

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWENTIETH LEGISLATURE

FIRST SPECIAL SESSION
November 13, 2002 to November 14, 2002

ONE HUNDRED AND TWENTY-FIRST LEGISLATURE

FIRST REGULAR SESSION
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NON-EMERGENCY LAWS IS
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SEPTEMBER 13, 2003

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

Penmor Lithographers
Lewiston, Maine
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The Director of the Office of Licensing and Registration within the Department of Professional and Financial Regulation may establish by rule fees authorized under this chapter in amounts that are reasonable and necessary for their respective purposes, except that the fee for any one purpose may not exceed \$200 biennially. Rules adopted pursuant to this section are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

Sec. B-6. 32 MRSA §3504, 3rd ¶, as amended by PL 1999, c. 386, Pt. L, §10, is further amended to read:

A license may be renewed up to 90 days after the date of its expiration upon payment of a late fee of \$10 in addition to the renewal fee. Any person who submits an application for renewal more than 90 days after the license expiration date is subject to all requirements governing new applications under this chapter, except that the board may in its discretion, giving due consideration to the protection of the public, waive examination or other requirements. The board may assess penalties for late renewal that is more than 90 days after the date of expiration. Notwithstanding any other provision of this chapter, the board shall waive examination if a renewal application is made within 90 days after separation from the United States Armed Forces, under conditions other than dishonorable, by a person who has failed to renew the person's license because the person was on active duty in the United States Armed Forces; ~~provided that~~ the waiver of examination may not be granted if the person served more than 4 years in the United States Armed Forces, except if the person is required by some mandatory provision to serve a longer period and the person submits satisfactory evidence to the board.

See title page for effective date.

CHAPTER 251

H.P. 1098 - L.D. 1505

An Act To Amend the Licensing Requirements for Veterinarians

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

Sec. 1. 32 MRSA §4859, sub-§4, as amended by PL 1997, c. 246, §11, is repealed.

Sec. 2. 32 MRSA §4861, as amended by PL 1997, c. 246, §§13 to 18, is further amended to read:

§4861. Application for license; qualifications and examination

~~Any~~ A person desiring a license to practice veterinary medicine in this State shall make written application ~~to the board~~ and pay the required licensure fee set under section 4863-A. The application must show that the applicant holds a doctorate degree in veterinary medicine from an approved veterinary medicine program that is a graduate of a veterinary school recognized and approved by the American Veterinary Medical Association United States Department of Education and by the board, and is a person of good moral character and provide such other information and proof as the board may require establish by rule. The application must be accompanied by a fee not to exceed \$50 established by the board. The board may adopt rules applicable to graduates of approved veterinary medicine programs by the Commissioner of Education and rules applicable to foreign educated graduates who can demonstrate equivalent education and training. Rules adopted pursuant to this section are routine technical rules as defined by Title 5, chapter 375, subchapter 2-A.

~~An applicant who is not a graduate of a school of veterinary medicine accredited by the American Veterinary Medical Association must possess a certificate issued by the Educational Commission for Foreign Veterinary Graduates or a Certificate of Qualification issued by the Canadian Veterinary Medical Association, unless the applicant is applying for licensure by endorsement and at the time the applicant became licensed in the state, province or territory from which the applicant is applying, an Educational Commission for Foreign Veterinary Graduates certificate was not required by this State.~~

~~If the board determines that the applicant possesses the proper qualifications, it shall admit the applicant to the next examination. If an applicant is found not qualified to take the examination, the secretary of the board shall immediately notify the applicant in writing of such a finding and the grounds therefor. An applicant found unqualified may request a hearing on the question of the applicant's qualifications under the procedure set forth in Title 5, chapter 375, subchapter IV.~~

1. Examinations. ~~The board shall hold at least one examination during each year and may hold such additional examinations as are necessary. The secretary shall give public notice of the time and place for each examination reasonably in advance of the date set for the examination. A person desiring to take an examination must make application at least 45 days before the date of the examination and pay an examination fee not to exceed \$100, as determined by the board.~~

~~The preparation, administration and grading of examinations is governed by rules prescribed by the board.~~

~~After each examination, the secretary shall notify each examinee of the result of the examination, and the board shall issue a certificate to each person successfully completing the examination. The secretary shall record the certificate and issue a license upon payment of the license fee. Any person failing an examination must be admitted to any subsequent examination on payment of the application fee.~~

1-A. Examinations. Examinations, written or practical, must be prepared to measure the competence of an applicant to engage in the practice of veterinary medicine. The board may require successful completion of an equivalency examination or assessment mechanism for foreign educated and trained applicants that is designed to evaluate educational equivalence, including clinical competencies and a command of the English language.

The board may employ and cooperate and contract with an organization or consultant in the preparation, administration and grading of an examination, but shall retain sole discretion and responsibility for determining which applicants have successfully passed the examination. The applicant shall pay the required examination fee set under section 4863-A.

2. Oral or practical examination. At its discretion, the board may orally or practically examine any person qualifying for licensure under this section. The examination may cover laws and rules relating to the practice of veterinary medicine.

3. Temporary permit. The board may issue without examination a temporary permit to practice veterinary medicine in this State to a qualified applicant for license pending examination. A temporary permit issued pursuant to this subsection expires the day after the notice of results of the first examination given after the permit is issued. ~~The fee for the temporary permit, which may not exceed \$30, must be set by the board. The applicant shall pay the required temporary permit fee set under section 4863-A.~~

All persons granted permits under this section shall furnish proof of liability insurance to cover the date of this permit.

4. Permit for performance of relief veterinary service. The board may issue without examination a permit to perform relief veterinary service in this State to a qualified graduate of a veterinary school, recognized and approved by the American Veterinary Medical Association person who holds a doctorate degree in veterinary medicine from an approved veterinary medicine program that is recognized by the

United States Department of Education and by the board, and who holds a current license for the practice of veterinary medicine issued by another state, territory or district of the United States. The board may establish, by rule, the application process. The initial term of a permit issued under this subsection may not exceed 30 days. Extensions may be granted in the discretion of the board. The fee for the relief permit, which may not exceed \$50, must be set by the board. The applicant shall pay the required relief permit fee set under section 4863-A.

5. Licensure by endorsement. The board shall grant a license by endorsement to a veterinarian who:

- A. Has submitted a complete application;
- B. Has paid the application and license fees ~~established by the board set under section 4863-A;~~
- C. Is licensed in good standing in another state, United States territory or province of Canada or, if an applicant does not meet the definition of good standing, as established by the board, the applicant shall provide, to the satisfaction of the board, that the applicant is qualified for licensure in the State and may practice under the restrictions and limitations on that license, and those limitations, if any, may include conditions of probation before the issuance of a license;
- ~~D. Has passed the National Board of Examination and the Clinical Competency Test as prepared under the authority of the National Board of Examination Committee for Veterinary Medicine or its predecessor organization, the National Board of Veterinary Medical Examiners or a subsequent national licensing examination prepared under the authority of the National Board of Examination Committee for Veterinary Medicine or the American Association of Veterinary State Boards, or an equivalent examination as established by the board unless, at the time the applicant became licensed in the state, province or territory from which the applicant is applying, the National Board Examination, Clinical Competency Test or subsequent examination prepared under the authority of the National Board of Examination Committee for Veterinary Medicine was not required in this State in which case the applicant need only have passed whatever national licensing examinations were required of entry level licensees in the State at the time;~~
- D-1. Has successfully passed an examination pursuant to subsection 1-A pertaining to the practice of veterinary medicine as determined by board rule. The board may require the applicant to submit to an examination covering the laws and

rules pertaining to the practice of veterinary medicine in this State; and

E. Has actively practiced clinical veterinary medicine for 3,000 hours during the 3 years preceding application; ~~and,~~

~~F. Has successfully completed an examination, established by the board, covering the laws and rules pertaining to the practice of veterinary medicine in the State.~~

Sec. 3. 32 MRSA §4863, first and 2nd ¶¶, as amended by PL 1997, c. 246, §20, are further amended to read:

All licenses expire annually on such date as the commissioner may designate, and may be renewed with the board by payment of a renewal fee ~~established by the board set under section 4863-A~~. At least 30 days prior to the annual renewal date, the Department of Professional and Financial Regulation shall mail a notice to each licensee and registrant that the license or registration ~~will expire~~ expires on the renewal date and provide a renewal application form for reregistration.

Licenses may be reinstated up to 90 days after the date of expiration upon payment of a late fee ~~of \$10 set under section 4863-A~~ in addition to the renewal fee. A person who submits an application for renewal more than 90 days after the license renewal date is subject to all requirements governing new applicants under this chapter, except that the board may, giving due consideration to the protection of the public, waive examination if that renewal application is made within 2 years from the date of the expiration. In addition, the board may levy penalties for nonrenewal.

Sec. 4. 32 MRSA §4863-A is enacted to read:
§4863-A. Fees

The Director of the Office of Licensing and Registration within the Department of Professional and Financial Regulation may establish by rule fees for purposes authorized under this chapter in amounts that are reasonable and necessary for their respective purposes, except that the fee for any one purpose may not exceed \$150 annually. Rules adopted pursuant to this section are routine technical rules pursuant to Title 5, chapter 375, subchapter 2-A.

Sec. 5. 32 MRSA §4864, sub-§12, ¶D, as amended by PL 1997, c. 246, §23, is further amended to read:

D. The continuance of a veterinarian directly or indirectly in the employ of or in association with any veterinarian after knowledge that such vet-

erinarian is engaged in the violation of the provisions of this chapter; ~~or~~

Sec. 6. 32 MRSA §4864, sub-§13, as enacted by PL 1975, c. 477, §4, is amended to read:

13. Lack of sanitation. Failure to maintain veterinary premises and equipment in a clean and sanitary condition as defined by the board in accordance with the sanitation provisions included in Title 7, section 3451-3936; or

Sec. 7. 32 MRSA §4864, sub-§14 is enacted to read:

14. Violation. Violation of a provision of this chapter or a rule adopted by the board.

Sec. 8. 32 MRSA §4865-A, sub-§10, ¶C, as amended by PL 1993, c. 404, Pt. A, §12, is further amended to read:

C. Fraud or dishonesty in the application or reporting of any test for disease in animals, or making a false report of any contagious or infectious disease or while performing any other duties of a registered veterinary technician; and

Sec. 9. 32 MRSA §4865-A, sub-§11 is enacted to read:

11. Violation. Violation of a provision of this chapter or a rule adopted by the board.

See title page for effective date.

CHAPTER 252

S.P. 469 - L.D. 1411

An Act To Increase the Licensing Fee Caps of the State Board of Optometry

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

Sec. 1. 32 MRSA §2422, first ¶, as amended by PL 1995, c. 606, §6, is further amended to read:

Every individual before beginning the practice of optometry in this State must pass an examination before the board. The board shall provide an opportunity for applicants to take the examination at least twice per year. At the discretion of the board, the examination may consist of tests in basic sciences; in anatomy and physiology of the eye; pathology; practical, theoretical and physiological optics; practical and theoretical optometry; clinical diagnosis and therapeutics; and other phases of optometric knowledge and skill the board determines to be