

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWENTY-SIXTH LEGISLATURE

FIRST REGULAR SESSION
December 5, 2012 to July 10, 2013

THE GENERAL EFFECTIVE DATE FOR
FIRST REGULAR SESSION
NON-EMERGENCY LAWS IS
OCTOBER 9, 2013

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

Augusta, Maine
2013

4. Correction of errors on death statistic records filed under chapter 711. Certificates of death in medical examiner cases, as defined in section 3025, may be completed or amended at any time by means described in rule by the department to the Office of the Chief Medical Examiner. Either the Chief Medical Examiner or the medical examiner assigned to the case may sign the forms or submit an electronic amendment or file a certificate using the electronic death registration system in accordance with section 2847. A person authorized by the Chief Medical Examiner may amend a certificate of death with respect to the time, date, place and circumstances of death. The medical examiner assigned shall submit the form or electronic amendment to the Office of the Chief Medical Examiner for filing with the State Registrar of Vital Statistics. These forms or electronic amendments may be filed at any time after death and need not include a summary description of the evidence in support of the completion or amendment.

See title page for effective date.

**CHAPTER 32
S.P. 15 - L.D. 23**

**An Act To Lower the Cost of
Copies of Medical Records**

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

Sec. 1. 22 MRSA §1711, 5th ¶, as amended by PL 2003, c. 418, §1, is further amended to read:

Reasonable costs incurred by the hospital in making and providing copies of medical records and additions to medical records must be borne by the requesting person and the hospital may require payment prior to responding to the request. The charge for copies of records may not exceed ~~\$10~~ \$5 for the first page and 35¢ for each additional page.

Sec. 2. 22 MRSA §1711-A, as amended by PL 2003, c. 418, §2, is further amended to read:

§1711-A. Fees charged for records

Whenever a health care practitioner defined in section 1711-B furnishes requested copies of a patient's treatment record or a medical report or an addition to a treatment record or medical report to the patient or the patient's authorized representative, the charge for the copies or the report may not exceed the reasonable costs incurred by the health care practitioner in making and providing the copies or the report. The charge for copies of records may not exceed \$5 for the first page and 35¢ for each additional page.

See title page for effective date.

**CHAPTER 33
H.P. 159 - L.D. 198**

**An Act To Clarify Physicians'
Delegation of Medical Care**

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

Sec. 1. 32 MRSA §2594-A, first ¶, as amended by PL 1993, c. 600, Pt. A, §184, is further amended to read:

Nothing contained in this chapter may be construed to prohibit an individual from rendering medical services; if these services are rendered under the supervision and control of a physician; and if the individual has satisfactorily completed a training program approved by the Board of Osteopathic Licensure. Supervision and control may not be construed as requiring the personal presence of the supervising and controlling physician at the place where these services are rendered, unless a physical presence is necessary to provide patient care of the same quality as provided by the physician. Nothing in this chapter may be construed as prohibiting a physician from delegating to the physician's employees or support staff certain activities relating to medical care and treatment carried out by custom and usage when these activities are under the direct control of ~~and in the personal presence of~~ the physician. The physician delegating these activities to employees or support staff, to program graduates or to participants in an approved training program is legally liable for the activities of those individuals, and any individual in this relationship is considered the physician's agent. Nothing contained in this section may be construed to apply to registered nurses acting pursuant to chapter 31.

Sec. 2. 32 MRSA §3270-A, first ¶, as amended by PL 1999, c. 159, §1, is further amended to read:

This chapter may not be construed to prohibit an individual from rendering medical services if these services are rendered under the supervision and control of a physician or surgeon and if that individual has satisfactorily completed a training program approved by the Board of Licensure in Medicine and a competency examination determined by this board. Supervision and control may not be construed as requiring the personal presence of the supervising and controlling physician at the place where these services are rendered, unless a physical presence is necessary to provide patient care of the same quality as provided by the physician. This chapter may not be construed as prohibiting a physician or surgeon from delegating to the physician's or surgeon's employees or support staff certain activities relating to medical care and treatment carried out by custom and usage when the activities are under the control of the physician or surgeon ~~who~~

~~must be present on the premises at the time the activities are performed.~~ The physician delegating these activities to employees or support staff, to program graduates or to participants in an approved training program is legally liable for the activities of those individuals, and any individual in this relationship is considered the physician's agent. This section may not be construed to apply to registered nurses acting pursuant to chapter 31.

See title page for effective date.

CHAPTER 34

S.P. 131 - L.D. 351

An Act To Authorize the Provision of Insurance on Student Loans

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 students and families need more options to finance higher education as soon as they can be made available; and

Whereas, if the availability of student loans is uncertain, students may choose not to attend an institution of higher education or may choose to borrow funds that will not feature the advantages of student loans insured by the Finance Authority of Maine, and students and their families may be adversely affected; 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. 10 MRSA §962, first ¶, as amended by PL 1985, c. 344, §5, is further amended to read:

There is a statewide need to provide enlarged opportunities for gainful employment to the people of the State and to ~~insure~~ ensure the preservation and betterment of the economy and the general health, safety and welfare of the State and its inhabitants; to provide a more healthy environment through the restoration of purity to the air, the water or the earth of the State which are fouled with, among other things, industrial and other waste materials and pollutants, and to ~~insure~~ ensure the preservation and betterment of the living standards and health of its inhabitants; to stimulate a larger flow of private investment funds from banks,

investment institutions, insurance companies and other financial institutions, including pension and retirement funds, to help finance planning, development, acquisition, construction, improvement, expansion and placing in operation of industrial, manufacturing, recreational, fishing, agricultural, business and natural resource enterprises and eligible projects of the State and its political subdivisions; and to increase the access of smaller business ~~and~~ veterans and students pursuing postsecondary education to financing at reasonable terms and rates.

Sec. 2. 10 MRSA §969-A, sub-§3, as enacted by PL 1985, c. 344, §17, is amended to read:

3. Insure. Insure or guarantee performance of any loan agreement or other obligation, including taking all actions necessary to implement and administer a program of insurance for loans to students pursuing postsecondary education;

Sec. 3. 10 MRSA §1013, sub-§13, as amended by PL 1997, c. 97, §3, is further amended to read:

13. Higher Education Loan and Loan Insurance Program. The Higher Education Loan and Loan Insurance Program, as established in Title 20-A, chapter 417-C;

Sec. 4. 20-A MRSA §11458, as enacted by PL 1991, c. 824, Pt. A, §35, is amended to read:

§11458. Program established

There is established the Higher Education Loan and Loan Insurance Program, administered by the Finance Authority of Maine, to carry out the purposes of this chapter.

Sec. 5. 20-A MRSA §11460, as enacted by PL 1991, c. 824, Pt. A, §35, is amended to read:

§11460. Eligibility

Loans made or insured under this chapter are available only to or for the benefit of a resident of the State or an individual attending an institution of higher education in the State who:

1. Graduated. Has graduated from an approved secondary school, matriculated at a postsecondary school prior to high school graduation or successfully completed a high school equivalency diploma or its equivalent;

2. Accepted. Has been accepted for enrollment as an undergraduate or graduate student or is in good standing as an undergraduate or graduate student at an institution of higher education in an eligible program of study ~~and has not previously received the degree for which the student is enrolled~~;

3. Application. Has applied for a loan under the program ~~according to schedules and procedures and on forms specified by the authority~~ and has provided or