

# 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**

(4) If the lost trees are ornamental or fruit trees, the costs of replacing, replanting and restoring the trees with trees of comparable size and the same or equivalent species and the actual costs for cleanup of damage caused during the cutting.

In addition, the owner's damages for lost trees that are not ornamental or fruit trees may include the costs for regeneration of the stand in accordance with Title 12, section 8869.

The court may reduce the damages awarded for good cause shown when the cutting of trees was done negligently or without fault.

Public utilities, as defined in Title 35-A, section 102, and contractors performing work for public utilities are not liable for damages under this paragraph for lost trees the trimming or removal of which is necessary to provide safe and reliable service to the customers of the public utilities.

**Sec. 2. 14 MRSA §7552, sub-§3, ¶B-1** is enacted to read:

B-1. Within areas that have been zoned for residential use, for lost trees the owner may choose to claim:

(1) The costs of replacing, replanting and restoring the trees with trees of comparable size and the same or equivalent species and the actual costs for cleanup of damage caused during the cutting;

(2) The market value of the lost trees;

(3) The diminution in value of the real estate as a whole resulting from the violation; or

(4) The forfeiture amounts determined in Title 17, section 2510, subsections 2 and 3.

Public utilities, as defined in Title 35-A, section 102, and contractors performing work for public utilities are not liable for damages under this paragraph for lost trees the trimming or removal of which is necessary to provide safe and reliable service to the customers of the public utilities.

**Sec. 3. 14 MRSA §7552, sub-§4, ¶D** is enacted to read:

D. A person who with malice violates subsection 2 is subject to punitive damages in addition to the damages under paragraphs A, B and C.

**Sec. 4. 14 MRSA §7552, sub-§5**, as enacted by PL 1995, c. 450, §2, is amended to read:

**5. Costs and fees.** In addition to damages, interest and costs, the owner may also recover from the person who violates subsection 2 the reasonable costs of professional services necessary for determining damages and proving the claim, ~~provided that as long~~

as the person first has written notice or actual knowledge that a claim is being asserted.

~~The amount awarded for professional services may not exceed 50% of the damages recovered pursuant to subsection 4 plus interest on the damages. Interest may be assessed after service of a notice of claim pursuant to section 1602.~~

See title page for effective date.

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## CHAPTER 242

### H.P. 564 - L.D. 830

#### An Act To Eliminate the Dual Licensing of Physician Assistants

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

**Sec. 1. 32 MRSA §2594-B**, as amended by PL 2013, c. 101, §§2 and 3, is repealed.

**Sec. 2. 32 MRSA §2594-C**, as amended by PL 2013, c. 101, §4, is repealed.

**Sec. 3. 32 MRSA §2594-E** is enacted to read:

#### **§2594-E. License and registration of physician assistants**

**1. License and registration required.** A physician assistant may not render medical services under the supervision of an osteopathic physician or an allopathic physician pursuant to a plan of supervision until the physician assistant has applied for and obtained from either the Board of Osteopathic Licensure or the Board of Licensure in Medicine:

A. A license, which must be renewed biennially with the board that issued the initial license; and

B. A certificate of registration.

Applications for licensure and certificate of registration as a physician assistant must be made to the board that licenses the physician assistant's primary supervising physician at the time the applications for initial licensure and certificate of registration are filed. A physician assistant who applies for licensure without a designated primary supervising physician may submit the application to either the Board of Osteopathic Licensure or the Board of Licensure in Medicine. A license granted by either the Board of Osteopathic Licensure or the Board of Licensure in Medicine authorizes the physician assistant to render medical services under the supervision of an osteopathic or allopathic physician regardless of which board issued the license to the physician assistant.

**2. Qualification for licensure.** The board may issue to an individual a license to practice as a physician assistant under the following conditions:

A. A license may be issued to an individual who:

- (1) Graduated from a physician assistant program approved by the board;
- (2) Passed a physician assistant national certifying examination administered by the National Commission on Certification of Physician Assistants or its successor organization;
- (3) Demonstrates current clinical competency;
- (4) Does not have a license or certificate of registration that is the subject of disciplinary action such as probation, restriction, suspension, revocation or surrender;
- (5) Completes an application approved by the board;
- (6) Pays an application fee of up to \$250; and
- (7) Passes an examination approved by the board.

B. No grounds exist as set forth in section 2591-A to deny the application.

**3. Certificate of registration.** A physician assistant may not render medical services until issued a certificate of registration by the board. The board may issue a certificate of registration to a physician assistant under the following requirements:

A. The physician assistant shall:

- (1) Submit an application on forms approved by the board. The application must include:
  - (a) A written statement by the proposed supervising physician taking responsibility for all medical activities of the physician assistant; and
  - (b) A written statement by the physician assistant and proposed supervising physician that a written plan of supervision has been established; and
- (2) Pays an application fee of up to \$50.

B. A proposed supervising physician must hold an active license to practice medicine in the State and be in good standing.

**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 supervising physician.

**5. Rules.** The Board of Osteopathic Licensure 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. These rules, which must be adopted jointly with the Board of Licensure in Medicine, may pertain to, but are not limited to, the following matters:

A. Information to be contained in the application for a license and certificate of registration;

B. Information that is required on the application for a certificate of registration filed by the proposed supervising physician;

C. Training and education requirements and scope of permissible clinical medical procedures of the physician assistant and the manner and methods by which the supervising physician shall supervise the physician assistant's medical services;

D. Scope of practice for physician assistants, including prescribing of controlled drugs;

E. Requirements for written plans of supervision;

F. Requirements for a physician assistant to notify the board regarding certain circumstances, including but not limited to any change in address, any change in the identity or address of the physician assistant's employer or in the physician assistant's employment status, any change in the identity or address of the supervising physician, the permanent departure of the physician assistant from the State, any criminal convictions of the physician assistant and any discipline by other jurisdictions of the physician assistant;

G. Issuance of temporary physician assistant licenses and temporary registration of physician assistants;

H. Appointment of an advisory committee for continuing review of the physician assistant program and rules. The physician assistant member of the board pursuant to section 2561 must be a member of the advisory committee;

I. Continuing education requirements as a precondition to continued licensure or licensure renewal;

J. Fees for the application for an initial physician assistant license, which may not exceed \$250;

K. Fees for an initial certificate of registration, which may not exceed \$100;

L. Fees for transfer of the certificate of registration by a physician assistant from one supervising physician to another, which may not exceed \$50; and

M. Fees for the biennial renewal of a physician assistant license in an amount not to exceed \$250.

**Sec. 4. 32 MRSA §3270-B**, as amended by PL 2013, c. 101, §§6 and 7, is repealed.

**Sec. 5. 32 MRSA §3270-E** is enacted to read:

**§3270-E. License and registration of physician assistants**

**1. License and registration required.** A physician assistant may not render medical services under the supervision of an osteopathic physician or an allopathic physician pursuant to a plan of supervision until the physician assistant has applied for and obtained from either the Board of Licensure in Medicine or the Board of Osteopathic Licensure:

A. A license, which must be renewed biennially with the board that issued the initial license; and

B. A certificate of registration.

Applications for licensure and certificate of registration as a physician assistant must be made to the board that licenses the physician assistant's primary supervising physician at the time the applications for initial licensure and certificate of registration are filed. A physician assistant who applies for licensure without a designated primary supervising physician may submit the application to either the Board of Osteopathic Licensure or the Board of Licensure in Medicine. A license granted by either the Board of Osteopathic Licensure or the Board of Licensure in Medicine authorizes the physician assistant to render medical services under the supervision of an allopathic or osteopathic physician regardless of which board issued the license to the physician assistant.

**2. Qualification for licensure.** The board may issue to an individual a license to practice as a physician assistant under the following conditions:

A. A license may be issued to an individual who:

(1) Graduated from a physician assistant program approved by the board;

(2) Passed a physician assistant national certifying examination administered by the National Commission on Certification of Physician Assistants or its successor organization;

(3) Demonstrates current clinical competency;

(4) Does not have a license or certificate of registration that is the subject of disciplinary action such as probation, restriction, suspension, revocation or surrender;

(5) Completes an application approved by the board;

(6) Pays an application fee of up to \$250; and

(7) Passes an examination approved by the board; and

B. No grounds exist as set forth in section 3282-A to deny the application.

**3. Certificate of registration.** A physician assistant may not render medical services until issued a certificate of registration by the board. The board may issue a certificate of registration to a physician assistant under the following requirements:

A. The physician assistant shall:

(1) Submit an application on forms approved by the board. The application must include:

(a) A written statement by the proposed supervising physician taking responsibility for all medical activities of the physician assistant; and

(b) A written statement by the physician assistant and proposed supervising physician that a written plan of supervision has been established; and

(2) Pays an application fee of up to \$50.

B. A proposed supervising physician must hold an active license to practice medicine in the State and be in good standing.

**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 supervising physician.

**5. Rules.** 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. These rules, which must be adopted jointly with the Board of Osteopathic Licensure, may pertain to, but are not limited to, the following matters:

A. Information to be contained in the application for a license and certificate of registration;

B. Information that is required on the application for a certificate of registration filed by the proposed supervising physician;

C. Training and education requirements and scope of permissible clinical medical procedures of the physician assistant and the manner and methods by which the supervising physician shall supervise the physician assistant's medical services;

D. Scope of practice for physician assistants, including prescribing of controlled drugs;

E. Requirements for written plans of supervision;

F. Requirements for a physician assistant to notify the board regarding certain circumstances, including but not limited to any change in address, any change in the identity or address of the physician assistant's employer or in the physician assistant's employment status, any change in the identity or address of the supervising physician, the permanent departure of the physician assistant from the State, any criminal convictions of the physician assistant and any discipline by other jurisdictions of the physician assistant;

G. Issuance of temporary physician assistant licenses and temporary registration of physician assistants;

H. Appointment of an advisory committee for continuing review of the physician assistant program and rules. The physician assistant member of the board pursuant to section 2561 must be a member of the advisory committee;

I. Continuing education requirements as a precondition to continued licensure or licensure renewal;

J. Fees for the application for an initial physician assistant license, which may not exceed \$250;

K. Fees for an initial certificate of registration, which may not exceed \$100;

L. Fees for transfer of the certificate of registration by a physician assistant from one supervising physician to another, which may not exceed \$50; and

M. Fees for the biennial renewal of a physician assistant license in an amount not to exceed \$250.

**Sec. 6. 37-B MRSA §185, sub-§1-A**, as enacted by PL 2009, c. 587, §1, is amended to read:

**1-A. Immunity from civil and criminal liability for supervising physician.** Subsection 1 applies to the supervising physician of a physician assistant under Title 32, section ~~2594-B~~ 2594-E or ~~3270-B~~ 3270-E:

A. With regard to any act of the physician assistant in providing services to individuals not on active state service;

B. When the physician assistant is on active state service in the performance of the physician assistant's duty; and

C. When the supervising physician is not on active state service.

**Sec. 7. Transition period.** A license issued to a physician assistant by the Board of Licensure in Medicine or the Board of Osteopathic Licensure that is current and valid on the effective date of this Act re-

mains in effect until that license is required to be renewed by the board that initially issued the license. A license renewed by a physician assistant after the effective date of this Act must be renewed in compliance with any rules jointly adopted by the Board of Licensure in Medicine and the Board of Osteopathic Licensure.

## **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 cost of rulemaking and licensing system enhancements in order to establish a single physician assistant license.

<b>OTHER SPECIAL REVENUE FUNDS</b>	<b>2015-16</b>	<b>2016-17</b>
All Other	\$15,781	\$0
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OTHER SPECIAL REVENUE FUNDS TOTAL	\$15,781	\$0

#### **Osteopathic Licensure - Board of 0383**

Initiative: Allocates funds for the cost of rulemaking and licensing system enhancements in order to establish a single physician assistant license.

<b>OTHER SPECIAL REVENUE FUNDS</b>	<b>2015-16</b>	<b>2016-17</b>
All Other	\$4,711	\$0
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OTHER SPECIAL REVENUE FUNDS TOTAL	\$4,711	\$0

### **PROFESSIONAL AND FINANCIAL REGULATION, DEPARTMENT OF**

<b>DEPARTMENT TOTALS</b>	<b>2015-16</b>	<b>2016-17</b>
<b>OTHER SPECIAL REVENUE FUNDS</b>	<b>\$20,492</b>	<b>\$0</b>
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<b>DEPARTMENT TOTAL - ALL FUNDS</b>	<b>\$20,492</b>	<b>\$0</b>

See title page for effective date.