

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

month through appropriate activities, including inviting Legislators to visit school classrooms to meet with teachers, school administrators and students in order to promote increased knowledge among Legislators of the prekindergarten to grade 12 public education programs provided to students in their legislative districts.

Within available resources, the Department of Education shall make appropriate information available to teachers, school administrators and students through the department's publicly accessible website.

Sec. 2. Partnership with education stakeholders. The Department of Education may partner with education stakeholder groups, including, but not limited to, Educate Maine and the Maine Development Foundation, to provide appropriate information that encourages teachers, school administrators and students to participate in the Invite Your Maine Legislator to School Month established in accordance with the Maine Revised Statutes, Title 1, section 150-J.

See title page for effective date.

CHAPTER 104
H.P. 192 - L.D. 231

**An Act To Support the
Permanent Commission on the
Status of Women**

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

Whereas, the Permanent Commission on the Status of Women is in need of funding to print and distribute its required biennial report to the Governor and the Legislature in a timely manner; 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. 5 MRSA §7030-C, as enacted by PL 2009, c. 191, §1, is amended to read:

§7030-C. Chair

The Governor shall select from among the members of the commission a chair ~~and a vice chair, both of whom shall serve for one year. These selections must be made each year prior to the first meeting of the commission.~~ The chair is authorized to appoint subcommittees.

Sec. 2. 5 MRSA §7030-D, as enacted by PL 2009, c. 191, §1, is amended by adding at the end a new paragraph to read:

The commission may accept funds from the Federal Government, from a political subdivision of the State or from an individual, a foundation or a corporation and may expend funds for purposes that are consistent with this chapter. Funds received under this section must be deposited in a nonlapsing Other Special Revenue Funds account within the Department of the Secretary of State to support the work of the commission.

Sec. 3. Appropriations and allocations. The following appropriations and allocations are made.

**SECRETARY OF STATE, DEPARTMENT OF
Bureau of Administrative Services and Corporations 0692**

Initiative: Creates the Permanent Commission on the Status of Women account with a base allocation.

OTHER SPECIAL REVENUE FUNDS	2013-14	2014-15
All Other	\$500	\$500
OTHER SPECIAL REVENUE FUNDS TOTAL	\$500	\$500

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

Effective May 20, 2013.

CHAPTER 105
H.P. 286 - L.D. 411

**An Act To Amend the Health
Care Practitioner Licensing,
Disciplinary and Reporting
Laws Regarding Alcohol and
Drug Abuse**

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

Sec. 1. 24 MRSA §2504, as enacted by PL 1977, c. 492, §3, is amended to read:

§2504. Professional societies

Every state professional society shall establish a professional competence committee of its members pursuant to written bylaws approved by the society's governing board. The committee shall receive, investigate and determine the accuracy of any report made to

the society of any member physician's acts amounting to gross or repeated medical malpractice, ~~habitual drunkenness, addiction to the use of drugs~~ misuse of alcohol, drugs or other substances that may result in the member physician's performing services in a manner that endangers the health or safety of patients or professional incompetence.

Sec. 2. 24 MRSA §2505, first ¶, as amended by PL 2007, c. 380, §1, is further amended to read:

Any professional competence committee within this State and any physician licensed to practice or otherwise lawfully practicing within this State shall, and any other person may, report the relevant facts to the appropriate board relating to the acts of any physician in this State if, in the opinion of the committee, physician or other person, the committee or individual has reasonable knowledge of acts of the physician amounting to gross or repeated medical malpractice, ~~habitual drunkenness, addiction to the use of drugs~~ misuse of alcohol, drugs or other substances that may result in the physician's performing services in a manner that endangers the health or safety of patients, professional incompetence, unprofessional conduct or sexual misconduct identified by board rule. The failure of any such professional competence committee or any such physician to report as required is a civil violation for which a fine of not more than \$1,000 may be adjudged.

Sec. 3. 24 MRSA §2505, 2nd ¶, as amended by PL 1997, c. 107, §3, is further amended to read:

Except for specific protocols developed by a board pursuant to Title 32, section 1073, 2596-A or 3298, a physician, dentist or committee is not responsible for reporting misuse of alcohol ~~or~~ drugs or other substances or professional incompetence or malpractice as a result of physical or mental infirmity or by the misuse of alcohol ~~or~~ drugs or other substances discovered by the physician, dentist or committee as a result of participation or membership in a professional review committee or with respect to any information acquired concerning misuse of alcohol ~~or~~ drugs or other substances or professional incompetence or malpractice as a result of physical or mental infirmity or by the misuse of alcohol ~~or~~ drugs or other substances, as long as that information is reported to the professional review committee. Nothing in this section may prohibit an impaired physician or dentist from seeking alternative forms of treatment.

Sec. 4. 32 MRSA §1077, sub-§2, ¶B, as amended by PL 1993, c. 600, Pt. A, §62, is further amended to read:

B. ~~Habitual substance abuse~~ Misuse of alcohol, drugs or other substances that has resulted or ~~is foreseeably likely to~~ may result in the licensee performing services in a manner that endangers the health or safety of patients;

Sec. 5. 32 MRSA §2105-A, sub-§2, ¶B, as amended by PL 1993, c. 600, Pt. A, §116, is further amended to read:

B. ~~Habitual substance abuse~~ Misuse of alcohol, drugs or other substances that has resulted or ~~is foreseeably likely to~~ may result in the licensee performing services in a manner that endangers the health or safety of patients;

Sec. 6. 32 MRSA §2591-A, sub-§2, ¶B, as amended by PL 1993, c. 600, Pt. A, §181, is further amended to read:

B. ~~Habitual substance abuse~~ Misuse of alcohol, drugs or other substances that has resulted or ~~is foreseeably likely to~~ may result in the licensee performing services in a manner that endangers the health or safety of the licensee's patients;

Sec. 7. 32 MRSA §3282-A, sub-§2, ¶B, as amended by PL 1993, c. 600, Pt. A, §218, is further amended to read:

B. ~~Habitual substance abuse~~ Misuse of alcohol, drugs or other substances that has resulted or ~~is foreseeably likely to~~ may result in the licensee performing services in a manner that endangers the health or safety of patients;

Sec. 8. 32 MRSA §3656, sub-§1, as enacted by PL 2007, c. 402, Pt. P, §14, is amended to read:

1. Misuse of alcohol, drugs or other substances. ~~Habitual substance abuse~~ Misuse of alcohol, drugs or other substances that has resulted or ~~is foreseeably likely to~~ may result in the applicant or licensee performing services in a manner that endangers the health or safety of the licensee's patients;

Sec. 9. 32 MRSA §13742-A, sub-§1, ¶A, as enacted by PL 2007, c. 402, Pt. DD, §19, is amended to read:

A. ~~Habitual substance abuse~~ Misuse of alcohol, drugs or other substances that has resulted or ~~is foreseeably likely to~~ may result in the applicant or licensee performing duties in a manner that endangers the health or safety of patients;

See title page for effective date.

CHAPTER 106

H.P. 460 - L.D. 668

An Act To Encourage the Teaching of Agricultural Studies in Schools

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