

MAINE STATE LEGISLATURE

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STATE OF MAINE
116TH LEGISLATURE

FIRST REGULAR SESSION

BILL SUMMARIES
JOINT STANDING COMMITTEE
ON
BUSINESS LEGISLATION

JULY 1993

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**ONE HUNDRED AND SIXTEENTH LEGISLATURE
FIRST REGULAR SESSION**

**JOINT STANDING COMMITTEE
BILL SUMMARIES**

JULY 1993

This document is a compilation of the bill summaries prepared by this office for the Joint Standing Committees and Joint Select Committees of the Maine Legislature. The volume is organized alphabetically by committee; within each committee, the summaries are arranged by LD number. A subject index is provided at the beginning of each committee's summaries.

The committee report or reports, the prime sponsor for each bill and the lead co-sponsor in each house if one has been designated are listed below each bill title. All adopted amendments are listed, by paper number (e.g., H-584 or S-222), together with the sponsor for floor amendments. Final action on each bill is listed to the right of the title. Various types of final action are abbreviated as follows:

| | |
|-----------------------------------|---|
| <i>PUBLIC XXX</i> | <i>Chapter # of enacted Public Law</i> |
| <i>P&S XXX</i> | <i>Chapter # of enacted Private & Special Law</i> |
| <i>RESOLVE XXX</i> | <i>Chapter # of enacted Resolve</i> |
| <i>CON RES XXX</i> | <i>Chapter # of Constitutional Resolution passed by both Houses</i> |
| <i>EMERGENCY</i> | <i>Enacted law takes effect sooner than 90 days</i> |
| <i>CARRIED OVER</i> | <i>Bill carried over to Second Session</i> |
| <i>ONTP</i> | <i>Ought Not to Pass report accepted</i> |
| <i>ENACTMENT FAILED</i> | <i>Bill failed to get majority vote</i> |
| <i>INDEF PP</i> | <i>Bill Indefinitely Postponed</i> |
| <i>FAILED EMERGENCY ENACTMENT</i> | <i>Emergency bill failed to get 2/3 vote</i> |
| <i>FAILED MANDATE ENACTMENT</i> | <i>Bill imposing local mandate failed to get 2/3 vote</i> |
| <i>DIED BETWEEN BODIES</i> | <i>House & Senate disagree; bill died</i> |
| <i>CONF CMTE UNABLE TO AGREE</i> | <i>Committee of Conference formed but unable to agree</i> |
| <i>VETO SUSTAINED</i> | <i>Legislature failed to override Governor's Veto</i> |
| <i>UNSIGNED</i> | <i>Not signed by Governor within 10 days</i> |
| <i>DIED ON ADJOURNMENT</i> | <i>Action incomplete when session ended; bill died</i> |

These summaries were prepared by the analyst or analysts assigned to the committee. But, this document was produced by the efforts of all the office staff, including secretaries: Charlene Raymond and Valarie Parlin.

If you have any suggestions or comments on these summaries, please let us know.

4693NRG

SPONSOR(S)
HOGLUND

COMMITTEE REPORT

AMENDMENTS ADOPTED

SUMMARY

The Committee last year removed the provision of LD 1866 that would have prohibited restrictions in the practice of optometry. Instead, it wrote a letter to the Board, asking for justification for these restrictions, and reasons why eye examination requirements might be a partial substitute for them. This letter was later revised eliminating these questions and as a result answers to them were never received.

This bill refers to restraint of trade or practice restrictions in the practice of optometry. The following are the restraint of trade practices being eliminated and those being left.

**Eliminated
by LD 1151**

Prohibition

Title 32

| | | |
|---|----------------------|-------|
| 1. Prohibits practice on premises where non-optometry goods are sold (Lot of room for interpretation) | §2431-A, sub-§2, ¶J | X |
| 2. Prohibits practice under name other than that of licensee | §2431-A, sub-§2, ¶K | |
| 3. Limits branch offices to 2 | §2431-A, sub-§2, ¶N | |
| 4. Prohibits fee splitting | §2431-A, sub-§2, ¶P | |
| 5. Prohibits partnership with non-optometrist | §2434, sub-§1, §2435 | §2435 |
| 6. Prohibits leasing office space from opticians | §2434, sub-§4 | X |

- | | | |
|--|----------------------|---|
| 7. Prohibits encouraging optometry services to be promoted as part of a commercial establishment | §2434, sub-§4 | X |
| 8. Prohibits employment by unlicensed persons | §2434, sub-§4, §2435 | X |

This bill is similar to LD 1866 of 2 years ago, except that the latter also removed the prohibition against fee splitting. The bill also enacts a provision authorizing contracts for the practice of optometry in or near the premises of an optical shop or commercial establishment.

LD 1161 An Act to Regulate the Practice of Cosmetology and Barbering Outside of Licensed Shops ONTP

| | | |
|-------------------|-------------------------|---------------------------|
| SPONSOR(S) | COMMITTEE REPORT | AMENDMENTS ADOPTED |
| PENDLETON | ONTP | |

SUMMARY

This bill requires that barbers, cosmetologists, aestheticians and manicurists limit their practices to services performed in licensed establishments, except in emergency circumstances. The bill also establishes a dual licensing system by which only a person who practices in a licensed shop is entitled to an active license. Once leaving a licensed establishment, the licensee must surrender the active license and may request an inactive license. The Board of Barbering and Cosmetology is to revoke the active license of a person who fails to surrender that license within 30 days after the person ceases to maintain or be employed in a licensed establishment. The board is given rule-making authority to implement and govern the dual licensing system.

LD 1185 An Act to Increase Access to Primary Care by Redefining the Practice of Advanced Nursing CARRIED OVER

| | | |
|-------------------|-------------------------|---------------------------|
| SPONSOR(S) | COMMITTEE REPORT | AMENDMENTS ADOPTED |
| MCCORMICK | | |

SUMMARY

Currently, professional nursing is defined, among other things, as:

1. Diagnosis and treatment by executing the medical regimen as prescribed by a physician or someone operating under the delegated authority of a physician. Diagnosis is defined as being distinct from medical diagnosis and treatment means those measures essential to the nursing regimen which, is not defined.
2. Medical diagnosis or prescription of therapeutic measures when these services are delegated by a physician.

This bill does the following:

1. States that professional nursing can include execution of a medical regimen prescribed by a nurse in advanced practice.