

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

CHAPTER 160**S.P. 185 - L.D. 576****An Act To Reestablish the Ban on Dragging in the Taunton River Area**

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

Whereas, the prohibition on dragging in the Taunton River area expired on March 1, 2005; and

Whereas, restrictions on dragging are necessary to protect and conserve marine organisms in Taunton Bay; 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. 12 MRSA §6959-A is enacted to read:

§6959-A. Dragging in Taunton River area

A person may not fish with any drag or combination of drags in the territorial waters westerly and northerly of Sullivan Falls in the towns of Hancock and Sullivan in Hancock County, including Egypt Bay, Taunton Bay and Hog Bay. This section does not apply to research activities in Taunton Bay that are authorized by the commissioner. Research activities may include, but are not limited to, scientific studies and experimental commercial mussel harvesting. This section is repealed July 1, 2008.

Sec. 2. Report. No later than January 12, 2007, the Department of Marine Resources shall submit to the joint standing committee of the Legislature having jurisdiction over marine resources matters a science-based comprehensive resource management plan for Taunton Bay. The plan must address the principal user groups, including recreational, scientific and commercial mussel harvesting interests, in the context of sustaining the ecological processes, functions and values of Taunton Bay. The plan may include proposed legislation to implement the department's recommendations for resource management in Taunton Bay.

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

Effective May 20, 2005.

CHAPTER 161**S.P. 65 - L.D. 159****An Act To Restrict Undocumented Mortgage Agreements**

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

Sec. 1. 33 MRSA §506 is enacted to read:

§506. Undocumented mortgage agreements

In a residential mortgage loan closing, a buyer, seller or settlement agent may not knowingly be a party to a financial or other arrangement not reflected in the loan settlement statement if the effect of that arrangement is to substantially overstate the contract sales price. Any violation of this section constitutes a violation of the Maine Unfair Trade Practices Act.

See title page for effective date.

CHAPTER 162**H.P. 301 - L.D. 398****An Act To Make Technical Changes to the Medical Licensure Laws**

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

Sec. 1. 32 MRSA §3270-C, sub-§1, as amended by PL 2003, c. 601, §3, is further amended to read:

1. Grounds. The sanctions of section 3282-A apply to a physician assistant ~~who has:~~

~~A. Claimed to be legally licensed or allowed another to represent that physician assistant as holding a valid license;~~

~~B. Performed otherwise than at the direction and under the supervision of a physician licensed by this board;~~

~~C. Been delegated and performed a task or tasks beyond the physician assistant's competence; and~~

~~D. Administered, dispensed or prescribed a controlled substance otherwise than as authorized by law.~~

Sec. 2. 32 MRSA §3271, sub-§2, as amended by PL 2003, c. 601, §4, is further amended to read:

2. Postgraduate training. Each applicant who has graduated from an accredited medical school on or after January 1, 1970 but before July 1, 2004 must have satisfactorily completed at least 24 months in a graduate educational program accredited by the Accreditation Council on Graduate Medical Education, the Canadian Medical Association or the Royal College of Physicians and Surgeons of Canada. Notwithstanding other requirements of postgraduate training, an applicant is eligible for licensure when the candidate has satisfactorily graduated from a combined postgraduate training program in which each of the contributing programs is accredited by the Accreditation Council on Graduate Medical Education and the applicant is eligible for accreditation by the American Board of Medical Specialties in both specialties. Each applicant who has graduated from an accredited medical school prior to January 1, 1970 must have satisfactorily completed at least 12 months in a graduate educational program accredited by the Accreditation Council on Graduate Medical Education, the Canadian Medical Association or the Royal College of Physicians and Surgeons of Canada. Each applicant who has graduated from an accredited medical school on or after July 1, 2004 or an unaccredited medical school must have satisfactorily completed at least 36 months in a graduate educational program accredited by the Accreditation Council on Graduate Medical Education, the Canadian Medical Association, the Royal College of Physicians and Surgeons of Canada or the Royal Colleges of England, Ireland or Scotland. An applicant who has completed 24 months of postgraduate training and has received an unrestricted endorsement from the director of an accredited graduate education program in the State is considered to have satisfied the postgraduate training requirements of this subsection if the applicant continues in that program and completes 36 months of postgraduate training. Notwithstanding this subsection, an applicant who is board certified by the American Board of Medical Specialties is deemed to meet the postgraduate training requirements of this subsection.

Sec. 3. 32 MRSA §3272, as amended by PL 1993, c. 600, Pt. A, §209, is repealed.

Sec. 4. 32 MRSA §3273, as amended by PL 1991, c. 425, §15, is repealed.

Sec. 5. 32 MRSA §3277, as amended by PL 1993, c. 600, Pt. A, §213, is further amended to read:

§3277. Camp physicians

A physician who is qualified under section 3275 may, at the discretion of the board, be temporarily licensed as a camp physician so that the physician may care for the campers in that particular camp for which the physician was hired and retained as a camp physician. That physician is entitled to practice only on patients in the camp. The temporary license must be obtained each year. Application for this temporary license must be made in the same form and manner as for regular licensure. An examination may not be exacted from applicants for these temporary licenses. The fee for temporary licensure may not be more than ~~\$100~~ \$400 annually.

Sec. 6. 32 MRSA §3278, as amended by PL 2003, c. 601, §6, is further amended to read:

§3278. Emergency 100-day license

A physician who 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~~ temporarily 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 §3280-A, sub-§3, ¶A, as amended by PL 1999, c. 685, §11, is further amended to read:

A. The board may charge a license renewal application fee of not more than \$500 to all applicants for license renewal ~~who have not attained 70 years of age on the date renewal becomes due.~~

See title page for effective date.

CHAPTER 163

H.P. 843 - L.D. 1225

An Act To Amend and Update Laws Regulating the Practice of Nursing

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

Sec. 1. 32 MRSA §2103, sub-§2, as amended by PL 2001, c. 260, Pt. D, §1, is further amended to read:

2. Students. The practice of nursing that is an integral part of a program by students enrolled in board-approved nursing education programs leading to