

# MAINE STATE LEGISLATURE

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

**AS PASSED BY THE**

**ONE HUNDRED AND TWENTY-SEVENTH LEGISLATURE**

**FIRST REGULAR SESSION**  
**December 3, 2014 to July 16, 2015**

**THE GENERAL EFFECTIVE DATE FOR**  
**FIRST REGULAR SESSION**  
**NON-EMERGENCY LAWS IS**  
**OCTOBER 15, 2015**

**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**  
**2015**

A. The physician is fully licensed without restriction to practice medicine in the state from which the physician provides telemedicine services;

B. The physician has not had a license to practice medicine revoked or restricted in any state or jurisdiction;

C. The physician does not open an office in this State, does not meet with patients in this State, does not receive calls in this State from patients and agrees to provide only consultative services as requested by a physician, advanced practice registered nurse or physician assistant licensed in this State and the physician, advanced practice registered nurse or physician assistant licensed in this State retains ultimate authority over the diagnosis, care and treatment of the patient;

D. The physician registers with the board every 2 years, on a form provided by the board; and

E. The physician pays a registration fee not to exceed \$500.

4. Notification of restrictions. A physician registered to provide interstate telemedicine services under this section shall immediately notify the board of restrictions placed on the physician's license to practice medicine in any state or jurisdiction.

5. Jurisdiction. In registering to provide interstate telemedicine services to residents of this State under this section, a physician agrees to be subject to the laws and judicial system of this State and board rules with respect to providing medical services to residents of this State.

6. Notification to other states. The board shall obtain confirmation of licensure from all states and jurisdictions in which a physician applying for registration has ever been licensed prior to registering the physician pursuant to subsection 3. The board shall request notification from a state or jurisdiction if future adverse action is taken against the physician's license in that state or jurisdiction.

See title page for effective date.

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## CHAPTER 138

### H.P. 475 - L.D. 699

#### An Act To Update Maine Law To Conform to New Federal Occupational Safety and Health Administration Regulations

**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 United States Occupational Safety and Health Administration implemented changes to its injury and illness recordkeeping requirements that became effective January 1, 2015; and

**Whereas,** the State became a so-called state plan state for public sector employers in an effort to decrease General Fund costs and employer costs; and

**Whereas,** state plan states must conform their statutes to the new federal provisions no later than July 1, 2015; and

**Whereas,** the State's lack of compliance with the injury and illness recordkeeping requirements would cause loss of reimbursement to the State; 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. 26 MRSA §2,** as repealed and replaced by PL 2003, c. 244, §1, is amended to read:

#### §2. Reports of deaths and injuries

**1. Reports of deaths.** The person in charge of any workplace as defined in section 1 provided by the State, a state agency, a county, a municipal corporation, a school district or other public corporation or political subdivision shall, within 8 hours after the occurrence, report ~~in writing or by telephone~~ the death of any person in the workplace or on the premises to the Director of the Bureau of Labor Standards the death of any person in the workplace or on the premises, or the director's designee, by telephone or electronically, stating as fully as possible the cause of the death and the place where the deceased person has been sent and supplying other information relative to the death that may be required by the director who may investigate the causes of the death and require such precautions to be taken as will prevent the recurrence of similar events. A statement contained in any such report is not admissible in evidence in any action arising out of the death reported.

**2. Reports of serious physical injuries.** The person in charge of any workplace as defined in section 1 provided by the State, a state agency, a county, a municipal corporation, a school district or other public corporation or political subdivision shall, within 24 hours after the occurrence, report ~~in writing or by telephone~~ all serious physical injuries requiring immediate hospitalization sustained by any person in the workplace or on the premises to the Director of the Bureau of Labor Standards all serious physical injuries requiring immediate hospitalization sustained by any person in the workplace or on the premises, or the director's

designee, by telephone or electronically, stating as fully as possible the extent and cause of the injury and the place where the injured person has been sent and supplying other information relative to the injury that may be required by the director who may investigate the causes of the injury and require such precautions to be taken as will prevent the recurrence of similar events. A statement contained in any such report is not admissible in evidence in any action arising out of the accident reported.

**3. Serious physical injuries defined.** "Serious physical injuries," as used in this section, means an incident that results in an amputation, loss or fracture of any body part or that necessitates immediate hospitalization or formal admission to the inpatient service of a hospital or clinic for care or treatment.

**Sec. 2. 26 MRSA §44, first ¶,** as amended by PL 2013, c. 473, §2, is further amended to read:

The director as state factory inspector, and any authorized agent of the bureau, may enter any workplace as defined in section 1, provided by the State or by a state agency, county, municipal corporation, school district or other public corporation or political subdivision when the same are open or in operation, for the purpose of gathering facts and statistics under sections 42 to 44, and may examine the methods of protecting employees from danger, the safety and health of employees and the sanitary conditions in and around the such buildings and places, and may make a record of such inspection. Upon petition of the director, a Superior Court in the county in which any refusal to permit entry or fact gathering or inspection was alleged to have occurred may order appropriate injunctive relief against any person in charge of the workplace who refuses entry to the director or authorized agent of the bureau.

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

Effective June 3, 2015.

**CHAPTER 139**

**S.P. 150 - L.D. 382**

**An Act To Eliminate Certain Fees for Security Freezes and Allow Security Freezes for Minors**

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

**Sec. 1. 10 MRSA §1308, sub-§§6-A, 6-B, 7-A, 7-B and 7-C** are enacted to read:

**6-A. Protected consumer.** "Protected consumer" means an individual who has not attained 16 years of age at the time a request for the placement of a security freeze is made.

**6-B. Representative.** "Representative" means a person who provides to a consumer reporting agency sufficient proof of authority to act on behalf of a protected consumer.

**7-A. Security freeze for a protected consumer.** "Security freeze for a protected consumer" means:

**A.** If a consumer reporting agency does not have a file pertaining to a protected consumer, a restriction that:

(1) Is placed on the protected consumer's record in accordance with section 1310, subsection 1-A; and

(2) Prohibits the consumer reporting agency from releasing the protected consumer's record except as provided in this section; or

**B.** If a consumer reporting agency has a file pertaining to the protected consumer, a restriction that:

(1) Is placed on the protected consumer's consumer report in accordance with section 1310, subsection 1-A; and

(2) Prohibits the consumer reporting agency from releasing the protected consumer's consumer report or any information derived from the protected consumer's consumer report except as provided in section 1310, subsection 1-A.

**7-B. Sufficient proof of authority.** "Sufficient proof of authority" means documentation that shows a representative has authority to act on behalf of a protected consumer. "Sufficient proof of authority" includes, but is not limited to:

**A.** An order issued by a court of law; or

**B.** A written, notarized statement signed by a representative that expressly describes the authority of the representative to act on behalf of a protected consumer.

**7-C. Sufficient proof of identification.** "Sufficient proof of identification" means information or documentation that identifies a protected consumer or a representative of a protected consumer. "Sufficient proof of identification" includes, but is not limited to:

**A.** A social security number or a copy of a social security card issued by the federal Social Security Administration;

**B.** A certified or official copy of a birth certificate; or