

MAINE STATE LEGISLATURE

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1 FIRST REGULAR SESSION
2

3 ONE HUNDRED AND ELEVENTH LEGISLATURE
4

5 Legislative Document

No. 99
6

7 S.P. 41

In Senate, January 5, 1983

8 Reference to the Committee on Business Legislation suggested and
9 ordered printed.

10 JOY J. O'BRIEN, Secretary of the Senate

Presented by Senator Hichens of York.

Cosponsors: Representative Smith of Island Falls, Representative
11 Sherburne of Dexter and Senator Erwin of Oxford.

12 STATE OF MAINE
13

14 IN THE YEAR OF OUR LORD
15 NINETEEN HUNDRED AND EIGHTY-THREE
16

17 AN ACT Relating to the Practice of
18 Veterinary Medicine.
19

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

22 Sec. 1. 32 MRSA §4853, sub-§7-A is enacted to
23 read:

24 7-A. Relief veterinary service. "Relief veteri-
25 ary service" means the practice of veterinary medi-
26 cine in Maine on a temporary basis by a qualified
27 veterinarian not licensed to practice in this State
28 for the purpose of substituting for a Maine-licensed
29 veterinarian at a specified location during his
30 absense or period of incapacitation.

31 Sec. 2. 32 MRSA §4859, sub-§7, as enacted by PL
32 1975, c. 477, §4, is amended to read:

1 7. Hold hearings. Hold hearings on all matters
2 properly brought before the ~~full-member~~ board and in
3 connection thereto to administer oaths, receive evi-
4 dence, make necessary determinations and enter orders
5 consistent with the findings. The board may require
6 by subpoena the attendance and testimony of witnesses
7 and the production of papers, records or other docu-
8 mentary evidence and commission depositions. The
9 board may designate one of its members to serve as
10 its hearing officer, who shall act as the chairman of
11 the hearing proceeding. The hearing officer shall
12 give notice and conduct the hearing in accordance
13 with section 4859-A.

14 Sec. 3. 32 MRSA §4860, first ¶, as enacted by PL
15 1975, c. 477, §4, is amended to read:

16 No person may practice veterinary medicine in
17 this State who is not a licensed veterinarian or the
18 holder of a valid temporary permit or permit for the
19 performance of relief veterinary service issued by
20 the board. This shall not apply to:

21 Sec. 4. 32 MRSA §4861, sub-§1, as enacted by PL
22 1975, c. 477, §4, is amended to read:

23 1. Examinations. The board shall hold at least
24 one examination during each year and may hold such
25 additional examinations as are necessary. The secre-
26 tary shall give public notice of the time and place
27 for each examination ~~at least 120 days~~ reasonably in
28 advance of the date set for the examination. A person
29 desiring to take an examination shall make applica-
30 tion at least ~~60~~ 45 days before the date of the exam-
31 ination.

32 The preparation, administration and grading of exami-
33 nations shall be governed by regulations prescribed
34 by the board.

35 After each examination, the secretary shall notify
36 each examinee of the result of his examination, and
37 the board shall issue a certificate to each person
38 successfully completing the examination. The secre-
39 tary shall record the certificate and issue a license
40 upon payment of the license fee. Any person failing
41 an examination shall be admitted to any subsequent
42 examination on payment of the application fee.

1 Sec. 5. 32 MRSA §4861, sub-§4 is enacted to
2 read:

3 4. Permit for performance of relief veterinary
4 service. The board may issue without examination a
5 permit to perform relief veterinary service in this
6 State to a qualified graduate of a veterinary school,
7 recognized and approved by the American Veterinary
8 Medical Association and by the board, who holds a
9 current license for the practice of veterinary medi-
10 cine issued by another state, territory or district
11 of the United States. The initial term of a permit
12 issued under this subsection shall not exceed 30
13 days. Extensions may be granted in the discretion of
14 the board.

15 Sec. 6. 32 MRSA §4863, first ¶, as enacted by PL
16 1975, c. 477, §4, is amended to read:

17 All licenses shall expire annually on December
18 31st and shall be renewed by registration with the
19 board and payment of a renewal fee established by the
20 board. On or before December 1st of each year, the
21 secretary shall mail a notice to each licensed vet-
22 erinarian that his license will expire on December
23 31st and provide him with a form for reregistration.
24 The secretary shall issue a renewal certificate to
25 all persons registering under this chapter.

26 Sec. 7. 32 MRSA §4870, as enacted by PL 1975, c.
27 477, §4, is amended to read:

28 §4870. Enforcement

29 Any person, who shall practice veterinary medi-
30 cine without a currently valid license ~~or~~, temporary
31 permit or permit for the performance of relief vet-
32 erinary service, shall be guilty of a misdemeanor and
33 upon conviction shall be punished by a fine of not
34 less than \$50 nor more than \$500; or by imprisonment
35 for not more than 90 days; or by both Class E crime,
36 provided that each act of such unlawful practice
37 shall constitute a distinct and separate offense.

38 No person, who shall practice veterinary medicine
39 without a currently valid license ~~or~~, temporary
40 permit or permit for the performance of relief vet-

1 erinary service, may receive any compensation for
2 services so rendered. Any animal technician employed
3 by a veterinarian shall be subject to section 4866.

4 The board or any citizen of this State may bring
5 an action to enjoin any person from practicing veter-
6 erinary medicine without a currently valid license
7 or, temporary permit or permit for the performance of
8 relief veterinary service. If the court finds that
9 the person is violating, or is threatening to violate
10 this chapter, it shall enter an injunction restrain-
11 ing him from such unlawful acts.

12 The successful maintenance of an action based on
13 any one of the remedies set forth in this section
14 shall in no way prejudice the prosecution of an ac-
15 tion based on any other of the remedies.

16 STATEMENT OF FACT

17 In areas of the State underserved by veterinar-
18 ians, residents have no one to conveniently turn to
19 when the sole local practitioner is away on vacation
20 or is unable to serve them due to illness or other
21 disability. This bill solves this problem by allow-
22 ing qualified veterinarians licensed to practice in
23 another state, but not licensed in Maine, to substi-
24 tute for an absent or incapacitated Maine veterinar-
25 ian during the latter's absence or period of
26 incapacitation. The State Board of Veterinary Medi-
27 cine believes that out-of-state veterinarians who
28 earn their living primarily by performing relief veter-
29 inary service in this matter would be interested in
30 doing so in Maine. Although the Maine Veterinary
31 Practice Act of 1975 permits out-of-state veterinar-
32 ians to practice in Maine in certain, limited situa-
33 tions, none of those provisions apply or have been
34 adequate to promote the much-needed performance of
35 relief veterinary service in this State.

36 This bill also eliminates the requirement that
37 all 6 members of the State Board of Veterinary Medi-
38 cine be present at any adjudicatory hearings it con-
39 ducts. It would also give the board more flexibility
40 in scheduling examinations and sending out license

1 renewal forms. Existing criminal penalties would be
2 conformed to the classification system of the Maine
3 Criminal Code. This bill does not require any addi-
4 tional funding.

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