

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

and delivering for filing an application to the office of the Secretary of State. The application must set forth the name and address of the applicant and the name proposed to be reserved. If the Secretary of State finds that the limited liability company name applied for is available, the Secretary of State shall reserve the name for the applicant's exclusive use for a ~~nonrenewable~~ period of 120 days. The reservation may not be renewed, but after the expiration of the reservation, the same name may be reserved by the same or another applicant.

Sec. 6. Protection of business names. The Secretary of State shall develop options for the filing and protection of business names. The development process must include at least the following: analysis of similar programs in other jurisdictions, consideration of statewide registration for different entities, the consequences of including sole proprietorships and general partnerships, the relation to the registration of marks and the costs and appropriate fees. The Secretary of State shall submit a report on the options developed under this section to the Joint Standing Committee on Judiciary no later than February 15, 2014. The Joint Standing Committee on Judiciary may introduce a bill to the Second Regular Session of the 126th Legislature in response to the report submitted by the Secretary of State under this section.

See title page for effective date.

CHAPTER 100

H.P. 642 - L.D. 918

An Act To Remove the Provision That a Motorcycle Operator May Prove a Motorcycle Muffler Does Not Exceed Specific Noise Standards

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

Sec. 1. 29-A MRSA §1912, sub-§6, as repealed and replaced by PL 2011, c. 158, §1, is amended to read:

6. Defense for noise violations by motor vehicles. The following are defenses to a violation of subsection 1 or 3.

A. If a muffler or exhaust system of a motor vehicle as defined in section 101, subsection 42, not including a motorcycle, does not emit noise in excess of 95 decibels as measured in accordance with standards and specifications outlined in standard J-1169 adopted by the Society of Automotive Engineers in May 1998, subsections 1 and 3 do not apply. A person served with a Violation

Summons and Complaint charging a violation of subsection 1 or 3 must provide satisfactory evidence that the muffler or exhaust system does not emit noise in excess of 95 decibels as measured in accordance with standards and specifications outlined in standard J-1169 adopted by the Society of Automotive Engineers in May 1998. Measurements must be made by a participating certified inspection station.

~~B. Subsections 1 and 3 do not apply to a muffler or exhaust system of a motorcycle that does not emit noise, as measured in accordance with standards and specifications outlined in standard J-2825 adopted by the Society of Automotive Engineers in May 2009, in excess of 92 decibels at an idle and emits noise that does not measure:~~

- ~~(1) More than 96 decibels using the set RPM test or swept RPM test for an engine configuration other than a 3 cylinder or 4 cylinder engine configuration; or~~
- ~~(2) More than 100 decibels using the set RPM test or swept RPM test for a 3 cylinder or 4 cylinder engine configuration.~~

~~A person served with a Violation Summons and Complaint charging a violation of subsection 1 or 3 must provide satisfactory evidence that the muffler or exhaust system does not exceed decibel levels as described in this paragraph. Measurements must be made by a participating certified inspection station.~~

See title page for effective date.

CHAPTER 101

H.P. 375 - L.D. 556

An Act To Modernize the Statutes Governing Physician Assistants

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

Sec. 1. 32 MRSA §2561, as amended by PL 1997, c. 50, §1, is further amended to read:

§2561. Membership; qualifications; tenure; vacancies

The Board of Osteopathic Licensure, as established by Title 5, section 12004-A, subsection 29, and in this chapter called the "board," consists of 9 ~~10~~ members appointed by the Governor. ~~These members~~ Members must be residents of this State. ~~Six of these~~ members must be graduates of a school or college of osteopathic medicine approved by the American Osteopathic Association and must be, at the time of appointment, actively engaged in the practice of the pro-

fession of osteopathic medicine in the State for a period of at least 5 years, ~~and 3 of these.~~ One member must be a physician assistant licensed under this chapter who has been actively engaged in that member's profession in this State for at least 5 years preceding appointment to the board. Three members must be public members. Consumer groups may submit nominations to the Governor for the members to be appointed to represent the interest of consumers. A full term of appointment is for 5 years. Appointment of members must comply with section 60. A member of the board may be removed from office for cause by the Governor.

Sec. 2. 32 MRSA §2594-B, sub-§3, as enacted by PL 1993, c. 600, Pt. A, §185, is repealed.

Sec. 3. 32 MRSA §2594-B, sub-§4 is enacted to read:

4. Delegation by physician assistant. A physician assistant may delegate medical acts to a medical assistant employed by the physician assistant or by an employer of the physician assistant as long as that delegation is permitted in the plan of supervision established by the physician assistant and the supervisory physician.

Sec. 4. 32 MRSA §2594-C, sub-§1, as amended by PL 1993, c. 600, Pt. A, §186, is further amended to read:

1. Rules authorized. The board may adopt rules, which must be adopted jointly with the Board of Licensure in Medicine, dealing with osteopathic physician assistants as are necessary to carry out sections 2594-A to 2594-D. The rules must provide for the issuance of a single license regardless of the number of practice sites or supervisory physicians.

Sec. 5. 32 MRSA §3263, first ¶, as amended by PL 2007, c. 695, Pt. B, §11, is further amended to read:

The Board of Licensure in Medicine, as established by Title 5, section 12004-A, subsection 24, and in this chapter called the "board," consists of ~~9~~ 10 individuals who are residents of this State, appointed by the Governor. Three individuals must be representatives of the public. Six individuals must be graduates of a legally chartered medical college or university having authority to confer degrees in medicine and must have been actively engaged in the practice of their profession in this State for a continuous period of 5 years preceding their appointments to the board. One individual must be a physician assistant licensed under this chapter who has been actively engaged in the practice of that individual's profession in this State for a continuous period of 5 years preceding appointment to the board. A full-term appointment is for 6 years. Appointment of members must comply with Title 10, section 8009. A member of the board may be removed from office for cause by the Governor.

Sec. 6. 32 MRSA §3270-B, first ¶, as amended by PL 1997, c. 271, §8, is further amended to read:

A physician assistant is not permitted to practice until the physician assistant has applied for and obtained a license issued by the Board of Licensure in Medicine, which must be renewed biennially, and a certificate of registration. All applications for certificate of registration must be accompanied by an application by the proposed supervisory physician that must contain a statement that that physician is responsible for all medical activities of the physician assistant. A physician assistant may delegate medical acts to a medical assistant employed by the physician assistant or by an employer of the physician assistant as long as that delegation is permitted in the plan of supervision established by the physician assistant and the supervisory physician. The Board of Licensure in Medicine is authorized to adopt rules regarding the training and licensure of physician assistants and the agency relationship between the physician assistant and the supervising physician. Those rules, which must be adopted jointly with the Board of Osteopathic Licensure, may pertain, but are not limited, to the following matters:

Sec. 7. 32 MRSA §3270-B, sub-§6, as amended by PL 1993, c. 600, Pt. A, §206, is further amended to read:

6. Advisory committee appointment. Appointment of an advisory committee for continuing review of the physician assistant program and rules. The physician assistant member of the board must be a member of the advisory committee;

Sec. 8. Appropriations and allocations. The following appropriations and allocations are made.

PROFESSIONAL AND FINANCIAL REGULATION, DEPARTMENT OF

Licensure in Medicine - Board of 0376

Initiative: Allocates funds for the per diem and All Other costs associated with adding an additional member to the Board of Licensure in Medicine and with rulemaking.

OTHER SPECIAL REVENUE FUNDS	2013-14	2014-15
Personal Services	\$2,700	\$3,600
All Other	\$4,225	\$2,300
OTHER SPECIAL REVENUE FUNDS TOTAL	\$6,925	\$5,900

Osteopathic Licensure - Board of 0383

Initiative: Allocates funds for the per diem and All Other costs associated with adding an additional member to the Board of Osteopathic Licensure and with rulemaking.

OTHER SPECIAL REVENUE FUNDS	2013-14	2014-15
Personal Services	\$495	\$660
All Other	\$4,663	\$2,884

OTHER SPECIAL REVENUE FUNDS TOTAL	\$5,158	\$3,544
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PROFESSIONAL AND FINANCIAL REGULATION, DEPARTMENT OF DEPARTMENT TOTALS

OTHER SPECIAL REVENUE FUNDS	2013-14	2014-15
	\$12,083	\$9,444

DEPARTMENT TOTAL - ALL FUNDS	\$12,083	\$9,444
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See title page for effective date.

**CHAPTER 102
H.P. 30 - L.D. 35**

An Act To Amend the Law Concerning the Membership of the Maine Economic Growth Council

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

Sec. 1. 10 MRSA §929-A, sub-§2, as amended by PL 2007, c. 420, §5, is further amended to read:

2. Membership. The council consists of 19 members. The Governor, President of the Senate and Speaker of the House of Representatives shall jointly appoint the following 18 members, 2 of whom shall serve as cochairs of the council:

A. Thirteen members having a broad range of expertise in areas including but not limited to: labor, environment, business and education;

B. ~~Four members of the Legislature~~ Two members of the Senate with a demonstrated interest in economic development, one of whom belongs to the political party holding the largest number of seats in the Senate and one of whom belongs to

the political party holding the 2nd largest number of seats in the Senate; and

B-1. Two members of the House of Representatives with a demonstrated interest in economic development, one of whom belongs to the political party holding the largest number of seats in the House of Representatives and one of whom belongs to the political party holding the 2nd largest number of seats in the House of Representatives; and

C. One member from the Maine Innovation Economy Advisory Board under section 949.

The Commissioner of Economic and Community Development or the commissioner's designee is a member of the council.

Sec. 2. 10 MRSA §929-A, sub-§3, as repealed and replaced by PL 1997, c. 425, §1, is repealed and the following enacted in its place:

3. Appointments; terms. This subsection governs the appointment and terms of members.

A. A member appointed pursuant to subsection 2, paragraph A or C serves a 3-year term and serves until a successor is appointed.

B. A member appointed pursuant to subsection 2, paragraph B or B-1 must be appointed no later than March 15th of the first year of the legislative biennium in which appointment is made and serves a 2-year term that begins on March 15th of the first year of the legislative biennium in which appointment is made, regardless of whether by the end of the term the member remains a Senator or a member of the House of Representatives.

Sec. 3. Effective date. This Act takes effect January 1, 2015.

Effective January 1, 2015.

**CHAPTER 103
H.P. 573 - L.D. 822**

An Act To Establish Invite Your Maine Legislator to School Month

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

Sec. 1. 1 MRSA §150-J is enacted to read:

§150-J. Invite Your Maine Legislator to School Month

January is designated Invite Your Maine Legislator to School Month, and the Governor shall annually issue a proclamation inviting and urging teachers, school administrators and Legislators to observe this