

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

THE GENERAL EFFECTIVE DATE FOR
FIRST REGULAR SESSION
NON-EMERGENCY LAWS IS
SEPTEMBER 29, 1995

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
1995

Notwithstanding any other provision of this Act, an optometrist may dispense, prescribe and administer nonlegend agents.

Sec. 5. 32 MRSA §2417, sub-§6 is enacted to read:

6. Determination of the scope of the practice of optometry. The board, in accordance with the Maine Administrative Procedure Act, shall adopt reasonable rules to carry out the purposes of this chapter.

Sec. 6. Optometry Study Panel.

1. Panel established. There is created the Optometry Study Panel, referred to in this section as the "panel."

2. Membership. The panel consists of 5 members to be appointed as follows:

A. Two licensed optometrists appointed by the State Board of Optometry;

B. One licensed ophthalmologist appointed by the Board of Licensure in Medicine;

C. One licensed pharmacist appointed by the Board of Commissioners of the Profession of Pharmacy; and

D. One member of the general public appointed by the Governor.

3. Convening. The Commissioner of Professional and Financial Regulation shall call the first meeting of the panel within 15 days of the effective date of this Act.

4. Chair. The panel shall elect a chair from among its members.

5. Staff. Staffing must be provided from within the existing personnel of the Board of Licensure in Medicine and the State Board of Optometry.

6. Duties. The panel shall:

A. Determine the qualifications required of optometrists for prescription and use of nontopical medicinal diagnostic and therapeutical substances for the diagnosis, cure, treatment or prevention of glaucoma;

B. Determine the qualifications required of optometrists for prescription and use of nontopical medicinal diagnostic and therapeutical substances for the diagnosis, cure, treatment or prevention of abnormal ocular conditions and diseases other than glaucoma;

C. Determine what, if any, restrictions or limitations should be placed on prescription and use of nontopical medicinal diagnostic and therapeutical substances by optometrists for the diagnosis, cure, treatment or prevention of abnormal ocular conditions and diseases other than glaucoma; and

D. Develop a detailed evaluation program to determine the incidence of mistreatment of glaucoma by optometrists. The panel shall include in its recommendations the agency or agencies to be responsible for final design, conduct and review of this evaluation.

7. Report to the Legislature. The panel shall prepare and submit a report to the Joint Standing Committee on Business and Economic Development with a copy to the Executive Director of the Legislative Council and the Law and Legislative Reference Library. The report must summarize the findings of the panel and must be signed by all members of the panel as either in favor of or opposed to the recommendations. The report must include specific proposed legislation for putting the specific recommended qualifications of treating glaucoma into statute. The report must be submitted on January 1, 1996. The Joint Standing Committee on Business and Economic Development shall submit legislation that has an effective date of October 1, 1996 based on the issues dealt with by the panel.

Sec. 7. Education and training. The Board of Optometry shall require an applicant for certification to treat glaucoma to successfully complete the education and training requirements as approved by the Legislature for that certification.

Sec. 8. Effective date. Those sections of this Act that repeal and replace the Maine Revised Statutes, Title 32, section 2411, subsection 3 and amend Title 32, section 2417, subsection 6 take effect October 1, 1996.

See title page for effective date, unless otherwise indicated.

CHAPTER 440

H.P. 472 - L.D. 653

An Act to Amend the Excise Tax Charged on Commercial Vehicles

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

Sec. 1. 29-A MRSA §531, sub-§6 is enacted to read:

6. Excise tax on commercial vehicles operated by nonresident owners. Nonresident owners of motor vehicles paying an apportioned registration fee to the State through the International Registration Plan shall pay to the Secretary of State an apportioned excise tax determined by multiplying the apportioned mileage percentage by the purchase price of the vehicle and by the appropriate mill rate for the model year as determined in Title 36, section 1482, subsection 1, paragraph C.

Sec. 2. 29-A MRSA §533 is enacted to read:

§533. Use of apportioned excise tax

1. Deposits. The revenue derived pursuant to Title 29-A, section 531, subsection 6 must be deposited into the Highway Fund by the Secretary of State. These funds may be used as follows.

A. Annually, between July 1st and September 30th, the Secretary of State shall disburse to each municipality a sum equal to the amount of excise revenue representing the difference between the excise tax that would have been collected using the manufacturer's list price and the excise tax actually collected on the purchase price of commercial motor vehicles subject to Title 36, section 1482, subsection 1, paragraph C, subparagraph (3). The Secretary of State shall provide supporting documentation to each municipality.

B. The Secretary of State shall request allocations in fiscal year 1997-1998 and annually thereafter in order to make the first disbursement by September 30, 1997.

C. Municipal participation in an excise reimbursement program is optional. Any municipality wishing to participate shall collect and provide to the Secretary of State any information the Secretary of State requires to calculate reimbursement.

Sec. 3. 36 MRSA §1481, sub-§7 is enacted to read:

7. Purchase price. "Purchase price" means the actual price paid, including any trade-in value applied to the cost of purchasing the vehicle.

Sec. 4. 36 MRSA §1482, sub-§1, ¶C, as amended by PL 1993, c. 297, Pt. B, §6 and affected by §7, is further amended to read:

C. For the privilege of operating a motor vehicle or camper trailer on the public ways, each motor vehicle, other than a stock race car, or each camper trailer to be so operated is subject to excise tax as follows, except as specified in subparagraph (3): a sum equal to 24 mills on each

dollar of the maker's list price for the first or current year of model, 17 1/2 mills for the 2nd year, 13 1/2 mills for the 3rd year, 10 mills for the 4th year, 6 1/2 mills for the 5th year and 4 mills for the 6th and succeeding years. The minimum tax is \$5 for a motor vehicle other than a bicycle with motor attached, \$2.50 for a bicycle with motor attached, \$15 for a camper trailer other than a tent trailer and \$5 for a tent trailer. The excise tax on a stock race car is \$5.

(1) On new registrations of automobiles, trucks and truck tractors, the excise tax payment must be made prior to registration and is for a one-year period from the date of registration.

(2) Vehicles registered under the International Registration Plan are subject to an excise tax determined on a monthly proration basis if their registration period is less than 12 months.

(3) For commercial vehicles manufactured in model year 1996 and after, the amount of excise tax due for commercial vehicles, as defined in Title 29-A, section 101, subsection 17, paragraph A and for special mobile equipment, as defined in Title 29-A, section 101, subsection 70, is based on the purchase price in the original year of title rather than on the list price. Verification of purchase price for the application of excise tax is determined by the initial bill of sale or the state sales tax document provided at point of purchase. The initial bill of sale is that issued by the dealer to the initial purchaser of a new vehicle.

~~For motor vehicles being registered in the International Registration Plan, the excise tax must be prorated for the number of months in the registration. If the registration period is for more than 12 months, for the number of months in excess of 12 the next mill rate is used.~~

Sec. 5. Effective date. This Act takes effect July 1, 1996.

Effective July 1, 1996.

CHAPTER 441

H.P. 508 - L.D. 689

**An Act to Amend the Law
Regulating 53-foot Semitrailers**

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