

MAINE STATE LEGISLATURE

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STATE OF MAINE
118TH LEGISLATURE

SECOND REGULAR SESSION
AND
SECOND SPECIAL SESSION

BILL SUMMARIES
JOINT STANDING COMMITTEE
ON
BUSINESS AND ECONOMIC DEVELOPMENT

MAY 1998

MEMBERS:

Sen. John T. Jenkins, Chair

Sen. Anne M. Rand

Sen. Bruce W. MacKinnon

Rep. Marc J. Vigue, Chair

Rep. Rosaire J. Sirois

Rep. Richard R. Farnsworth

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Rep. Adam Mack

Staff:

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**ONE HUNDRED EIGHTEENTH LEGISLATURE
SECOND REGULAR AND SECOND SPECIAL SESSIONS**

**Summary Of Legislation Before The Joint Standing Committees
May 1998**

We are pleased to provide this summary of bills that were considered by the Joint Standing Committees of the Maine Legislature. The document is a compilation of bill summaries which describe each bill and relevant amendments, as well as the final action taken. Also included are statistical summaries of bill activity this Session for the Legislature and each of its joint standing committees.

The document is organized for convenient reference to information on bills handled by the joint standing committees. It is organized by committees and within committees by bill (LD) number. The committee report(s), prime sponsor for each bill and the lead co-sponsor(s), if designated, are listed below each bill title. All adopted amendments are listed by paper number. Two indices, a subject index and a numerical index by LD number are provided for easy reference to bills. They are located at the back of the document. A separate publication, History and Final Disposition of Legislative Documents, may also be helpful in providing information on the disposition of bills. These bill summaries also are available at the Law and Legislative Reference Library and on the Internet (www.state.me.us/legis/opla).

Final action on each bill is noted to the right of the bill title. The abbreviations used for various categories of final action are as follows:

- CON RES XXX*..... Chapter # of Constitutional Resolution passed by both Houses
- CONF CMTE UNABLE TO AGREE*.....Committee of Conference unable to agree; bill died
- DIED BETWEEN BODIES*.....House & Senate disagree; bill died
- DIED IN CONCURRENCE*.....One body accepts ONTP report; the other indefinitely postpones the bill
- DIED ON ADJOURNMENT*.....Action incomplete when session ended; bill died
- EMERGENCY*.....Enacted law takes effect sooner than 90 days
- FAILED EMERGENCY ENACTMENT/FINAL PASSAGE*.....Emergency bill failed to get 2/3 vote
- FAILED ENACTMENT/FINAL PASSAGE*.....Bill failed to get majority vote
- FAILED MANDATE ENACTMENT*.....Bill imposing local mandate failed to get 2/3 vote
- INDEF PP*.....Bill Indefinitely Postponed
- ONTP*..... Ought Not To Pass report accepted
- OTP ND*..... Committee report Ought To Pass In New Draft
- OTP ND/NT*..... Committee report Ought To Pass In New Draft/New Title
- P&S XXX*..... Chapter # of enacted Private & Special Law
- PUBLIC XXX*..... Chapter # of enacted Public Law
- RESOLVE XXX*..... Chapter # of finally passed Resolve
- UNSIGNED*.....Bill held by Governor
- VETO SUSTAINED*.....Legislature failed to override Governor's Veto

Please note the effective date for all non-emergency legislation enacted in the Second Regular Session (unless otherwise specified in a particular law) is June 30, 1998 and July 9, 1998 for the Second Special Session. Second Special Session laws include Public Laws beginning with Chapter 718, Private and Special Laws beginning with Chapter 82 and Resolves beginning with Chapter 117.

LD 1525

An Act to License Massage Therapists

PUBLIC 681

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
KILKELLY WATSON	OTP-AM	S-561 H-1049 VIGUE

LD 1525, which was carried over from the First Session, proposed to repeal the two-tier certification or registration structure for massage therapists and proposed to require that all persons who profess to be a massage therapist or massage practitioner be licensed. The bill proposed that the licensure of massage therapists be under the authority of the Board of Complementary Health Care Providers. Provisions are outlined for licensure of new and existing massage practitioners.

Committee Amendment "A" (S-561) proposed to modify the licensure of massage therapists by removing oversight and involvement with the Board of Complementary Health Care Providers and by providing for license administration by the Commissioner of Professional and Financial Regulation. This amendment further proposed that after December 31, 2001 only licensed massage therapists may use the title "massage therapist" or the term "massage therapy" to identify the nature of their services. The amendment extends to December 31, 2001 the time during which currently registered massage practitioners may use the title "registered massage therapist" or demonstrate that they have the necessary experience or education to become licensed massage therapists.

House Amendment "A" to Committee Amendment "A" (H-1049) proposed to allocate to the Maine Revised Statutes a unallocated provision of Committee Amendment "A" regarding the application of disciplinary measures to registered massage practitioners.

Enacted law summary

Public Law 1997, chapter 681 provides that after December 31, 2001, only licensed massage therapists may use the title "massage therapist" or the term "massage therapy" to identify the nature of their services. Massage practitioners who are presently registered may use the title of "registered massage practitioner" until December 31, 2001. The law also sets out guidelines for registered massage practitioners to obtain licensure after December 31, 2001. Finally, the law provides that the Office of Licensing and Registration shall administer licensure, with assistance from an advisory council.

LD 1580

An Act to Improve Allopathic and Osteopathic Physician Oversight

PUBLIC 680

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BUCK RAND	OTP-AM	H-958

LD 1580, which was carried over from the First Session, proposed to increase oversight of osteopathic and allopathic doctors licensed to practice in Maine. The bill increases consumer representation from three to five on the Board of Osteopathic Licensure and from three to six on the Board of Licensure in Medicine. To strengthen physician oversight, the bill proposed to create a position of ombudsman to serve as an advocate for consumers of medical care who have filed complaints against physicians.

Committee Amendment "A" (H-958) proposed to replace the bill and to implement the recommendations of a study group formed under the direction of the Committee.

Part A proposed to amend the laws relating to the powers of any bureau, office, board or commission within or affiliated with the Department of Professional and Financial Regulation giving those entities the authority to issue letters of guidance or concern and to keep the letters on file for a specified amount of time, not to exceed 10 years.

Part B proposed to require the Board of Osteopathic Licensure to utilize and fund a consumer assistant position in conjunction with the Board of Licensure in Medicine. It further proposed a system of greater involvement on the part of complainants, and proposed to allow the board more flexibility in working with other states regarding complaints and professional records.

Part C proposed to reduce the size of the Board of Licensure in Medicine through attrition from seven physicians and three public members to six physicians and three public members. It proposed to further require the board to report on the effectiveness of the consumer assistant position shared with the Board of Osteopathic Licensure and on the effectiveness of alternative dispute resolution processes. It further proposed a system of greater involvement on the part of complainants, and allowed the boards more flexibility in working with other states regarding complaints and professional records. Finally, Part C proposed to increase the ceiling for the license renewal application fee from \$265 to not more than \$310.

Part D proposed to amend certain provisions of the Maine Health Security Act by clarifying that reports placed on file for a specified amount of time may be removed and destroyed only after the expiration of that specified time. The amendment also clarifies that letters of guidance or concern are not confidential.

Enacted law summary

Public Law 1997, chapter 680 amends the laws relating to allopathic and osteopathic oversight as follows:

Part A amends the laws relating to the powers of any bureau, office, board or commission within or affiliated with the Department of Professional and Financial Regulation giving those entities the authority to issue letters of guidance or concern that do not constitute adverse disciplinary action and giving those entities the power to place letters of concern or guidance, together with any underlying complaint, report or investigation materials, on file for a specified amount of time, not to exceed 10 years.

Part B requires the Board of Osteopathic Licensure to utilize and fund a consumer assistant position in conjunction with the Board of Licensure in Medicine. It further provides for a system of greater involvement on the part of complainants, and allows the boards more flexibility in working with other states regarding complaints and professional records.

Part C reduces the size of the Board of Licensure in Medicine through attrition from seven physicians and three public members to six physicians and three public members. It requires the board to report on the effectiveness of the consumer assistant position shared with the Board of Osteopathic Licensure and on the effectiveness of alternative dispute resolution processes. It requires a system of greater involvement on the part of complainants, and allows the boards more flexibility in working with other states regarding complaints and professional records. Finally, Part C increases the ceiling for the license renewal application fee from \$265 to not more than \$310.

Part D amends certain provisions of the Maine Health Security Act. It clarifies that reports placed on file for a specified amount of time may be removed and destroyed only after the expiration of that specified time. The amendment also clarifies that letters of guidance or concern are not confidential.