unless the context otherwise indicates, the following words shall have the following meanings.

A. "Abortion" means the intentional interruption of a pregnancy by the application of external agents, whether chemical or physical, or the ingestion of chemical agents.

B. "Miscarriage" means an interruption of a pregnancy other than as provided in paragraph A.

2. Reports. A report of each abortion performed and a report of each miscarriage which occurs when a physician is in attendance shall be made to the Department of Human Services on forms prescribed by the department. Such report forms shall not identify the patient by name or otherwise and shall contain only the following information:

- A. Weight in grams of the fetus aborted, to the extent practical;
- B. Measurement in centimeters of the fetus aborted, crown to rump, sitting height, to the extent practical;
- C. When an abortion is performed, the medical procedure used to abort;
- D. Given menstrual age of fetus; and
- E. Any resulting medical complications.

The form containing such information and data shall be prepared by the attending physician, signed by him and transmitted to the department not later than 10 days following the end of the month in which the abortion is performed or the miscarriage occurs.

The identity of any physician reporting pursuant to this section is confidential and the department shall take such steps as are necessary to insure the confidentiality of the identity of physicians reporting pursuant to this section.

A physician who reports data on an abortion pursuant to this section shall be immune from any criminal liability for that abortion under Title 17, section 51.

Effective October 24, 1977

CHAPTER 390

AN ACT Concerning the Powers of Plantations under Land Use Regulation and Zoning Statutes.

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

Sec. 1. 1 MRSA § 72, sub-§ 13, as last amended by PL 1975, c. 770, § 1, is repealed and the following enacted in its place:

13. Municipality. "Municipality" shall include cities, towns and plantations, except that "municipality" shall not include plantations in Title 30, chapters 201 to 213, 235 and 239, subchapters I-A, I-B, II, III, III-A and IV and chapters 240 to 245.

Sec. 2. 12 MRSA § 685-A, sub-§ 4, 3rd and 4th ¶¶, as repealed and replaced by PL 1975, c. 234, §§ 1 and 2, are repealed and the following enacted in their place: