

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
OF THE
STATE OF MAINE

AS PASSED AT THE
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ONE HUNDRED AND FIFTEENTH LEGISLATURE

1991

A. Any trailer or semitrailer with a gross weight, including any load, that does not exceed 3,000 pounds when used exclusively in intrastate commerce;

B. Any semitrailer designed and used exclusively for dispensing cable from reels attached to the semitrailer, commonly called a reel trailer, and any semitrailer designed and used exclusively to support the ends of poles being transported, commonly called a pole dolly, when the gross weight of the semitrailer and load does not exceed 12,000 pounds and when used exclusively in intrastate commerce; and

C. Any mobile home or empty storage trailer displaying a trailer transit plate in accordance with section 360-B.

Emergency clause. In view of the emergency cited in the preamble, this Act takes effect on July 1, 1991.

Effective July 1, 1991.

CHAPTER 424

H.P. 1004 - L.D. 1472

An Act to Prohibit the Use of Stickers on Trespassing Motor Vehicles

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

29 MRSA §1370, as amended by PL 1987, c. 370, §5, is further amended by adding after the 3rd paragraph a new paragraph to read:

A person may not place a sticker or other device on the windshield of a motor vehicle parked in a manner that allegedly constitutes trespass by motor vehicle, as defined in Title 17-A, section 404, if the sticker or other device would obstruct the driver's forward view. A person who places a sticker in violation of this paragraph commits a civil violation for which a forfeiture not to exceed \$50 may be adjudged. This paragraph does not apply to law enforcement officers engaged in the performance of official duties.

See title page for effective date.

CHAPTER 425

S.P. 453 - L.D. 1229

An Act to Increase the Fees for Licensure and Registration of Physicians and Physician Assistants and to Extend the Registration Period of Osteopathic Physicians to 2 Years

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

Sec. 1. 32 MRSA §2562, as amended by PL 1983, c. 812, §223, is further amended by adding at the end a new paragraph to read:

The board may set reasonable fees for services, such as providing license certifications and verifications, providing copies of law and rules and providing copies of documents.

Sec. 2. 32 MRSA §2571, as amended by PL 1989, c. 462, §5, is further amended to read:

§2571. Registration; qualifications; fees

Any person, before engaging in the practice of osteopathic medicine in this State, shall make application for a certificate to the board, on a form prescribed by it. The application ~~shall~~ **must** be filed with the secretary of the board at least 60 days before the date of examination together with a fee of not more than \$200 **\$350**. The applicant shall present a diploma granted by an osteopathic college or university accredited by the American Osteopathic Association having the power to grant a D.O. degree. Applicants graduating from an osteopathic college or university having the power to grant a D.O. degree shall present evidence of having completed an internship of at least 12 months in a hospital conforming to the minimal standards for accreditation by the American Osteopathic Association, or the equivalency, as determined by the board. All applicants shall provide such reasonable and proper facts as the board in its application may require. The board at its discretion may permit an applicant who is otherwise qualified to be examined during internship, a certificate of licensure to be withheld until successful completion of internship.

All fees set in this chapter are nonrefundable application fees or administrative processing fees payable to the board at the time of application or at the time board action is requested. Unless otherwise specified, the board shall set the fees.

Sec. 3. 32 MRSA §2572, as amended by PL 1983, c. 378, §36, is further amended to read:

§2572. Examination, reexamination; endorsement; temporary registration

Applicants ~~shall~~ **must** be examined in whole or in part in writing and ~~shall~~ **must** be thorough in such subjects as the board ~~may deem~~ **determines** necessary, including osteopathic theories and methods, to determine the competency of the candidate to practice osteopathic medicine and surgery in the State. If the examination is passed in a manner satisfactory to the board, the board shall issue to the applicant a certificate granting ~~him~~ **the applicant** the right to practice osteopathic medicine in this State. If the applicant fails to pass the examination,

~~he shall be the applicant is~~ entitled to one reexamination within one year thereafter upon payment of a fee of ~~\$100 not more than \$300 plus the costs of the examination.~~ Osteopathic physicians who have been certified by the National Board of Osteopathic Examiners or have been strictly examined and thereafter licensed to practice osteopathic medicine in another state, which has equivalent licensing requirements as Maine, may be licensed to practice osteopathic medicine in this State upon the payment of ~~\$100 not more than \$300~~ and the substantiation to the board of an earned D.O. degree and the license obtained in such other state. The board may at its discretion require an examination of any such applicant.

Sec. 4. 32 MRSA §2573, as enacted by PL 1973, c. 374, §1, is amended to read:

§2573. Temporary registration

An osteopathic physician in good repute who is a graduate of an accredited osteopathic college or university having the power to grant a D.O. degree, serving as a fellow, intern or resident physician or surgeon in a hospital in this State, shall register with the board and be issued a certificate by the board evidencing the right of such person to hold a temporary registration to practice only under hospital control. Such a certificate may not be issued for a period in excess of one year but may be renewed from time to time, not to exceed an aggregate of 5 years. The certificate ~~shall must~~ be in a form prescribed by the board and may be revoked or suspended by the board with such suspension or revocation effective immediately when written notification from the board is received by the hospital. No examination ~~shall may~~ be required for applicants for this temporary certificate. ~~The fee for such a certificate shall be the same as a re-registration fee for licensure for that year may not be more than \$300.~~

Sec. 5. 32 MRSA §2574, as enacted by PL 1973, c. 374, §1, is amended to read:

§2574. Locum tenens

An osteopathic physician having a D.O. degree from an American Osteopathic Association, accredited osteopathic college or university and of good repute may, at the discretion of the board, be given a temporary certificate to be effective for not more than 6 months after issuance, for the purpose of permitting such physician to serve as "locum tenens" for another osteopathic physician who is unable, because of illness or some other substantiated reason, to maintain ~~his~~ the practice, thus fulfilling a need in that area for providing health services. The fee for such a certificate may be not more than \$500.

Sec. 6. 32 MRSA §2575, as enacted by PL 1973, c. 374, §1, is amended to read:

§2575. Camp physicians

Any osteopathic physician being a graduate of an accredited osteopathic college or university having the power to grant a D.O. degree, and who is of good repute may, at the discretion of the board, make application for a temporary certificate to practice as a camp physician at a specified camp. ~~He shall be~~ Such an osteopathic physician is entitled to practice only on the patients at said camp. The certificate ~~shall must~~ be obtained each year. Applications for such a temporary certificate ~~shall must~~ be made in the same manner as for regular certificates. No examination ~~shall may~~ be exacted from applicants for such temporary certificates. ~~The fee shall be the same as the re-registration fee for licensure for that year may not be more than \$500.~~

Sec. 7. 32 MRSA §2576, as enacted by PL 1973, c. 374, §1, is amended to read:

§2576. Visiting instructors

A temporary visiting instructor's certificate may be granted an osteopathic physician who holds a current and valid license to practice osteopathic medicine or surgery in another state. This certificate entitles the osteopathic physician ~~the right~~ to practice in this State where ~~he~~ that physician is performing osteopathic medical procedures as a part of a course or courses of instruction in continuing medical education in a hospital in this State. The annual fee for such a temporary certificate ~~shall be the same as the re-registration fee for licensure for that year may not be more than \$100.~~ The license issued pursuant to this section is of a duration set by the board. Such a temporary certificate may be revoked for any one of the reasons in section ~~2594~~ 2591-A.

Sec. 8. 32 MRSA §2581, 2nd ¶, as amended by PL 1989, c. 462, §6, is further amended to read:

Every osteopathic physician legally licensed to practice in this State, shall, on or before the first day of January of each even-numbered year, pay to the secretary of the board a fee as stipulated by the board not to exceed ~~\$200~~ \$500 for the renewal of the osteopathic physician's certificate to practice. In addition to the payment of such renewal fee, each licensee so applying for the renewal of the osteopathic physician's certificate shall, commencing for the year 1975 and thereafter, furnish to the board satisfactory evidence that the osteopathic physician has attended in the year preceding at least 50 hours of educational programs devoted to continuing medical education approved by the board. The required education must be obtained from formalized programs of continuing medical education sponsored by recognized associations, colleges or universities, hospitals, institutes or groups approved by the board. A copy of the current approved list ~~shall~~ must be available in the office of the secretary of the board. At least 40% of these credit hours must be osteopathic medical education approved in the rules and

regulations established by the board. The board ~~shall have the authority to~~ may adjudicate continuing medical education performance in situations of illness, hardship or military service upon written petition by the applicant. The secretary of the board shall send a written notice of the foregoing requirements to each such osteopathic physician, at least 60 days prior to each January 1st, directed to the last known address of the licensee enclosing therewith proper blank forms for application for renewal. If any licensee ~~shall fail~~ fails to furnish the board evidence of attendance at continuing medical educational programs, as approved by the board, ~~and fails to pay the said renewal fee; or fails to submit a completed application for renewal~~ the osteopathic physician ~~shall automatically forfeit~~ forfeits the right to practice osteopathic medicine in this State ~~and the license, therefore, shall be cancelled.~~ After January 1st of each even-numbered year, the board shall send notice by first class mail to each licensee who has failed to meet any of the requirements for renewal. If the failure is not corrected within 30 days, then the osteopathic physician's license may be deemed lapsed by the board. The secretary of the board may reinstate the osteopathic physician upon the presentation of satisfactory evidence of continuing medical education as outlined and approved by the board and upon payment of the renewal fee.

Sec. 9. 32 MRSA §2594-C, sub-§2, ¶¶H to K, as enacted by PL 1977, c. 391, are amended to read:

H. Requirements for initial registration, including fees which ~~shall~~ in no event may exceed ~~\$25~~ \$100;

I. Requirements for ~~annual~~ biennial registration, including fees which ~~shall~~ in no event may exceed ~~\$25~~ \$75;

J. Provisions relating to physician assistant trainees; ~~and~~

K. Continuing education requirements, as a precondition to annual registration;

Sec. 10. 32 MRSA §2594-C, sub-§2, ¶¶L and M are enacted to read:

L. Requirements for physician supervision of physician extenders, including fees which in no event may exceed \$100; and

M. Requirements for transfer of registration by a physician extender to another physician, including fees which in no event may exceed \$25.

Sec. 11. 32 MRSA §3269, sub-§12, as enacted by PL 1977, c. 388, §2, is amended to read:

12. Other services and functions. The power to provide services and carry out functions ~~which are~~ necessary to fulfill the board's statutory responsibilities. The board may set reasonable fees for services such as pro-

viding license certification and verifications, providing copies of board law and rules, and providing copies of documents. The board may also set reasonable fees to defray its cost in administering examinations for special purposes that it may from time to time require and for admitting courtesy candidates from other states to its examinations;

Sec. 12. 32 MRSA §3270, as amended by PL 1973, c. 788, §161, is further amended by adding at the end a new paragraph to read:

All fees set in this chapter are nonrefundable application fees or administrative processing fees payable to the board at the time of application or at the time board action is requested. Unless otherwise specified, the board shall set the fees.

Sec. 13. 32 MRSA §3270-B, sub-§§8 to 11, as enacted by PL 1975, c. 680, §1, are amended to read:

8. Fees for original application. Fees for the original physician assistant application, which in no event ~~shall~~ may exceed the sum of ~~\$50~~ \$100;

9. Initial application of supervising physician. Fee for the initial application of the supervising physician, which in no event ~~shall~~ may exceed the sum of ~~\$50~~ \$100;

10. Fee for transfer of registration. Fee for transfer of registration by a physician assistant from one supervising physician to another, which in no event ~~shall~~ may exceed the sum of ~~\$25~~ \$50; and

11. Fees for biennial registration. Fees for the ~~biennial~~ biennial registration of physician assistants in an amount not to exceed ~~\$25~~ \$100.

Sec. 14. 32 MRSA §3271, sub-§4, as enacted by PL 1983, c. 741, §1, is amended to read:

4. Fees. Each applicant shall pay a fee ~~in the amount of \$100~~ up to \$500 plus the cost of the qualifying examination or examinations.

Sec. 15. 32 MRSA §3273, as amended by PL 1983, c. 741, §3, is further amended to read:

§3273. Reexamination

Any applicant who fails the examination may be reexamined by the board upon payment of a fee of ~~\$50~~ up to \$150 plus the cost of the examination.

Sec. 16. 32 MRSA §3275, sub-§2, as amended by PL 1979, c. 345, §5, is further amended to read:

2. Fees. Any physician who applies for a license pursuant to subsection 1 shall pay a fee of ~~\$125~~ not more than \$500.

Sec. 17. 32 MRSA §3276, as amended by PL 1983, c. 741, §5, is further amended to read:

§3276. Temporary licensure

Any physician who is qualified under section 3275 may, without examination, be granted a temporary license for a period not to exceed one year, when the board deems it necessary to provide relief for local or national emergencies or for situations in which there are insufficient physicians to supply adequate medical services. The fee for this temporary license ~~shall be \$50 payable at the time of application~~ is not more than \$200.

Sec. 18. 32 MRSA §3277, as amended by PL 1983, c. 741, §6, is further amended to read:

§3277. Camp physicians

Any physician who is qualified under section 3275 may, at the discretion of the board, be temporarily licensed as camp physician so that ~~he the physician~~ may care for the campers in that particular camp for which ~~he the physician~~ was hired and obtained as a camp physician. ~~He shall be~~ That physician is entitled to practice only on patients in the camp. The certificate of licensure ~~shall~~ must be obtained each year. Application for this temporary certificate ~~shall~~ must be made in the same form and manner as for regular licensure. No examination may be exacted from applicants for these temporary licenses. The fee ~~shall be \$50 annually~~ may not be more than \$100 annually, which ~~shall include~~ includes registration and certificate.

Sec. 19. 32 MRSA §3278, as amended by PL 1983, c. 741, §7, is further amended to read:

§3278. Locum tenens

Any physician who is qualified under section 3275 may, at the discretion of the board, be given a temporary license to be effective for not more than 6 months after issuance for the purpose of permitting the physician to serve as "locum tenens" for some other physician who is then licensed to practice medicine in this State and whose own license is not temporary or limited under any of the provisions of this chapter, provided that such Maine physician is either unable because of illness to maintain ~~his~~ the practice or because of ~~his~~ absence from the general locus of such practice or for other reasons deemed sufficient by the board. The fee for this temporary license ~~shall be \$50, payable at the time of application~~ may not be more than \$150.

Sec. 20. 32 MRSA §3279, sub-§§1 and 2, as enacted by PL 1983, c. 741, §8, are amended to read:

1. Interns. Any applicant who is qualified under section 3271, subsection 1, may receive a temporary educational certificate from the board to act as an intern for

a period of no longer than 24 months. ~~The annual registration fee for an intern shall be \$10.~~

2. Residents. Any applicant who is qualified under section 3271, subsection 1, may receive a temporary educational certificate from the board to act as a hospital resident. A certificate to a hospital resident may be renewed annually at the discretion of the board for not more than 5 years. ~~The annual registration fee for a hospital resident shall be \$10.~~

Sec. 21. 32 MRSA §3279, sub-§6 is enacted to read:

6. Fees. The board shall set fees for physicians and students licensed or registered pursuant to this section. The amounts set for the registrations and licenses issued under this section may not be more than \$100.

Sec. 22. 32 MRSA §3280, first ¶, as amended by PL 1985, c. 804, §20, is further amended to read:

On or before the first day of July, 1966, and on or before the first day of July of every even-numbered year thereafter, every physician licensed under this chapter shall apply to the Board of Registration in Medicine for a certificate of biennial registration on forms provided by the board. On or before the first day of July, 1982, and on or before the first day of July of every even-numbered year thereafter, any applicant actively practicing medicine in the State shall include satisfactory evidence to the board that, in the preceding 2 years, the applicant has completed a course of continuing medical education as prescribed in the rules and regulations of the board. The registration fee for residents of this State and for nonresidents ~~shall~~ in no event may exceed the sum of ~~\$250~~ \$265. This section ~~shall~~ does not apply to interns or residents registered under section 3279 nor ~~shall~~ does it apply to those holding temporary certificates for practice in hospitals or camps as provided in section 3277. The registration fees provided for under this section ~~shall~~ may not be required of any physician who is 70 years of age on the first day of July of the year for which reregistration is made, although the requirement of reregistration as provided for ~~shall apply~~ applies without regard to age.

Sec. 23. 32 MRSA §3280, sub-§2, as enacted by PL 1977, c. 388, §7, is amended to read:

2. Reinstatement fee. The licensee shall show cause why ~~he the licensee~~ failed to reregister and pay the board for registration fee arrearage and an additional reinstatement fee of ~~\$25~~ \$100.

Sec. 24. 32 MRSA §3280, sub-§3 is enacted to read:

3. Late fee. If the board writes to a licensee after July 1st of an even-numbered year regarding the licensee's

failure to submit a completed renewal application form to the board, then the board may assess a fee of not more than \$100 to complete the processing of the application.

See title page for effective date.

CHAPTER 426

H.P. 1049 - L.D. 1522

An Act Concerning Beano or Bingo

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

Sec. 1. 17 MRSA §311, sub-§1, as repealed and replaced by PL 1979, c. 272, is amended to read:

1. Beano. "Beano" shall mean means a specific kind of group game of chance, regardless of whether such a game is characterized by another name. Whenever the term "beano" is used, the word "bingo" or any other word used to characterize such a game may be interchanged. In "beano," each participant is given or sold one or more tally cards, so-called, each of which contains numbers or letters and may or may not be arranged in vertical or horizontal rows. The participant covers the numbers or letters as objects similarly numbered or lettered are drawn from a receptacle, and the game is won by the person who first covers a previously designated arrangement of numbers or letters on the tally card. Winner or winners are determined by the sequence in which those objects are drawn. The manner in which the winner is determined must be clearly announced or displayed before any game is begun.

Sec. 2. 17 MRSA §312, 2nd ¶, as repealed and replaced by PL 1985, c. 449, §1, is amended to read:

"Beano" or "Bingo" ~~shall~~ may not be conducted on Christmas. "Beano" or "Bingo" may be played on Sunday after the hour of ~~12 noon~~ 11 a.m. No "Beano" or "Bingo" games may be conducted between the hours of 12 midnight and 7 a.m. The prevailing time for the State of Maine ~~shall be~~ is used to determine these hours.

Sec. 3. 17 MRSA §314-A, sub-§1, ¶B is enacted to read:

B. In conjunction with the operation of high-stakes beano, federally recognized Indian tribes holding a license under this section may advertise and offer prizes for attendance with a value of up to \$25,000 under the terms prescribed for raffles in section 331, subsection 6. Any prize awarded under this paragraph must be awarded only on the basis of a ticket of admission to the high-stakes beano game and may

only be awarded to a person who holds an admission ticket.

Sec. 4. 17 MRSA §314-A, sub-§§3 and 4, as enacted by PL 1987, c. 197, §§3 and 7, are repealed and the following enacted in their place:

3. Twenty-seven weekends per year. An organization licensed under this section may operate high-stakes beano games on 27 weekends per year, whether or not consecutive. For purposes of this section, a weekend consists of Saturday and the immediately following Sunday. A high-stakes beano game licensed under this section and canceled for any reason may be rescheduled at any time, as long as 5 days prior notice of the new date is given to the Chief of the State Police.

4. Term of license; fees. A license issued under this section is valid for a period of one year. The annual license fee for a high-stakes beano license is \$50,000, payable in advance in quarterly installments. All license fees must be paid to the Treasurer of State to be credited to the General Fund.

Sec. 5. 17 MRSA §314-A, sub-§§5 and 6, as enacted by PL 1987, c. 197, §§3 and 7, are amended to read:

5. Restrictions. No license may be transferred or assigned. No more than one license may be issued under this section to any federally recognized Indian tribe for any one period. No more than one licensee may operate or conduct a beano game or high-stakes beano game on the same premises on the same date. All games shall ~~must~~ be conducted ~~on the reservation~~ within the Indian Territory of the licensed organization.

6. Applicability of chapter. Except when in direct conflict with this section or as specifically provided, all other provisions of this chapter and rules adopted under this chapter apply to licenses for high-stakes beano issued under this section. Any rule requiring operators calling the numbers to be seated on the same floor level as the players does not apply to high-stakes beano.

Sec. 6. 17 MRSA §314-A, sub-§8 is enacted to read:

8. Report. Beginning January 15, 1992, any federally recognized Indian tribe licensed to conduct high-stakes beano under this section must submit a quarterly report on the operation of high-stakes beano to the joint standing committee of the Legislature having jurisdiction over legal affairs matters. The report must include information on the number of persons playing high-stakes beano during the preceding calendar quarter, the funds collected for high-stakes beano, the total amount awarded in prizes, including prizes for attendance and any other information provided to the Bureau of State Police regarding the operation of high-stakes beano.