

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWENTY-SECOND LEGISLATURE

SECOND SPECIAL SESSION
July 29, 2005

SECOND REGULAR SESSION
January 4, 2006 to May 24, 2006

THE GENERAL EFFECTIVE DATE FOR
SECOND SPECIAL SESSION
NON-EMERGENCY LAWS IS
OCTOBER 28, 2005

THE GENERAL EFFECTIVE DATE FOR
SECOND REGULAR SESSION
NON-EMERGENCY LAWS IS
AUGUST 23, 2006

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

Penmor Lithographers
Lewiston, Maine
2006

M. Entering any other orders determined necessary or appropriate in the discretion of the court; or

Sec. 12. 19-A MRSA §4007, sub-§1, ¶N is enacted to read:

N. Directing the care, custody or control of any animal owned, possessed, leased, kept or held by either party or a minor child residing in the household.

Sec. 13. 19-A MRSA §4011, sub-§2, as enacted by PL 1995, c. 694, Pt. B, §2 and affected by Pt. E, §2, is amended to read:

2. Exception. When the only provision that is violated concerns relief authorized under section 4007, subsection 1, paragraphs H to ~~M~~ N, the violation must be treated as contempt and punished in accordance with law.

See title page for effective date.

CHAPTER 511

S.P. 687 - L.D. 1770

An Act To Amend the Laws Governing Licensure of Workers in the Field of Radiologic Technology

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

Whereas, this legislation, which amends the laws governing medical radiologic technology by clarifying the scope of practice for this profession and by providing for reciprocal licensure for qualified applicants from other jurisdictions, needs to take effect as soon as possible to protect the health and safety of the residents of this State; 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. 32 MRSA §9852, as enacted by PL 1983, c. 524, is amended to read:

§9852. Definitions

As used in this chapter, unless the context indicates otherwise, the following terms have the following meanings.

1. Board. "Board" means the Radiologic Technology Board of Examiners.

2. Dental radiographer. "Dental radiographer" means a person, other than a licensed practitioner, whose duties include radiography of the maxilla, mandible and adjacent structures for diagnostic purposes and who is licensed under chapter 16.

3. Ionizing radiation. "Ionizing radiation" means gamma rays and x rays; alpha and beta particles, high-speed electrons, neutrons, protons and other nuclear particles; but not ultrasound, sound or radio waves, magnetic fields or visible, infrared or ultraviolet light.

4. License. "License" means a certificate issued by the board authorizing the licensee to use radioactive materials or equipment emitting ionizing radiation on human beings for diagnostic or therapeutic purposes in accordance with the provisions of this ~~Act~~ chapter.

4-A. Licensed physician. "Licensed physician" means a person licensed to practice medicine or osteopathy in this State.

5. Licensed practitioner. "Licensed practitioner" means a person licensed to practice medicine, dentistry, chiropractic, podiatry or osteopathy in this State.

6. Nuclear medicine technologist. "Nuclear medicine technologist" means a person, other than a licensed practitioner, who uses radionuclide agents on human beings for diagnostic ~~or~~ and therapeutic purposes.

7. Nuclear medicine technology. "Nuclear medicine technology" means the use of radionuclides ~~in vivo~~ on human beings for diagnostic ~~or~~ and therapeutic purposes under the supervision of a licensed physician. The use of radionuclides on human beings for diagnostic and therapeutic purposes includes the use of dual imaging devices. For purposes of this subsection, "use" means all activities involved in the application of radioactive material. These activities include, but are not limited to, adjusting equipment settings, positioning the patient, positioning the equipment and positioning the image receptor.

8. Radiation therapist. "Radiation ~~therapy~~ technologist therapist" means a person, other than a licensed practitioner, who applies ionizing radiation to human beings for therapeutic and simulation purposes, excluding the administration of radiopharmaceuticals.

9. Radiation therapy technology. "Radiation therapy technology" means the use of ionizing radiation on human beings for therapeutic and simulation purposes, excluding the administration of radiopharmaceuticals, under the supervision of a licensed physician. For purposes of this subsection, "use" means all activities involved in the application of ionizing radiation. These activities include, but are not limited to, adjusting equipment settings, positioning the patient, positioning the equipment and positioning the image receptor.

10. Radiographer. "Radiographer" means a person, other than a licensed practitioner, who applies ionizing radiation to human beings for diagnostic imaging purposes, excluding the administration of radiopharmaceuticals.

11. Radiography. "Radiography" means the use of ionizing radiation on human beings for diagnostic imaging purposes, excluding the administration of radiopharmaceuticals, under the supervision of a licensed practitioner. For purposes of this subsection, "use" means all activities involved in the application of ionizing radiation. These activities include, but are not limited to, adjusting equipment settings, positioning the patient, positioning the equipment and positioning the image receptor.

12. Radiologic technologist. "Radiologic technologist" means any person who is a radiographer, a radiation ~~therapy technologist~~ therapist or a nuclear medicine technologist licensed under this ~~Act~~ chapter.

13. Radiologic technology. "Radiologic technology" means the use of a radioactive substance or equipment emitting ionizing radiation on human beings for diagnostic or therapeutic purposes.

14. Radiological physicist. "Radiological physicist" means a person who is ~~certified by the American Board of Radiology~~ has successfully completed education and training in medical radiological physics or one of the subspecialties of radiological physics or who is eligible for that certification.

15. Radiologist. "Radiologist" means a physician, certified by the American Board of Radiology or the American Osteopathic Board of Radiology, the British Royal College of Radiology or the Royal College of Physicians and Surgeons, who is licensed in this State or who has completed or who is actively pursuing the course of training equivalent to the course of training required for admission to these boards.

16. Radiopharmaceutical. "Radiopharmaceutical" means a radioactive substance approved for administration to a patient to provide diagnostic information or deliver treatment for a specific disease.

Sec. 2. 32 MRSA §9853, sub-§1, as amended by PL 1999, c. 687, Pt. E, §8, is further amended to read:

1. Appointment and membership. The membership of the board consists of 2 radiologists; 2 radiographers; one nuclear medicine technologist; one radiation ~~therapy technologist~~ therapist; one radiation physicist; and 2 public members who are not affiliated with the medical or any allied health profession. The Governor may appoint these members from lists submitted by the following organizations or their successors.

A. Radiologist members may be appointed from lists submitted by the Maine Radiological Society.

B. The radiation physicist member may be appointed from lists submitted by the Maine Radiological Society.

C. Radiologic technologist members may be appointed from lists submitted by the Maine Society of Radiologic Technologists, the Society of Nuclear Medicine Technologists and the New England Society of Radiation Therapy Technologists.

The list submitted by each organization must include at least 2 names for each position to be filled from that organization.

The consumer members are appointed by the Governor.

Sec. 3. 32 MRSA §9853, sub-§6, ¶A, as enacted by PL 1983, c. 524, is amended to read:

A. To review the qualifications of applicants for licensure and to license radiographers, nuclear medicine technologists and radiation ~~therapy technologists~~ therapists who qualify under this chapter;

Sec. 4. 32 MRSA §9853, sub-§6, ¶B, as enacted by PL 1983, c. 524, is amended to read:

B. To conduct qualifying examinations for radiographers, nuclear medicine technologists and radiation ~~therapy technologists~~ therapists, and to establish passing standards;

Sec. 5. 32 MRSA §9854, sub-§1, as enacted by PL 1983, c. 524, is amended to read:

1. License required. ~~No~~ A person may ~~not~~ practice or ~~hold himself out as~~ profess to be authorized to practice after September 1, 1984, as a radiographer, a nuclear medicine technologist or a radiation ~~therapy technologist~~ therapist unless ~~he~~ that person is licensed in accordance with the provisions of this chapter. A

license issued by the board ~~shall~~ must be displayed conspicuously in each place of regular employment of the licensee.

Sec. 6. 32 MRSA §9855, as amended by PL 1989, c. 700, Pt. A, §§156 to 158, is repealed and the following enacted in its place:

§9855. Qualifications

1. Radiographer. To qualify for a license as a radiographer, an applicant must meet the following requirements:

- A. Be at least 18 years of age;
- B. Have a high school diploma or its equivalent as determined by the Department of Education; and
- C. Either have successfully completed a course of study in radiologic technology and an examination that is approved by the board or possess valid certification and current registration from the American Registry of Radiologic Technologists, or another certification program approved by the board to practice as a radiographer.

2. Nuclear medicine technologist. To qualify for a license as a nuclear medicine technologist, an applicant must meet the following requirements:

- A. Be at least 18 years of age;
- B. Have a high school diploma or its equivalent as determined by the Department of Education; and
- C. Either have successfully completed a nuclear medicine technology program and an examination that is approved by the board or possess valid certification and current registration from the American Registry of Radiologic Technologists, the Nuclear Medicine Technology Certification Board or another certification program approved by the board to practice as a nuclear medicine technologist.

3. Radiation therapist. To qualify for a license as a radiation therapist, an applicant must meet the following requirements:

- A. Be at least 18 years of age;
- B. Have a high school diploma or its equivalent as determined by the Department of Education; and
- C. Either have successfully completed a course in radiologic technology and an examination that is approved by the board or possess valid certification and current registration from the Ameri-

can Registry of Radiologic Technologists or another certification program approved by the board to practice as a radiation therapist.

4. Limited radiographer license. For those applicants wishing to be licensed only for the limited purpose of using ionizing radiation for imaging purposes in the office of a licensed practitioner or for physician assistants practicing under section 3270-A or nurses practicing under section 2102, subsection 2, paragraph C in a clinic not required to be licensed under Title 22, chapter 405, the board shall grant a limited license and shall, in approving a course of study, training and examination for these applicants, consider the limited scope of practice of the various disciplines. Those aspects of study, training and examination relating to patient safety must be identical to the requirements for a full license.

Sec. 7. 32 MRSA §9857, as enacted by PL 1983, c. 524, is repealed and the following enacted in its place:

§9857. Nonresidents; applicants licensed in another jurisdiction

1. Reciprocal agreements. The board may enter into reciprocal agreements with other jurisdictions that have substantially similar licensure laws and accord substantially equal reciprocal rights to residents licensed in good standing in this State.

2. Applicants licensed in another jurisdiction. An applicant who is licensed under the laws of another jurisdiction is governed by this subsection.

A. An applicant who is licensed under the laws of a jurisdiction that has a reciprocal agreement with the board may obtain a license under the terms and conditions agreed upon through the reciprocal agreement.

B. An applicant who is licensed in good standing at the time of application to the board under the laws of a jurisdiction that has not entered into a reciprocal agreement with the board may qualify for licensure by submitting evidence to the board that the applicant has actively practiced with a substantially equivalent license or by submitting evidence that the applicant's qualifications for licensure are substantially similar to those requirements in this chapter.

C. All nonresident applicants must submit with the application an irrevocable consent to service of process on the applicant for an action filed in a court of this State arising out of the applicant's activities as a licensee in this State. Service may be made by delivery of the process to the Director of Licensing and Registration within the Department of Professional and Financial

Regulation if, in the exercise of due diligence, a plaintiff cannot effect personal service upon the applicant.

Sec. 8. 32 MRSA §9858, sub-§2, ¶A, as enacted by PL 1983, c. 672, is amended to read:

A. The applicant ~~shall~~ must possess a Maine license that is current national certification and in good standing to practice as a radiographer;

Sec. 9. 32 MRSA §9859, as amended by PL 2001, c. 323, §29, is further amended to read:

§9859. Licensure renewal; fees

An original or renewal licensure fee under section 9859-A must be paid by the applicant or licensee. All licenses must be renewed ~~biennially on or before August 31st of each even numbered year or at such other times as the Commissioner of Professional and Financial Regulation may designate, as set forth in Title 10, section 8003, subsection 4. The board shall notify each licensee, at the licensee's last known address, 30 days in advance of the expiration of the license. Renewal notices must be on forms provided by the Department of Professional and Financial Regulation.~~ Any license not renewed by the designated renewal date automatically expires. Licenses may be renewed up to 90 days after the date of expiration upon payment of a late fee ~~in addition to the and renewal fee, as set under section 9859-A.~~ Any person who submits an application for renewal more than 90 days after the licensing renewal date must submit a renewal fee, a late fee and a filing fee as set under section 9859-A and is subject to all requirements governing new applicants under this chapter, except that the board may, giving due consideration to the protection of the public, waive examination or other requirements. ~~Penalties may be assessed by the director for late renewals more than 90 days after the expiration.~~

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

Effective March 27, 2006.

CHAPTER 512

H.P. 1227 - L.D. 1720

**An Act To Make Revisions to the
Maine Revised Statutes Relating to
Agriculture**

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

Sec. 1. 7 MRSA §14, as amended by PL 1983, c. 308, §§5 and 14, is repealed.

Sec. 2. 7 MRSA §122, first ¶, as amended by PL 1997, c. 711, §4, is further amended to read:

The Maine Agricultural Experiment Station shall conduct scientific investigations in orcharding, corn and other farm crops and, to this end, shall maintain the farms ~~heretofore~~ purchased in the name of the State, and stocked and equipped for the use and benefit of the station. The Director of the Maine Agricultural Experiment Station, with the agreement of the Board of Agriculture, has the general supervision, management and control of those farms and of all investigations thereon. The board and the director shall seek agreement on all issues. In the event that agreement can not be reached, final authority rests with the director.

Sec. 3. 7 MRSA §195, first ¶, as amended by PL 1985, c. 779, §29, is further amended to read:

~~It shall be the duty of the A county extension association; shall annually, as required, to present to the University of Maine and the county commissioners its plan of extension work for the ensuing year and to render to both the trustees of the University of Maine and the county commissioners a full detailed report of its extension activities for the preceding fiscal year, including a detailed report of its receipts and expenditures from all sources. The financial report of such a county extension association shall must be on such forms as may be prescribed by the University of Maine and the county commissioners.~~

Sec. 4. 7 MRSA §401-A, first ¶, as enacted by PL 1983, c. 563, §1, is amended to read:

The Legislature finds that the marketing of agricultural commodities produced in the State is crucial to the maintenance and expansion of the agricultural industry, to the preservation of rural life in the State and to the economic well-being of all of the ~~state's~~ State's people. ~~The Legislature further finds that over the years, marketing issues have been inadequately addressed and some of the major agricultural commodities of the State have lost substantial market shares to competitors. In addition, there is a lack of pertinent market information to assist in the development of new commodities to maximize their contribution to the state's agricultural economy. There exists a need for a comprehensive marketing program applicable to all agricultural products. Such a program will to provide the necessary market information to enable Maine farmers to make wise short-term and long-term production decisions; to establish standards for proper storage, packing and grading of agricultural products; and to create adequate enforceable programs for quality assurance as well as for the effective~~