

# 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.**

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**Augusta, Maine**  
**2013**

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.

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**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:**

**Sec. 1. 20-A MRSA §4710-A** is enacted to read:

**§4710-A. Agricultural studies**

**1. Agricultural studies.** Agricultural studies may be taught in and infused or integrated into the curriculum of public and private elementary and secondary schools. Agricultural studies may address, but need not be limited to:

A. The importance of agriculture in the State's history and development;

B. The connections between the farm and daily life;

C. The economics of agriculture and its importance to the State's economy;

D. The importance of knowing where food comes from and the ecology of growing food; and

E. The importance of eating healthy food and its role in combating childhood obesity.

A school offering agricultural studies may make use of resources and materials developed and provided by the Commissioner of Agriculture, Conservation and Forestry and the Maine Agriculture in the Classroom Council in accordance with Title 7, chapter 8-D.

**Sec. 2. Agricultural studies instruction.** To the extent existing resources allow, the Commissioner of Education, in consultation with the Commissioner of Agriculture, Conservation and Forestry and the Maine Agriculture in the Classroom Council described in the Maine Revised Statutes, Title 7, section 242, shall seek to ensure that schools and teachers in this State are aware of the agricultural education materials, resources and training available pursuant to Title 7, chapter 8-D and shall encourage their use in agricultural studies in schools.

See title page for effective date.

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**CHAPTER 107**

**H.P. 446 - L.D. 654**

**An Act Regarding the  
Maximum Rate of Speed on the  
Interstate Highway System**

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

**Sec. 1. 29-A MRSA §2073, sub-§1, ¶C**, as amended by PL 2011, c. 415, §2, is further amended to read:

C. Make an adjustment of maximum rates of speed. An adjustment under this paragraph is exempt from the provisions of the Maine Administrative Procedure Act.

The commissioner may not set maximums that exceed 60 miles per hour or, on the interstate system or other divided controlled-access highways, ~~65 75 miles per hour or 75 miles per hour on the Interstate Highway System from the City of Old Town to the Town of Houlton.~~

The commissioner may not set maximums for the Maine Turnpike.

**Sec. 2. 29-A MRSA §2074, sub-§3-A**, as amended by PL 2011, c. 415, §3, is further amended to read:

**3-A. Minimum fine.** A person who operates a motor vehicle on the Maine Turnpike or the Interstate Highway System at a speed that exceeds the posted speed of ~~65 miles per hour or 75 miles per hour on the Interstate Highway System from the City of Old Town to the Town of Houlton~~ by less than 30 miles per hour commits a traffic infraction punishable by a fine of not less than \$50.

See title page for effective date.

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**CHAPTER 108**

**S.P. 39 - L.D. 88**

**An Act To Update the Maine  
HIV Advisory Committee**

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

**Sec. 1. 5 MRSA §19202, sub-§1-B, ¶D**, as enacted by PL 2009, c. 203, §2 and affected by §8, is amended to read:

D. Prepare and present, in person, an annual report on the status of HIV in the State to the Office of the Governor and the joint standing committee of the Legislature having jurisdiction over health and human services matters by ~~January 31st~~ March 1st of each year.

**Sec. 2. 5 MRSA §19202, sub-§2-B, ¶B**, as enacted by PL 2009, c. 203, §4 and affected by §8, is repealed and the following enacted in its place:

B. The committee shall identify 12 additional voting representatives for membership as described in this paragraph, with broad input from persons with HIV or at risk for HIV infection or from organizations with extensive participation of persons with HIV, organizations interested in and working on HIV and AIDS prevention and health, other community-based organizations providing HIV and AIDS services, rural health centers and the public:

(1) Four persons living with HIV/AIDS;