

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE
ONE HUNDRED AND SEVENTEENTH LEGISLATURE

FIRST REGULAR SESSION
December 7, 1994 to June 30, 1995

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FIRST REGULAR SESSION
NON-EMERGENCY LAWS IS
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IN ACCORDANCE WITH MAINE REVISED STATUTES ANNOTATED,
TITLE 3, SECTION 163-A, SUBSECTION 4

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hearing, require safety measures in addition to those required by the Standard. An additional requirement remains in force for 10 years from its effective date unless the commission:

A. Repeals the requirement; or

B. Reaffirms the requirement by order. Each reaffirmation must occur within 10 years of the original effective date of the requirement or within 10 years of the last affirmation.

See title page for effective date.

CHAPTER 350

H.P. 287 - L.D. 391

An Act to Increase Access to Chiropractor Care under Health Maintenance Organization Managed Care Plans

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

Sec. 1. 24-A MRSA §4236, sub-§3 is enacted to read:

3. Self-referrals for chiropractic care. A health maintenance organization must provide benefits to an enrollee who utilizes the services of a chiropractic provider by self-referral under the following conditions.

A. An enrollee may utilize the services of a participating chiropractic provider within the enrollee's health maintenance organization for 3 weeks or a maximum of 12 visits, whichever occurs first, of acute care treatment without the prior approval of a primary care provider of the health maintenance organization. For purposes of this subsection, "acute care treatment" means treatment for accidental bodily injury or sudden, severe pain that affects the ability of the enrollee to engage in the normal activities, duties or responsibilities of daily living.

B. Within 3 working days of the first consultation, the participating chiropractic provider shall send to the primary care provider a report containing the enrollee's complaint, related history, examination, initial diagnosis and treatment plan. If the chiropractic provider fails to send a report to the primary care provider within 3 working days, the health maintenance organization is not obligated to provide benefits for chiropractic care and the enrollee is not liable to the chiropractic provider for any unpaid fees.

C. If the enrollee and the participating chiropractic provider determine that the condition of the enrollee has not improved after 3 weeks of treatment or a maximum of 12 visits the participating chiropractic provider shall discontinue treatment and refer the enrollee to the primary care provider.

D. If the chiropractic provider recommends treatment beyond 3 weeks or a maximum of 12 visits, the participating chiropractic provider shall send to the primary care provider a report containing information on the enrollee's progress and outlining a treatment plan for extended chiropractic care of up to 5 more weeks or a maximum of 12 more visits, whichever occurs first.

E. Without the approval of the primary care provider, an enrollee may not receive benefits for more than 36 visits to a participating chiropractic provider in a 12-month period. After a maximum of 36 visits, an enrollee's continuing chiropractic treatment must be authorized by the primary care provider.

In the provision of chiropractic services under this subsection, a participating chiropractic provider is liable for a professional diagnosis of a mental or physical condition that has resulted or may result in the chiropractic provider performing duties in a manner that endangers the health or safety of an enrollee.

The provisions of this subsection apply to all health maintenance organization contracts, except a contract between a health maintenance organization and the State Employee Health Insurance Program.

This subsection takes effect January 1, 1996 and is repealed March 1, 1998.

See title page for effective date.

CHAPTER 351

H.P. 1019 - L.D. 1434

An Act to Strengthen the Laws Concerning Damage by Dogs

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

Sec. 1. 7 MRSA §3907, sub-§22-B is enacted to read:

22-B. Pet. "Pet" means a dog, cat or other domesticated animal commonly kept in a household, but does not include tamed animals that are ordinarily considered wild animals.

Sec. 2. 7 MRSA §3962-A, as enacted by PL 1993, c. 468, §19, is repealed and the following enacted in its place:

§3962-A. Penalty for damage to livestock or pets by dogs

1. Violation. Except as provided in subsection 3, the owner or keeper of a dog that kills or injures livestock, poultry, domestic rabbits or pets commits a civil violation for which a forfeiture not to exceed \$100 may be adjudged in addition to costs.

2. Additional remedy. A person who suffers damage as a result of a violation of subsection 1 may also pursue a civil action against the owner or keeper of the dog pursuant to section 3961.

3. Exception. If the owner or keeper of a dog that kills or injures another dog establishes that the dog that was killed or injured provoked the killing or injury or that the dog that committed the killing or injury was leashed or controlled on the owner's or keeper's property at the time of the killing or injury, then the owner or keeper is not liable under this section or section 3961.

Sec. 3. 7 MRSA §3963, as enacted by PL 1987, c. 383, §3, is amended to read:

§3963. Joint and several liability

If any properly enclosed livestock, poultry or domestic rabbits or pets are killed or injured by 2 or more dogs at the same time ~~which and the dogs~~ are kept by 2 or more owners or keepers, the owners or keepers ~~shall be~~ are jointly and severally liable for the damage.

Sec. 4. 7 MRSA §3964, as enacted by PL 1987, c. 383, §3, is repealed.

Sec. 5. 7 MRSA §4041, sub-§4, as enacted by PL 1989, c. 91, is amended to read:

4. Penalty. A forfeiture of not more than \$500 ~~shall must~~ be adjudged for a civil violation under subsection 3. In addition the court may as part of the sentencing include an order of restitution for ~~damages caused by the livestock animal in accordance with section 3964 and for~~ costs incurred in removing and controlling the livestock animal.

Sec. 6. 12 MRSA §7504, sub-§6, ¶D, as enacted by PL 1979, c. 420, §1, is amended to read:

D. Any person having evidence of any dog chasing, killing, wounding or pursuing any moose, caribou, deer or elk, or any other wild animal in closed season, or of any dog kept and used for that purpose, or of any dog worrying, wounding or killing any domestic animal, includ-

ing another dog, or any livestock, poultry, fowl or furbearing animal legally in captivity, when the dog is outside of the enclosure or immediate care of ~~his the dog's~~ owner or keeper, may present that evidence to the District Court having jurisdiction.

(1) The court may issue a warrant against the owner of the dog, ordering ~~him the~~ owner to show cause why the dog should not be killed.

(2) Upon hearing the evidence in the case, the court may order the dog killed by any game warden.

(3) The costs of prosecution ~~shall must~~ be paid by the owner or keeper of the dog.

See title page for effective date.

CHAPTER 352

H.P. 824 - L.D. 1155

An Act Concerning the Liability of Governmental Entities for the Use by Employees of Private Motor Vehicles

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

Sec. 1. PL 1993, c. 707, Pt. G, §9 is repealed.

See title page for effective date.

CHAPTER 353

H.P. 933 - L.D. 1314

An Act to Make Minor Technical Adjustments to Various Professional Licensing Boards

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

Sec. 1. 5 MRSA §12004-A, sub-§41, as enacted by PL 1987, c. 786, §5, is amended to read:

41. State Board of Substance Abuse Counselors	Not Authorized <u>\$35/Day Plus Expenses</u>	32 MRSA §6201
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Sec. 2. 10 MRSA §9063, as amended by PL 1993, c. 642, §32, is further amended to read: