

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWENTY-FIFTH LEGISLATURE

FIRST REGULAR SESSION
December 1, 2010 to June 29, 2011

THE GENERAL EFFECTIVE DATE FOR
FIRST REGULAR SESSION
NON-EMERGENCY LAWS IS
SEPTEMBER 28, 2011

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

Augusta, Maine
2011

nity organizations. The residential council may include allies elected by the residents.

2. Duties. ~~The government of the persons receiving services~~ residential council shall work closely with the ~~division~~ Office of Adults with Cognitive and Physical Disability Services and the Office of Advocacy to promote the interests and welfare of all ~~residents in the facility~~ persons receiving services from the provider.

PART B

Sec. B-1. Develop recommendations for changes in statutory language. The Department of Health and Human Services and the Maine Developmental Disabilities Council, with the assistance of the Revisor of Statutes, shall review the Maine Revised Statutes to identify those sections that use the term "mental retardation" or the term "mentally retarded" and develop recommendations for removal of the terms or substitutions of language that reflect the recommendations of the respectful language working group in the report submitted by the Maine Developmental Disabilities Council to the Joint Standing Committee on Health and Human Services pursuant to Resolve 2007, chapter 62. The department and the council shall invite the participation of the Disability Rights Center in the development of those recommendations.

Sec. B-2. Report and recommendations. By December 7, 2011, the Department of Health and Human Services and the Maine Developmental Disabilities Council shall submit a report, including proposed legislation, to the Joint Standing Committee on Health and Human Services regarding recommended changes for the Maine Revised Statutes.

Sec. B-3. Authority for legislation. After receipt and review of the recommendations submitted pursuant to section 2, the Joint Standing Committee on Health and Human Services may submit legislation to the Second Regular Session of the 125th Legislature to implement the recommendations.

See title page for effective date.

CHAPTER 187

S.P. 411 - L.D. 1334

An Act To Require the Department of Health and Human Services To License Families To Provide Care for Children in Foster Care

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

Sec. 1. 22 MRSA §8101, sub-§3, as amended by PL 1999, c. 392, §4 and PL 2003, c. 689, Pt. B, §6, is further amended to read:

3. Family foster home. "Family foster home" means a children's home, other than an Indian foster family home, that is a private dwelling where substitute parental care is provided within a family on a regular, 24-hour a day, residential basis. The total number of children in care may not exceed 6, including the family's legal children under 16 years of age, with no more than 2 of these children under the age of 2. "Family foster home" includes the home of a resource family whether the family provides foster care, kinship care, adoption or permanency guardianship services, as long as the home meets the requirements and standards for adoption of children in foster care. Family foster homes licensed by the Department of Health and Human Services or relatives' homes approved by the Department of Health and Human Services as meeting licensing standards are eligible for insurance pursuant to Title 5, section 1728-A. In any action for damages against a family foster home provider insured pursuant to Title 5, section 1728-A, for damages covered under that policy, the claim for and award of those damages, including costs and interest, may not exceed \$300,000 for any and all claims arising out of a single occurrence. When the amount awarded to or settled for multiple claimants exceeds the limit imposed by this section, any party may apply to the Superior Court for the county in which the governmental entity is located to allocate to each claimant that claimant's equitable share of the total, limited as required by this section. Any award by the court in excess of the maximum liability limit must be automatically abated by operation of this section to the maximum limit of liability. Nothing in this subsection may be deemed to make the operation of a family foster home a state activity nor may it expand in any way the liability of the State or foster parent.

See title page for effective date.

CHAPTER 188

S.P. 258 - L.D. 854

An Act To Require the Treasurer of State To Publish All State Liabilities

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

Sec. 1. 5 MRSA §155 is enacted to read:

§155. State liabilities

By July 31st of each year, the Treasurer of State shall publish on the publicly accessible portion of the treasurer's website the latest information available

regarding all liabilities of the State as of June 30th of that same year. For purposes of this section, "liabilities of the State" includes all state debts, loans, bonds, unfunded liabilities and promises to pay, including issued and unissued bonds, pension liabilities, promises to provide health insurance in future years, Maine Governmental Facilities Authority bonds and any other debt or obligation that the State has guaranteed or promised to pay. "Liabilities of the State" does not include state contracts for goods and services or vendor information.

See title page for effective date.

CHAPTER 189

S.P. 431 - L.D. 1391

An Act To Improve Access to Veterinary Medicine and Improve Veterinary Care

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

Whereas, Maine has regulated the licensure of veterinarians for the practice of veterinary medicine for decades; and

Whereas, the health and safety of Maine's agricultural and domestic animals vitally affects the agricultural and general economy of the State, and the public interest and public welfare; and

Whereas, there is a shortage of veterinarians in this State practicing veterinary medicine on large animals, and as a result Maine's large animal population is currently underserved; and

Whereas, encouraging veterinarians currently licensed in another state to practice in Maine will reduce the shortage of veterinarians; and

Whereas, Maine's veterinary licensing laws now uphold the highest standards of the profession and ensure the practice of veterinary medicine by highly qualified individuals; and

Whereas, maintaining the integrity of the veterinary licensing process is critical to protect Maine's animals and the general economy; 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 §4861, sub-§5, as amended by PL 2007, c. 402, Pt. R, §5, is further amended to read:

5. Licensure by endorsement. The board shall grant a license by endorsement to a veterinarian who:

A. Has submitted a complete application;

B. Has paid the examination and license fee as set under section 4863-A;

C. Holds a valid license issued by another state, United States territory, province of Canada or other jurisdiction;

D-1. Has successfully passed an examination pursuant to subsection 1-A pertaining to the practice of veterinary medicine as determined by board rule. The board may require the applicant to submit to an examination covering the laws and rules pertaining to the practice of veterinary medicine in this State; and

E. Has actively practiced clinical veterinary medicine for 3,000 hours during the 3 years preceding application.

Notwithstanding this subsection, the board shall waive the requirement that a veterinarian pass an examination for veterinarians who have, during the 6 years preceding the application, actively practiced clinical veterinary medicine for at least 6,000 hours without disciplinary action relating to the practice of veterinary medicine by another state, United States territory or province of Canada.

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

Effective June 1, 2011.

CHAPTER 190

H.P. 759 - L.D. 1023

An Act To Authorize the Board of Licensure of Podiatric Medicine and the State Board of Veterinary Medicine To Establish a Podiatrist Health Program and a Veterinarian Health Program

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

Sec. 1. 24 MRSA §2502, sub-§1-A, as enacted by PL 1985, c. 804, §§3 and 22, is amended to read:

1-A. Health care practitioner. "Health care practitioner" means physicians and all others certified,