

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWENTY-SECOND LEGISLATURE

FIRST REGULAR SESSION
December 1, 2004 to March 30, 2005

FIRST SPECIAL SESSION
April 4, 2005 to June 18, 2005

THE GENERAL EFFECTIVE DATE FOR
FIRST REGULAR SESSION
NON-EMERGENCY LAWS IS
JUNE 29, 2005

THE GENERAL EFFECTIVE DATE FOR
FIRST SPECIAL SESSION
NON-EMERGENCY LAWS IS
SEPTEMBER 17, 2005

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

Penmor Lithographers
Lewiston, Maine
2005

tion of the public peace, health and safety; now, therefore,

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

Sec. 1. 32 MRSA §3552-A is enacted to read:

§3552-A. Podiatric assistants

1. Podiatric assistants permitted. This chapter may not be construed to prohibit a podiatric assistant from rendering podiatric medical services if these services are rendered under the supervision and control of a podiatrist and if that podiatric assistant is in a training program approved by the board or has satisfactorily completed training and a competency evaluation approved by the board. "Supervision and control" may not be construed to require the personal presence of the supervising and controlling podiatrist at the place where these services are rendered, unless a physical presence is necessary to provide patient care of the same quality as provided by the podiatrist. This chapter may not be construed to prohibit a podiatrist from delegating to a podiatric assistant certain activities relating to medical care and treatment that are delegated by custom and usage, as long as those activities are under the supervision or control of the podiatrist, who must be present on the premises at the time the activities are performed. This section may not be construed to require the presence of the supervising and controlling podiatrist during the rendering of nondiagnostic or nontherapeutic services.

2. Liability. A podiatrist who delegates activities as described in subsection 1 to a podiatric assistant is legally liable for the medical activities of that podiatric assistant, and a podiatric assistant in this relationship is considered the podiatrist's agent. This subsection may not be construed to apply to an individual acting under a separate license accepted by the State to render services independently.

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

Effective May 5, 2005.

CHAPTER 78

H.P. 444 - L.D. 611

An Act To Strengthen Tenants' Rights When There Is a Failure To Correct a Dangerous Condition

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

Sec. 1. 14 MRSA §6026, sub-§2, as amended by PL 1993, c. 236, §1, is further amended to read:

2. Tenant action if landlord fails to act. If a landlord fails to maintain a rental unit in compliance with the standards of subsection 1 and the reasonable cost of compliance is less than ~~\$250~~ \$500 or an amount equal to 1/2 the monthly rent, whichever is greater, the tenant shall notify the landlord in writing of the tenant's intention to correct the condition at the landlord's expense. If the landlord fails to comply within 14 days after being notified by the tenant in writing by certified mail, return receipt requested, or as promptly as conditions require in case of emergency, the tenant may cause the work to be done with due professional care with the same quality of materials as are being repaired. Installation and servicing of electrical, oil burner or plumbing equipment must be by a professional licensed pursuant to Title 32. After submitting to the landlord an itemized statement, the tenant may deduct from the tenant's rent the actual and reasonable cost or the fair and reasonable value of the work, not exceeding the amount specified in this subsection. This subsection does not apply to repairs of damage caused by the tenant or the tenant's invitee.

See title page for effective date.

CHAPTER 79

H.P. 179 - L.D. 240

An Act To Update Certain Provisions Pertaining to County Government

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

Sec. 1. 30-A MRSA §1, sub-§4 is enacted to read:

4. County official. "County official" means an elected or appointed member of a county government.

Sec. 2. 30-A MRSA §201, as amended by PL 1989, c. 104, Pt. A, §5; and Pt. C, §§8 and 10, is further amended to read:

§201. Clerical help

In all county offices, there ~~shall be~~ is allowed for clerk hire the amount authorized by the county commissioners. The county commissioners shall determine the salary of all clerks after receiving a recommendation from the county official under whom the clerk is employed. The county treasurer ~~shall~~ may pay weekly ~~or biweekly, at the discretion of the commissioners,~~ to the clerks employed by the county

the wages to which they are entitled. The county commissioners shall certify the names of the clerks to the county treasurer. The county commissioners may provide for a county pay scale, vacations and sick leave for clerical help.

Sec. 3. 30-A MRSA §704, sub-§2, as enacted by PL 1987, c. 737, Pt. A, §2 and Pt. C, §106 and amended by PL 1989, c. 6; c. 9, §2; and c. 104, Pt. C, §§8 and 10, is further amended to read:

2. Procedure if federal funds could not be anticipated. If federal funds become available to the county for expenditure by the county ~~while the Legislature is not in session~~, and if the availability of those funds could not reasonably have been anticipated and included in the estimate adopted ~~by the Legislature~~ for the fiscal year in question, the county may accept and spend these funds in compliance with federal and state law. Upon application for those funds and upon receipt of those funds, the ~~chairman~~ **chair** of the county commissioners shall submit to the clerk of each municipality in the county ~~and to each member of the county legislative delegation~~ a statement:

A. Describing the proposed federal expenditure in the same manner as it would be described in the estimate; and

B. Containing a statement as to why the availability of these federal funds and the necessity of their expenditure could not have been anticipated in time for that expenditure to be adopted as part of the estimates for that particular fiscal year.

Sec. 4. 30-A MRSA §932, sub-§1, as enacted by PL 1987, c. 737, Pt. A, §2 and Pt. C, §106; and amended by PL 1989, c. 6; c. 9, §2; and c. 104, Pt. C, §§8 and 10, is further amended to read:

1. Taxes. The county commissioners of all counties may borrow in anticipation of taxes. If the county budget has not yet been approved ~~by the Legislature~~, the county commissioners of each county may borrow an amount not exceeding 80% of the previous year's budget, except as otherwise provided.

See title page for effective date.

CHAPTER 80

H.P. 273 - L.D. 360

An Act To Allow Retired Firefighters To Retain Their Firefighter License Plates

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

Sec. 1. 29-A MRSA §519, as amended by PL 1999, c. 470, §5, is further amended to read:

§519. Registration plates for firefighters

1. Authority to issue special registration plate.

Upon application by an active firefighter whose status is certified by the fire chief, assistant fire chief or acting fire chief appointed or elected pursuant to Title 30-A, section 3153, the Secretary of State shall issue a special firefighter registration plate.

2. Registration plate design. The Secretary of State may design a numerical registration plate.

3. Use of registration plate. The registration plate may be used ~~only~~ only on one motor vehicle with a registered gross weight of not more than 9,000 pounds.

4. Fee for registration plate. An additional one-time fee of \$5 is charged for a set of firefighter registration plates.

5. Recall of registration plate. If Except as provided in subsection 6, when a firefighter ceases to be an active firefighter, the fire chief shall notify the Secretary of State and the Secretary of State shall recall the registration plate.

6. Retired firefighter; retention of registration plate. Upon approval by the fire chief, assistant fire chief or acting fire chief, a retired firefighter may continue to use the registration plates issued under this section. Upon the death of the firefighter, the family of the firefighter may retain the registration plates but may not use them on a vehicle.

7. Firefighter vanity plates. Effective March 1, 2006 the Secretary of State shall issue firefighter registration plates that are also vanity plates. Firefighter registration vanity plates are issued in accordance with section 453. Firefighter registration vanity plates may not duplicate vanity registration plates in any other class of plate.

See title page for effective date.

CHAPTER 81

H.P. 46 - L.D. 50

An Act To Ban Remote-control Hunting

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

Sec. 1. 7 MRSA §1344, as enacted by PL 1999, c. 765, §3, is amended to read: