

# 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**

**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**  
**2019**

3. Effective date. Year-round eastern daylight time is effective immediately upon the fulfillment of both conditions in subsection 1, paragraphs A and B if the State is observing eastern daylight time on the date both conditions are met. Year-round eastern daylight time is effective on the next start date of eastern daylight time after both conditions in subsection 1, paragraphs A and B have been met if the State is not observing eastern daylight time on the date both of the conditions are met.

See title page for effective date.

**CHAPTER 269  
H.P. 809 - L.D. 1105**

**An Act To Allow Acupuncture  
Detoxification Specialists To  
Administer an Auricular  
Acupuncture Treatment for  
Substance Use and  
Co-occurring Disorders**

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

**Sec. 1. 32 MRSA §12501, sub-§1-B** is enacted to read:

**1-B. Acupuncture detoxification specialist.** "Acupuncture detoxification specialist" means an individual licensed under this chapter to practice auricular acupuncture detoxification.

**32 MRSA §12501, sub-§6-K** is enacted to read:

**6-K. National acupuncture detoxification association.** "National acupuncture detoxification association" means the national organization that provides training in auricular acupuncture detoxification, as specified in rules by the board.

**32 MRSA c. 113-B, sub-c. 5** is enacted to read:

**SUBCHAPTER 5**

**AURICULAR ACUPUNCTURE  
DETOXIFICATION LICENSING  
REQUIREMENTS AND SCOPE OF PRACTICE**

**§12551. License required; licensee title; scope of practice; limitations**

**1. License required.** A person may not practice, offer to practice or profess to be authorized to practice auricular acupuncture detoxification or represent to the public that the person is an acupuncture detoxification specialist unless licensed by the board pursuant to this subchapter.

**2. Title.** A person licensed under this subchapter may use the title "licensed acupuncture detoxification specialist" and the designation "A.D.S." or "L.A.D.S." but may not represent to the public that the person is an acupuncturist.

**3. Scope of practice.** Auricular acupuncture detoxification is the subcutaneous insertion of sterile, single-use disposable acupuncture needles in consistent, predetermined bilateral locations on the outer ear according to national acupuncture detoxification association protocol for the purpose of treatment of substance use and co-occurring disorders. The practice is limited to the outer ear.

**4. Limitations.** An acupuncture detoxification specialist:

A. May not perform acupuncture outside of the scope of practice of auricular acupuncture detoxification;

B. May provide auricular acupuncture detoxification only under the general supervision of a licensed acupuncturist whose license is in good standing. The supervising acupuncturist must, at a minimum, be available by telephone or electronic means during business hours and shall conduct at least 2 in-person visits or visits through videoconferencing with the acupuncture detoxification specialist during the first year the supervising acupuncturist oversees the work of the acupuncture detoxification specialist; and

C. May provide auricular acupuncture detoxification in, or in collaboration with, a program for substance use and co-occurring disorders or other state-approved program. An acupuncture detoxification specialist shall provide documentation to the program administrator demonstrating that the acupuncture detoxification specialist possesses a record of completion of training in auricular acupuncture detoxification from the national acupuncture detoxification association or completion of other board-approved auricular acupuncture detoxification training.

**§12552. Qualifications for licensure as an acupuncture detoxification specialist**

**1. Qualifications.** To be eligible for licensure as an acupuncture detoxification specialist under this subchapter, the applicant must hold a valid unrestricted Maine license as a:

A. Certified alcohol and drug counselor or licensed alcohol and drug counselor;

B. Physician or physician assistant;

C. Nurse or nurse practitioner;

D. Professional counselor or clinical professional counselor;

E. Psychologist; or

F. Licensed social worker, conditional licensed social worker, licensed clinical social worker or licensed master social worker, conditional.

**2. Requirements for license.** To apply for licensure under this subchapter, the applicant shall submit to the board the following:

A. Evidence of having completed training in auricular acupuncture detoxification from the national acupuncture detoxification association or other board-approved auricular acupuncture detoxification training;

B. The identity of the licensed acupuncturist who will be supervising the applicant in accordance with section 12551, subsection 4, paragraph B; and

C. A fee as set under section 12554.

**§12553. Rulemaking**

The board may adopt rules necessary to implement this subchapter and set standards for acupuncture detoxification specialists. Rules adopted pursuant to this section are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

**§12554. Fees and renewal**

**1. Fees.** The Director of the Office of Professional and Occupational Regulation within the department may establish by rule fees for the purposes authorized under this subchapter in amounts that are reasonable and necessary for their respective purposes, except that the fee for initial and renewal licensure may not exceed \$675 annually. Rules adopted pursuant to this subsection are routine technical rules pursuant to Title 5, chapter 375, subchapter 2-A.

**2. Renewal.** A license issued under this subchapter expires on the stated expiration date as determined by the commissioner. To maintain licensure, prior to expiration of a license, a licensee shall apply for renewal, pay the required fee and identify the supervising licensed acupuncturist in accordance with section 12551, subsection 4, paragraph B.

**3. Late renewal.** A license may be renewed up to 90 days after the date of expiration upon payment of a late fee in addition to the renewal fee as set pursuant to subsection 1. A person who submits an application for renewal more than 90 days after the date of expiration is subject to all requirements governing new applicants under this subchapter, except that the board, giving due consideration to the protection of the public, may waive any such requirement if that renewal application is received, together with the late fee and

renewal fee, within 2 years from the date of the expiration.

See title page for effective date.

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**CHAPTER 270**

**H.P. 822 - L.D. 1133**

**An Act To Require That Hospital Liens Be Satisfied on a Just and Equitable Basis**

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

**Sec. 1. 10 MRSA §3412-A** is enacted to read:

**§3412-A. Limits on priority of hospital liens**

**1. Lien reduction; just and equitable basis.** A hospital lien must be reduced by the patient's proportionate share of the patient's litigation or other recovery costs, including, but not limited to, reasonable attorney's fees. A hospital lien must be satisfied not on the basis of a priority lien but on a just and equitable basis, which means that any factors that diminish the potential value of the patient's claim against which the lien is asserted must likewise reduce the share in the claim by the hospital for reimbursement for services provided. Such factors include, but are not limited to:

A. Questions of liability and comparative negligence or other legal defenses;

B. Exigencies of trial that reduce a settlement or award in order to resolve the claim; and

C. Limits on the amount of applicable insurance coverage that reduce the claim to an amount recoverable by the insured.

**2. Dispute resolution.** In the event of a dispute as to the application of this section or the amount available for payment to those claiming payment for services or reimbursement, that dispute must be determined, if the action is pending, before the court in which it is pending; or if no action is pending, by filing an action in any court for determination of the dispute.

See title page for effective date.

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**CHAPTER 271**

**H.P. 948 - L.D. 1313**

**An Act To Enact the Maine Death with Dignity Act**

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