

# MAINE STATE LEGISLATURE

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

AS PASSED BY THE  
ONE HUNDRED AND FOURTEENTH LEGISLATURE  
**FIRST REGULAR SESSION**

December 7, 1988 to July 1, 1989

Chapters 1 - 502

THE GENERAL EFFECTIVE DATE FOR  
NON-EMERGENCY LAWS IS  
SEPTEMBER 30, 1989

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 Company  
Augusta, Maine  
1989

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

**AS PASSED AT THE**  
**FIRST REGULAR SESSION**

**of the**  
**ONE HUNDRED AND FOURTEENTH LEGISLATURE**

**1989**

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September 1, 1977. ~~Transit district buses, subject to this section, used primarily for transporting persons other than pupils, may carry advertising not to exceed a width of 40 inches on their front and of 75 inches on their rear.~~

**Sec. 5. 29 MRSA §2020, first ¶**, as amended by PL 1987, c. 737, Pt. C, §§72 and 106, and as amended by PL 1989, cc. 6 and 9, is repealed.

**Sec. 6. 29 MRSA §2507-A, sub-§1, ¶B**, as enacted by PL 1987, c. 789, §22, is amended to read:

B. Fleets of 5 or more vehicles with a common registration expiration month may continue to have an uncommon inspection and registration expiration. The effective date of this paragraph shall be ~~April~~ July 1, 1989.

**Sec. 7. 29 MRSA §2508-A**, as enacted by PL 1987, c. 789, §23, is amended to read:

**§2508-A. Enforcement of an uncommon expiration of inspection and registration certificates**

The owner or operator of a vehicle operated with a valid certificate of inspection and a valid registration certificate which have uncommon expiration dates in violation of section 2502, subsection 3, shall not be issued a summons to court but shall be issued a warning in a form to be designated by the Chief of the Maine State Police. This warning shall state that the owner or operator shall within 2 business days therefrom cause the vehicle to be inspected in accordance with this chapter. Failure to comply with the provisions of a warning issued pursuant to this section is a violation punishable in accordance with section 2521. The effective date of this section shall be ~~April~~ July 1, 1989.

**Sec. 8. PL 1987, c. 397, §10**, as amended by PL 1987, c. 789, §24, is further amended to read:

**Sec. 10. Effective date.** The effective date of this Act is ~~April~~ July 1, 1989.

**Sec. 9. Retroactive application.** Sections 6, 7 and 8 of this Act are retroactive to March 31, 1989.

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

Effective April 28, 1989.

## CHAPTER 72

H.P. 301 - L.D. 413

### An Act to Regulate Maternal Serum Alpha-fetoprotein Screening Programs

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

**Sec. 1. 22 MRSA §2013**, as amended by PL 1987, c. 211, §§1 and 2, is repealed.

**Sec. 2. 22 MRSA §2013-A** is enacted to read:

#### §2013-A. Applicability

In general, this Act applies to all medical laboratories and directors of medical laboratories operating in the State.

1. Exemptions. Subject to the limitations set forth in subsection 2, the following entities are exempted from the provisions of this Act under the following circumstances:

A. Medical laboratories operated by the United States Government, the State or municipalities of the State;

B. Laboratory facilities and laboratory services operated in a hospital licensed by the State;

C. Physicians and medical staff pursuant to this paragraph:

(1) Physicians, physician assistants, family nurse practitioners, Medicare-certified rural health clinics, professional associations or group practices performing only tests acceptable to the department and the commission, as defined by rule, exclusively for the examination of their own patients; and

(2) Physicians, physician assistants, family nurse practitioners, Medicare-certified rural health clinics, professional associations or group practices performing tests, other than those listed in subparagraph (1), exclusively for the examination of their own patients are subject only to sections 2024, 2025 and 2039.

Notwithstanding subparagraphs (1) and (2), laboratories incorporated for the mutual use of physician or group practice owners shall be subject to all provisions of this Act;

D. 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 which perform only tests acceptable to the department and the commission; otherwise, only sections 2024, 2025 and 2039 apply;

E. Laboratories operated and maintained for research and teaching purposes which are recognized by the department after consultation with the commission or involve no patient or public health service; and

F. The practice of radiology by a radiologist.

2. Maternal serum alpha-fetoprotein testing. Notwithstanding subsection 1, all medical laboratories and

directors of medical laboratories shall be subject to all provisions of this Act, and rules promulgated under it, which govern the performance of maternal serum alpha-fetoprotein testing.

**Sec. 3. 22 MRSA §2023, sub-§§3 and 4,** as repealed and replaced by PL 1975, c. 218, are amended to read:

**3. Sanitary conditions.** All sanitary conditions within the laboratory and its surroundings, including water supply, sewage, the handling of specimens and general hygiene which shall ~~insure~~ ensure the protection of the public health; ~~and~~

**4. Equipment.** Equipment essential in the opinion of the department and the commission to proper conduct and operation of a medical laboratory: ; ~~and~~

**Sec. 4. 22 MRSA §2023, sub-§5** is enacted to read:

**5. Standards of performance.** Standards of performance essential to the achievement of accurate, reliable results and the protection of public health, including standards for maternal serum alpha-fetoprotein testing, covering, at a minimum, volume of testing, population-based reference data, adjustment for variables affecting interpretation of results, confirmatory analyses, reports, review and follow-up and procedures to ensure that patients and physicians are provided adequate and reliable follow-up testing and counseling services and that the department is provided with data on test results and pregnancy outcomes.

See title page for effective date.

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## CHAPTER 73

S.P. 195 - L.D. 443

### An Act to Change the Name of the Maine Committee on Problems of the Mentally Retarded and to Update the Definition of Mental Retardation

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

**Sec. 1. 5 MRSA §12004-I, sub-§61,** as enacted by PL 1987, c. 786, §5, is amended to read:

61. Mental Health and Mental Retardation	Maine Committee <del>on the Problems of the Mentally Retarded</del> Advisory Committee on Mental Retardation	Expenses Only	34-B MRSA §1210
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**Sec. 2. 34-B MRSA §1210,** as amended by PL 1983, c. 812, §§262 and 263, is further amended to read:

**§1210. Maine Advisory Committee on Mental Retardation**

The Maine Advisory Committee on the Problems of the Mentally Retarded ~~Mental Retardation~~, as established

by Title 5, section ~~12004, subsection 10,~~ 12004-I, subsection 61, shall be appointed as follows:

**1. Composition.** The committee shall consist of 11 members to be appointed as follows:

A. One member from the House of Representatives appointed by the Speaker of the House of Representatives;

B. One member from the Senate appointed by the President of the Senate; and

C. Nine representative citizens appointed by the Governor.

**2. Chairman.** The Governor shall designate the ~~chairman~~ chair of the committee.

**3. Duration of appointments.** The duration of appointments shall be as follows.

A. Gubernatorial appointments shall be for terms of 3 years, plus the time period until a successor is appointed.

B. Legislative appointments shall be for the legislative term of office of the person appointed.

**4. Compensation.** Members of the committee shall be compensated according to the provisions of Title 5, chapter 379.

**5. Duties.** The committee shall act in an advisory capacity to the commissioner and to the Director of the Bureau of Mental Retardation in assessing present programs, planning future programs and developing means to meet the needs of the ~~mentally retarded~~ persons with mental retardation in Maine.

**Sec. 3. 34-B MRSA §5001, sub-§3,** as enacted by PL 1983, chapter 459, §7, is amended to read:

**3. Mental retardation.** "Mental retardation" means a condition of significantly subaverage intellectual functioning ~~manifested during a person's developmental period, existing concurrently with demonstrated defects in adaptive behavior resulting in or associated with concurrent impairments in adaptive behavior and manifested during the developmental period.~~

**Sec. 4. 34-B MRSA §5001, sub-§3-A** is enacted to read:

**3-A. Mentally retarded.** In future revisions of this Title, wherever "the mentally retarded" or "mentally retarded persons," or "mentally retarded clients" appears, the phrase "persons with mental retardation" should be substituted.

See title page for effective date.