

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND FIFTEENTH LEGISLATURE

FIRST REGULAR SESSION

December 5, 1990 to July 10, 1991

Chapters 1 - 590

THE GENERAL EFFECTIVE DATE FOR
NON-EMERGENCY LAWS IS
OCTOBER 9, 1991

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
1991

PUBLIC LAWS
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injury will be sustained or that there is a substantial risk of danger to the public health, safety or welfare or interference with the exercise of the judicial power. The executive director shall forthwith file in the court the record in the proceeding certified by the executive director or a member of the board. The record ~~shall~~ must include all documents filed in the proceeding and the transcript, if any. After hearing, ~~which shall~~ that must be held not less than 7 days after notice thereof, the court may enforce, modify, enforce as so modified or set aside in whole or in part the decision of the board, except that the finding of the board on questions of fact ~~shall~~ must be final unless shown to be clearly erroneous. Any appeal to the Law Court ~~shall~~ must be expedited in the same manner as an appeal from an interlocutory order under section 6.

Sec. 10. 26 MRSA §1292, sub-§1, as enacted by PL 1983, c. 702, is amended to read:

1. Review by Superior Court. Either party may seek a review by the Superior Court of a binding determination by an arbitration panel. ~~The For interest arbitrations, the review shall~~ must be sought in accordance with the Maine Rules of Civil Procedure, Rule 80C.

See title page for effective date.

CHAPTER 144

H.P. 724 - L.D. 1028

An Act to Clarify the Provisions for Temporary and Conditional Psychologists' Licenses

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

Sec. 1. 32 MRSA §3824, sub-§5, as enacted by PL 1985, c. 481, Pt. A, §60, is amended to read:

5. Temporary licensure. The board shall provide ~~in~~ rules for the granting of a temporary license to enable psychologists to practice in this State under supervision prior to full licensure by the board. An applicant who fulfills all the requirements for licensure, except the written examination, may apply to the board for a temporary license. Upon receiving a completed application and fee and upon the applicant's successful completion of an oral examination, the board shall issue a temporary license ~~which that~~ entitles the applicant to practice as a psychologist or psychological examiner under supervision while completing the requirements for permanent licensure. The temporary license ~~shall be~~ is effective for one year.

Sec. 2. 32 MRSA §3836, as repealed and replaced by PL 1983, c. 816, Pt. A, §35, is amended to read:

§3836. Conditional licensure

The board may, at any time at its discretion, grant a license without an assembled examination to any person who at the time of application is licensed or certified by a similar board of another state whose standards, in the opinion of the board, are equivalent to those required by this chapter. The board, at its discretion, may issue a ~~temporary conditional~~ license, at the appropriate level, to applicants for a permanent license upon payment of a fee, to be established by the board, ~~and successful completion of an oral examination, that license to be valid until results are received from the next written examination.~~ The conditional license is effective for one year and requires that the licensee practice only under supervision. An oral examination must be taken and passed during the term of the conditional license. Failure to pass the written examination will terminate the temporary license.

See title page for effective date.

CHAPTER 145

H.P. 412 - L.D. 595

An Act to Continue Support for the Maine Hospice Council and to Change Certain Provisions of the Law Necessary to the Proper Operations of the Maine Hospice Council

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

22 MRSA §8614, first ¶, as enacted by PL 1989, c. 596, Pt. F, §2, is amended to read:

The council shall prepare and adopt a biennial budget for presentation to the Governor and the Legislature as a request for appropriations sufficient to carry out its statutory responsibilities. The council may accept contributions of any type from any source to assist it in carrying out its responsibilities and to make arrangements regarding the administration of these funds as may be required as a condition precedent to the receipt of these funds by the Federal Government or any other source.

See title page for effective date.

CHAPTER 146

H.P. 198 - L.D. 289

An Act Concerning Postsecondary Student Immunization Requirements

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

Whereas, the Department of Human Services must adopt rules to implement this legislation; and

Whereas, the rules must be in place by August 1991 in order to be implemented by postsecondary institutions during the 1991-92 academic year; 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. 20-A MRSA §6359, sub-§1, ¶¶A, C, D and F, as enacted by PL 1985, c. 771, §§2 and 7, are amended to read:

A. "Certificate of immunization" means a written statement from a physician, nurse or public health official who has administered an immunizing agent to a student, specifying the dosage administered and the date it was administered.

C. "Disease" means diphtheria, measles, mumps, rubella and tetanus.

D. "Immunizing agent" means a vaccine, antitoxin toxoid or other substances substance used to increase an individual's immunity to a disease.

F. "Public health official" means a local health officer, the Director of the Bureau of Health or any designated employee or agent of the Department of Human Services.

Sec. 2. 20-A MRSA §6359, sub-§1, ¶G-1 is enacted to read:

G-1. "School health provider" means a physician, physician's assistant, registered nurse or nurse practitioner licensed to practice by the State and appointed by the chief administrative officer to provide health care to the student population.

Sec. 3. 20-A MRSA §6359, sub-§3, ¶A, as enacted by PL 1985, c. 771, §§2 and 7, is amended to read:

A. The parent or the student provides a physician's written statement or a written statement from a school health provider that immunization against one or more of the diseases may be medically inadvisable.

Sec. 4. 20-A MRSA §6359, sub-§6, as enacted by PL 1985, c. 771, §§2 and 7, is amended to read:

6. Rules; requirements; reports. The Director of the Bureau of Health shall issue adopt rules necessary for the effective implementation of this subchapter, including, but not limited to, rules establishing immunization requirements and medical exceptions to receiving vaccines or toxoids for each disease, school record keeping

and reporting requirements or guidelines and procedures for the exclusion of nonimmunized students from school.

Immunization requirements more stringent than the provisions of this subchapter may be adopted by a school board or by policy of a private school's governing board.

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

Effective May 16, 1991.

CHAPTER 147

S.P. 325 - L.D. 881

An Act to Amend the University of Maine System Charter

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

Whereas, establishing speed limits on the campuses of the University of Maine System by the Maine State Police and the Department of Transportation is a priority; and

Whereas, speed limits can not be set without a road survey and the road survey can not be completed in time for the 1991-92 academic year unless this Act is given emergency status; 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. 29 MRSA §1251, as amended by PL 1987, c. 607, is further amended by adding a new paragraph at the end to read:

Notwithstanding the provisions of Private and Special Law 1865, chapter 532, section 8-A, speed limits within the limits of the property owned by or under the control of the University of Maine System must be established by the Department of Transportation and the Maine State Police as provided in this section. The speed limits must be posted by the University of Maine System in accordance with written directions or policies of the Department of Transportation.

Sec. 2. P&SL 1865, c. 532, §4, as amended by PL 1985, c. 779, §§89 to 92, is further amended by adding at the end a new paragraph to read: