

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

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

Service as undeliverable, the board shall notify the licensee by certified mail, return receipt requested, that the licensee's license has been administratively suspended for 30 days. If an administratively complete relicensure application, pursuant to subsection 3, paragraph B, has not been submitted within the 30-day period of administrative suspension, the license immediately and automatically lapses. The board may not restore the license prior to completion of the reinstatement proceedings pursuant to subsection 4.

2. Criteria for license renewal. Prior to renewing a license:

A. The board may pose any question to the licensee or other sources that the board determines appropriate related to qualification for relicensure. These matters may include, but are not limited to, confirmation of health status, professional standing and conduct, professional liability claims history and license status in other jurisdictions. The board shall, after affording the licensee due process, deny license renewal if the board finds cause that may be considered grounds for refusal to renew the license pursuant to section 3282-A; and

B. Every licensee seeking renewal of a license with the intent of conducting active medical practice in this State shall submit evidence, satisfactory to the board, of successful completion of a course of continuing medical education within the preceding 24 months, as prescribed by rule. A physician licensed pursuant to section 3271 or 3275 may not engage in the practice of medicine in this State in any degree, including advising or prescribing medication for self, friends or family with or without charge, unless the board has found the licensee qualified by continuing medical education and has marked the current license with the designation "active."

3. Fees. The following fees apply to licensure.

A. The board may charge a license renewal application fee of not more than \$265 to all applicants for license renewal who have not attained 70 years of age on the date renewal becomes due.

B. In addition to the application processing fee, the board may require payment of a late application fee of not more than \$100 from all licensees, regardless of age, from whom the board has not received an administratively complete license renewal application prior to the license expiration date. An application is not adminis-

tratively complete if it is not signed and dated by the licensee or does not provide full information and responses of sufficient detail to permit board review, evaluation and decision on renewal qualification. An application received without the required license renewal application fee is considered incomplete and the applicant is subject to a late fee.

C. The board may prorate the fee for biennial relicensure for physicians who have been initially licensed within the past 12 months. The manner of proration, if done, must be explained in the board's published schedule of fees. The board may waive all or a portion of the established license renewal application fee upon receipt of a request for waiver based on hardship or other special circumstance. Any waiver request granted and the basis for the waiver must be recorded in the minutes of the board's proceedings.

D. Unless received and deposited to the board's account in error and in violation of this section or the board's rules, a license renewal application fee or late fee paid to the board is not refundable if the board or the board's staff has commenced processing the application, regardless of the board's action on the application.

4. Reinstatement after lapse. A physician may be reinstated after the lapse of a license under the following conditions.

A. A license that has lapsed pursuant to subsection 1, paragraph B may be reinstated upon application by the physician on forms provided by the board. A physician whose license has lapsed for more than 5 years shall apply for a new license in order to practice medicine in the State.

B. When applying for reinstatement, the licensee must state the reason why the license lapsed and pay all fees in arrears at the time of lapse plus the current license renewal application fee and a nonrefundable reinstatement application processing fee of \$100.

C. The board may not reinstate a lapsed license if the board finds any cause that may be considered a ground for discipline pursuant to section 3282-A if the license had been in force. Prior to concluding that no cause exists, the board shall conduct the inquiries required by subsection 2, paragraph A for applications for renewal. In addition, the board may not reinstate the license of any physician who has not provided evidence satisfactory to the board of having actively engaged in the practice of medicine continuously for at least the past 12 months under the license

of another jurisdiction of the United States or Canada unless the applicant has first satisfied the board of the applicant's current competency by passage of written examinations or practical demonstrations as the board may from time to time prescribe for this purpose through rulemaking.

Sec. 3. License renewal. The expiration date of the licenses for all physicians who renew their licenses on July 1, 1994 is midnight of the last day of the month of the physician's birth in 1995 for every physician born in an odd-numbered year and is midnight of the last day of the month of the physician's birth in 1996 for every physician born in an even-numbered year. The fee for relicensure on July 1, 1994 must be prorated proportionally to the period of licensure between July 1, 1994 and the date of the next expiration.

Sec. 4. Effective date. Sections 1 and 2 of this Act take effect September 30, 1994.

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

Effective March 14, 1994, unless otherwise indicated.

CHAPTER 527

S.P. 725 - L.D. 1946

An Act Concerning Summer Work Permits

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

Whereas, current law requires work permits for all minors seeking employment; and

Whereas, summer youth employment and training programs are fast-paced programs requiring timely placement and replacement of participants; and

Whereas, complying with the work permit requirement for these summer work programs is time-consuming, costly and difficult to implement; 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. 26 MRSA §775, sub-§6, as amended by PL 1991, c. 713, §7 and affected by §9, is further amended to read:

6. Exception. This section does not apply to minors engaged in work performed in the planting, cultivating or harvesting of field crops or other agricultural employment not in direct contact with hazardous machinery or hazardous substances or to minors engaged in household work. Minors who are participants in summer youth employment and training programs funded by the Department of Labor are exempt from obtaining individual permits as long as the program employing the minor has submitted a master permit as developed by the director under section 777.

Sec. 2. 26 MRSA §777, as amended by PL 1991, c. 544, §7, is further amended to read:

§777. Blanks furnished; filing of triplicate permits; surrender and cancellation of permits

The blank work permit required by section 775 must be formulated by the director and furnished by the director to the persons authorized to issue work permits. The forms of ~~such~~ the permits must be approved by the Attorney General. Every work permit must be made out in triplicate. All triplicates, accompanied by the original papers on which ~~such~~ the permits were issued, must be forwarded to the bureau by the officer issuing the permits, within 24 hours of the time the permit was issued. The bureau shall examine ~~such~~ the papers and promptly return them to the officer who sent them after validating the copies and retaining one copy for bureau files. The officer may then return to the minor all papers filed in proof of age. Whenever there is reason to believe that a work permit was improperly issued, the director, deputy director or agent shall notify the local superintendent of schools of the place in which ~~such~~ the certificate was issued. The local superintendent shall cancel ~~such~~ the permit when directed to do so by the director.

The director shall develop a master permit system for participants in summer youth employment and training programs funded by the Department of Labor. The master permit eliminates the need for prior approval by the director or the superintendent of schools. A minor on a master permit may be removed from the master permit for the same reasons and in the same manner as applicable to an individual work permit.