

# MAINE STATE LEGISLATURE

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

AS PASSED BY THE

ONE HUNDRED AND TWELFTH LEGISLATURE

**FIRST REGULAR SESSION**

December 5, 1984 to June 20, 1985

Chapters 1-384

PUBLISHED BY THE REVISOR OF STATUTES IN ACCORDANCE WITH  
MAINE REVISED STATUTES ANNOTATED, TITLE 3, SECTION 163-A,  
SUBSECTION 4.

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

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**PUBLIC LAWS**  
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tioned in the certificate is permanently stationed at that post, station or base. Registration fees for registrations pursuant to this subsection shall be allocated as if the person registering the snowmobile was a resident of the municipality in which the post, station or base is situated.

Effective September 19, 1985.

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## CHAPTER 257

H.P. 124 - L.D. 149

### AN ACT to Repeal an Outdated Provision of the Highway Law.

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

23 MRSA §1451, as amended by PL 1979, c. 603, is repealed.

Effective September 19, 1985.

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## CHAPTER 258

H.P. 718 - L.D. 1028

### AN ACT to Improve the Laws on School Health Programs.

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

Sec. 1. 20-A MRSA §6402, as enacted by PL 1981, c. 693, §§5 and 8, is repealed.

Sec. 2. 20-A MRSA §6402-A is enacted to read:

§6402-A. School physician

Each school board shall appoint one or more school physicians.

1. Duties. The school physician shall advise the administrative unit on school health issues, po-

licies and practices and may also perform any other health-related functions assigned by the board.

2. Other functions. A school physician may perform other medical and health-related duties assigned by the school board which may include all or some of the following:

A. Examine and diagnose students referred by teachers and other school employees to protect against the outbreak of contagious diseases in the schools;

B. Examine students for participation in physical education and athletic activities;

C. Advise and serve as medical consultant to the school nurse; or

D. Examine school employees and property if the physician believes it is necessary to protect the health of students.

3. Prohibition. A school physician may not treat any student examined under this subchapter unless the physician is also the student's personal physician.

4. Appointment. Appointment shall be on a yearly basis.

Sec. 3. 20-A MRSA §6403, as enacted by PL 1981, c. 693, §§5 and 8, is repealed.

Sec. 4. 20-A MRSA §6403-A is enacted to read:

§6403-A. School nurse

Each school board shall appoint at least one school nurse for the school administrative unit.

1. Duties. The school nurse shall supervise and coordinate the health services and health-related activities required by this Title.

2. Other functions. The school nurse shall also perform such other health-related activities as are assigned by the school board.

3. Appointment. To fulfill the role of school nurse, the school board shall appoint a registered professional nurse who meets any additional certification requirements established by the state board.

4. Special contract for services. The school board may provide school nurse services through special agreements with a public health agency. All nurses who serve as school nurses under those agreements shall be registered professional nurses who meet applicable certification requirements.

5. Guidelines. The commissioner shall issue guidelines on the provision of school health services and health-related activities.

Sec. 5. 20-A MRSA §6551, sub-§1, ¶¶C and D are enacted to read:

C. "Employed," for purposes of this section, means engaged to work in a public or private school in any position requiring regular physical presence within the school or exposure to school children.

D. "Superintendent," for purposes of this section, means all superintendents of schools, directors of vocational regions and chief administrative officer of private schools within the State.

Sec. 6. 20-A MRSA §6551, sub-§2, as enacted by PL 1981, c. 693, §§5 and 8, is repealed and the following enacted in its place:

2. Exclusion from school. No person with infectious tuberculosis may be employed in any elementary or secondary school in the State.

Sec. 7. 20-A MRSA §6551, sub-§4, as enacted by PL 1981, c. 693, §§5 and 8, is repealed and the following enacted in its place:

4. New employees. The following provisions apply to new employees.

A. No person may begin employment in a school in this State without a demonstration that he is free of contagious tuberculosis in the manner described in this subsection.

B. Each person prior to employment shall file with the superintendent a certificate which indicates that the person has had, within 90 previous days, a standard tuberculin skin test and meets one of the following conditions:

(1) The test was negative;

(2) The test was positive but a subsequent chest x ray was negative;

(3) The test was positive and a subsequent abnormal chest x ray showed no active tuberculosis; or

(4) The person has evidence of completion of preventive chemotherapy.

C. A person whose previous employment within 90 days was in another school in the State may transfer his certificate to the new school and need not undergo a new test or x ray.

Sec. 8. 20-A MRS §6551, sub-§5, ¶A, as enacted by PL 1981, c. 693, §§5 and 8, is repealed and the following enacted to read:

A. A person employed in a school who has a positive tuberculin test and an abnormal chest x ray must submit evidence of a chest x ray that shows no active tuberculosis to the superintendent on or before December 1st, biennially, or evidence of completion of preventive chemotherapy.

Sec. 9. 20-A MRS §6551, sub-§6, as enacted by PL 1981, c. 693, §§5 and 8, is amended to read:

6. Modifications. The Commissioner of Human Services may alter the requirements of this section ~~wherever~~ for any geographic area of the State whenever that alteration would not pose a threat to public health or ~~wherever~~ whenever more frequent testing is necessary to protect the public health. ~~Modifications under this subsection may not extend beyond 4 years. They may not be renewed unless in writing and shall be included in any rules adopted pursuant to subsection 9.~~

Sec. 10. 20-A MRS §6551, sub-§8, as enacted by PL 1981, c. 693, §§5 and 8, is amended to read:

8. Duty of school officials. Each school administrative unit superintendent shall provide tuberculosis testing data to the Department of Human Services on the department's request.