

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

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

Sec. 1. 5 MRSA §20005, sub-§§6-A and 6-B are enacted to read:

6-A. Contract award and renewal. Award a new contract through a request-for-proposal procedure. Any contract of \$500,000 per year or more that is renewed must be awarded through a request-for-proposal procedure at least every 8 years, except for the following.

A. A renewal contract with a provider is not subject to the request-for-proposal procedure requirement if the contract granted under this subsection is performance based.

B. Notwithstanding paragraph A, the department shall subject a contract to a request-for-proposal procedure when necessary to comply with paragraph C.

C. A contract under this subsection that is subject to renewal must be awarded through a request-for-proposal procedure if the department determines that:

(1) The provider has breached the existing contract;

(2) The provider has failed to correct deficiencies cited by the department;

(3) The provider is inefficient or ineffective in the delivery of services and is unable to improve its performance within a reasonable time; or

(4) The provider can not or will not respond to a reconfiguration of service delivery requested by the department;

6-B. Consumer assistance and advice. Establish a procedure to obtain assistance and advice from consumers of substance abuse services regarding the selection of contractors when requests-for-proposals are issued.

Sec. 2. 34-B MRSA §3604, sub-§3, ¶E, as amended by PL 1993, c. 624, §1, is further amended to read:

E. Any new contract must be awarded through a request-for-proposal procedure and any contract of \$500,000 per year or more that is renewed must be awarded through a request-for-proposal procedure at least every 8 years, except for the following.

(1) Renewal contracts for A renewal contract with a provider are is not subject to the

request-for-proposal procedure requirement if all contracts executed with that provider the contract granted under this subsection are performance based contracts is performance based.

(2) Notwithstanding subparagraph (1), the department shall subject a contract to a request-for-proposal procedure when necessary to comply with paragraph G.

See title page for effective date.

CHAPTER 382

H.P. 1262 - L.D. 1789

An Act Regarding Illegal Transportation of Drugs by a Minor

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

Sec. 1. 22 MRSA §2389 is enacted to read:

§2389. Illegal transportation of drugs by minor

1. Definitions. As used in this section, unless the context otherwise indicates, the following terms have the following meanings.

A. "Drug" means a schedule W, X, Y or Z drug as defined in Title 17-A, section 1102.

B. "Minor" means a person who has not attained 21 years of age.

2. Minor may not transport drugs. A minor may not knowingly transport or knowingly permit to be transported a drug in a motor vehicle under the minor's control unless possession of the drug is expressly authorized by this Title or Title 32.

3. Violation. A minor who violates this section commits a civil violation for which a forfeiture of not more than \$500 may be adjudged. A forfeiture of not less than \$200 must be adjudged for a 2nd offense and a forfeiture of not less than \$400 must be adjudged for a 3rd or subsequent offense, none of which may be suspended.

4. License suspension. The court shall suspend the operator's license or right to operate or right to obtain a license of a minor found in violation of this section as follows:

A. Thirty days for the first offense;

B. Ninety days for the 2nd offense; and

C. One year for any subsequent offense.

The court shall immediately forward the license to the Secretary of State together with the record of adjudication. Immediately upon receipt of the record, the Secretary of State shall suspend the license or right to operate or right to obtain a license of the minor for the required period without further hearing. The Secretary of State shall also assign demerit points according to Title 29-A, section 2458, subsection 3.

5. Execution of suspension stayed during appeal. If any person adjudicated to be in violation of this section appeals from the judgment of the trial court, the execution of any suspension imposed on that person's license, right to obtain a license or right to operate a motor vehicle in the State must be stayed pending appeal and begins when and if the judgment is upheld or the appeal is withdrawn.

6. Penalty. If a minor is charged with a violation of this section, the minor may not be charged with a violation of section 2383 or Title 17-A, chapter 45.

See title page for effective date.

CHAPTER 383

H.P. 1270 - L.D. 1796

**An Act to Provide Licensing for
Micropigmentation Practitioners**

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

Sec. 1. 32 MRSA c. 63-A is enacted to read:

CHAPTER 63-A

MICROPIGMENTATION

§4311. Definitions

As used in this chapter, unless the context otherwise indicates, the following terms have the following meanings.

1. Department. "Department" means the Department of Human Services.

2. Micropigmentation. "Micropigmentation" means placing nontoxic dyes or pigments into or under the subcutaneous portion of the skin so as to form indelible marks for cosmetic or medical purposes. "Micropigmentation" does not include tattooing.

3. Micropigmentation facility. "Micropigmentation facility" means any space where micropigmentation is practiced.

4. Micropigmentation practitioner.

"Micropigmentation practitioner" means a person who practices micropigmentation.

§4312. License required

1. Requirement. A person may not practice micropigmentation, display a sign or otherwise advertise or purport to be a micropigmentation practitioner unless that person holds a valid license issued by the department.

2. Term of license. A license issued under this chapter expires on September 30th and is renewable biennially.

3. Exemption. This chapter does not apply to a physician or a person acting under the control or supervision of a physician.

§4313. Licensing rules

The department shall adopt licensing rules governing the practice of micropigmentation under this chapter. Rules adopted under this chapter are routine technical rules for purposes of Title 5, chapter 375, subchapter II-A. The rules must include the following.

1. Standards of practice. The department shall adopt rules that provide standards for the practice of micropigmentation that include at least the following.

A. Instruments used for micropigmentation must be sterilized in a manner specified by the department.

B. Micropigmentation facilities must be equipped with appropriate sterilization equipment, hot and cold running water and a covered waste receptacle.

C. Case history records must be kept for each client.

D. A micropigmentation practitioner must demonstrate safety, sanitation and sterilization procedures and knowledge of infection control.

2. Education and training. The department shall adopt rules specifying the education and training standards for the practice of micropigmentation. The rules may require continuing education.

The licensing rules must be adopted by the department by November 1, 1997.

§4314. Fee

The fee for a license under this chapter may not exceed \$50. The fee required by this section includes the cost of a biennial inspection of the micropigmenta-