

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE
ONE HUNDRED AND TWENTIETH LEGISLATURE
FIRST REGULAR SESSION
December 6, 2000 to June 22, 2001

THE GENERAL EFFECTIVE DATE FOR
FIRST REGULAR SESSION
NON-EMERGENCY LAWS IS
SEPTEMBER 21, 2001

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
2001

B. Intervenor status would be in the best interests of the child; and

C. Intervenor status would also be consistent with the purposes of this chapter as set forth in section 4003.

See title page for effective date.

CHAPTER 59

H.P. 293 - L.D. 371

An Act to Encourage Smoke-free Hospitals in Maine

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

Sec. 1. 22 MRSA §1580-B, sub-§2, as repealed and replaced by PL 1989, c. 878, Pt. G, §1, is amended to read:

2. Prohibition. Beginning November 16, 1989, ~~no~~ a person may not smoke tobacco or any other substance in any enclosed area of any hospital, ~~except as otherwise provided in this section that a hospital may establish an enclosed and adequately ventilated smoking area for patient use.~~ Nothing in this subsection prohibits a hospital from designating the entire hospital campus, both buildings and grounds, as a nonsmoking area.

Sec. 2. 22 MRSA §1580-B, sub-§3, as amended by PL 1991, c. 501, is repealed.

Sec. 3. 22 MRSA §1580-B, sub-§4, as repealed and replaced by PL 1989, c. 878, Pt. G, §1, is repealed.

See title page for effective date.

CHAPTER 60

H.P. 757 - L.D. 976

An Act Concerning Workers' Compensation Health Care Providers

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

Sec. 1. 39-A MRSA §206, sub-§11, as enacted by PL 1991, c. 885, Pt. A, §8 and affected by §§9 to 11, is amended to read:

11. Generic drugs. Providers shall prescribe generic drugs whenever medically acceptable for the treatment of an injury or disease for which compensation is claimed. An employee shall purchase generic

drugs for the treatment of an injury or disease for which compensation is claimed if the prescribing ~~physician~~ provider indicates that generic drugs may be used and if generic drugs are available at the time and place of purchase. If an employee purchases a nongeneric drug when the prescribing ~~physician~~ provider has indicated that a generic drug may be used and a generic drug is available at the time and place of purchase, the insurer or self-insurer is required to reimburse the employee for the cost of the generic drug only. For purposes of this section, "generic drug" has the same meaning found in Title 32, section 13702, subsection 11.

See title page for effective date.

CHAPTER 61

H.P. 297 - L.D. 375

An Act to Ensure Parity in the Sale of Securities by Maine Financial Institutions

Emergency preamble. **Whereas**, Acts of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, the United States Congress passed the Gramm-Leach-Bliley Act, which includes amendments to the Securities Exchange Act that become effective May 12, 2001; and

Whereas, Maine law governing securities sales by state-chartered financial institutions will not conform with the new federal law governing federally-chartered financial institutions as of May 12, 2001; and

Whereas, state-chartered banks in Maine will be at a competitive disadvantage to federally-chartered banks without enactment of this legislation; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

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

Sec. 1. 32 MRSA §10501, sub-§1, ¶C, as enacted by PL 1985, c. 400, §2, is amended to read:

C. A depository institution when it is engaged in its regular course of business one or more of the activities described in 15 United States Code, Section 78c(a)(4)(B) except for the activities de-

scribed in 15 United States Code, Section 78c(a)(4)(B), Subsections (vii) and (xi), except that this paragraph does not exempt any broker-dealer that enters into a contractual or other written arrangement described in 15 United States Code, Section 78c(a)(4)(B), Subsection (i) with that depository institution from the licensing requirements of section 10301; or

Sec. 2. 32 MRSA §10501, sub-§1, ¶D, as amended by PL 1989, c. 542, §36, is further amended to read:

D. Any other persons the administrator may exclude, by rule or order, consistent with the public interest and protection of investors. Rules adopted pursuant to this paragraph are routine technical rules as defined in Title 5, chapter 375, subchapter II-A.

Emergency clause. In view of the emergency cited in the preamble, this Act takes effect when approved.

Effective April 12, 2001.

CHAPTER 62

H.P. 228 - L.D. 265

An Act to Protect Animals and Ensure the Public Has Notice Regarding Veterinary Fees and Care

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

Sec. 1. 32 MRSA §4875 is enacted to read:

§4875. Notice of services

A person engaged in the practice of veterinary medicine who maintains a facility where veterinary medicine is practiced and animals are kept overnight shall provide a written notice regarding the after-hours staffing policies for the facility to any person who is responsible for an animal and who is releasing that animal to the facility. The notice must include the staffing levels and approximate times that a staff member is present during the hours that the facility is not regularly open to the public. The person responsible for releasing the animal to the facility shall sign and date the notice to acknowledge receipt of the notice. A copy of the signed notice must be kept in the animal's patient file.

A person engaged in the practice of veterinary medicine who fails to comply with this section is subject to discipline by the board.

See title page for effective date.

CHAPTER 63

S.P. 265 - L.D. 912

An Act to Amend the Harness Racing Laws to Provide for Staggered Terms

Emergency preamble. **Whereas,** Acts of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, the Harness Racing Promotional Board is important to the harness racing industry; and

Whereas, continuity is important to the functioning of the Harness Racing Promotional Board; and

Whereas, changes in statutory provisions are needed to allow staggered terms for members of the board; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

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

Sec. 1. 8 MRSA §261-A, sub-§4, as amended by PL 1997, c. 528, §4, is further amended to read:

4. Term of office. Members of the commission serve 3-year terms. For appointments that expire in 2003, the Governor shall appoint one commissioner for a term of one year, 2 commissioners for a term of 2 years and 2 commissioners for a term of 3 years. Any vacancy is filled by appointment for the remainder of the unexpired term of that member. Members whose terms expire serve until their successors are qualified and appointed.

Sec. 2. 8 MRSA §261-A, sub-§6, as amended by PL 1997, c. 527, §1 and c. 528, §5, is further amended to read:

6. Chair. The Governor shall appoint one of the 5 commission members ~~who has no industry affiliation~~ as chair. The chair serves at the pleasure of the Governor.