

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWENTY-FOURTH LEGISLATURE

FIRST REGULAR SESSION
December 3, 2008 to June 13, 2009

THE GENERAL EFFECTIVE DATE FOR
FIRST REGULAR SESSION
NON-EMERGENCY LAWS IS
SEPTEMBER 12, 2009

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

Augusta, Maine
2009

trade without first obtaining a license as required by this Title or after the license has expired or has been suspended or revoked commits a civil violation punishable by a fine of not less than ~~\$100~~ \$1,000 but not more than ~~\$2,000~~ \$5,000 for each violation. An action under this subsection may be brought in District Court or, in combination with an action under subsection 5, in Superior Court.

See title page for effective date.

CHAPTER 45

H.P. 237 - L.D. 297

An Act To Ensure That Medical Equipment Found in a Repossessed Vehicle Is Returned to the Owner

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

Sec. 1. 29-A MRSA §665, sub-§6, as enacted by PL 2003, c. 133, §1, is amended to read:

6. Repossession. Upon the exercise of the right to take possession of a vehicle by a lienholder that is a ~~supervised financial organization~~ creditor as defined in Title 9-A, section 1-301, subsection 17, or the assignee of that creditor, ownership of the vehicle vests in the lienholder, subject to the rights granted to the owner and the duties imposed on the lienholder under Title 9-A, Article 5, Part 1 ~~and~~, Title 11, Article 9-A, Part 6 ~~and~~ Title 32, section 11017.

Sec. 2. 32 MRSA §11017, sub-§3 is enacted to read:

3. Special treatment for necessary medical device or equipment in a repossessed vehicle. A consumer who has unsecured property taken when a vehicle is repossessed pursuant to Title 29-A, section 665, subsection 6 may have that property returned by complying with this subsection.

The consumer shall notify the debt collector that:

- A. Unsecured property was taken with a repossessed vehicle;
- B. The unsecured property includes a medical device or equipment necessary for health or welfare; and
- C. The consumer does not have practicable means to retrieve the medical device or equipment.

If the consumer makes a reasonable request for the return of the medical device or equipment, the debt collector shall arrange to have the medical equipment or device promptly returned to the consumer. If the debt collector incurs expenses in actually returning the

medical device or equipment to the consumer, those reasonable expenses are considered a reasonable charge incurred in realizing on a security interest in personal property, pursuant to Title 9-A, section 3-402, subsection 1, paragraph B, which may be added to the consumer's indebtedness.

See title page for effective date.

CHAPTER 46

H.P. 47 - L.D. 54

An Act To Change the Coyote Night Hunting Season

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

Sec. 1. 12 MRSA §12001, sub-§1, as amended by PL 2007, c. 242, §1, is further amended to read:

1. Open night hunting season. Notwithstanding the night hunting prohibitions in section 11206-A, there is an open season for hunting coyotes at night in all counties of the State from ~~January 1st~~ December 16th to June 1st.

See title page for effective date.

CHAPTER 47

H.P. 78 - L.D. 94

An Act To Authorize the State Board of Nursing To Request Mental and Physical Examinations and To Establish a Nurse Health Program

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 2007, c. 288, §1, is further amended to read:

4-A. Professional review committee. "Professional review committee" means a committee of physicians, dentists, pharmacists, nurses or a combination of members of all ~~3~~ 4 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, physician assistants, pharmacists and pharmacy technicians ~~and nurses~~ 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, the Board of Osteopathic

Licensure ~~and~~, the Maine Board of Pharmacy and the State Board of Nursing.

Sec. 2. 32 MRSA §2105-A, sub-§4 is enacted to read:

4. Authority to request mental and physical examinations. For the purposes of this section, by application for and acceptance of a license to practice, a nurse is considered to have given consent to a mental or physical examination when directed by the board. The board may direct a nurse to submit to an examination whenever the board determines the nurse may be suffering from a mental illness that may be interfering with the competent practice of nursing or from the use of intoxicants or drugs to an extent that they are preventing the nurse from practicing nursing competently and with safety to patients. A nurse examined pursuant to an order of the board may not prevent the testimony of the examining individual or prevent the acceptance into evidence of the report of an examining individual in a proceeding under subsection 1-A. Failure to comply with an order of the board to submit to a mental or physical examination results in the immediate suspension of the license of the nurse by order of the District Court until the nurse submits to the examination.

Sec. 3. 32 MRSA §2105-A, sub-§5 is enacted to read:

5. Nurse 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 nurse from seeking alternative forms of treatment.

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

Sec. 4. Appropriations and allocations. The following appropriations and allocations are made.

PROFESSIONAL AND FINANCIAL REGULATION, DEPARTMENT OF State Board of Nursing 0380

Initiative: Allocates dedicated revenue funds for the State Board of Nursing to contract with an agency to operate a nurse health program beginning in September 2009.

OTHER SPECIAL REVENUE FUNDS	2009-10	2010-11
All Other	\$100,000	\$120,000
OTHER SPECIAL REVENUE FUNDS TOTAL	\$100,000	\$120,000

See title page for effective date.

CHAPTER 48

H.P. 149 - L.D. 184

An Act To Allow a Cosmetologist, Barber, Manicurist or Aesthetician Licensee To Perform Services outside of the Primary Business Location

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

Sec. 1. 32 MRSA §14203, sub-§2, ¶H, as amended by PL 1997, c. 210, §19, is further amended to read:

H. On persons in their private businesses; ~~and~~

Sec. 2. 32 MRSA §14203, sub-§2, ¶I, as enacted by PL 1997, c. 210, §20, is amended to read:

I. On human remains in licensed funeral establishments; ~~and~~

Sec. 3. 32 MRSA §14203, sub-§2, ¶J is enacted to read:

J. On persons at special events with a special event services permit. Services rendered pursuant to this paragraph must be rendered for compensation. A person may not perform special event services without first obtaining a special event services permit from the board. The services provided pursuant to the special event services permit must comply with any applicable public health and safety requirements, the requirements of this chapter and all federal, state and local laws.

Sec. 4. Rules. The Department of Professional and Financial Regulation, Office of Licensing and Registration, Board of Barbering and Cosmetology shall adopt rules to implement the Maine Revised Statutes, Title 32, section 14203, subsection 2, paragraph J and to specify the types of services that may be performed with a special event services permit. The rules are routine technical rules pursuant to Title 5, chapter 375, subchapter 2-A.

Sec. 5. Appropriations and allocations. The following appropriations and allocations are made.