

MAINE STATE LEGISLATURE

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115th MAINE LEGISLATURE

SECOND REGULAR SESSION-1992

Legislative Document

No. 2251

S.P. 879

In Senate, January 28, 1992

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 27.
Reference to the Committee on Judiciary suggested and ordered printed.

A handwritten signature in cursive script that reads "Joy J. O'Brien".

JOY J. O'BRIEN
Secretary of the Senate

Presented by Senator GAUVREAU of Androscoggin
Cosponsored by Representative PARADIS of Augusta and Representative HASTINGS of
Fryeburg.

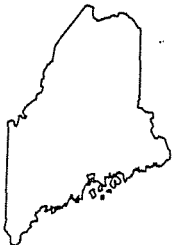
STATE OF MAINE

IN THE YEAR OF OUR LORD
NINETEEN HUNDRED AND NINETY-TWO

**An Act to Clarify the Enrollment Period for the 5-year Medical Liability
Demonstration Project.**

(AFTER DEADLINE)

(EMERGENCY)



2 **Emergency preamble.** Whereas, Acts of the Legislature do not
become effective until 90 days after adjournment unless enacted
as emergencies; and

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6 Whereas, the 5-year Medical Liability Demonstration Project
established in Public Law 1989, chapter 931 began on January 1,
1992; and

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10 Whereas, confusion exists under the statute as to whether or
not participants may be enrolled after the initial enrollment
period; and

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14 Whereas, physicians who have enrolled after the initial
period may believe they are in the project when, in fact, they
may not be enrolled as the result of an Attorney General opinion
regarding open enrollment; and

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18 Whereas, physicians licensed in the State since November 1,
1991 may wish to participate in the project; and

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22 Whereas, in the judgment of the Legislature, these facts
create an emergency within the meaning of the Constitution of
Maine and require the following legislation as immediately
24 necessary for the preservation of the public peace, health and
safety; now, therefore,

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

30 **Sec. 1. 24 MRSA §2976**, as enacted by PL 1989, c. 931, §4, is
amended to read:

32 **§2976. Physician participation**

34 Any physicians practicing in a medical specialty area for
which practice parameters and risk management protocols have been
36 developed and adopted pursuant to section 2973, shall file notice
with the Board of Registration in Medicine or the Board of
38 Osteopathic Examination and Registration prior to November 1,
1991, indicating whether they elect to participate in the
40 project. The medical liability demonstration project authorized
by this subchapter does not begin with respect to a medical
42 specialty area unless at least 50% of the physicians licensed in
the State and practicing in that specialty area elect to
44 participate. Continuation of a project is not dependent on the
level of participation. Enrollments may be accepted by the
46 boards after the initial enrollment period, but a physician may
not be reenrolled after enrolling and terminating initial
48 enrollment.

50 **Emergency clause.** In view of the emergency cited in the
preamble, this Act takes effect when approved.

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STATEMENT OF FACT

This bill clarifies the enrollment period for the 5-year Medical Liability Demonstration Project established by Public Law 1989; c. 931. The bill permits open enrollment throughout the 5-year period of the project but does not permit physicians to rejoin after withdrawing. Doctors who originally declined to be in the project would, however, be permitted to join.