

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE
ONE HUNDRED AND SEVENTEENTH LEGISLATURE

SECOND SPECIAL SESSION
September 5, 1996 to September 7, 1996

ONE HUNDRED AND EIGHTEENTH LEGISLATURE

FIRST REGULAR SESSION
December 4, 1996 to March 27, 1997

FIRST SPECIAL SESSION
March 27, 1997 to June 20, 1997

THE GENERAL EFFECTIVE DATE FOR
FIRST REGULAR SESSION
NON-EMERGENCY LAWS IS
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NON-EMERGENCY LAWS IS
SEPTEMBER 19, 1997

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
1997

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

Sec. 1. 5 MRSA §1737, sub-§4, as amended by PL 1993, c. 619, §1, is further amended to read:

4. Directed services. Notwithstanding the provisions of subsection 2, the director may provide insurance advice or services for family foster homes as defined in Title 22, section 8101, subsection 3; specialized children's homes, as defined in Title 22, section 8101, subsection 5; respite care providers as defined in Title 34-B, section 6201, subsection 2-A; the Casco Bay Island Transit District created by Private and Special Law 1981, chapter 22; the University of Maine System; the Maine Technical College System; the Maine Maritime Academy; and the State's service delivery areas designated under the federal Job Training Partnership Act, Public Law 97-300, as amended.

See title page for effective date.

CHAPTER 47

H.P. 222 - L.D. 286

An Act to Meet Federal Requirements Regarding Collection of Bias Motivation Data through Uniform Crime Reporting

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

Sec. 1. 25 MRSA §1544, 2nd ¶, as amended by PL 1991, c. 206, §1 and affected by §2, is further amended to read:

The bureau shall establish a category for abuse by adults of family or household members and a category for crimes that manifest evidence of prejudice based on race, religion, disability, sexual orientation or ethnicity that are supplementary to its other reported information. The bureau shall prescribe the information to be submitted in the same manner as for all other categories of the uniform crime reports.

See title page for effective date.

CHAPTER 48

H.P. 545 - L.D. 736

An Act to Abolish the Economic Development and Business Assistance Coordinating Council

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

Sec. 1. 5 MRSA c. 380, as amended, is repealed.

Sec. 2. 10 MRSA §929-B, sub-§4, as enacted by PL 1993, c. 410, Pt. MMM, §1, is amended to read:

4. Fiscal agent. The Department of Economic and Community Development and Business Assistance Coordinating Council established in Title 5, section 13001, shall serve as the council's fiscal agent providing regular financial reports to the council on funds received and expended and an annual audit. The council shall seek funds and accept gifts, if necessary, to support the council's objectives.

See title page for effective date.

CHAPTER 49

H.P. 332 - L.D. 454

An Act to Amend the Drug Testing Program Approval Laws

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

Sec. 1. 26 MRSA §686, sub-§2, ¶D is enacted to read:

D. The rules may establish model applicant policies and employee probable cause policies and provide for expedited approval and registration for employers adopting such model policies. The rules adopted under this paragraph are routine technical rules pursuant to Title 5, chapter 375, subchapter II-A.

See title page for effective date.

CHAPTER 50

H.P. 617 - L.D. 842

An Act to Amend the Osteopathic Licensure Laws to Clarify the Appropriate Degree Required for Licensure

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

Sec. 1. 32 MRSA §2561, as amended by PL 1993, c. 600, Pt. A, §169, is further amended to read:

§2561. Membership; qualifications; tenure; vacancies

The Board of Osteopathic Licensure, as established by Title 5, section 12004-A, subsection 29, and in this chapter called the "board," consists of 9 members appointed by the Governor. These members must be residents of this State. Six of these members must be graduates of a ~~legally chartered college of osteopathic medicine or university having the power to confer degrees in osteopathic medicine~~ school or college of osteopathic medicine approved by the American Osteopathic Association and must be, at the time of appointment, actively engaged in the practice of the profession of osteopathic medicine in the State for a period of at least 5 years, and 3 of these members must be public members. Consumer groups may submit nominations to the Governor for the members to be appointed to represent the interest of consumers. A full term of appointment is for 5 years. Appointment of members must comply with section 60. A member of the board may be removed from office for cause by the Governor.

Sec. 2. 32 MRSA §2562, first ¶, as amended by PL 1993, c. 600, Pt. A, §170, is further amended to read:

The board shall meet in June of each year at a time and place the chair may designate. The board shall elect one of its members as chair annually and one of its members as secretary-treasurer, to hold office at the pleasure of the board. The secretary-treasurer shall ensure proper management of the board's finances. Special meetings may be called at the pleasure of the chair and in case of the death or inability of the chair, the secretary-treasurer may call special meetings. The board shall cause a seal of suitable inscription to be procured and affixed to papers that may require the seal, shall keep a correct record of its proceedings and has power to make rules, not inconsistent with this chapter, it considers necessary for the successful enforcement of its authority and the performance of its duties. As part of the biennial relicensure process, the board shall prepare and distribute to each licensed osteopathic physician practicing in the State a copy of its code of ethics and current rules relative to continuing medical education. The chair and the secretary-treasurer may administer oaths in matters connected with the duties of the board. The records of the board must include a report of all money received and disbursed by the board and a list of all applicants for licenses, including the name and location of the ~~institution granting a D.O. degree, Doctor of Osteopathy, school or college of osteopathic medicine approved by the American Osteopathic Association that granted the degree~~ to each applicant and whether the applicant was granted or denied a license. These records, or duplicates, must always be open to inspection in the office of the

Secretary of State during regular office hours. Four members of the board constitute a quorum for the transaction of business. A license to practice osteopathic medicine may not be granted, except on an affirmative vote of a majority of the board.

Sec. 3. 32 MRSA §2571, first ¶, as amended by PL 1993, c. 600, Pt. A, §173, is further amended to read:

An individual, before engaging in the practice of osteopathic medicine in this State, shall make application for a license to the board, on a form prescribed by the board. The application must be filed with the board at least 60 days before the date of examination together with a fee of not more than \$350. The applicant shall present a diploma granted by ~~an osteopathic college or university accredited a school or college of osteopathic medicine approved 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~~ That applicant 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 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 license to be withheld until successful completion of internship.

Sec. 4. 32 MRSA §2572, as amended by PL 1993, c. 600, Pt. A, §174, is further amended to read:

§2572. Examination, reexamination; endorsement; temporary licensure

Applicants must be examined in whole or in part in writing and must be thorough in subjects the board determines necessary, including osteopathic theories and methods, to determine the competency of the candidate to practice osteopathic medicine in the State. If the examination is passed in a manner satisfactory to the board, the board shall issue to the applicant a license granting the applicant the right to practice osteopathic medicine in this State. If the applicant fails to pass the examination, the applicant is entitled to one reexamination within one year after failure upon payment of a fee set by the board. Osteopathic physicians who have been certified by the National Board of Osteopathic Examiners or have been strictly examined and licensed to practice osteopathic medicine in another state, which has equivalent licensing requirements to this State, may be licensed to practice osteopathic medicine in this State upon the payment of not more than \$300 and the substantiation to the board ~~of an earned D.O. degree that the~~

applicant is a graduate of a school or college of osteopathic medicine approved by the American Osteopathic Association and that the license was obtained in the other state. The board may at its discretion require an examination of any such applicant.

Sec. 5. 32 MRSA §2573, as amended by PL 1993, c. 600, Pt. A, §175, is further amended to read:

§2573. Temporary licensure

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 a~~ school or college of osteopathic medicine approved by the American Osteopathic Association, serving as a fellow, intern or resident physician in a hospital in this State, shall register with the board and must be issued a temporary license by the board evidencing the right to practice only under hospital control. Such a license 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 license must be in a form prescribed by the board and may be revoked or suspended by the board with the suspension or revocation effective immediately when written notification from the board is received by the hospital. An examination may not be required for applicants for this temporary license. The fee for such a license may not be more than \$300.

Sec. 6. 32 MRSA §2574, as amended by PL 1993, c. 600, Pt. A, §176, is further amended to read:

§2574. Locum tenens

An osteopathic physician ~~having a D.O. degree from an~~ who is a graduate of a school or college of osteopathic medicine approved by the American Osteopathic Association ~~accredited osteopathic college or university~~ and who is of good repute 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 another osteopathic physician who is unable, because of illness or some other substantiated reason, to maintain the practice, thus fulfilling a need in that area for providing health services. The fee for such a license may be not more than \$500.

Sec. 7. 32 MRSA §2575, as amended by PL 1993, c. 600, Pt. A, §177, is further amended to read:

§2575. Camp physicians

An osteopathic physician ~~being~~ who is a graduate of ~~an accredited osteopathic college or university having the power to grant a D.O. degree a~~ school or college of osteopathic medicine approved by the

American Osteopathic Association and who is of good repute may, at the discretion of the board, make application for a temporary license to practice as a camp physician at a specified camp. Such an osteopathic physician is entitled to practice only on the patients at the camp. The license must be obtained each year. Applications for such a temporary license must be made in the same manner as for regular licenses. An examination may not be exacted from applicants for temporary licenses. The fee may not be more than \$500.

Sec. 8. 32 MRSA §2581, fourth ¶, as amended by PL 1993, c. 600, Pt. A, §180, is further amended to read:

The license entitles an individual to whom it is granted the privilege to practice osteopathic medicine in any county in this State, in all its branches as taught in a school or college of osteopathic medicine approved by the American Osteopathic Association ~~approved colleges and universities of osteopathic medicine~~ with the right to use drugs that are necessary in the practice of osteopathic medicine.

See title page for effective date.

CHAPTER 51

S.P. 327 - L.D. 1105

**An Act to Exempt Public Airports
with Approved Airport Layout Plans
from Subdivision Review**

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

Sec. 1. 30-A MRSA §4402, sub-§§2 and 3, as enacted by PL 1989, c. 104, Pt. A, §45 and Pt. C, §10, are amended to read:

2. Previously existing subdivisions. Subdivisions in actual existence on September 23, 1971 that did not require approval under prior law; ~~or~~

3. Previously recorded subdivisions. A subdivision, a plan of which had been legally recorded in the proper registry of deeds before September 23, 1971; ~~or~~

Sec. 2. 30-A MRSA §4402, sub-§4 is enacted to read:

4. Airports with an approved airport layout plan. Any airport with an airport layout plan that has received final approval from the airport sponsor, the