

# MAINE STATE LEGISLATURE

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

AS PASSED BY THE  
ONE HUNDRED AND THIRTEENTH LEGISLATURE  
FIRST REGULAR SESSION

December 3, 1986 to June 30, 1987

Chapters 1-542

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

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Twin City Printery  
Lewiston, Maine  
1987

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**PUBLIC LAWS**

OF THE

**STATE OF MAINE**

AS PASSED AT THE  
FIRST REGULAR SESSION  
of the  
ONE HUNDRED AND THIRTEENTH LEGISLATURE  
1987

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B. Whoever knowingly receives by purchase, barter, exchange, pledge, loan or gift any such clothes, arms, military outfits or accoutrements commits a civil violation for which a forfeiture of not more than \$500 may be adjudged.

Effective September 29, 1987.

## CHAPTER 209

H.P. 1095 — L.D. 1486

### AN ACT to Repeal the Removal of Ice Jams Provisions from the State Civil Emergency Preparedness Law.

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

37-B MRSA c. 23, as enacted by PL 1983, c. 460, §3, is repealed.

Effective September 29, 1987.

## CHAPTER 210

H.P. 542 — L.D. 726

### AN ACT to Exempt Prisoners from the Provisions of the Workers' Compensation Act.

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

39 MRSA §2, sub-§5, ¶E is enacted to read:

E. The term "employee" does not include any prisoner performing services, with or without remuneration, either within or outside a state correctional facility or county jail, excluding:

(1) County prisoners under final sentence of 72 hours or less who are assigned to work outside of the county jail; and

(2) Prisoners who are performing services under a work release program.

Effective September 29, 1987.

## CHAPTER 211

S.P. 191 — L.D. 518

### AN ACT to Revise the Maine Medical Laboratory Act.

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

Sec. 1. 22 MRSA §2013, sub-§3, as amended by PL 1981, c. 470, Pt. A, §79, is further amended to read:

3. Physicians. Physicians, physician assistants, family nurse practitioners, Medicare-certified rural health clinics, professional associations or group practices, excluding laboratories incorporated for the mutual use of physician or group practice owners, registered in the State who operate a medical laboratory exclusively for the examination of their own patients and only perform tests acceptable to the department and the commission, otherwise only sections 2024, 2025 and 2039 apply, provided if that, referred work is received in the laboratory, all provisions of this Act shall apply;

Sec. 2. 22 MRSA §2013, sub-§4, as repealed and replaced by PL 1975, c. 218, is amended to read:

4. Schools and industrial plants. Medical laboratories in a school, college, university or industrial plant which are under the direct supervision of and which services are used exclusively by a duly licensed physician and only perform tests acceptable to the department and the commission, otherwise only sections 2024, 2025 and 2039 apply;

Sec. 3. 22 MRSA §2014, sub-§4, as repealed and replaced by PL 1975, c. 218, is amended to read:

4. Medical laboratory. "Medical laboratory" or "laboratory" means any institution, building or place which provides through its ownership or operation an organization which employs methods and instruments for the examination of blood, tissues, secretions and excretions of the human body or any function of the human body in order to diagnose disease, follow the course of disease, aid in the treatment of such disease or detect drugs or toxic substances or which produces information used as a basis for health advice or which purports to offer such examinations unless otherwise provided by law.

Sec. 4. 22 MRSA §2016, first paragraph, as repealed and replaced by PL 1975, c. 218, is amended to read:

Application shall be made on a form prescribed by the department. Licenses shall be issued to perform testing in one or more of the following categories or specialties: Histocompatibility; microbiology including subcategories bacteriology, mycology, parasitology, virology; immunology or serology including subcategories syphilis and nonsyphilis; chemistry including subcategories routine, clinical microscopy or urinalysis and other including toxicology; hematology, including coagulation; immunohematology including subcategories blood group and Rh typing, Rh titers, cross matching, antibody detection and identification; pathology including subcategories tissue, oral, diagnostic cytology; and radiobioassay. All applications shall be accompanied by a license application fee of \$100 \$200 for the first category and \$60 for each additional category. The fee for adding categories after initial licensure shall be \$20 each

year or fraction thereof of the unexpired term of the license. The application shall be notarized and shall contain the following information:

Sec. 5. 22 MRSA §2017, first paragraph, as repealed and replaced by PL 1975, c. 218, is amended to read:

A license shall expire 3 years after the date of issuance unless renewed. Licenses may be renewed in the same manner and subject to the same conditions as the issuance of the original license and upon payment of a renewal application fee of ~~\$50~~ \$200 for the first category and \$60 for each additional category.

Sec. 6. 22 MRSA §2023, sub-§1, as repealed and replaced by PL 1975, c. 218, is amended to read:

1. Qualifications of directors and technical personnel. The qualifications of directors and technical personnel of medical laboratories;

Sec. 7. 22 MRSA §2024, as repealed and replaced by PL 1975, c. 218, is amended to read:

#### §2024. Inspection

The department is authorized to inspect the premises and operations of all medical laboratories, subject to licensure or any provisions under this Act.

Sec. 8. 22 MRSA §2025, as repealed and replaced by PL 1975, c. 218, is repealed and the following enacted in its place:

#### §2025. Performance evaluation

The department shall require the demonstration of proficiency in the performance of the tests offered by laboratories subject to licensure or the provisions of this paragraph through successful participation in a proficiency testing program acceptable to the department and the commission covering all categories or subcategories in which testing is offered. Evaluated copies of results shall be forwarded to the department.

Sec. 9. 22 MRSA §2026, first ¶, as amended by PL 1983, c. 812, §122, is further amended to read:

The Maine Medical Laboratory Commission, established by Title 5, section 12004, subsection 8, shall consist of ~~10~~ 11 members who are residents of the State. The commissioner of the department or a person appointed by him shall be a member and is hereby designated and shall serve as the chairman. The Maine Osteopathic Association and the Maine Medical Association shall each nominate one person, which nominees shall be appointed to the commission by the Governor. The remaining ~~7~~ 8 members shall be appointed by the Governor and ~~3~~ of these members shall be certified by the American Board of Pathology and one member shall be certified by the American Osteopathic Board of Pathology. If persons possessing such qualifications are unavailable or un-

able to serve, the Governor may substitute any allopathic physician licensed in the State in lieu of an individual certified by the American Board of Pathology and any osteopathic physician licensed by the State in lieu of the individual certified by the American Osteopathic Board of Pathology. ~~The remaining 3~~ Three members shall be public members who shall not derive any significant part of their income from the medical care industry. The remaining member shall be a technologist as defined in 42 Code of Federal Regulations, Chapter IV, Part 405.1315, Subpart M.

Sec. 10. 22 MRSA §2029, last paragraph, as repealed and replaced by PL 1975, c. 218, is amended to read:

No medical laboratory ~~shall~~ may perform examinations in the field of pathologic anatomy, including exfoliative cytology, unless the director or an employee of the laboratory is a diplomate of the American Board of Pathology certified in pathologic anatomy or the American Osteopathic Board of Pathology certified in pathologic anatomy, or unless he is a physician licensed to practice medicine in the State of ~~Maine~~ who possesses special qualifications acceptable to the department and the commission, or unless he is a dentist licensed in Maine and is certified by the American Board of Oral Pathology.

Sec. 11. 22 MRSA §2039, as repealed and replaced by PL 1975, c. 218, is amended to read:

#### §2039. Injunction

The operation or maintenance of an ~~unlicensed~~ a medical laboratory subject to licensure or any provisions of this Act, in violation of this Act, is declared a nuisance inimical to the public health, welfare and safety. The department, in the name of the people of the State of ~~Maine~~, through the Attorney General, may, in addition to other remedies provided, bring an action for an injunction to restrain such violation or to enjoin the future operation or maintenance of any such medical laboratory unless compliance with this Act has been obtained.

Sec. 12. Allocation. The following funds are allocated from Other Special Revenue accruing to the Public Health Laboratory to carry out the purposes of this Act.

	1987-88	1988-89
<u>HUMAN SERVICES, DEPARTMENT OF</u>		
Public Health Laboratory		
All Other	\$1,600	\$1,600
Effective September 29, 1987.		

## CHAPTER 212

H.P. 1189 — L.D. 1620