

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWENTY-THIRD LEGISLATURE

FIRST REGULAR SESSION
December 6, 2006 to June 21, 2007

THE GENERAL EFFECTIVE DATE FOR
FIRST REGULAR SESSION
NON-EMERGENCY LAWS IS
SEPTEMBER 20, 2007

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

Penmor Lithographers
Lewiston, Maine
2007

~~2. **Accountability.** Each network is accountable to the area council and the regional director.~~

~~3. **Public outreach.** Each network shall solicit the participation of interested providers to serve on the area council, the network or advisory committees.~~

~~4. **Participation.** State operated direct service programs shall participate in the activities of the networks.~~

5. Data collection. The department shall collect data to assess the capacity of the ~~local~~ community service networks, including, but not limited to, analyses of utilization of mental health services and the unmet needs of persons receiving publicly funded mental health services.

Sec. 9. 34-B MRSA §3609, as enacted by PL 1995, c. 691, §7, is amended to read:

§3609. Statewide quality improvement council

~~Each council~~ The commissioner shall designate a member and an alternate persons to be members to serve on a statewide quality improvement council to advise the commissioner on issues of system implementation that have statewide impact. The commissioner shall appoint such other members to serve on the council as required by law.

Sec. 10. 34-B MRSA §3610, first ¶, as repealed and replaced by PL 1997, c. 683, Pt. A, §19, is amended to read:

The department is responsible for providing a safety net of adult mental health services for people with major mental illness who the department or its designee determines can not otherwise be served by the ~~local~~ community service networks. The department may develop contracts to deliver safety net services if the department determines contracts to be appropriate and cost-effective. The state-operated safety net must include, but is not limited to:

Sec. 11. 34-B MRSA §15002, sub-§2, ¶E, as enacted by PL 1997, c. 790, Pt. A, §1 and affected by §3, is amended to read:

E. Planning for the delivery of care takes into account the advice of the quality improvement institute councils established under section ~~3607~~ 3607-A and the ~~local~~ community service networks established under section 3608.

Sec. 12. Report. By January 15, 2008, the Department of Health and Human Services shall report to the Joint Standing Committee on Health and Human Services regarding the operation of the community service networks in the geographic areas designated in the Maine Revised Statutes, Title 34-B, section 3608, subsection 1-A and the state health regions designated

by the Maine Center for Disease Control and Prevention and the possibilities for coordination among the regions or for redesignation.

See title page for effective date.

CHAPTER 287

S.P. 419 - L.D. 1171

**An Act To Modernize the Laws
Pertaining to the Sport of
Skiing and Use of Ski Areas**

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

Sec. 1. 32 MRSA §15202, sub-§14, as amended by PL 2001, c. 573, Pt. B, §7 and affected by §36, is further amended to read:

14. Skier. "Skier" means any person ~~while wearing skis or using a snowboard and any person while actually on a ski slope or trail located at a ski area for the purpose of skiing, including a person engaged in snowboarding or cross-country, nordic or telemark skiing who engages in any of the activities described in section 15217, subsection 1, paragraph B.~~

Sec. 2. 32 MRSA §15202, sub-§15, as enacted by PL 1995, c. 560, Pt. H, §14 and affected by §17, is amended to read:

15. Ski area. "Ski area" means the ski slopes and trails, adjoining skiable terrain, areas designated by the ski area operator to be used for skiing as defined by section 15217, subsection 1, paragraph B and passenger tramways administered or operated as a single enterprise within this State.

Sec. 3. 32 MRSA §15217, as enacted by PL 1995, c. 560, Pt. H, §14 and affected by §17, is amended to read:

§15217. Skiers' and tramway passengers' responsibilities

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

A. "Inherent risks of skiing" means those dangers or conditions that are an integral part of the sport of skiing, including, but not limited to: existing and changing weather conditions; existing and changing snow conditions, such as ice, hard-pack, powder, packed powder, slush and granular, corn, crust, cut-up and machine-made snow; surface or subsurface conditions, such as dirt, grass, bare spots, forest growth, rocks, stumps, trees and other natural objects and collisions with or falls resulting from such natural objects; lift towers, lights, signs, posts, fences, mazes or enclosures,

hydrants, water or air pipes, snowmaking and snow-grooming equipment, marked or lit trail maintenance vehicles and snowmobiles, and other man-made structures or objects and their components, and collisions with or falls resulting from such man-made objects; variations in steepness or terrain, whether natural or as a result of slope design; snowmaking or snow-grooming operations, including, but not limited to, ski freestyle terrain, jumps, roads and catwalks or other terrain modifications; the presence of and collisions with other skiers; and the failure of skiers to ski safely, in control or within their own abilities.

B. "Skiing" means the use of a ski area for snowboarding or downhill, telemark or cross-country skiing; for sliding downhill or jumping on snow or ice on skis ~~or~~, a toboggan, sled, tube, snowboard, snowbike or any other device; or for similar uses of any of the facilities of the ski area, including, but not limited to, ski slopes ~~and~~, trails and adjoining terrain.

C. "Skier" means any person at a ski area who participates in any of the activities described in paragraph B.

D. "Competitor" means a skier actually engaged in competition or a special event or training or practicing for competition or a special event on any portion of the ski area made available by the ski area operator.

E. "Freestyle terrain" includes, but is not limited to, terrain parks and terrain park features such as jumps, rails, fun boxes and all other constructed or natural features, halfpipes, quarterpipes and freestyle-bump terrain.

2. Acceptance of inherent risks. Because skiing as a recreational sport; and the use of passenger tramways associated with skiing; may be hazardous to skiers or passengers, regardless of all feasible safety measures that may be taken, each person who participates in the sport of skiing accepts, as a matter of law, the risks inherent in the sport and, to that extent, may not maintain an action against or recover from the ski area operator, or its agents, representatives or employees, for any losses, injuries, damages or death that result from the inherent risks of skiing.

3. Warning notice. A ski area operator shall post and maintain at the ski area where the lift tickets and ski school lessons are sold and at the loading point of each passenger tramway signs that contain the following warning notice:

WARNING:

Under Maine law, a skier assumes the risk of any injury to person or property resulting from any of the inherent dangers and risks of skiing and may not recover from any ski area operator for any injury resulting from any of the inherent dangers

and risks of skiing, including, but not limited to: existing and changing weather conditions; existing and changing snow conditions, such as ice, hardpack, powder, packed powder, corn, crust and slush and cut-up, granular and machine-made snow; surface or subsurface conditions, such as dirt, grass, bare spots, rocks, stumps, trees, forest growth or other natural objects and collisions with such natural objects; lift towers, lights, signs, posts, fences, mazes or enclosures, hydrants, water or air pipes, snowmaking and snow-grooming equipment, marked or lit trail maintenance vehicles and snowmobiles, and other man-made structures or objects; variations in steepness or terrain, whether natural or as a result of slope design, snowmaking or grooming operations, including, but not limited to, ski freestyle terrain, jumps, roads and catwalks or other terrain modifications; the presence of and collisions with other skiers; and the failure of skiers to ski safely, in control or within their own abilities.

4. Duty to ski within limits of ability. A skier has the sole responsibility for knowing the range of the skier's own ability to negotiate any slope or ski trail, and it is the duty of the skier to ski within the limits of the skier's own ability, to maintain control of the rate of speed and the course at all times while skiing, to heed all posted and oral warnings and instructions by the ski area operator and to refrain from acting in a manner that may cause or contribute to the injury of the skier or others.

4-A. Competition and freestyle terrain. A competitor accepts all inherent risks of skiing and all risks of course, venue and area conditions, including, but not limited to: weather and snow conditions; obstacles; course or feature location, construction and layout; freestyle terrain configuration and condition; collision with other competitors; and other courses, layouts and configurations of the area to be used.

5. Responsibility for collisions. The responsibility for a collision between any skier while skiing and any person or object is solely that of the skier or skiers involved in the collision and not the responsibility of the ski area operator or its agents, representatives or employees.

6. Liability. A ski area operator or its agents, representatives or employees are not liable for any loss, injury, damage or death resulting from the design of the ski area.

7. Provision of name and current address required. A skier involved in, causing or contributing to a collision or other accident at a ski area that results in a fall or injury may not leave the vicinity of the collision or accident before giving that skier's name and current address to an employee or representative of the ski area operator or a member of the ski patrol, except for the purpose of securing aid for a person injured in

the collision, in which case the person leaving the scene of the collision shall give that skier's name and current address after securing such aid. A ski area operator, or its agents, representatives or employees, is not liable for a skier's failure to provide that skier's name and address or for leaving the vicinity of an accident or collision.

8. Actions not prohibited. This section does not prevent the maintenance of an action against a ski area operator for:

- A. The negligent operation or maintenance of the ski area; or
- B. The negligent design, construction, operation or maintenance of a passenger tramway.

See title page for effective date.

CHAPTER 288

H.P. 1100 - L.D. 1575

**An Act To Authorize the
Maine Board of Pharmacy To
Establish a Pharmacist Health
Program**

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

Whereas, pursuant to the Maine Health Security Act and professional licensing laws, the Maine Medical Association operates a Physician Health Program that provides treatment, counseling and monitoring of physicians and dentists with substance use disorders or other mental health diagnoses to permit these professionals to continue serving the people of Maine while protecting public safety; and

Whereas, the Maine Board of Pharmacy wishes to have the Maine Medical Association Physician Health Program as a resource for pharmacists in Maine; and

Whereas, the Maine Medical Association must immediately convert the position of Clinical Director of the Physician Health Program from a part-time to a full-time position in order to accommodate the new group of professionals; 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. 24 MRSA §2502, sub-§4-A, as amended by PL 1997, c. 107, §2, is further amended to read:

4-A. Professional review committee. "Professional review committee" means a committee of physicians, dentists, pharmacists or a combination of members of ~~both~~ all 3 professions formed by a professional society for the purpose of identifying and working with physicians, dentists and other licensees of the Board of Dental Examiners ~~and~~, physician assistants, pharmacists and pharmacy technicians who are disabled or impaired by virtue of physical or mental infirmity or by the misuse of alcohol or drugs, as long as the committee operates pursuant to protocols approved by the Board of Licensure in Medicine, the Board of Dental Examiners ~~or~~, the Board of Osteopathic Licensure and the Maine Board of Pharmacy.

Sec. 2. 32 MRSA §13721, sub-§3 is enacted to read:

3. Pharmacist health program. The board may establish protocols for the operation of a professional review committee as defined in Title 24, section 2502, subsection 4-A. The protocols must include the committee's reporting information the board considers appropriate regarding reports received, contracts or investigations made and the disposition of each report, as long as the committee is not required to disclose any personally identifiable information. The protocols may not prohibit an impaired pharmacist or pharmacy technician from seeking alternative forms of treatment.

The board has the power to contract with other agencies, individuals, firms or associations for the conduct and operation of a pharmacist health program operated by a professional review committee as that term is defined in Title 24, section 2502, subsection 4-A.

Sec. 3. Appropriations and allocations. The following appropriations and allocations are made.

**PROFESSIONAL AND FINANCIAL
REGULATION, DEPARTMENT OF
Licensing and Enforcement 0352**

Initiative: Allocates ongoing funds to the Office of Licensing and Registration for the Maine Board of Pharmacy to contract with an agency to operate the pharmacist health program beginning in September 2007.

OTHER SPECIAL REVENUE FUNDS	2007-08	2008-09
All Other	\$15,000	\$20,000
OTHER SPECIAL REVENUE FUNDS TOTAL	\$15,000	\$20,000