

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

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Sec. 5. 32 MRSA §12408, last ¶, as enacted by PL 1987, c. 488, §3, is repealed.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

(2) A refusal by an insurer to issue or renew similar insurance for health reasons except at a rate exceeding the organization rate; or

(3) A refusal by an insurer to issue similar insurance except with a reduction or exclusion of coverage for a specified preexisting health condition for a period exceeding 90 days.

B. The board may adopt a list of medical or health conditions for which a person would be eligible for plan coverage without applying for health insurance pursuant to paragraph A. Persons who can demonstrate the existence or history of any medical or health conditions on the list adopted by the board would be eligible to apply directly to the organization for insurance coverage. The list may be amended from time to time as appropriate.

C. The following shall not be eligible for organization coverage:

(1) Persons eligible for health care under Medicare or Medicaid;

(2) Persons who have terminated coverage in the organization, unless 12 months have elapsed;

(3) Persons who have been paid the maximum lifetime benefit established pursuant to section 6058;

(4) Inmates of public institutions; or

(5) Persons eligible for similar coverage under a conversion at a cost less than the cost of the organization premium.

See title page for effective date.

CHAPTER 309

H.P. 376 - L.D. 507

An Act to Conform Maine Water Quality Law with Federal Requirements

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

Sec. 1. 38 MRSA §363-C, as enacted by PL 1985, c. 772, §1, is repealed.

Sec. 2. 38 MRSA §464, sub-§4, ¶F, as enacted by PL 1985, c. 698, §15, is amended to read:

F. The ~~anti-degradation~~ antidegradation policy of the State shall be governed by the following provisions.

~~(1) Existing in-stream water uses and the level of water quality necessary to protect those existing uses shall be maintained and protected. As used in this paragraph, "existing in-stream water uses" means significant, well-established uses that have actually occurred on a water body on or after November 28, 1975. Factual determinations of what constitutes an existing in-stream water use on a particular water body and the extent of allowable impact on the existing use shall be made on a case-by-case basis by the board. Existing in-stream water uses and the level of water quality necessary to protect those existing uses shall be maintained and protected. Existing in-stream water uses are those uses which have actually occurred on or after November 28, 1975, in or on a water body whether or not the uses are included in the standard for classification of the particular water body.~~

Determinations of what constitutes an existing in-stream water use on a particular water body shall be made on a case-by-case basis by the Board. In making its determination of uses to be protected and maintained, the Board shall consider designated uses for that water body and:

(a) Aquatic, estuarine and marine life present in the water body;

(b) Wildlife that utilize the water body;

(c) Habitat, including significant wetlands, within a water body supporting existing populations of wildlife or aquatic, estuarine or marine life, or plant life that is maintained by the water body;

(d) The use of the water body for recreation in or on the water, fishing, water supply, or commercial activity that depends directly on the preservation of an existing level of water quality. Use of the water body to receive or transport waste water discharges is not considered an existing use for purposes of this antidegradation policy; and

(e) Any other evidence which, for divisions (a), (b) and (c), demonstrates their ecological significance because of their role or importance in the functioning of the ecosystem or their rarity and, for division (d), demonstrates its historical or social significance.