

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. 6. 32 MRSA §3278, as amended by PL 1999, c. 685, §10, is further amended to read:

§3278. Locum tenens

A physician who is ~~qualified under section 3275 may, at the discretion of the board, be given a temporary license to be effective for not more than 6 months after issuance for the purpose of permitting the physician to serve as "locum tenens" for some other physician who is then licensed to practice medicine in this State and whose own license is not temporary or limited under the provisions of this chapter, if the Maine physician is unable to maintain the practice because of illness or because of absence from the general locus of this physician's practice or for other reasons determined sufficient by the board. The fee for this temporary license may not be more than~~ presents a current active unconditioned license from another United States licensing jurisdiction and who can provide reasonable proof of meeting qualifications for licensure in this State must be issued a license to serve as locum tenens for declared emergencies in the State or for other appropriate reasons as determined by the board. The locum tenens license is effective for not more than 100 days. The fee for this locum tenens license may be not more than \$400.

Sec. 7. 32 MRSA §3279, sub-§1, as amended by PL 1993, c. 600, Pt. A, §215, is repealed.

Sec. 8. 32 MRSA §3279, sub-§§2 and 6, as amended by PL 1993, c. 600, Pt. A, §215, are further amended to read:

2. Residents. An applicant who is qualified under section 3271, subsection 1; may receive a temporary educational certificate from the board to act as a hospital resident. A certificate to a hospital resident may be renewed ~~annually~~ every 3 years at the discretion of the board for not more than ~~5~~ 7 years.

6. Fees. The board shall set fees for physicians and students licensed pursuant to this section. The amounts set for licenses issued under this section may not be more than ~~\$100~~ \$300.

Sec. 9. 32 MRSA §3280-A, sub-§2, ¶A, as enacted by PL 1993, c. 526, §2 and affected by §4, is amended to read:

A. The board may pose any question to the licensee or other sources that the board determines appropriate related to qualification for relicensure. These matters may include, but are not limited to, confirmation of health status, professional standing and conduct, professional liability claims history and license status in other jurisdictions. The board shall, after affording the licensee due process, deny license renewal if the board finds cause that may be considered

grounds for refusal to renew the license pursuant to section 3282-A, including, but not limited to, a determination that an outstanding financial obligation to the board exists; and

See title page for effective date.

CHAPTER 602

H.P. 1437 - L.D. 1940

An Act To Clarify Departmental Reporting Requirements for Developmental Disability Prevention Activities

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

Sec. 1. 22 MRSA §3573, as amended by PL 2001, c. 354, §3, is repealed and the following enacted in its place:

§3573. Reporting

1. Definitions. As used in this section, unless the context otherwise indicates, the following terms have the following meanings.

A. "Developmental disability" means a disability attributable to a mental or physical impairment or combination of mental and physical impairments that:

- (1) Is manifested before the person reaches 22 years of age;
- (2) Is likely to continue indefinitely;
- (3) Results in substantial functional limitations in 3 or more of the following areas of major life activity:
 - (a) Self-care;
 - (b) Receptive and expressive language;
 - (c) Learning;
 - (d) Mobility;
 - (e) Self-direction;
 - (f) Capacity for independent living; and
 - (g) Economic self-sufficiency.

A person from birth through 9 years of age who has a substantial developmental delay or specific congenital or acquired condition

may be considered to have a developmental disability without meeting 3 of the criteria stated in this subparagraph if there is a high probability that the person will meet those criteria later in life if services and supports are not provided to the person; and

(4) Reflects the person's need for a combination and sequence of special, interdisciplinary or generic care, treatment or other services that are of a lifelong or extended duration and are individually planned and coordinated.

B. "Mental and physical impairments" include, but are not limited to, the following conditions: mental retardation, autism, cerebral palsy, Asperger syndrome, mental illness, Prader-Willi syndrome and epilepsy.

2. Reporting requirements. The Department of Human Services, Department of Behavioral and Developmental Services and Department of Education shall by January 15th of each year submit a joint report to the joint standing committee of the Legislature having jurisdiction over health and human services matters regarding activities conducted over the past fiscal year related to the prevention of developmental disabilities and underlying mental and physical impairments and plans for such activities in the succeeding year. The report must also include data on the incidence rate of births of developmentally disabled children in the State.

3. Limitation. The provisions of this section may not be interpreted to expand or otherwise affect the requirements of the Department of Behavioral and Developmental Services to provide services to children and families under section 3571, subsection 2 or under Title 34-B.

See title page for effective date.

CHAPTER 603

H.P. 1295 - L.D. 1773

An Act To Amend the Definition of "Electrical Installations" in the Laws Governing Electricians

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

Sec. 1. 32 MRSA §1101, sub-§2, as amended by PL 1999, c. 386, Pt. F, §1, is further amended to read:

2. Electrical installations. "Electrical installations" means the installation, repair, alteration and

maintenance of electrical conductors, fittings, devices and fixtures for heating, lighting, power purposes or heat activated fire alarms, intrusion alarms, energy management, telephone, telegraph, cable and closed circuit television, sound systems, conduit and raceway systems and electrically supervised manual fire alarms and sprinkler systems. "Electrical installations" includes complete installations related to photovoltaic, fuel cell and wind power generation systems. "Electrical installations" does not include the installation or repair of portable appliances and other portable electrical equipment, installation of which involves only the insertion of an attachment plug into a fixed receptacle outlet. It is the meaning and intent of this subsection that the word "portable" does not include or apply to any type of fixed electrically operated or driven equipment.

See title page for effective date.

CHAPTER 604

H.P. 1244 - L.D. 1668

An Act To Amend the Laws Governing Growth Management

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

Sec. 1. 30-A MRSA §4349-A, sub-§3, as amended by PL 2001, c. 406, §15, is repealed.

Sec. 2. 30-A MRSA §4349-A, sub-§3-A is enacted to read:

3-A. Preference for other state grants and investments. Preference for other state grants and investments is governed by this subsection.

A. When awarding a grant or making a discretionary investment under any of the programs under paragraph B, subparagraphs (1) and (2) or when undertaking its own capital investment programs other than for projects identified in section 4301, subsection 5-B, a state agency shall respect the primary purpose of its grant or investment program and, to the extent feasible, give preference:

(1) First, to a municipality that has received a certificate of consistency for its growth management program under section 4347-A;

(2) Second, to a municipality that has adopted a comprehensive plan that the office has determined is consistent with the procedures, goals and guidelines of this subchapter and has adopted zoning ordi-