

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWENTY-EIGHTH LEGISLATURE

SECOND SPECIAL SESSION
June 19, 2018 to September 13, 2018

THE GENERAL EFFECTIVE DATE FOR
SECOND SPECIAL SESSION
NON-EMERGENCY LAWS IS
DECEMBER 13, 2018

ONE HUNDRED AND TWENTY-NINTH LEGISLATURE

FIRST REGULAR SESSION
December 5, 2018 to June 20, 2019

THE GENERAL EFFECTIVE DATE FOR
FIRST REGULAR SESSION
NON-EMERGENCY LAWS IS
SEPTEMBER 19, 2019

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IN ACCORDANCE WITH THE MAINE REVISED STATUTES ANNOTATED,
TITLE 3, SECTION 163-A, SUBSECTION 4.

Augusta, Maine
2019

log that contains a written description or illustration of the goods or services offered for sale, the business address of the seller and multiple pages of written material or illustrations, and that is issued not less frequently than once a year, if the person making the solicitation does not solicit customers by telephone but only receives calls initiated by customers in response to the catalog and during those calls takes orders without further solicitation. For purposes of this paragraph, ~~the term~~ "further solicitation" does not include providing the customer with information about, or attempting to sell, any other item included in the same catalog that prompted the customer's call or in a substantially similar catalog.

Sec. 5. 10 MRSA §1499-A, sub-§2, as enacted by PL 2003, c. 70, §1 and affected by §2, is repealed and the following enacted in its place:

2. Prohibition. It is an unfair trade practice, as prohibited by Title 5, section 207 and enforced by the Office of the Attorney General, for a seller or telemarketer to cause any caller identification services to transmit misleading or inaccurate caller identification information with the intent to defraud or cause harm to another person or to wrongfully obtain anything of value.

Sec. 6. 10 MRSA §1499-A, sub-§3, as enacted by PL 2003, c. 70, §1 and affected by §2, is repealed.

Sec. 7. 10 MRSA §1499-A, sub-§4 is enacted to read:

4. Exception. It is not a violation of subsection 2 for:

A. A seller or telemarketer to substitute for the name and telephone number used in or billed for making the call:

(1) The name of the seller or charitable organization on whose behalf the telemarketing call is placed; or

(2) The seller's or charitable organization's customer or donor service telephone number that is answered during regular business hours; or

B. A telecommunications carrier, as defined in 47 United States Code, Section 153(51), to provide telecommunications service, as defined in 47 United States Code, Section 153(53).

See title page for effective date.

**CHAPTER 186
H.P. 127 - L.D. 145**

**An Act Regarding the
Membership of the Wild
Blueberry Commission of
Maine**

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

Sec. 1. 36 MRSA §4312, 2nd ¶, as enacted by PL 1983, c. 836, §9, is amended to read:

Current members of the advisory committee shall continue to serve for the duration of their current appointments. New appointments to the advisory committee shall ~~must~~ be for terms of 4 years, and ~~no appointee may be eligible for reappointment until the lapse of one year from the expiration of a previous appointment~~ members may be reappointed for additional terms.

Sec. 2. 36 MRSA §4312-C, sub-§1, ¶D is enacted to read:

D. An employee of the commission who leaves commission employment may not be a paid lobbyist as defined by Title 3, section 312-A, subsection 10 for a wild blueberry business for a period of one year after leaving commission employment.

Sec. 3. 36 MRSA §4312-C, sub-§2, as enacted by PL 1997, c. 511, §21 and affected by §25 and amended by PL 2011, c. 657, Pt. W, §6, is further amended to read:

2. Appointment. Appointments to the commission are made by the Commissioner of Agriculture, Conservation and Forestry. The commissioner shall call for and consider nominations for grower representative appointments to the commission from the wild blueberry grower community in the State. The commissioner shall call for nominations by January 15th of any year in which a grower representative term will expire and shall announce the call for nominations at a statewide agricultural trade show held in Augusta in January.

Sec. 4. 36 MRSA §4312-C, sub-§3, as enacted by PL 1997, c. 511, §21 and affected by §25 and amended by PL 2011, c. 657, Pt. W, §6, is repealed and the following enacted in its place:

3. Membership. The commission consists of 10 members who are active in and representative of the wild blueberry industry, appointed by the Commissioner of Agriculture, Conservation and Forestry.

A. Five members must be grower representatives. For the purposes of this section, "grower representative" means a person, firm, partnership, association or corporation engaged in the growing of

wild blueberries in the State, including but not limited to those who engage in organic growing, other integrated crop management growing, fresh pack sales, wild blueberry business cooperative activities and wild blueberry value-added production and those representing a federally recognized Indian nation, tribe or band in the State. "Grower representative" does not include a processor representative. Grower representative members must be selected to represent grower representatives who pay both the processor and grower portions of the wild blueberry tax under this chapter and grower representatives who pay only the grower portion of the wild blueberry tax under this chapter.

B. Five members must be processor representatives. For purposes of this section, "processor representative" means a person, firm, partnership, association or corporation that processes 1,000,000 pounds or more of wild blueberries grown in the State in a calendar year.

Sec. 5. 36 MRSA §4312-C, sub-§4, as repealed and replaced by PL 2011, c. 579, §2 and amended by c. 657, Pt. W, §6, is further amended to read:

4. Term. Members are appointed to staggered 4-year terms so that the terms of at least 2 but more than 3 members expire on August 31st of every year. If the Commissioner of Agriculture, Conservation and Forestry fails to make an appointment prior to the expiration of a member's term, that member continues to serve until the commissioner makes an appointment for the remainder of that term. If a vacancy occurs prior to the expiration of a specified term, the Commissioner of Agriculture, Conservation and Forestry shall appoint an individual to serve only the remainder of that term.

Sec. 6. Wild Blueberry Commission of Maine membership; staggered terms. Notwithstanding the Maine Revised Statutes, Title 36, section 4312-C, subsection 4, of the additional grower representatives appointed to the Wild Blueberry Commission of Maine pursuant to this Act, one serves an initial term of 4 years and one serves an initial term of 2 years.

See title page for effective date.

CHAPTER 187
H.P. 623 - L.D. 849

An Act To Allow Chiropractic Internships

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

Sec. 1. 32 MRSA §451, sub-§2-A is enacted to read:

2-A. Chiropractic intern. "Chiropractic intern" means a chiropractic student who has been issued a temporary license to provide chiropractic services under the provisions of subchapter 5.

Sec. 2. 32 MRSA c. 9, sub-c. 5 is enacted to read:

SUBCHAPTER 5
CHIROPRACTIC INTERNS

§561. License

An individual may not provide chiropractic services as a chiropractic intern except as described under this subchapter.

1. Application for licensure. An applicant for a temporary license to practice chiropractic as a chiropractic intern pursuant to this subchapter shall complete an application on a form in accordance with section 558 and pay a fee established by the board. An applicant for a temporary license shall:

A. Identify the college or institution at which the applicant is a student sponsoring the applicant through a preceptorship arrangement;

B. Identify the licensed chiropractic doctor who will provide supervision to the applicant, who must possess a valid, unrestricted license to practice chiropractic in the State and be approved by the sponsoring college or institution under paragraph A;

C. Provide documentation that professional liability insurance in an amount satisfactory to the board provided by the sponsoring college or institution under paragraph A that covers the internship relationship is in effect; and

D. Attest to having fully read and understood the requirements of this chapter and all rules established by the board pertaining to the legal practice of chiropractic in the State and agree to practice within the confines of state law.

The board may issue a nonrenewable temporary license, not to exceed 6 months, to practice chiropractic to an applicant meeting all of the conditions of this subsection. The temporary license must describe the place or setting where chiropractic services are provided. An applicant failing to provide documentation of the requirements of this subsection may not be granted a temporary license by the board. The board may by rule establish other requirements for temporary licensure of chiropractic interns.

§562. Supervision requirements

1. Supervision. A chiropractic intern may not provide chiropractic services except under the supervi-