

# MAINE STATE LEGISLATURE

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**LAWS**  
OF THE  
**STATE OF MAINE**

AS PASSED BY THE  
  
ONE HUNDRED AND ELEVENTH LEGISLATURE

**FIRST REGULAR SESSION**  
December 1, 1982 to June 24, 1983  
Chapters 1-452

PUBLISHED BY THE DIRECTOR OF LEGISLATIVE RESEARCH  
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ANNOTATED, TITLE 3, SECTION 164, SUBSECTION 6.

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J.S. McCarthy Co., Inc.  
Augusta, Maine  
1983

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**PUBLIC LAWS**  
OF THE  
**STATE OF MAINE**

AS PASSED AT THE  
FIRST REGULAR SESSION

and

FIRST SPECIAL SESSION

of the

ONE HUNDRED AND ELEVENTH LEGISLATURE

1983

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

32 MRSA §2851, first ¶, as repealed and replaced by PL 1977, c. 564, §121-A, is amended to read:

A Board of Commissioners of the Profession of Pharmacy, as heretofore established and in this chapter called the "board," shall consist of 5 pharmacists all of whom shall be residents of this State and actually engaged in the practice of their profession, and one representative of the public, who shall be appointed and may be removed for cause by the Governor. At least one of the 5 pharmacists on the board shall be, at the time of appointment, actively engaged in the practice of hospital pharmacy, one member shall be actively engaged in the practice of chain pharmacy, and one member shall be actively engaged in the practice of pharmacy other than hospital or chain pharmacy. Chain pharmacy shall be defined as retail pharmacy practiced in a group of at least 4 pharmacies of common ownership which are located within the State. The public representative commissioner shall hold office for 5 years from the first day of December of the year in which he is appointed or until his successor is appointed and qualified. The terms of office of the pharmacist commissioners shall be so arranged that one pharmacist member of that board shall be appointed annually as the terms of the present members expire, to hold office for 5 years from the first day of December in each year or until his successor is appointed and qualified. Vacancies shall be filled by appointment for the unexpired term. No pharmacist shall may be appointed to serve as a commissioner unless he has had at least ~~10~~ 5 years' experience in Maine in the practice of pharmacy as a registered pharmacist prior to his appointment. At least 3 commissioners serving on the board shall possess a degree in pharmacy from an accredited college of pharmacy. The board shall have power:

Effective September 23, 1983.

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## CHAPTER 48

S.P. 273 - L.D. 815

AN ACT Relating to the Practice of  
Veterinary Medicine.

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

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

7-A. Relief veterinary service. "Relief veterinary service" means the practice of veterinary medicine in Maine on a temporary basis by a qualified veterinarian not licensed to practice in this State for the purpose of substituting for a Maine-licensed veterinarian at a specified location during his absence or period of incapacitation.

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

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

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

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

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

1. Examinations. The board shall hold at least one examination during each year and may hold such additional examinations as are necessary. The secretary shall give public notice of the time and place for each examination at least 120 days reasonably in advance of the date set for the examination. A person desiring to take an examination shall make application at least 60 45 days before the date of the examination.

The preparation, administration and grading of exami-

nations shall be governed by regulations prescribed by the board.

After each examination, the secretary shall notify each examinee of the result of his examination, and the board shall issue a certificate to each person successfully completing the examination. The secretary shall record the certificate and issue a license upon payment of the license fee. Any person failing an examination shall be admitted to any subsequent examination on payment of the application fee.

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

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

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

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

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

§4870. Enforcement

Any person, who shall practice veterinary medicine without a currently valid license ~~or~~ temporary permit or permit for the performance of relief veterinary service, shall be guilty of a misdemeanor and ~~upon conviction shall be punished by a fine of not less than \$50 nor more than \$500, or by imprisonment for not more than 90 days, or by both Class E crime,~~ provided that each act of such unlawful practice shall constitute a distinct and separate offense.

No person, who shall practice veterinary medicine without a currently valid license ~~or~~, temporary permit or permit for the performance of relief veterinary service, may receive any compensation for services so rendered. Any animal technician employed by a veterinarian shall be subject to section 4866.

The board or any citizen of this State may bring an action to enjoin any person from practicing veterinary medicine without a currently valid license ~~or~~, temporary permit or permit for the performance of relief veterinary service. If the court finds that the person is violating, or is threatening to violate this chapter, it shall enter an injunction restraining him from such unlawful acts.

The successful maintenance of an action based on any one of the remedies set forth in this section shall in no way prejudice the prosecution of an action based on any other of the remedies.

Effective September 23, 1983.

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## CHAPTER 49

H.P. 174 - L.D. 204

### AN ACT Relating to Liquor Licenses for Incorporated Civic Organizations.

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

Whereas, the purpose in issuing to incorporated civic organizations restricted liquor licenses is to allow such organizations an orderly and expeditious means of raising funds necessary for the existence of such organizations; and

Whereas, several such organizations are planning fund raising events during the summer of 1983 to raise urgently needed moneys; and

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 necessary for the preservation of the public peace, health and safety; now, therefore,

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