

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

AS PASSED BY THE

One Hundred and Third Legislature

OF THE

STATE OF MAINE

Published by the Director of Legislative Research in accordance with
the Revised Statutes of 1964, Title 3, Section 164, Subsection 6.

KENNEBEC JOURNAL

AUGUSTA, MAINE

1967

PUBLIC LAWS
OF THE
STATE OF MAINE
AS PASSED BY THE
One Hundred and Third Legislature
1967

15 Acknowledgment of an Executor, Administrator, Trustee, Guardian, Conservator, Receiver or Commissioner.

State of
County of, ss (Date)

Then personally appeared the above named A. (and B.) in his (their) said capacity and (severally) acknowledged the foregoing instrument to be his (their) free act and deed.

Before me,

.....
Justice of the Peace (or Notary Public)

Effective October 7, 1967

Chapter 378

AN ACT Revising the Laws Relating to Physical Therapists.

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

Sec. 1. R. S., T. 32, § 3001, sub-§ 1, amended. Subsection 1 of section 3001 of Title 32 of the Revised Statutes is amended to read as follows:

1. Board of Examiners in Physical Therapy. "Board of Examiners in Physical Therapy", as heretofore established and in this chapter called the "board", shall consist of the members of the Board of Registration in Medicine, together with 2 physical therapists appointed by the Governor from a list of 6 physical therapists nominated by the Maine Chapter, American Physical Therapy Association; one as designated by the Governor shall serve for a term of 2 years; the other for a term of 4 years. Thereafter, the physical therapist so appointed by the Governor shall be appointed from a list of 3 physical therapists, submitted by the Maine Chapter, American Physical Therapy Association, for a term of 4 years. A vacancy in the office of any member shall be filled for the unexpired term only.

Sec. 2. R. S., T. 32, § 3002, amended. The last sentence of section 3002 of Title 32 of the Revised Statutes is amended to read as follows:

Neither shall this chapter prevent the administration of physical therapy modalities by any person employed and under the control of a duly licensed physician or surgeon or licensed physical therapist in his office, or in the civil service of the State or employed in a duly incorporated hospital, clinic or infirmary maintained by a person, firm or corporation employing one or more full-time duly licensed physicians or surgeons, providing that person does not refer to himself as a physical therapist, nor other words, letters, signs or figures to indicate that the person using the same is a licensed physical therapist.

Sec. 3. R. S., T. 32, § 3052, amended. Section 3052 of Title 32 of the Revised Statutes is amended to read as follows:

§ 3052. Compensation and expenses

The treasurer of the board shall receive all fees, charges and assessments payable to said board and account for and pay over the same according to law. Members of the board shall each receive ~~5~~ \$20 for every day actually spent in the performance of the duties imposed upon them by this chapter, and in addition thereto necessary traveling and hotel expenses actually incurred, to be certified by the chairman and secretary of the board.

Sec. 4. R. S., T. 32, § 3102, amended. Section 3102 of Title 32 of the Revised Statutes is amended to read as follows:

§ 3102. Application; qualifications; examinations

~~Except as otherwise provided in this chapter, any person before engaging in the practice of physical therapy shall be examined as to his qualifications.~~ An applicant for a license to practice as a licensed physical therapist shall submit to the board, at least ~~to~~ 30 days before the date of ~~his examination the next quarterly board meeting,~~ an application for ~~a license examination for licensure~~ to practice physical therapy, which shall be submitted on a form prescribed by the examiners, together with the payment of the required application fee of ~~\$15~~ \$25 plus the current examination fee if applicable; evidence verified by oath, that the applicant is at least 21 years of age, is of good moral character, is in good physical and mental health, is a high school graduate and is graduated from a school of physical therapy approved for training physical theapists by the American Physical Therapy Association and the appropriate subcommittee of the American Medical Association or if graduated prior to 1936, the school or course was approved by the American Physical Therapy Association at the time of his graduation. An applicant for a license to practice as a licensed physical therapist shall be required to pass an examination to the satisfaction of the board, conducted by it, to determine the applicant's fitness as a physical therapist.

Sec. 5. R. S., T. 32, § 3103, repealed and replaced. Section 3103 of Title 32 of the Revised Statutes is repealed and the following enacted in place thereof:

§ 3103. License without examination

The board may license as a physical therapist without examination on payment of the fee of \$25 any applicant who is a member of the American Physical Therapy Association or the American Registry of Physical Therapists who has been duly licensed by examination as a physical therapist in a state maintaining a standard equal to that maintained in this State upon presentation of satisfactory evidence of his license to practice physical therapy in such other state.

Sec. 6. R. S., T. 32, § 3104, repealed and replaced. Section 3104 of Title 32 of the Revised Statutes is repealed and the following enacted in place thereof:

§ 3104. Licensure for physical therapists trained in other countries

A license to practice as a physical therapist may be issued by the board to an applicant who has been trained in other countries upon payment of the required application fee of \$25, plus the current examination fee if applicable, and presentation of satisfactory evidence that he has graduated from a school of physical therapy approved by the physical therapy association affiliated with the World Confederation for Physical Therapy of the applicant's country of origin and

who held membership in the physical therapy association of his country of origin and has completed a minimum of one year of experience in employment approved by the American Physical Therapy Association and under the supervision of a member of the association and who successfully passed an examination satisfactory to the board within a time specified by the association.

Full citizenship is not required. Only those who have entered the United States on a permanent visa and who plan to make their home here are eligible.

Sec. 7. R. S., T. 32, § 3105, amended. Section 3105 of Title 32 of the Revised Statutes is amended to read as follows:

§ 3105. Fees; reexamination

Every applicant for an examination for a license to practice physical therapy shall, at the time of filing his application, pay to the treasurer of the board ~~a~~ an application fee of ~~\$15~~ \$25, plus the current examination fee if applicable. In case the application is denied and examination refused, said fee shall be returned to the applicant. Any applicant who fails to pass ~~an~~ the examination shall be entitled to a reexamination within 6 months upon the ~~payment~~ repayment of ~~an~~ additional fee of \$5, but only ~~2~~ such reexaminations shall be permitted the current examination fee only. If an applicant should fail one section of the examination he need be reexamined on that particular section only. Should he fail more than one section, he must repeat the entire examination.

Sec. 8. R. S., T. 32, § 3107, amended. Section 3107 of Title 32 of the Revised Statutes is amended to read as follows:

§ 3107. Renewals; fees

Every licensed physical therapist shall, ~~during January~~ annually, apply to the board for an extension of his license and pay a fee of ~~\$5~~ \$10. Licensure that is not so extended annually before April 1st shall automatically lapse. The board may in its discretion reinstate a lapsed licensure of no more than 30 days upon payment of current extension fees. At the end of 30 days if the annual fee has not been received by the board a 2nd notice shall be sent by registered mail. Any lapse of more than 30 days shall be charged a late fee of not more than \$5.

Sec. 9. R. S., T. 32, § 3108, additional. Title 32 of the Revised Statutes is amended by adding a new section 3108, to read as follows:

§ 3108. Certification of physical therapy aides

An applicant for certification to practice as a certified physical therapy aide shall submit to the board at least 30 days before the next quarterly board meeting an application accompanied by a fee of \$5, evidence verified by oath that the applicant is at least 18 years of age, is of good moral character, is in good physical and mental health, is a high school graduate or its equivalent thereof established by the general aptitude tests given by the appropriate state or federal agency and has successfully completed the training program as prescribed by the Maine Chapter, American Physical Therapy Association and the Department of Health and Welfare. An applicant for certification shall be required to pass an examination to the satisfaction of the board, conducted by it, to determine the applicant's fitness as a physical therapy aide.

Certification as a physical therapy aide shall not permit the holder thereof to interpret physician's referrals, perform evaluative procedures, initiate or adjust treatments, assume responsibility for planning patient care, nor make entries in the patient's records, but may work under the supervision of a legally qualified physical therapist performing predetermined treatment procedures or patient related activities, or both, in a general hospital or extended care facilities or home health agencies, or 2 or more.

Effective October 7, 1967

Chapter 379

AN ACT Relating to Countersigning Fees for Insurance Agents and Brokers.

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

R. S., T. 24, § 2514, sub-§ 2, repealed and replaced. Subsection 2 of section 2514 of Title 24 of the Revised Statutes is repealed and the following enacted in place thereof:

2. Countersigning fee. A nonresident broker or nonresident agent shall pay, as a countersigning fee, to a resident agent who countersigns an insurance contract providing fire, casualty, fidelity, surety, inland marine and ocean marine coverage, subject to exceptions cited under section 525, 50% of the commission on the first \$50 of commission, and a negotiated amount of commission on the balance of the commission, based on the services rendered or to be rendered by the countersigning resident agent. If the laws of a state of the United States or province of the Dominion of Canada in which the nonresident broker or nonresident agent is licensed as a resident broker or agent imposes upon a Maine broker or agent a requirement to pay a greater countersignature fee of a specific amount or percentage of the commission, the countersigning fee shall be the same as would be imposed on the Maine broker or agent by the laws of such state of the United States or province of the Dominion of Canada.

Effective October 7, 1967

Chapter 380

AN ACT Establishing the Maine Medical Laboratory Act.

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

R. S., T. 22, c. 411, additional. Title 22 of the Revised Statutes is amended by adding a new chapter 411, as follows: