

# 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**  
**December 4, 2002 to June 14, 2003**

**THE GENERAL EFFECTIVE DATE FOR**  
**FIRST SPECIAL SESSION**  
**NON-EMERGENCY LAWS IS**  
**FEBRUARY 13, 2003**

**THE GENERAL EFFECTIVE DATE FOR**  
**FIRST REGULAR SESSION**  
**NON-EMERGENCY LAWS IS**  
**SEPTEMBER 13, 2003**

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

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**Penmor Lithographers**  
**Lewiston, Maine**  
**2003**

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.

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## 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

essential. The board shall require that a new applicant pass Parts I, II and III of the National Board of Examiners in Optometry examination, including all sections of the Treatment and Management of Ocular Diseases (TMOD) examination. An individual who has applied to be examined shall appear before the board at the time and place the board designates and, before the examination, shall pay to the board a sum not in excess of ~~\$200~~ \$400 as established by the board. All applicants successfully passing the examination must be licensed to practice optometry. The board may require applicants who have failed to pass the licensure examination 3 times to enroll in a course of continuing education as prescribed by the board.

**Sec. 2. 32 MRSA §2423, sub-§1,** as amended by PL 1997, c. 117, §3, is further amended to read:

**1. Annual renewal.** Every licensed optometrist practicing in the State shall pay annually, before the first day of April, to the board a license renewal fee not in excess of ~~\$200~~ \$400 as established by the board under section 2417.

**Sec. 3. 32 MRSA §2423, sub-§2,** as amended by PL 1993, c. 600, Pt. A, §154, is further amended to read:

**2. Nonactive license.** Every licensed optometrist not practicing within the State must upon payment of an annual license renewal fee not in excess of ~~\$200~~ \$400 as established by the board, be issued a nonactive license renewal. The fee is payable to the board before the first day of April each year. Should a holder of a nonactive license desire to practice within the State, the licensee shall notify the board in writing, and except as otherwise provided in this chapter, must then be issued an active license by the board.

See title page for effective date.

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## CHAPTER 253

H.P. 1072 - L.D. 1467

### An Act To Repeal the Provision of Law Requiring Permits for 53-foot Trailers

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

**Sec. 1. 29-A MRSA §511, sub-§1, ¶¶B and C,** as amended by PL 1999, c. 790, Pt. C, §13 and affected by §19, are further amended to read:

B. The fee is ~~\$18~~ \$20 for a camp trailer exceeding 2,000 pounds.

C. The fee is ~~\$18~~ \$20 for a semitrailer exceeding 2,000 pounds.

**Sec. 2. 29-A MRSA §512, sub-§1, ¶B,** as amended by PL 1997, c. 683, Pt. A, §17 and c. 776, §15, is further amended to read:

B. The fee is ~~\$10~~ \$12 for each semitrailer, and the fee is \$5 for each trailer of not more than 2,000 pounds gross vehicle weight.

Fees for the first 3 years of a registration may not be refunded. Fees for the 4th and subsequent years may be refunded prior to the start of the registration year provided that the registration plate and certificate are returned to the Secretary of State. After the start of the registration year, fees for the current year may be refunded if the plate and certificate are returned within 120 days and the Secretary of State is satisfied that the credentials were not used during the registration period.

**Sec. 3. 29-A MRSA §512, sub-§2, ¶A,** as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

A. The fee for each registration is ~~\$40~~ \$12 per year or portion of a year. The Secretary of State shall establish a procedure to bill each registrant using semipermanent semitrailer registrations once annually except the billing at the time of purchase of a full 20-year registration must be for a 3-year period. Fees for the first 3 years are nonrefundable. A fee for a registration of less than 20 years must be prorated accordingly. If any registrant fails to remit the payment in a timely manner, the Secretary of State shall suspend all registrations issued to that registrant pursuant to this subsection.

**Sec. 4. 29-A MRSA §2390, sub-§1, ¶J,** as amended by PL 2001, c. 267, §13 and affected by §16, is further amended by repealing subparagraph (11).

**Sec. 5. Effective date.** This Act takes effect January 1, 2004.

Effective January 1, 2004.

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## CHAPTER 254

H.P. 1123 - L.D. 1531

### An Act To Amend Provisions of the Submerged Lands Law

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