

# MAINE STATE LEGISLATURE

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

AS PASSED BY THE  
ONE HUNDRED AND ELEVENTH LEGISLATURE

**SECOND SPECIAL SESSION**

November 18, 1983

AND AT THE

**SECOND REGULAR SESSION**

January 4, 1984 to April 25, 1984

AND AT THE

**THIRD SPECIAL SESSION**

September 4, 1984 to September 11, 1984

PUBLISHED BY THE DIRECTOR OF LEGISLATIVE RESEARCH  
IN ACCORDANCE WITH MAINE REVISED STATUTES  
ANNOTATED, TITLE 3, SECTION 164, SUBSECTION 6.

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J.S. McCarthy Co., Inc.  
Augusta, Maine  
1986

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

AS PASSED AT THE  
SECOND REGULAR SESSION  
of the  
ONE HUNDRED AND ELEVENTH LEGISLATURE  
JANUARY 4, 1984 TO APRIL 25, 1984

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3. Limitation. This section shall apply only to single purchases which do not exceed 275 gallons.

4. Penalties. Any supplier who sells special fuel under this section with the knowledge that it will not be used for heating purposes and any person who purchases special fuel under this section and uses the fuel for any purpose other than heating shall be subject to a civil penalty of \$100 for each violation, payable to the State, to be recovered in a civil action.

Emergency clause. In view of the emergency cited in the preamble, this Act shall take effect when approved.

Effective April 12, 1984.

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## CHAPTER 741

H.P. 1665 - L.D. 2197

AN ACT to Clarify the Licensing Authority  
of the Board of Registration in Medicine.

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

Sec. 1. 32 MRSA §3271, as amended by PL 1983, c. 378, §47, is repealed and the following enacted in its place:

§3271. Qualifications for medical registration

Except where otherwise specified by this chapter, all applicants for registration as a physician or surgeon in the State shall satisfy each of the following requirements.

1. Medical education. Each applicant shall either:

A. Graduate from a medical school designated as accredited by the Liaison Committee on Medical Education;

B. Graduate from an unaccredited medical school, be evaluated by the Educational Commission for Foreign Medical Graduates subsequent to July 1, 1984, and receive a permanent certificate from

the Educational Commission for Foreign Graduates subsequent to July 1, 1984; or

C. Graduate from an unaccredited medical school and achieve a passing score on the Visa Qualifying Examination or another comprehensive examination deemed by the board to be substantially equivalent thereto.

2. Postgraduate training. Each applicant who has graduated from an accredited medical school on or after January 1, 1970 is required to have satisfactorily completed at least 24 months in a graduate educational program approved by the Accreditation Council on Graduate Medical Education, the Canadian Medical Association or the Royal College of Physicians and Surgeons of Canada. Each applicant who has graduated from an accredited medical school prior to January 1, 1970, is required to have satisfactorily completed at least 12 months in a graduate educational program approved by the Accreditation Council on Graduate Medical Education, the Canadian Medical Association or the Royal College of Physicians and Surgeons of Canada. Each applicant who has graduated from an unaccredited medical school is required to have satisfactorily completed at least 36 months in a graduate educational program approved by the Accreditation Council on Graduate Medical Education, the Canadian Medical Association or the Royal College of Physicians and Surgeons of Canada.

3. Examination. Each applicant shall achieve a passing score on the uniform examination of the Federation of State Medical Boards or such examinations designated by the board as the qualifying examination or examinations for licensure. Each applicant shall additionally be required to achieve a passing score on a State of Maine examination administered by the board.

4. Fees. Each applicant shall pay a fee in the amount of \$100 plus the cost of the qualifying examination or examinations.

5. Board action. No applicant may be registered unless the board finds that the applicant is qualified and that there exists no cause, as set forth in section 3282-A, which would be considered grounds for disciplinary action against a licensed physician or surgeon.

Sec. 2. 32 MRSA §3272, as enacted by PL 1971, c. 591, §1, is repealed and the following enacted in its place:

§3272. Examinations

Each applicant for licensure as a physician or surgeon shall, at least 60 days before the date of his qualifying examination, present to the secretary of the board an application under oath or affirmation containing satisfactory proof that the applicant has met the requirements for medical education and post-graduate medical training set forth in section 3271, subsections 1 and 2. Applicants shall be examined in writing and may be examined orally on such subjects as the board may deem necessary.

Sec. 3. 32 MRSA §3273, as amended by PL 1983, c. 378, §48, is further amended to read:

§3273. Reexamination

Any applicant who fails the examination may be reexamined by the board upon payment of a fee of \$50 plus the ~~current~~ cost of the examination.

Sec. 4. 32 MRSA §3275, sub-§1, as amended by PL 1979, c. 345, §4, is further amended to read:

1. Licensure without examination. The board may, at its discretion, grant licensure without written examination to a physician in good standing who otherwise meets the requirements of section 3271 and who has been:

- A. Examined and certified by the National Board of Medical Examiners;
- B. Examined and licensed by a board of another state, provided that the examination passed by the applicant is deemed by the board to have been equivalent to its own examination; or
- C. Graduated from a nationally accredited medical school located in the United States, Canada or the British Isles, and

(1) Has been examined and certified by the Medical Council of Canada, or

(2) Has been examined and certified by the board of a Canadian province or any country in the British Isles, provided that the examination passed by the applicant is deemed by the board to have been equivalent in all essentials to its own examination.

and a majority of the members of the board finds that there exists no cause, as set forth in section 3282, which may be considered grounds for suspension or revocation of a license.

No applicant may be registered pursuant to this section, unless the board finds that there exists no cause, as set forth in section 3282-A, which would be considered grounds for disciplinary action against a licensed physician or surgeon.

Sec. 5. 32 MRSA §3276, as reenacted by PL 1975, c. 770, §186, is amended to read:

§3276. Temporary licensure

Any physician who is qualified under ~~section 3271~~ section 3275 may, without examination, be granted a temporary license for a period not to exceed one year, when the board deems it necessary to provide relief for local or national emergencies or for situations in which there are insufficient physicians to supply adequate medical services. The fee for this temporary license shall be \$50 payable at the time of application.

Sec. 6. 32 MRSA §3277, as amended by PL 1977, c. 388, §5, is further amended to read:

§3277. Camp physicians

Any physician who is qualified under ~~section 3271~~ or section 3275 may, at the discretion of the board, be temporarily licensed as camp physician so that he may care for the campers in that particular camp for which he was hired and obtained as a camp physician. He shall be entitled to practice only on patients in ~~said~~ the camp. The certificate of licensure shall be obtained each year. Application for this temporary certificate shall be made in the same form and manner as for regular licensure. No examination ~~shall~~ may be exacted from applicants for these temporary licenses. The fee shall be ~~\$25~~ \$50 annually, which shall include registration and certificate.

Sec. 7. 32 MRSA §3278, as repealed and replaced by PL 1977, c. 388, §6, is amended to read:

§3278. Locum tenens

Any physician who is qualified under ~~section 3271~~ or section 3275 may, at the discretion of the board, be given a temporary license to be effective for not more than 6 months after issuance for the purpose of

permitting the physician to serve as "locum tenens" for some other physician who is then licensed to practice medicine in this State and whose own license is not temporary or limited under any of the provisions of this chapter, provided that such Maine physician is either unable because of illness to maintain his practice or because of his absence from the general locus of such practice or for other reasons deemed sufficient by the board. The fee for this temporary license shall be \$50, payable at the time of application.

Sec. 8. 32 MRSA §3279, as amended by PL 1983, c. 378, §49, is repealed and the following enacted in its place:

§3279. Interns; residents; visiting instructors

1. Interns. Any applicant who is qualified under section 3271, subsection 1, may receive a temporary educational certificate from the board to act as an intern for a period of no longer than 24 months. The annual registration fee for an intern shall be \$10.

2. Residents. Any applicant who is qualified under section 3271, subsection 1, may receive a temporary educational certificate from the board to act as a hospital resident. A certificate to a hospital resident may be renewed annually at the discretion of the board for not more than 5 years. The annual registration fee for a hospital resident shall be \$10.

3. Conditions of registration. No applicant for a temporary educational certificate may be registered unless the board finds that the applicant is qualified and that there exists no cause, as set forth in section 3282-A, which would be considered grounds for disciplinary action against a licensed physician or surgeon. The board, in its discretion, may provide that an examination will be required for applicants for temporary educational certificates. Recipients of these certificates shall have all the rights granted to physicians who have been licensed to practice medicine and surgery, except that their practice shall be limited to the training programs in which they are enrolled. A temporary educational certificate may be suspended or revoked, or the board may refuse to renew any such certificate, for any of the reasons stated in section 3282-A, or if the intern or hospital resident has violated the limitations placed upon his temporary educational certificate.



4. Visiting instructors. A physician who has an unrestricted license to practice medicine or surgery in another state may practice medicine or surgery in this State when he is performing medical procedures as part of a course of instruction in graduate medical education in a hospital located in this State. The right of a visiting medical instructor to practice medicine in this State may be suspended or revoked for any of the reasons stated in section 3282-A, or if the visiting medical instructor has performed medical procedures which are not a part of a course of instruction.

Sec. 9. 32 MRSA §3290, as enacted by PL 1971, c. 591, §1, is repealed.

Effective July 25, 1984.

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## CHAPTER 742

S.P. 874 - L.D. 2373

AN ACT to Provide for the Services of  
Bailiffs and other Court and Jury Officers.

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

4 MRSA §173, sub-§4, as amended by PL 1979, c. 127, §16, is further amended to read:

4. Distribution of fees and fines. All law enforcement officers appearing for a scheduled trial in District Court at times other than their regular working hours, at the order of a prosecuting official and whether or not they are called upon to give testimony, shall be compensated out of the General Fund on an hourly basis equal to that established by the State for their range and step level.

The court shall pay any municipality a flat fee of \$20 for each day or part thereof that a municipal law enforcement officer, designated by the municipality as its court officer, is required to be physically present in a District Court in order to adequately handle such municipality's caseload. In addition, the court shall pay any municipality a flat fee of \$20 per day for every day or part thereof, but no more than \$20 for any one day, such municipality loses the services of one or more law enforcement officers be-