

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

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

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

Sec. 1. 37-B MRSA §504, sub-§4, ¶B, as enacted by PL 1983, c. 460, §3, is repealed and the following enacted in its place:

B. The Director of Veterans' Services shall allow the earth burial in the cemetery of any eligible veteran who requests burial in the cemetery. The director shall allow the veteran the option of crypt burial if crypt space exists. All burials must be without charge.

Sec. 2. 37-B MRSA §504, sub-§4, ¶C, as enacted by PL 1983, c. 460, §3, is amended to read:

C. ~~An~~ At the dependent's request, the Director of Veterans' Services shall allow an eligible dependent of a veteran ~~may to~~ be buried in the cemetery if, at the date of the dependent's death, the veteran would be eligible for burial. Dependents may be buried in ~~graves~~ the earth or placed in a crypt adjacent to the veteran without charge, provided that:

- (1) If the veteran dies first, the dependents specify in writing their intention to be so buried;
- (2) If the dependent dies first, the veteran specifies in writing ~~his~~ the intention to be buried in the cemetery; or
- (3) Eligible family members of servicemen or veterans who are permanently buried overseas, buried at sea, missing in action and declared dead, or whose bodies are inaccessible for other reasons, may be buried in this cemetery, provided that the deceased serviceman or veteran was eligible for the burial at the time of ~~his~~ death.

See title page for effective date.

CHAPTER 670

S.P. 791 - L.D. 2042

An Act to Allow Inclusion of Nonagricultural Products in the Quality Program

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

Sec. 1. 7 MRSA §443, as amended by PL 1977, c. 694, §48, is further amended to read:

§443. Brands, labels and trademarks; revocation

The commissioner may determine or design brands, labels or trademarks for identifying farm products ~~and~~, sardines ~~and~~, subject to the additional conditions of this section, other natural resource products and commodities, packed in accordance with such official grades and standards established as provided by law and may furnish information to packers and shippers as to where ~~such~~ those labels and trademarks may be obtained. A written application to the ~~said~~ commissioner requesting permission to use ~~said~~ brands, labels or trademarks, and a written acceptance ~~thereto~~ by the ~~said~~ commissioner or duly authorized assistants, shall be a condition precedent to the use of ~~such~~ those brands, labels or trademarks. The right to use ~~such~~ those brands, labels or trademarks may be suspended or revoked in a manner consistent with the Maine Administrative Procedure Act, Title 5, chapter 375, whenever it appears on investigation that they have been used to identify farm products ~~and~~, sardines ~~or other~~ natural resource products and commodities not in fact conforming to the grade indicated.

1. Nonagricultural products. Before any natural resource product or commodity that is not a farm product is eligible to use a brand, label or trademark designed by the Commissioner of Agriculture, Food and Rural Resources, a commissioner of any other department with regulatory authority, marketing or promotion responsibility or other authority for that product or commodity shall determine whether the use of the brand, label or trademark is in the best interests of packers and shippers of the product or commodity and shall request that the Commissioner of Agriculture, Food and Rural Resources permit the use of the brand, label or trademark in accordance with the provisions of this subchapter. Grades and standards may be established by reference to marketing orders or to federal or state laws and regulations. Grades and standards may also be established through joint rulemaking by the appropriate department and the Department of Agriculture, Food and Rural Resources.

2. Marine resource products. All marine resource products, as defined in Title 12, section 6001, except sardines, are excluded from the provisions of this subchapter except when the Commissioner of Marine Resources finds that a resource and its related industry would benefit by participation.

Sec. 2. 7 MRSA §443-B, sub-§§1 and 3, as enacted by PL 1987, c. 844, §1, are amended to read:

1. Registration of trademark. The Commissioner of Agriculture, Food and Rural Resources shall, before December 31, 1988, apply to the United States Patent and Trademark Office for registration for a certification trademark or trademarks consisting of a seal in the form of the outline of the State, the word "Maine" and any other appropriate identifying words. Any certification trademark obtained may only be used on farm products or other natural resource products and commodities, as provided in section 443, produced within the State. Any