

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.

J.S. McCarthy Company
Augusta, Maine
1989

PUBLIC LAWS
OF THE
STATE OF MAINE

AS PASSED AT THE
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1989

stitution 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:

Sec. 1. 38 MRSA §480-Q, sub-§8, as amended by PL 1989, c. 890, §1, is further amended to read:

8. Hydropower projects. Hydropower projects are exempt from the provisions of this article to the extent provided in section 634. Alteration of a freshwater wetland associated with the operation of a hydropower project, as defined in section 632, is exempt from the provisions of this article, but is subject to chapter 5, subchapter I, article 1, subarticle 1-B, where applicable; ~~and~~

Sec. 2. 38 MRSA §480-Q, sub-§9, as enacted by PL 1989, c. 890, §2, is amended to read:

9. Public works. A permit is not required for emergency repair or normal maintenance and repair of existing public works which affect any protected natural resource. An activity which is exempt under this subsection shall employ erosion control measures to prevent sedimentation of any surface water, shall not block fish passage in any water course and shall not result in any additional intrusion of the public works into the protected natural resource. This exemption does not apply to any activity on an outstanding river segment as listed in section 480-P-; and

Sec. 3. 38 MRSA §480-Q, sub-§10 is enacted to read:

10. Aquaculture. Aquaculture activities regulated by the Department of Marine Resources under Title 12, section 6072. Ancillary activities, including, but not limited to, building or altering docks or filling of wetlands, are not exempt from the provisions of this article.

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

Effective June 14, 1989.

CHAPTER 307

S.P. 327 - L.D. 864

An Act to Amend the Acupuncturist Licensing Law

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

Whereas, acupuncturists practicing as of September 30, 1987, were required to be licensed as of September 30, 1988; and

Whereas, the Acupuncture Licensing Board was not appointed and licensed in time to have licensing procedures established to meet this deadline; and

Whereas, the original licensing laws did not contain necessary provisions to vary the licensure requirements for persons currently practicing acupuncture; 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:

Sec. 1. 32 MRSA §12404, sub-§1, as enacted by PL 1987, c. 488, §3, is repealed.

Sec. 2. 32 MRSA §12404, sub-§1-A is enacted to read:

1-A. Licensure required. No person may practice acupuncture or make representation to the public as an acupuncturist in this State unless that person holds a current and valid license from the board.

Sec. 3. 32 MRSA §12408, sub-§2, ¶A, as enacted by PL 1987, c. 488, §3, is amended to read:

A. A baccalaureate degree from an accredited institution of higher learning, a license from the State to practice as a registered professional nurse, or successful completion of the training program and any competency examination required by the Board of Registration in Medicine to be qualified as a physician's assistant;

Sec. 4. 32 MRSA §12408, sub-§3 is enacted to read:

3. Current practitioners. Persons who were practicing acupuncture in the State as of August 9, 1989, and meet either group of qualifications listed in this section shall be eligible if they are at least 21 years old. The qualification groups are:

A. Experienced-based group. The requirements for the experienced-based group are:

(1) A minimum of 2 1/2 years of practicing acupuncture in the State as of August 9, 1989;

(2) A minimum of 1,000 hours of classroom instruction in acupuncture and related subjects at an institute approved by the board; and

(3) A minimum of 300 hours of clinical experience in acupuncture; and

B. Test-based group. The requirements for the test-based group are:

(1) A minimum of 6 months of practicing acupuncture in the State as of August 9, 1989;

(2) Certification by the National Commission for the Certification of Acupuncturists;

(3) A minimum of 1,000 hours of classroom instruction in acupuncture and related subjects at an institution approved by the Acupuncture Licensing Board;

(4) A minimum of 300 hours of clinical experience in acupuncture; and

(5) A baccalaureate degree from an accredited institution of higher learning or enrollment in a program leading to such a degree. Persons without a degree shall submit evidence of enrollment each year on the anniversary of their licensure and their license shall be suspended in those years for which they do not provide that evidence. A license based on enrollment in a degree program shall be revoked 5 years after its first issuance unless evidence is presented of attainment of a baccalaureate degree from an accredited institution of higher learning; or

(6) A license from the State as a registered professional nurse or enrollment in an approved professional school of nursing in a program leading to a diploma. A person without a license as a registered nurse shall submit evidence of enrollment each year on the anniversary of licensure as an acupuncturist and the license shall be suspended in those years for which that person does not provide that evidence. A license based on enrollment in a diploma program shall be revoked 3 years after its first issuance unless evidence is presented of licensure by the State as a registered professional nurse.

Sec. 5. 32 MRSA §12408, last ¶, as enacted by PL 1987, c. 488, §3, is repealed.

Sec. 6. 32 MRSA §12412, sub-§1, as enacted by PL 1987, c. 488, §3, is amended to read:

1. Requirements. Prior to the expiration of a certificate of licensing, renewal application may be made by the certificate holder who shall pay a biennial renewal fee, which shall not exceed the initial registration fee, and who shall submit satisfactory proof of having completed continuing education requirements adopted by the board as a condition of renewal. It is not a condition of renewal that an applicant who qualified for licensure as a licensed registered nurse continue to be licensed as a registered nurse.

Sec. 7. Retroactivity. Sections 1 and 5 shall take effect retroactively to January 1, 1987.

Emergency clause. In view of the emergency cited in the preamble, this Act shall take effect August 9, 1989.

Effective August 9, 1989.

CHAPTER 308

H.P. 354 - L.D. 473

An Act to Amend the Law Concerning the Maine High-Risk Insurance Organization

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

Sec. 1. 24-A MRSA §6051, sub-§12-A is enacted to read:

12-A. Resident. "Resident" means a person domiciled in Maine.

Sec. 2. 24-A MRSA §6052, sub-§1, as enacted by PL 1987, c. 542, Pt. H, §5, is amended to read:

1. Organization established. The nonprofit entity to be known as the Maine High-Risk Insurance Organization, as established by Title 5, chapter 379, shall provide health insurance to persons who are otherwise unable to obtain health insurance for medical reasons, as determined by this chapter. It is declared that the Maine High-Risk Insurance Organization is an instrumentality of the State, provided that the debts and liabilities of the organization shall not constitute debts and liabilities of the State.

Sec. 3. 24-A MRSA §6055, sub-§3, ¶E, as enacted by PL 1987, c. 542, Pt. H, §5, is amended to read:

E. Following the close of each calendar fiscal year, determine net written and earned premiums, the expense of administration and the paid and incurred losses for the year and report this information to the board on a form as prescribed by the board; and

Sec. 4. 24-A MRSA §6057, sub-§1, as enacted by PL 1987, c. 542, Pt. H, §5, is repealed and the following enacted in its place:

1. Eligibility. Eligibility for organization coverage shall be governed as follows.

A. Except as provided in paragraph C, any individual person who is a resident shall be eligible for organization coverage if evidence is provided of:

(1) A rejection or refusal to issue similar insurance for health reasons by one insurer;