

# MAINE STATE LEGISLATURE

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L.D. 2329

(Filing No. H- 701 )

STATE OF MAINE  
HOUSE OF REPRESENTATIVES  
112TH LEGISLATURE  
SECOND REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 1651, L.D. 2329, Bill, "AN ACT Relating to the Administration of Preventable Disease Programs and the Bureau of Health."

Amend the bill in section 1, in subsection 2, by striking out all of the 2nd paragraph (page 2, lines 1 to 4 in L.D.) and inserting in its place the following:

'The Administrative Court shall have original concurrent jurisdiction to grant equitable relief in proceedings initiated by an agency or the Department of the Attorney General alleging any violation of a license of licensing laws or rules.'

Further amend the bill in section 2, in that part designated "§6359." in subsection 1, in paragraph G, in the 3rd line (page 3, line 3 in L.D.) by striking out the underlined words "universities and" and inserting in their place the following: 'universities,' and in the 4th line (page 3, line 4 in L.D.) by inserting after the underlined word "institutes" the following: 'and schools for the health professions'

Further amend the bill in section 3, in subsection 4, in the 3rd line (page 4, line 31 in L.D.) by inserting after the underlined word "State" the following: 'and any other health facility in the State as the department, by rule, designates' and in the 7th line (page 4, line 35 in L.D.) by inserting after the underlined word "hospital" the following: 'or designated health facility'

Further amend the bill in section 3, in subsection 4, by striking out all of the 2nd paragraph (page 4, lines 41 and 42 in L.D.) and inserting in

COMMITTEE AMENDMENT "A" to H.P. 1651, L.D. 2329

1 its place the following:

2 'For purposes of this subsection, "employee" means a  
3 person who performs a service for wages or other re-  
4 muneration for a hospital or designated health facil-  
5 ity under a contract of hire, written or oral, ex-  
6 pressed or implied.

7 Immunization required by this subsection does not ap-  
8 ply to any employee who:

9 A. Provides a physician's written statement that  
10 immunization against one or more of the diseases  
11 may be medically inadvisable; or

12 B. States in writing a sincere religious belief  
13 which is contrary to the immunization requirement  
14 of this subsection.'

15 Further amend the bill in section 5, in that part  
16 designated "§2497." by striking out in the 12th to  
17 15th lines (page 5, lines 30 to 33 in L.D.) the fol-  
18 lowing: "but no such entry or inspection of any  
19 premises shall be made without the permission of the  
20 owner or person in charge thereof, unless a complaint  
21 is first obtained from the District Court" and in-  
22 serting in its place the following: '~~but no such en-~~  
23 ~~try or inspection of any premises shall be made with-~~  
24 ~~out the permission of the owner or person in charge~~  
25 ~~thereof; unless a complaint is first obtained from~~  
26 ~~the District Court'~~

27 Further amend the bill in section 6 by striking  
28 out the first 9 lines (page 5, lines 39 and 40 and  
29 page 6, lines 1 to 7 in L.D.) and inserting in their  
30 place the following:

31 'Sec. 6. P&SL 1975, c. 90, §H is amended by  
32 striking out everthing after the first paragraph, and  
33 inserting in its place the following:'

COMMITTEE AMENDMENT "A" to H.P. 1651, L.D. 2329

1 STATEMENT OF FACT

2 This amendment makes the following changes in the  
3 original bill.

4 1. Corrects section 1 of the bill to limit the  
5 case of equitable relief to only those proceedings  
6 filed by an agency in the Department of the Attorney  
7 General. This limited authority is consistent with  
8 the intent of the original bill.

9 2. Clarifies the immunization requirement for  
10 students in health professions by deleting language  
11 from section 3 and inserting language in the defini-  
12 tion of schools in section 2. The original bill ac-  
13 tually duplicated the immunization requirement.

14 3. Extends the measles immunization requirement  
15 in section 3 of the original legislative document to  
16 employees health facilities which are identified by  
17 department rule as well as to hospital employees. In  
18 addition, it defines employees to avoid any confusion  
19 as to who must be immunized and provides an exemption  
20 to that requirement for medical or religious reasons.

21 4. Corrects section 5 by deleting language which  
22 required a complaint from the court prior to an in-  
23 spection. The new language in section 5 was added to  
24 accomplish that and the deletion, which this amend-  
25 ment makes, was inadvertently omitted from the origi-  
26 nal bill.

27 5. Deletes the part of section 6 which contains  
28 the appropriations. The intent of the original bill  
29 was to amend the law pertaining to the administration  
30 of the cystic fibrosis fund. This amendment only  
31 makes the administrative changes and deletes the ap-  
32 propriation section of that law.

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