

# MAINE STATE LEGISLATURE

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**LAWS**  
**OF THE**  
**STATE OF MAINE**

**AS PASSED BY THE**

**ONE HUNDRED AND TWENTY-FIFTH LEGISLATURE**

**FIRST SPECIAL SESSION**  
**September 27, 2011**

**SECOND REGULAR SESSION**  
**January 4, 2012 to May 31, 2012**

**THE EFFECTIVE DATE FOR**  
**FIRST SPECIAL SESSION**  
**LAWS IS**  
**SEPTEMBER 28, 2011**

**THE GENERAL EFFECTIVE DATE FOR**  
**SECOND REGULAR SESSION**  
**NON-EMERGENCY LAWS IS**  
**AUGUST 30, 2012**

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

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**Augusta, Maine**  
**2012**

I. The Commissioner of Conservation or the commissioner's designee.

The director is the chair of the council. The Commissioner of Defense, Veterans and Emergency Management is the advisor of the council. Commissioner designees must be uniformed law enforcement personnel.

See title page for effective date.

**CHAPTER 530**

**H.P. 1289 - L.D. 1748**

**An Act To Conform the Maine Tax Laws for 2011 to the United States Internal Revenue Code**

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

**Whereas,** state tax law needs to be updated to conform to federal law before the 90-day period expires to avoid delay in the processing of income tax returns for 2011; and

**Whereas,** legislative action is immediately necessary to ensure continued and efficient administration of the state income tax and certain other state taxes; 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. 36 MRSA §111, sub-§1-A,** as amended by PL 2011, c. 1, Pt. P, §1 and affected by §2, is further amended to read:

**1-A. Code.** "Code" means the United States Internal Revenue Code of 1986 and amendments to that Code as of December 31, ~~2010~~ 2011.

**Sec. 2. Application.** This Act applies to tax years beginning on or after January 1, 2011 and to any prior tax years as specifically provided by the United States Internal Revenue Code of 1986 and amendments to that Code as of December 31, 2011.

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

Effective March 18, 2012.

**CHAPTER 531**

**S.P. 534 - L.D. 1624**

**An Act To Lessen the Regulatory Burden on Medical Laboratories by Removing Outdated Requirements from the Maine Medical Laboratory Act**

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

**Sec. 1. 22 MRSA §2016, first ¶,** as amended by PL 1991, c. 528, Pt. J, §1 and affected by Pt. RRR and amended by c. 591, Pt. J, §1, is further amended to read:

Application must be made on a form prescribed by the department. Licenses must be issued to perform testing in one or more of the following categories or specialties: ~~Histocompatibility~~ Histocompatibility; microbiology, including subcategories bacteriology, mycology, parasitology, virology; immunology or serology, including subcategories syphilis and non-syphilis; chemistry, including subcategories routine, clinical microscopy or urinalysis and other, including toxicology; hematology, including coagulation; immunohematology, including subcategories blood group and Rh typing, Rh titers, cross matching, antibody detection and identification; pathology, including subcategories tissue, oral, diagnostic cytology; and radioassay. All applications must be accompanied by a license application fee. The application ~~must be notarized and~~ must contain the following information:

**Sec. 2. 22 MRSA §2031-A** is enacted to read:

**§2031-A. Itemized billing statements**

A medical laboratory that performs services under this Act shall send an itemized billing statement to the patient.

**Sec. 3. 22 MRSA §2032,** as repealed and replaced by PL 1975, c. 218, is repealed and the following enacted in its place:

**§2032. Specimens**

The following persons may collect or process specimens: licensed health care professionals; designees of licensed health care professionals acting within their scope of practice; and qualified medical laboratory personnel who are authorized by the director of the medical laboratory.

**Sec. 4. 22 MRSA §2033,** as repealed and replaced by PL 1975, c. 218, is amended to read:

**§2033. Rebates or fee splitting prohibited**

The owner or director of a laboratory licensed under this Act, either personally or through an agent,