

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE
ONE HUNDRED AND SIXTEENTH LEGISLATURE

SECOND REGULAR SESSION

January 5, 1994 to April 14, 1994

THE GENERAL EFFECTIVE DATE FOR
SECOND REGULAR SESSION
NON-EMERGENCY LAWS IS
JULY 14, 1994

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
1993

ing authority pursuant to the following schedule:

(a) Resident of a municipality or unorganized territory, \$35 for an original application and \$20 for a renewal, except that a person who paid \$60 for a concealed firearms permit or renewal during 1991 or 1992 is entitled to a credit toward renewal fees in an amount equal to \$30 for a person who paid \$60 for an original application and \$45 for a person who paid \$60 for a permit renewal. The credit is valid until fully utilized; and

(b) Nonresident, \$60 for an original or renewal application, except that a person who paid \$80 for a concealed firearms permit during 1991 or 1992 is entitled to a \$20 credit toward permit renewal fees. The credit is valid until fully utilized; and

Sec. 9. 25 MRSA §2003, sub-§2, as amended by PL 1993, c. 368, §§6 and 7, is further amended to read:

2. Complete application; certification by applicant. The requirements set out in subsection 1, constitute a complete application. By affixing ~~his~~ the applicant's signature to the application, the applicant certifies the following:

A. That the statements ~~he~~ the applicant makes in the application and any documents ~~he~~ the applicant makes a part of the application; are true and correct;

A-1. That the applicant understands that an affirmative answer to the question in subsection 1, paragraph D, subparagraph (5), division (c-1) is cause for refusal unless the applicant is nonetheless authorized to possess a firearm under Title 15, section 393, subsection 1-A;

B. That the applicant understands that an affirmative answer to one or more of the questions in subsection 1, paragraph D, subparagraph (5), divisions (c) to (k) is cause for refusal;

B-1. That the applicant understands that an affirmative answer to one or more of the questions in subsection 1, paragraph D, subparagraph (5), divisions (a), (b), (b-1), (c-1), (l), (m), (n) and (o) to (s) is used by the issuing authority, along with other information, in judging good moral character under subsection 4; and

C. That ~~he~~ the applicant understands any false statements made in the application or in any

document made a part of the application may result in prosecution as provided in section 2004.

Sec. 10. 25 MRSA §2003, sub-§6, as amended by PL 1993, c. 340, §3, is repealed.

Sec. 11. 25 MRSA §2003, sub-§7, as amended by PL 1991, c. 865, §2, is repealed.

Sec. 12. 25 MRSA §2003, sub-§§15 and 16 are enacted to read:

15. Duty of issuing authority; application fees. The application fees submitted by the applicant as required by subsection 1, paragraph E, subparagraph (4) are subject to the following.

A. If the issuing authority is other than the Chief of the State Police, \$25 of the fee for an original application and \$15 of the fee for a renewal must be paid over to the Treasurer of State.

B. If the Chief of the State Police is the issuing authority as the designee of a municipality under section 2002-A, \$25 of the fee for an original application and \$15 of the fee for a renewal must be paid over to the Treasurer of State.

C. If the Chief of the State Police is the issuing authority because the applicant is either a resident of an unorganized territory or a nonresident, the application fee must be paid over to the Treasurer of State. The fee must be applied to the expenses of administration incurred by the State Police.

16. Application fee; use. The application fee submitted by the applicant as required by subsection 1, paragraph E, subparagraph (4) covers the cost of processing the application by the issuing authority and the cost of the permit to carry concealed firearms issued by the issuing authority.

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

Effective March 14, 1994.

CHAPTER 525

S.P. 659 - L.D. 1827

An Act Concerning Authorization to Grow Certain Marine Species in Aquaculture

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

Sec. 1. 12 MRSA §6072, sub-§13, ¶¶E and F, as enacted by PL 1987, c. 453, §1, are amended to read:

E. For establishing and revaluing fees and rents related to aquaculture; ~~and~~

F. For defining application requirements and decision criteria; and

Sec. 2. 12 MRSA §6072, sub-§13, ¶G is enacted to read:

G. For adding or deleting authorization for the holder of an aquaculture lease to grow specific species on the lease site.

See title page for effective date.

CHAPTER 526

H.P. 1367 - L.D. 1850

An Act to Improve the License Renewal Procedure for the Board of Registration in Medicine

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

Whereas, certain provisions of the medical practice laws have created a requirement for biennial license renewal application by physicians en masse on June 30th of even-numbered years with the next renewal due June 30, 1994; and

Whereas, the procedure mandated by current law does not provide optimum conditions for orderly and thorough review, investigation and evaluation of the merits of each license renewal application including background data maintained by the Board of Registration in Medicine and other agencies within the State and nationally; and

Whereas, a lack of orderly, thorough and timely consideration of each licensed physician's continuing qualification for medical practice license renewal, due to the time constraints and transaction volume mandated by current law, creates a potential for risk to the public health and safety; and

Whereas, the revision of the medical practice law combined with the use of existing electronic data processing technology will enable orderly, timely and thorough review of each application for medical practice license renewal by spreading workload associated with this effort evenly over a 24-month biennial renewal cycle; 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. 32 MRSA §3280, as amended by PL 1991, c. 425, §§22 to 24, is repealed.

Sec. 2. 32 MRSA §3280-A is enacted to read:

§3280-A. Biennial renewal of licenses; qualification; fees; reinstatement after lapse

1. Renewal of licenses. A physician licensed pursuant to section 3271 or 3275 shall apply to the board for relicensure using application forms and submitting supporting documents required by the board. Except as provided in paragraph A for initial proration of expiration dates, the board shall provide to every physician whose application is approved and accepted a proof of license renewal that is valid for no longer than 2 years.

A. Beginning with licenses expiring after July 1, 1994, regardless of the date of initial licensure or last license renewal, the license of every physician born in an odd-numbered year expires at midnight in 1995 on the last day of the month of the physician's birth. The license of every physician born in an even-numbered year expires at midnight in 1996 on the last day of the month of the physician's birth. Upon expiration, a physician must renew the license issued pursuant to this section and this license must be renewed every 2 years by the last day of the month of birth of the physician seeking license renewal by means of application to the board, on forms prescribed and supplied by the board.

B. At least 60 days prior to expiration of a current license, the board shall mail to each licensee at the licensee's last known address a notice of the requirement to renew the license with appropriate application forms for the renewal. Whenever a licensee fails, prior to the expiration of the licensee's current license, to return to the board a completed application either to renew the license or to withdraw from licensure, the board shall notify the licensee as soon as possible at the licensee's last known address that the license renewal is past due. Thirty days after the notice has been sent, if the application has neither been submitted by the licensee nor returned by the United States Postal