

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from electronic originals
(may include minor formatting differences from printed original)

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
JUNE 26, 1997

FIRST SPECIAL SESSION
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

5. Exemption. A person shall is not be liable under this section if, at the time of the alleged trespass, that person was licensed or privileged to allow the livestock or domestic water fowl to be on the property.

See title page for effective date.

CHAPTER 105

H.P. 369 - L.D. 514

An Act to Provide Limited Voting Authority for Associate Supervisors of Maine's Soil and Water Conservation Districts

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

Sec. 1. 12 MRSA §103 is enacted to read:

§103. Associate supervisors

1. Appointment of associate supervisors. By unanimous vote, the board of supervisors of a district established according to section 102 may appoint individuals with training and experience relevant to the duties of the supervisors to serve as associate supervisors.

By unanimous vote, the board of supervisors may designate one or more of the associate supervisors to have voting authority. The board shall maintain a list of individuals designated to have voting authority and shall submit that list to the department. Employees of the district and contract providers to the district may be appointed as associate supervisors but may not be accorded this voting authority. The voting authority accorded associate supervisors is limited under subsection 2.

2. Limits on voting authority. When only 2 supervisors are present at a regularly scheduled board meeting, the chair of the meeting may appoint an associate supervisor present and with designated voting authority to serve as a supervisor for that meeting, thereby establishing a quorum. The designated associate supervisor has full voting rights of a supervisor for that meeting.

See title page for effective date.

CHAPTER 106

H.P. 442 - L.D. 592

An Act to Amend the Laws Regulating the Installation and Inspection of Septic Systems

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

Sec. 1. 30-A MRSA §4211, sub-§5, ¶D, as enacted by PL 1993, c. 611, §1, is amended to read:

D. A nonengineered subsurface waste water disposal system fee not to exceed ~~\$60~~ \$100 may be charged.

Sec. 2. Allocation. The following funds are allocated from Other Special Revenue to carry out the purposes of this Act.

	1997-98	1998-99
HUMAN SERVICES, DEPARTMENT OF		
Plumbing - Control Over		
All Other	\$45,000	\$60,000
Allocates funds due to an increase in the nonengineered subsurface waste water disposal system fee.		

See title page for effective date.

CHAPTER 107

H.P. 616 - L.D. 841

An Act to Amend the Dental Licensure Laws to Authorize Special Permits for Instruction in Dentistry and to Identify and Rehabilitate Impaired Dentists

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

Sec. 1. 24 MRSA §2502, sub-§1, as amended by PL 1993, c. 600, Pt. B, §§21 and 22, is further amended to read:

1. Board. "Board" means the Board of Licensure in Medicine, the Board of Dental Examiners or the Board of Osteopathic Licensure.

Sec. 2. 24 MRSA §2502, sub-§4-A, as amended by PL 1993, c. 600, Pt. A, §17, is further amended to read:

4-A. Professional review committee. "Professional review committee" means a committee of physicians, dentists or a combination of members of both professions formed by a professional society for the purpose of identifying and working with physicians, dentists and other licensees of the Board of

Dental Examiners and physician assistants who are disabled or impaired by virtue of physical or mental infirmity or by the misuse of alcohol or drugs, as long as the committee operates pursuant to protocols approved by the Board of Licensure in Medicine, the Board of Dental Examiners or the Board of Osteopathic Licensure.

Sec. 3. 24 MRSA §2505, 2nd ¶, as amended by PL 1993, c. 600, Pt. A, §18, is further amended to read:

Except for specific protocols developed by a board pursuant to Title 32, section 1073, 2596-A or 3298, a physician, dentist or committee is not responsible for reporting misuse of alcohol or drugs or professional incompetence or malpractice as a result of physical or mental infirmity or by the misuse of alcohol or drugs discovered by the physician, dentist or committee as a result of participation or membership in a professional review committee or with respect to any information acquired concerning misuse of alcohol or drugs or professional incompetence or malpractice as a result of physical or mental infirmity or by the misuse of alcohol or drugs, as long as that information is reported to the professional review committee. Nothing in this section may prohibit an impaired physician or dentist from seeking alternative forms of treatment.

Sec. 4. 32 MRSA §1073, sub-§2, as amended by PL 1993, c. 600, Pt. A, §59, is further amended to read:

2. Rules. Adopt rules in accordance with the Maine Administrative Procedure Act that are necessary for the implementation of this chapter. The rules may include, but need not be limited to, requirements for licensure, interviews for licensing and renewal, continuing education, inactive licensure status, use of general anesthesia and fees for providing a list of addresses of licensed professionals upon request; ~~and~~

Sec. 5. 32 MRSA §1073, sub-§3, as repealed and replaced by PL 1983, c. 378, §6, is amended to read:

3. False advertising. Establish rules relating to false, deceptive or misleading advertising, except that no rules may be inconsistent with any rule promulgated pursuant to Title 5, section 207, subsection 2; and

Sec. 6. 32 MRSA §1073, sub-§4 is enacted to read:

4. Protocols for professional review committee. Establish protocols for the operation of a professional review committee as defined in Title 24, section 2502, subsection 4-A. The protocols must include the committee reporting information the board

considers appropriate regarding reports received, contracts or investigations made and the disposition of each report, provided that the committee is not required to disclose any personally identifiable information. The protocols may not prohibit an impaired dentist from seeking alternative forms of treatment.

Sec. 7. 32 MRSA §1086, as corrected by RR 1993, c. 2, §33, is amended by adding a new paragraph at the end to read:

The board has the authority, upon the presentation of credentials and other information satisfactory to it, to issue a temporary permit for practice of dentistry in the State as part of a board-approved program of clinical education for Maine practitioners. An individual who is not currently licensed to practice dentistry in another state may not receive a temporary permit. An individual may not receive a temporary permit for more than 7 days in any calendar year.

Sec. 8. Allocation. The following funds are allocated from Other Special Revenue to carry out the purposes of this Act.

	1997-98	1998-99
PROFESSIONAL AND FINANCIAL REGULATION, DEPARTMENT OF		
Board of Dental Examiners		
All Other	\$10,000	\$10,000
Allocates funds for the costs of establishing a peer review committee.		

See title page for effective date.

CHAPTER 108

S.P. 321 - L.D. 1061

An Act to Authorize State-chartered Community Development Credit Unions

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

Sec. 1. 9-B MRSA §131, sub-§§9-A and 24-A are enacted to read:

9-A. Community development credit union. "Community development credit union" means a credit union, as defined in subsection 12, of which a