

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

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.

**PROFESSIONAL AND FINANCIAL
REGULATION, DEPARTMENT OF**

Administrative Services - Professional and Financial Regulation 0094

Initiative: Allocates funds for the one-time costs associated with updating the agency licensing system, rulemaking and preparing, printing and mailing notifications to all licensees.

OTHER SPECIAL REVENUE FUNDS	2009-10	2010-11
All Other	\$4,500	\$0
	\$4,500	\$0
OTHER SPECIAL REVENUE FUNDS TOTAL		

Licensing and Enforcement 0352

Initiative: Allocates funds for the one-time costs associated with updating the agency licensing system, rulemaking and preparing, printing and mailing notifications to all licensees.

OTHER SPECIAL REVENUE FUNDS	2009-10	2010-11
All Other	\$8,000	\$0
	\$8,000	\$0
OTHER SPECIAL REVENUE FUNDS TOTAL		

**PROFESSIONAL AND
FINANCIAL
REGULATION,
DEPARTMENT OF**

DEPARTMENT TOTALS	2009-10	2010-11
OTHER SPECIAL REVENUE FUNDS	\$12,500	\$0
	\$12,500	\$0
DEPARTMENT TOTAL - ALL FUNDS		

See title page for effective date.

CHAPTER 49

H.P. 222 - L.D. 282

**An Act Regarding the
Requirement That the
Treatment of a Gunshot
Wound Be Reported**

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

Sec. 1. 17-A MRSA §512, sub-§1, as enacted by PL 1975, c. 499, §1, is amended to read:

1. A person is guilty of failure to report treatment of a gunshot wound if, being a licensed physician health care practitioner or emergency medical services person, ~~he~~ that person treats a human being for a wound apparently caused by the discharge of a firearm and knowingly fails to report the same to a law enforcement ~~officer within 24 hours~~ agency immediately by the quickest means of communication.

Sec. 2. 17-A MRSA §512, sub-§3 is enacted to read:

3. As used in this section, "health care practitioner" has the same meaning as in Title 24, section 2502, subsection 1-A, and "emergency medical services person" has the same meaning as in Title 32, section 83, subsection 12.

See title page for effective date.

CHAPTER 50

H.P. 325 - L.D. 437

**An Act To Require a Person
under 18 Years of Age To
Wear a Helmet While on a
Motorcycle**

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

Sec. 1. 29-A MRSA §2083, sub-§1, ¶A, as amended by PL 2005, c. 577, §33, is further amended to read:

A. If under ~~15~~ 18 years of age, a passenger on a motorcycle or in an attached side car;

Sec. 2. 29-A MRSA §2083, sub-§1, ¶B, as amended by PL 2005, c. 577, §33, is further amended to read:

B. If under ~~15~~ 18 years of age, an operator of ~~an off road~~ a motorcycle;

Sec. 3. 29-A MRSA §2083, sub-§2, as amended by PL 2005, c. 577, §33, is further amended to read:

2. **Compliance.** An operator of a motorcycle, parent or guardian may not allow a passenger under the age of ~~15~~ 18 years to ride in violation of this section.

See title page for effective date.