

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE
ONE HUNDRED AND TWENTY-FIRST LEGISLATURE

FIRST SPECIAL SESSION
August 21, 2003 to August 22, 2003

The General Effective Date For
First Special Session
Non-Emergency Laws Is
November 22, 2003

SECOND REGULAR SESSION
January 7, 2004 to January 30, 2004

The General Effective Date For
Second Regular Session
Non-Emergency Laws Is
April 30, 2004

SECOND SPECIAL SESSION
February 3, 2004 to April 30, 2004

The General Effective Date For
Second Special Session
Non-Emergency Laws Is
July 30, 2004

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

Penmor Lithographers
Lewiston, Maine
2004

Sec. 8. 13 MRSA §981-A, as amended by PL 1993, c. 316, §9, is repealed and the following enacted in its place:

§981-A. Acknowledgement of previously unrecognized corporations

An existing nonprofit corporation that is not currently recognized by the Secretary of State may prepare, sign, date and deliver for filing with the Secretary of State a certificate of organization setting forth the original name, the date, place and purpose of the incorporation, any subsequent changes to the corporate name and the current name, location and officers of the corporation. If the Secretary of State by examination of the corporate records or other substantial evidence finds that the corporation was formed, the Secretary of State shall file the certificate of organization.

Sec. 9. 13 MRSA §3025, as amended by PL 1977, c. 696, §158, is repealed and the following enacted in its place:

§3025. Filing of certificate; change of name; filing duty of the Secretary of State

1. Certificate. The clerk, treasurer and a majority of the board of trustees of every independent local church incorporated under sections 3021 to 3024 shall prepare, sign, date and deliver for filing with the Secretary of State a certificate of incorporation, in the format approved by the Secretary of State, setting forth the name of the church, the town or city where the church is located and the number and names of the members of its board of trustees. A filing fee of \$5 must accompany the certificate.

2. Change of certificate. The name of any incorporated church or any other provision in the certificate of incorporation filed under subsection 1 may be changed by vote in a legal meeting duly called for this purpose. The clerk or other duly authorized officer of the corporation shall prepare, sign, date and deliver for filing with the Secretary of State a certificate, in the format approved by the Secretary of State, setting forth the name of the church, the town or city where the church is located, the date and the nature of the change and a statement that a majority of the members or trustees authorized the change. A filing fee of \$5 must accompany the certificate.

3. Filing certificate. If a certificate delivered for filing with the Secretary of State pursuant to this section satisfies the requirements of this chapter, the Secretary of State shall file the certificate. The date of filing is the date of receipt by the Secretary of State. After filing any certificate under this chapter, the Secretary of State shall deliver to the corporation or its

representative a copy of the document with an acknowledgement of the date of filing.

See title page for effective date.

CHAPTER 524

S.P. 376 - L.D. 1152

An Act To Authorize Collaborative Practice for Emergency Contraception

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

Sec. 1. 32 MRSA c. 117, sub-c. 12 is enacted to read:

SUBCHAPTER 12

COLLABORATIVE PRACTICE FOR EMERGENCY CONTRACEPTION

§13821. Short title

This subchapter is known and may be cited as "the Collaborative Practice for Emergency Contraception Act."

§13822. Collaborative practice authorized

Notwithstanding any other provision of law, a licensed pharmacist who has completed the training required in section 13823 may initiate emergency contraception drug therapy in accordance with standardized procedures or protocols developed by the pharmacist and an authorized prescriber who is acting within the prescriber's scope of practice.

§13823. Training required

Prior to performing any procedure authorized under this chapter, a pharmacist must have completed a training program on emergency contraception, delivered by an entity authorized by a national council on pharmaceutical education, or another training program approved by the board. The training program must include, but is not limited to, conduct of sensitive communications, quality assurance, referral to additional services and documentation.

§13824. Provision of standardized fact sheet required

For each emergency contraception drug therapy initiated pursuant to this subchapter, the pharmacist shall provide the recipient of the emergency contraceptive drugs with a standardized fact sheet developed by the board that includes, but is not limited to, the

indications for use of the drug, the appropriate method for using the drug, the need for medical follow-up and referral information, information on sexual assault and referral information and other appropriate information.

§13825. Confidentiality

Nothing in this subchapter affects the provisions of law relating to maintaining the confidentiality of medical records.

Sec. 2. Development of fact sheet. In developing the fact sheet required under the Maine Revised Statutes, Title 32, section 13824, the Department of Professional and Financial Regulation, Maine Board of Pharmacy shall consult with and solicit input from the Department of Human Services, the American College of Obstetricians and Gynecologists, the Maine Pharmacy Association and other relevant health care organizations. After this consultation and review, the Maine Board of Pharmacy may use, as its standardized fact sheet, an existing publication developed by nationally recognized medical organizations.

See title page for effective date.

CHAPTER 525

H.P. 1230 - L.D. 1652

An Act Regarding the Number of Jurors Required To Render a Verdict in a Civil Trial

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

Whereas, correcting the number of jurors required to render a verdict should be done as soon as possible to avoid inconsistencies among civil trials and verdicts; 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. 14 MRSA §1204, sub-§1, as enacted by PL 2003, c. 299, §1, is amended to read:

1. Number of members. The court shall seat a jury of either 8 or 9 members, and all jurors shall participate in the verdict unless excused for good cause by the court. Unless the parties otherwise

stipulate, the verdict must be decided by the unanimous votes of at least ~~3/4~~ 2/3 of the jurors participating in the verdict and no verdict may be taken from a jury reduced to fewer than 7 members.

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

Effective March 3, 2004.

CHAPTER 526

H.P. 1235 - L.D. 1659

An Act To Streamline the Time-share Rate Collection Process

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

Whereas, utilities that provide service to time-share estates on a property-wide basis and not on an individual-owner basis confront great practical difficulties if required by the managing entity to bill individual time-share owners, and some utilities are currently being required to confront such difficulties; 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. 33 MRSA §593-A is enacted to read:

§593-A. Utility billing for time-share estates

1. Definitions. As used in this section, the following terms have the following meanings.

A. "Assessment" means any rate, fee or charge assessed or imposed by a utility for the provision of its service to time-share units, other than service that is metered or otherwise measured and billed on an individual time-share owner basis.

B. "Utility" means a public utility as defined in Title 35-A, section 102, sanitary district established under Title 38, chapter 11 or sewer district as defined in Title 38, section 1251.

2. Authority of managing entities. Notwithstanding section 593, subsection 2, when a utility provides services to time-share units, the managing