

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from electronic originals
(may include minor formatting differences from printed original)

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

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,

registered or licensed in the healing arts, including, but not limited to, nurses, podiatrists, optometrists, chiropractors, physical therapists, dentists, psychologists and physicians' assistants and veterinarians.

Sec. 2. 24 MRSA §2502, sub-§1-C, as enacted by PL 1997, c. 697, §1, is amended to read:

1-C. Adverse professional competence review action. "Adverse professional competence review action" means an action based upon professional competence review activity to reduce, restrict, suspend, deny, revoke or fail to grant or renew a physician's or veterinarian's:

A. Membership, clinical privileges, clinical practice authority or professional certification in a hospital or other health care entity or veterinary hospital; or

B. Participation on a health care entity's provider panel.

Sec. 3. 24 MRSA §2502, sub-§2, as amended by PL 1985, c. 804, §§4 and 22, is further amended to read:

2. Health care provider. "Health care provider" means any hospital, clinic, nursing home or other facility in which skilled nursing care or medical services are prescribed by or performed under the general direction of persons licensed to practice medicine, dentistry, podiatry or surgery in this State and ~~which that~~ is licensed or otherwise authorized by the laws of this State. "Health care provider" includes a veterinary hospital.

Sec. 4. 24 MRSA §2502, sub-§3, as enacted by PL 1977, c. 492, §3, is amended to read:

3. Physician. "Physician" means any natural person authorized by law to practice medicine or osteopathic medicine or veterinary medicine within this State.

Sec. 5. 24 MRSA §2502, sub-§4-A, as amended by PL 2009, c. 47, §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 4 professions~~ health care practitioners 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~~ health professionals 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, the Maine Board of Pharmacy and the State~~

~~Board of Nursing various licensing boards that license the health professionals the committee serves.~~

Sec. 6. 24 MRSA §2510, sub-§6, as amended by PL 1993, c. 600, Pt. B, §§21 and 22, is further amended to read:

6. Disciplinary action. Disciplinary action by the Board of Licensure in Medicine ~~shall be~~ is in accordance with Title 32, chapter 48; disciplinary action by the Board of Osteopathic Licensure ~~shall be~~ is in accordance with Title 32, chapter 36; and disciplinary action by the State Board of Veterinary Medicine is in accordance with Title 32, chapter 71-A.

Sec. 7. 32 MRSA §3605-B, sub-§3, as enacted by PL 1993, c. 600, Pt. A, §239, is amended to read:

3. Rules. Adopt rules in accordance with the Maine Administrative Procedure Act, as it determines necessary to carry out the purposes of this chapter; and

Sec. 8. 32 MRSA §3605-B, sub-§7 is enacted to read:

7. Podiatrist 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 protocol may not prohibit an impaired podiatrist 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 podiatrist health program operated by a professional review committee.

Sec. 9. 32 MRSA §4859, sub-§3, as amended by PL 2007, c. 402, Pt. R, §4, is further amended to read:

3. After hearing, adopt, amend or repeal rules. After hearing, adopt, amend or repeal rules in accordance with Title 5, chapter 375, subchapter 2, necessary to carry into effect this chapter. These rules must be made in accordance with the purpose and intent of the law and the standards set forth in this chapter and include, but are not limited to, rules concerning misconduct, fraud, advertising, standards of competency, personal conduct, standards of sanitation for the operation of veterinary hospitals, associations with other veterinarians, unprofessional conduct and qualifications for licensure. Rules adopted pursuant to this subsection are routine technical rules as defined by Title 5, chapter 375, subchapter 2-A; ~~and~~

Sec. 10. 32 MRSA §4859, sub-§6, as amended by PL 2007, c. 402, Pt. R, §4, is further amended to read:

6. License veterinary technicians. License veterinary technicians in accordance with procedures as the board may prescribe by rule. Rules adopted pursuant to this subsection are routine technical rules as defined by Title 5, chapter 375, subchapter 2-A; and

Sec. 11. 32 MRSA §4859, sub-§9 is enacted to read:

9. Veterinarian 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 protocol may not prohibit an impaired veterinarian or veterinary 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 veterinarian health program operated by a professional review committee.

Sec. 12. Appropriations and allocations. The following appropriations and allocations are made.

PROFESSIONAL AND FINANCIAL REGULATION, DEPARTMENT OF Licensing and Enforcement 0352

Initiative: Allocates dedicated revenue funds for the State Board of Veterinary Medicine and the Board of Licensure of Podiatric Medicine to contract with an agency to operate a podiatrist health program and a veterinarian health program beginning in September 2011.

OTHER SPECIAL REVENUE FUNDS	2011-12	2012-13
All Other	\$13,983	\$13,983
OTHER SPECIAL REVENUE FUNDS TOTAL	\$13,983	\$13,983

See title page for effective date.

**CHAPTER 191
S.P. 141 - L.D. 437**

An Act Relating to Inspection Requirements for New Motor Vehicles

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

Sec. 1. 29-A MRSA §1754, sub-§1-A is enacted to read:

1-A. New motor vehicles exempt from inspection. A new motor vehicle owned by a new vehicle dealer, as defined in section 851, subsection 9, with a dealer plate is exempt from motor vehicle inspection requirements under section 1751 only if the motor vehicle is operated in a manner consistent with section 1002, subsection 1, paragraphs A and E. For purposes of this subsection, "new motor vehicle" means a motor vehicle of the current model year or model year immediately preceding the current model year that has not been previously registered or titled.

This subsection does not allow the operation of unsafe motor vehicles on a public way.

Sec. 2. 29-A MRSA §1766, sub-§3, as amended by PL 2001, c. 234, §3, is further amended to read:

3. Fee. Stickers Except as provided in subsection 3-A, stickers are furnished by the Chief of the State Police at \$2.50 each.

Sec. 3. 29-A MRSA §1766, sub-§3-A is enacted to read:

3-A. Fee for new vehicle dealers. Stickers furnished to a new vehicle dealer, as defined in section 851, subsection 9, by the Chief of the State Police are \$3.50 each.

See title page for effective date.

**CHAPTER 192
S.P. 296 - L.D. 950**

An Act To Exempt Health Care Sharing Ministries from Insurance Requirements

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

Sec. 1. 24-A MRSA §704, sub-§1, as enacted by PL 2001, c. 79, §1, is amended to read:

1. Health insurance. For purposes of this Title, except as provided in subsection 2 and subsection 3,