

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE
ONE HUNDRED AND FOURTEENTH LEGISLATURE
FIRST SPECIAL SESSION

August 21, 1989 to August 22, 1989

and

SECOND REGULAR SESSION

January 3, 1990 to April 14, 1990

THE GENERAL EFFECTIVE DATE FOR
NON-EMERGENCY LAWS IS
July 14, 1990

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
1990

PUBLIC LAWS
OF THE
STATE OF MAINE

AS PASSED AT THE
SECOND REGULAR SESSION

of the
ONE HUNDRED AND FOURTEENTH LEGISLATURE

January 3, 1990 to April 14, 1990

provides that certification is stated on the label or in the advertisement. Any organization within this State that provides certification of food may not make membership a condition of certification under this section.

See title page for effective date.

CHAPTER 664

H.P. 1536 - L.D. 2121

An Act to Regulate Food Salvage Operations

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

Sec. 1. 22 MRSA §2152, sub-§§4-B and 7-B are enacted to read:

4-B. Food salvage establishment. "Food salvage establishment" means a food establishment engaged in reconditioning or by other means salvaging distressed merchandise and includes any food establishment that sells, buys, warehouses or distributes any salvaged merchandise.

7-B. Salvage broker. "Salvage broker" means a person, firm or corporation engaged in buying, selling, distributing or warehousing any distressed merchandise, whether or not in combination with other merchandise, which does not operate a food salvage establishment.

Sec. 2. 22 MRSA §2167, first ¶, as enacted by PL 1979, c. 672, Pt. A, §54, is amended to read:

No person, firm or corporation may operate a food establishment, food salvage establishment or act as a salvage broker unless licensed for that purpose by the commissioner. In the case of retail food establishments, licenses issued shall be displayed in a place visible to customers or other persons using a licensed establishment.

Sec. 3. 22 MRSA §2168, as enacted by PL 1979, c. 672, Pt. A, §55, is amended to read:

§2168. Fees

Each application for, or renewal of, a license to operate a food establishment or food salvage establishment or to act as a salvage broker, within the meaning of this chapter shall must be accompanied by a fee, appropriate to the size of the establishment of the licensee, determined by the commissioner and not to exceed \$30. The fee may not be refunded. No license may be assignable or transferable. ~~The fees so~~ Fees collected by the commissioner shall be deposited in the General Fund.

Sec. 4. 22 MRSA §2169, first ¶, as enacted by PL 1979, c. 672, Pt. A, §56, is amended to read:

The commissioner shall, within 30 days following receipt of application for a license to operate a food establishment or a food salvage establishment or to act as a salvage broker, issue a the appropriate license to ~~operate any food establishment which if the applicant is found to comply in compliance with this chapter and any rules and regulations adopted by the commissioner.~~ When any ~~such~~ applicant, upon inspection by the commissioner, is found not to meet the requirements of this chapter or ~~regulations rules~~ adopted ~~hereunder~~ under this chapter, the commissioner ~~is authorized to~~ may issue either a temporary license for a specified period not to exceed 90 days, during which time corrections specified by the commissioner ~~shall must~~ be made by the applicant for compliance, or a conditional license setting forth conditions ~~which shall that must~~ be met by the applicant to the satisfaction of the commissioner.

See title page for effective date.

CHAPTER 665

H.P. 1395 - L.D. 1925

An Act to Allow Medical Testing without Physician Referral

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

Sec. 1. 22 MRSA §2013-A, sub-§1, ¶G, as enacted by PL 1989, c. 456, §2, is amended to read:

G. Laboratory services performing health screening tests as defined and regulated by rule adopted by the department and the commission. Services exempted under this paragraph include, but are not limited to, the performance of screening tests for cholesterol and colon cancer.

Sec. 2. 22 MRSA §2030, as repealed and replaced by PL 1975, c. 218, is repealed and the following enacted in its place:

§2030. Requested

1. Request from authorized person. Except as otherwise provided, a medical laboratory shall examine specimens only at the request of a licensed physician or other person authorized by law to use the findings of laboratory examinations.

2. Exceptions. Notwithstanding this section, a medical laboratory may examine specimens without a physician referral for a limited number of laboratory services to be determined by rules adopted by the department and the commission. Those services include testing for:

A. Glucose for patients who have been previously diagnosed as having diabetes;

B. Pregnancy;

C. Colon cancer; and

D. Cholesterol.

3. Testing without referral. This section does not require any medical laboratory to perform laboratory services without a physician referral.

See title page for effective date.

CHAPTER 666

H.P. 1355 - L.D. 1872

An Act Concerning Patient Access to Medical Records

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

22 MRSA §1711-A is enacted to read as follows:

§1711-A. Fees charged for records

Whenever a health care practitioner defined in Title 24, section 2502, subsection 1-A furnishes requested copies of a patient's medical record or a medical report to the patient, the charge for the copies or the report may not exceed the reasonable costs incurred by the health care practitioner in making and providing the copies or the report.

See title page for effective date.

CHAPTER 667

S.P. 714 - L.D. 1891

An Act to Amend the Maine Severance Pay Laws

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

Sec. 1. 26 MRSA §625-B, sub-§1, ¶C, as enacted by PL 1979, c. 663, §157, is amended to read:

C. "Employer" means any person who directly or indirectly owns and operates a covered establishment. For purposes of this definition, a parent corporation is considered the indirect owner and operator of any covered establishment that is directly owned and operated by its corporate subsidiary.

Sec. 2. Retroactivity. This Act is retroactive to October 1, 1975.

See title page for effective date.

CHAPTER 668

H.P. 1420 - L.D. 1972

An Act to Clarify the Term of Certificates of Authorization under the Workers' Compensation Act

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

39 MRSA §52-A, sub-§1, as amended by PL 1987, c. 559, Pt. B, §21, is further amended to read:

1. Certificate of authorization. Any employee who makes any claim for compensation, enters into any agreement for compensation or is receiving compensation shall, upon request by the employer, execute a certificate, in a form prescribed by the commission, authorizing the employer to obtain, after payment of a reasonable fee, from any physician, osteopath, chiropractor or any other health care provider any written information which is or has been obtained in connection with the examination or treatment of the employee and which relates to any injury or disease for which compensation is claimed. A certificate of authorization remains valid and must be honored for as long as the employee continues to make any claim for compensation, the agreement for compensation remains in effect or the employee receives compensation.

If any employee fails to execute such a certificate within 20 days after receiving a request made by certified mail, return receipt requested:

A. As to any employee who is making a claim for compensation, any action on the employee's claim shall be suspended, without interest under section 72, until the certificate is executed; and

B. As to any employee who is receiving compensation or who has entered into an agreement for the payment of compensation, payment of compensation shall be suspended until the certificate is executed.

The date on a returned receipt of delivery is prima facie evidence of the employee's receipt of the request on that date. The request must contain a notice to the employee that if he fails to execute the certificate within 20 days after receiving the request, any action on his claim for compensation will be suspended or his compensation will be suspended.

See title page for effective date.

CHAPTER 669

H.P. 1314 - L.D. 1816

An Act Concerning Burials in the Maine Veterans' Memorial Cemetery