

# 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**

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**NON-EMERGENCY LAWS IS**  
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**PUBLISHED BY THE REVISOR OF STATUTES**  
**IN ACCORDANCE WITH MAINE REVISED STATUTES ANNOTATED,**  
**TITLE 3, SECTION 163-A, SUBSECTION 4.**

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**J.S. McCarthy Company**  
**Augusta, Maine**  
**2001**

## CHAPTER 277

S.P. 479 - L.D. 1543

**An Act to Reduce the Release of  
Dioxin from Consumer Products into  
the Environment****Be it enacted by the People of the State of  
Maine as follows:****Sec. 1. 12 MRSA §9324, sub-§7**, as enacted by PL 1997, c. 512, §5, is amended to read:

**7. Trash.** Out-of-door burning of highly combustible trash is prohibited where municipal trash ~~collection~~ service is available and will accept those materials. Out-of-door burning of plastics, rubber, styrofoam, metals, food wastes or chemicals is prohibited in all areas of the State.

For purposes of this subsection, the following terms have the following meanings.

A. "Highly combustible trash" means wooden boxes or other wood material, paper and cardboard.

B. "Municipal trash ~~collection~~ service" means ~~any~~ a transfer station, curbside trash collection service or other service that is operated or contracted for by the municipality or that is required by municipal ordinance.

**Sec. 2. 12 MRSA §9324, sub-§8** is enacted to read:

**8. Construction and demolition debris.** The out-of-door burning of construction and demolition debris containing plastics, rubber, styrofoam, metals, food wastes or chemicals is prohibited.

**Sec. 3. 38 MRSA §2132, sub-§4** is enacted to read:

**4. Reduction in dioxin.** It is the policy of the State to reduce the total release of dioxin and mercury to the environment with the goal of its continued minimization and, where feasible, ultimate elimination.

**Sec. 4. One-time education program.** The Department of Environmental Protection, contingent upon available resources, shall implement a one-time education program relating to dioxin-forming products as set forth in this section.

**1. Educational information.** The program implemented under this section must provide information to the public about the environmental health hazards of dioxin-forming products, how to identify labeled dioxin-forming products, the requirements of the law

regarding burning of waste dioxin-forming products and collection programs or disposal options that are available to the public to facilitate land disposal of waste dioxin-forming products.

**2. Dissemination of information.** Priority for the dissemination of educational information developed under this program must be given to persons who live in:

A. Municipalities that do not provide municipal trash service as defined in the Maine Revised Statutes, Title 12, section 9324, subsection 7 and do not prohibit out-of-door burning of highly combustible trash; and

B. Municipalities that burn demolition debris at municipal solid waste disposal facilities.

**3. Grants.** The Department of Environmental Protection and the State Planning Office may, within available resources, award grants to eligible municipalities, regional associations, sanitary districts, sewer districts and nonprofit organizations to achieve the educational purposes of this section.

See title page for effective date.

## CHAPTER 278

S.P. 155 - L.D. 499

**An Act to Clarify the Qualifications  
for Health Care Providers  
Conducting Employer-requested  
Examinations****Be it enacted by the People of the State of  
Maine as follows:****Sec. 1. 39-A MRSA §207, first ¶**, as amended by PL 1999, c. 365, §1, is further amended to read:

An employee being treated by a health care provider of the employee's own choice shall, after an injury and at all reasonable times during the continuance of disability if so requested by the employer, submit to an examination by a physician, surgeon or chiropractor authorized to practice as such under the laws of this State, to be selected and paid by the employer. The physician, surgeon or chiropractor must have an active practice of treating patients ~~or have discontinued an active practice not more than 2 years before the date of the examination.~~ For purposes of this section, "active practice" may be demonstrated by having ~~treating~~ active clinical privileges at a hospital. A physician or surgeon must be certified in the field of practice that treats the type of injury complained of by the employee. Certification must be

by a board recognized by the American Board of Medical Specialties or the American Osteopathic Association or their successor organizations. A chiropractor licensed by the Board of Chiropractic Licensure, who has an active practice of treating patients ~~or who discontinued an active practice not more than 2 years before the examination~~, may provide a 2nd opinion when the initial opinion was given by a chiropractor. Once an employer selects a health care provider to examine an employee, the employer may not request that the employee be examined by more than one other health care provider, other than an independent medical examiner appointed pursuant to section 312, without prior approval from the employee or a hearing officer. This provision does not limit an employer's right to request that the employee be examined by a specialist upon referral by the health care provider. Once the employee is examined by the specialist, the employer may not request that the employee be examined by a different specialist in the same specialty, other than an independent medical examiner appointed pursuant to section 312, without prior approval from the employee or the board. The employee has the right to have a physician, surgeon or chiropractor of the employee's own selection present at such an examination, whose costs are paid by the employer. The employer shall give the employee notice of this right at the time the employer requests an examination.

**Sec. 2. 39-A MRSA §207**, as amended by PL 1999, c. 365, §1, is further amended by adding after the first paragraph a new paragraph to read:

The health care provider examining an employee under this section shall, prior to commencing the examination, advise the employee fully of all records, documents and other communications that the health care provider has available in conducting the examination. The health care provider shall also advise the employee and the employee's health care provider of the scope and purpose of the requested examination and all persons with whom the health care provider has communicated in preparation for the examination. Simultaneously with providing an oral or written report to the employer, the health care provider shall provide the same information to the employee and, if requested by the employee, to the employee's health care provider.

See title page for effective date.

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## CHAPTER 279

H.P. 157 - L.D. 168

### An Act Concerning Standardized Contracts for Long-term Care Services

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

**Sec. 1. 22 MRSA §7916** is enacted to read:

**§7916. Contracts for assisted living services**

All contracts or agreements executed by a provider of assisted living services under this chapter and a consumer or the legal representative of the consumer are subject to the requirements of this section.

**1. Required contract provisions.** Each contract or agreement for assisted living services must contain the provisions designated as required in the standardized contract adopted by the department pursuant to Public Law 1999, chapter 731, Part BBBB, section 5 and may contain additional provisions as allowed under subsection 2.

**2. Other contract provisions.** In addition to the provisions required under subsection 1, each contract or agreement for assisted living services may contain provisions that do not violate a state law or rule or federal law or regulation. Contracts or agreements must be consistent with the rules adopted by the department applicable to the type of housing services provided.

**3. Rulemaking.** The commissioner shall adopt rules to implement this section. The rules must be developed in consultation with the long-term care ombudsman program established under section 5107-A, consumer representatives and providers of assisted living services. Rules adopted pursuant to this subsection are routine technical rules as defined by Title 5, chapter 375, subchapter II-A.

See title page for effective date.

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## CHAPTER 280

H.P. 1017 - L.D. 1366

### An Act Concerning Responsibilities of Conservators for Persons With Disability and Minors

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

**Sec. 1. 18-A MRSA §5-418**, as enacted by PL 1979, c. 540, §1, is repealed and the following enacted in its place:

**§5-418. Inventory and records**

(a) Within 90 days following a conservator's appointment, the conservator shall prepare and file with the appointing court a complete inventory of the estate of the protected person together with the conservator's