

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from electronic originals
(may include minor formatting differences from printed original)

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

~~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

initial licensure, ~~and or~~ the practice of nursing by graduates of board-approved programs ~~pending the results of the first licensing examination for which they are eligible following graduation who are participating in a structured orientation program specifically designed for graduates of board-approved nursing programs as defined by the board~~, if they practice under on-site delegation and supervision of a registered professional nurse and only in the practice setting. The board may, by rule or by policy, define what constitutes supervision and a practice setting;

Sec. 2. 32 MRSA §2103, sub-§7, as enacted by PL 2003, c. 204, Pt. H, §4, is amended to read:

7. Nursing services by successful candidates of the National Council of State Boards of Nursing, Inc.'s National Council Licensure Examination pending receipt of United States social security number. The practice of nursing for a period not to exceed 90 days by an applicant for licensure as a registered professional nurse or practical nurse who has passed the National Council of State Boards of Nursing, Inc.'s National ~~Council's Learning Extension licensure examination~~ Council Licensure Examination and has met all requirements for licensure except obtaining a United States social security number, as required by Title 36, section 175.

Sec. 3. 32 MRSA §2153-A, last paragraph, as repealed and replaced by PL 1995, c. 625, Pt. A, §38, is repealed.

Sec. 4. 32 MRSA §2153-B is enacted to read:

§2153-B. Liaison; limitations

The Commissioner of Professional and Financial Regulation shall act as a liaison between the board and the Governor. The commissioner may not exercise or interfere with the exercise of discretionary, regulatory or licensing authority granted by statute to the board. The commissioner may require the board to be accessible to the public for complaints and questions during regular business hours and to provide any information the commissioner requires in order to ensure that the board is operating administratively within the requirements of this chapter.

Sec. 5. 32 MRSA §2203 is repealed.

Sec. 6. 32 MRSA §2207, sub-§2, as amended by PL 1993, c. 600, Pt. A, §130, is further amended to read:

2. Reexamination. For reexamination, a fee ~~to be determined by the board based on the number of areas to be covered and~~ not to exceed \$100; and

Sec. 7. 32 MRSA §2252, as amended by PL 1991, c. 153, §3 and affected by §5, is further amended to read:

§2252. License; examination

The applicant is required to pass a written examination in subjects ~~deemed~~ considered necessary by the board to determine the fitness of the applicant to practice practical nursing. ~~Each written examination may be supplemented by an oral or practical examination.~~ Upon the applicant's successfully passing the examination, the board shall issue to the applicant a license to practice as a licensed practical nurse, that license to be in force for a period of at least one year until the birth date of the licensee. The initial license is renewable as provided in section 2255.

See title page for effective date.

CHAPTER 164

H.P. 900 - L.D. 1303

An Act To Register Nonbank Loan Officers

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

Sec. 1. 9-A MRSA §1-301, sub-§22-A is enacted to read:

22-A. "Loan officer" means an individual who is employed or retained and supervised by a licensed supervised lender that is not a supervised financial organization, or by a registered credit services organization, whose primary job responsibilities include direct contact with mortgage applicants and who accepts applications for and originates, negotiates, solicits, arranges for or obtains mortgage loans. "Loan officer" does not include employees who conduct purely administrative or clerical tasks. "Loan officer" does not include a sole proprietor licensed as and acting solely as a supervised lender pursuant to section 2-302, subsection 1 or registered as and acting solely as a credit services organization pursuant to section 10-201.

Sec. 2. 9-A MRSA §2-302, sub-§1-A is enacted to read:

1-A. At the time of application for a license to make supervised loans and on an ongoing basis during the term of any such license, the applicant shall apply to the administrator for registration of all loan officers employed or retained by the applicant. Applications must be filed in a manner prescribed by the administrator, must include the names, addresses and work locations of the loan officers and such additional