

# 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.**

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

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