

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
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PUBLIC LAWS
OF THE
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1991

for as long as ~~he~~ the person does not practice, but shall notify the board of ~~his~~ the inactive status in writing. Prior to resumption of ~~his~~ the practice of professional nursing, that person ~~shall be~~ is required to notify the board and remit a renewal fee for the current ~~annual~~ period.

Sec. 3. 32 MRSA §2252, as amended by PL 1985, c. 724, §25, is further amended to read:

§2252. License; examination

The applicant ~~shall be~~ is required to pass a written examination in ~~such~~ such subjects deemed ~~necessary~~ necessary by the board ~~necessary~~ to determine the fitness of the applicant to practice practical nursing. Each written examination may be supplemented by an oral or practical examination. Upon successfully passing ~~such~~ the examination, the board shall issue to the applicant a license to practice as a licensed practical nurse, that license to be in force ~~from~~ the date of issue for a period of at least one year until the birth date of the licensee. The initial license is renewable as provided in section 2255.

Sec. 4. 32 MRSA §2255, as amended by PL 1989, c. 609, §§6 and 7, is further amended to read:

§2255. Renewals

The license of every practical nurse licensed under this chapter ~~shall be renewed annually~~ is renewable every 2 years, except as otherwise provided. At least 30 days before the ~~anniversary of that person's birth date that the license expires~~, the board shall mail an application for renewal of license to each practical nurse who holds a valid license, ~~which~~. The application ~~shall~~ must be mailed to the most recent address of ~~the~~ that person as it appears on the records of the board. That person shall complete the renewal application and return it to the board with a ~~the~~ renewal fee of \$20 as the board designates but not to exceed \$100 before the ~~anniversary of that person's birth expiration date of the license~~. Upon receipt of the application and fee, the board shall verify the accuracy of the application and issue to the applicant a certificate of renewal of license for ~~the year~~ a period of 2 years, expiring on the anniversary of the applicant's birth.

Any practical nurse who fails to renew the license as provided may be reinstated by the board on satisfactory explanation for failure to renew the license and on payment of a reinstatement fee of \$10, in addition to the renewal fee.

Any person practicing nursing as a licensed practical nurse during the time ~~his~~ the person's license has lapsed ~~shall be~~ is considered an illegal practitioner and ~~shall be~~ is subject to the penalties provided for violations of this chapter.

A person who is not engaged in practical nursing in the State ~~shall~~ is not ~~be~~ required to pay a renewal fee as

long as ~~he~~ the person does not practice, but shall notify the board of ~~his~~ the inactive status in writing prior to the expiration date of ~~his~~ that person's current license. Before the resumption of practice as a licensed practical nurse and transfer to active status, that person ~~shall be~~ is required to notify the board, complete a renewal application and remit the current renewal fee.

Sec. 5. Effective date and transition. This Act takes effect on January 1, 1992. The board shall renew 1/2 of the licenses due for renewal in 1992 for one year and the remaining for 2 years. The board shall determine the specific licenses to be renewed for these time periods.

Effective January 1, 1992.

CHAPTER 154

H.P. 423 - L.D. 606

An Act to Clarify Provisions Relating to the Bureau of Intergovernmental Drug Enforcement

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

Sec. 1. 25 MRSA §2955, sub-§5, as repealed and replaced by PL 1989, c. 522, §4, is repealed and the following enacted in its place:

5. Authority of bureau officers. The director, assistant director, regional commanders, supervisors and agents are vested at the discretion of the commissioner with the following:

A. The authority throughout the State to arrest pursuant to Title 17-A, section 15;

B. The same powers and duties throughout the several counties of the State as sheriffs have in their respective counties to serve criminal process, to investigate and prosecute violators of any law of this State and to arrest without warrant and detain persons found violating or attempting to violate any other penal law of the State until a warrant can be obtained. They have the same rights as sheriffs to require aid in executing the duties of their office; and

C. The same powers and duties throughout the several counties of the State as sheriffs have in their respective counties to serve civil process in all matters relating to investigations or violations of Title 17-A, chapter 45 or actions arising under or initiated pursuant to Title 15, chapter 517.

Sec. 2. 25 MRSA §2955, sub-§6, as amended by PL 1989, c. 522, §5, is further amended to read:

6. Task force attorneys. The Attorney General, the United States Attorney for the District of Maine and the respective district attorneys may assign as many of their assistants and special assistants as they determine to be appropriate to each of the task forces or to the bureau generally. ~~The attorneys shall be available to the regional commanders and supervisors and supervisors~~ bureau officers for purposes of ongoing consultation and advice ~~and shall be on the propriety and legal consequences of methods of investigation and are~~ responsible for coordinating, with the regional ~~commander or supervisor~~ commanders and supervisors, the prosecutorial and investigative priorities of the task ~~force~~ forces in conformity with the advice, consultation and direction provided by the board and the policies, practices and procedures of the bureau.

See title page for effective date.

CHAPTER 155

H.P. 613 - L.D. 873

An Act to Move the Registry of Persons Who Sustain Head Injuries from the Bureau of Rehabilitation to the Bureau of Health

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

22 MRSA §3087, first ¶, as enacted by PL 1987, c. 494, is amended to read:

The Bureau of ~~Rehabilitation~~ Health shall establish, maintain and operate a statewide registry of persons who sustain head injuries to assist in promoting the general health and welfare of the State's citizens, including, but not limited to, the following specific purposes:

See title page for effective date.

CHAPTER 156

H.P. 452 - L.D. 642

An Act to Clarify the Laws Relating to Insurance Coverage for Mammograms

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

Whereas, the availability and performance of mammograms is critical to providing adequate health care to women; and

Whereas, the Legislature recognized the importance of this procedure to the early detection of breast cancer by enacting Public Law 1989, chapter 875 requiring all insurance policies to provide coverage for screening mammograms; and

Whereas, changes must be made to that law to effectuate the Legislature's intent; 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. 24-A MRSA §2745-A, sub-§§2 and 3, as enacted by PL 1989, c. 875, Pt. I, §3, are amended to read:

2. Required coverage. All individual insurance policies that cover radiologic procedures, except those designed to cover only specific diseases, hospital indemnity or accidental injury only or dental procedures, must provide coverage for screening mammograms performed by providers that meet the standards established by the Department of Human Services' rules relating to radiation protection. The policies must reimburse for screening mammograms performed:

- A. At least once every 2 years for women between the ages of 40 and 49; and
- B. At least once a year for women age 50 and over.

3. Application. This section applies to all policies, contracts and certificates that cover radiologic procedures, except those policies that cover only dental procedures, accidental injury or specific diseases, executed, delivered, issued for delivery, continued or renewed in this State on or after March 1, 1991. For purposes of this section, all policies and contracts are deemed to be renewed no later than the next yearly anniversary of the policy or contract date.

Sec. 2. 24-A MRSA §2837-A, sub-§§2 and 3, as enacted by PL 1989, c. 875, Pt. I, §6, are amended to read:

2. Required coverage. All group insurance policies that cover radiologic procedures, except those policies that cover only dental procedures, accidental injury or specific diseases, must provide coverage for screening mammograms performed by providers that meet the standards established by the Department of Human Services relating to radiation protection. The policies must reimburse for screening mammograms performed:

- A. At least once every 2 years for women between the ages of 40 and 49; and
- B. At least once a year for women age 50 and over.

3. Application. This section applies to all policies, contracts and certificates that cover radiologic procedures, except those policies that cover only dental procedures, accidental injury or specific diseases, executed, delivered, issued for delivery, continued or renewed in this State on or after