

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from electronic originals
(may include minor formatting differences from printed original)

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.

Augusta, Maine
2019

the date of the former employer's initial self-insurance authorization.

Sec. 32. PL 2017, c. 475, Pt. A, §1 is amended to read:

Sec. A-1. 4 MRSA §1610-J, as enacted by PL 2017, c. 284, Pt. FF, §1 and reallocated by c. 288, Pt. A, §2, is reallocated to 4 MRSA §1610-K.

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

Effective June 28, 2019.

CHAPTER 502

H.P. 1318 - L.D. 1846

An Act To Fund Collective Bargaining Agreements with Certain Judicial Department Employees

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 Judicial Department has reached collective bargaining agreements with the 4 bargaining units representing Judicial Department employees; and

Whereas, this legislation authorizes funding of the agreements effective at the beginning of the pay week commencing closest to July 1, 2019; 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. Adjustment of salary schedules for fiscal years 2019-20 and 2020-21. The salaries and stipends for the Judicial Department employees in the administrative services bargaining unit, the supervisory services bargaining unit, the law enforcement bargaining unit and the professional services bargaining unit and employees referred to in section 2 must be adjusted consistent with the terms of any ratified contract.

Sec. 2. Other employees; similar and equitable treatment. Employees of the Judicial Department who are excluded from collective bargaining pursuant to the Maine Revised Statutes, Title 26, section 1282, subsection 5, paragraphs C, D, E, F and G must be given similar and equitable treatment on a pro

rata basis to that given employees covered by the collective bargaining agreements.

Sec. 3. Costs to General Fund. Costs to the General Fund must be provided in the Salary Plan program, General Fund account in the Department of Administrative and Financial Services in the amount of \$1,041,798 for the fiscal year ending June 30, 2020 and in the amount of \$2,202,337 for the fiscal year ending June 30, 2021 to implement the economic terms of the collective bargaining agreements made between the Judicial Department and the Maine State Employees Association for the administrative services bargaining unit, the supervisory services bargaining unit, the law enforcement bargaining unit and the professional services bargaining unit and for the costs of those Judicial Department employees referred to in section 2 who are excluded from collective bargaining pursuant to the Maine Revised Statutes, Title 26, section 1282, subsection 5.

Sec. 4. Contingent effective date. This Act takes effect only upon ratification of the collective bargaining agreements made between the Judicial Department and the Maine State Employees Association for the administrative services bargaining unit, the supervisory services bargaining unit, the law enforcement bargaining unit and the professional services bargaining unit tentatively agreed to as of June 17, 2019.

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

Effective June 28, 2019, unless otherwise indicated.

CHAPTER 503

S.P. 580 - L.D. 1746

An Act To Amend the Licensing Laws of Certain Professions and Occupations

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

PART A

Sec. A-1. 10 MRSA §8003, sub-§5-A, ¶A, as amended by PL 2009, c. 112, Pt. B, §4, is further amended to read:

A. The office, board or commission may deny or refuse to renew a license, may suspend or revoke a license and may impose other discipline as authorized in this subsection for any of the following reasons:

- (1) The practice of fraud, deceit or misrepresentation in obtaining a license from a bureau, office, board or commission, or in con-

nection with services rendered while engaged in the occupation or profession for which the person is licensed;

(2) Any gross negligence, incompetence, misconduct or violation of an applicable code of ethics or standard of practice while engaged in the occupation or profession for which the person is licensed;

(3) Conviction of a crime to the extent permitted by Title 5, chapter 341;

(4) Any violation of the governing law of an office, board or commission;

(5) Any violation of the rules of an office, board or commission;

(6) Engaging in any activity requiring a license under the governing law of an office, board or commission that is beyond the scope of acts authorized by the license held;

(7) Continuing to act in a capacity requiring a license under the governing law of an office, board or commission after expiration, suspension or revocation of that license;

(8) Aiding or abetting unlicensed practice by a person who is not licensed as required by the governing law of an office, board or commission;

(9) Noncompliance with an order or consent agreement of an office, board or commission;

(10) Failure to produce any requested documents in the licensee's possession or under the licensee's control concerning a pending complaint or proceeding or any matter under investigation; ~~or~~

(11) Any violation of a requirement imposed pursuant to section 8003-G; ~~or~~

(12) Failure of an individual subject to Title 22, section 1711 or Title 22, section 1711-B to provide to a patient, upon written request, a copy of that patient's treatment records in accordance with the requirements of Title 22, section 1711 or Title 22, section 1711-B, whichever is applicable.

PART B

Sec. B-1. 32 MRSA §1202-A, sub-§4, ¶B, as corrected by RR 2017, c. 1, §28, is amended to read:

B. In order to obtain a license under this subsection, a person must first pass an examination approved by the board and provide evidence of having:

(1) Worked at least 12,000 hours in the field of electrical installations as a licensed helper

electrician or apprentice electrician under the direct supervision of a master electrician, journeyman electrician or limited electrician, or worked at least 4,000 hours in the field of electrical installations as a journeyman electrician ~~or journeyman-in-training electrician~~ under the indirect supervision of a master electrician or limited electrician or worked at least 6,000 hours in the field of electrical installations as a journeyman-in-training electrician and ~~having~~ have completed a program of study consisting of 576 hours as approved by the board or from an accredited institution. The 576 hours must consist of 450 hours of required study, including a course of 45 hours in the current National Electrical Code and 126 hours of degree-related courses; or

(2) Comparable work experience or education or training, or a combination of work experience, education and training, completed within the State or outside the State, that is acceptable to the board.

PART C

Sec. C-1. 32 MRSA §3114-A, sub-§1, ¶A, as amended by PL 1999, c. 386, Pt. K, §3, is repealed.

PART D

Sec. D-1. 32 MRSA §14035, sub-§2, as amended by PL 2013, c. 547, §5 and affected by §19, is further amended to read:

2. Professional qualifications. An applicant for a certified general real property appraiser license must meet the licensing requirements established by the appraiser qualifications board. As a prerequisite to taking the examination required by section 14035-A, an applicant must: meet the requirements specified in rules adopted by the appraiser qualifications board.

~~A. Hold a bachelor's or higher degree from an accredited college or university;~~

~~B. Satisfactorily complete 300 creditable class hours as specified in the appraiser qualifications board's required core curriculum, which must include the 15-hour national uniform standards of professional appraisal practice course and examination; and~~

~~D. Hold a valid license under this chapter and demonstrate 3,000 hours of appraisal experience obtained during no fewer than 30 months, including 1,500 hours of nonresidential appraisal work.~~

Sec. D-2. 32 MRSA §14036, sub-§2, as amended by PL 2013, c. 547, §8 and affected by §19, is further amended to read:

2. Professional qualifications. An applicant for a certified residential real property appraiser license must meet the licensing requirements established by

the appraiser qualifications board. As a prerequisite to taking the examination required by section 14036-A, an applicant must: meet the requirements specified in rules adopted by the appraiser qualifications board.

~~A. Hold a bachelor's or higher degree from an accredited college or university;~~

~~B. Satisfactorily complete 200 creditable class hours as specified in the appraiser qualifications board's required core curriculum, which must include the 15-hour national uniform standards of professional appraisal practice course and examination; and~~

~~D. Hold a valid license under this chapter and demonstrate 2,500 hours of appraisal experience obtained during no fewer than 24 months, including complex residential property appraisals completed under the supervision of a certified residential real property appraiser or a certified general real property appraiser under section 14035.~~

Sec. D-3. 32 MRSA §14037, sub-§2, as amended by PL 2013, c. 547, §11 and affected by §19, is further amended to read:

2. Professional qualifications. An applicant for a residential real property appraiser license must meet the licensing requirements established by the appraiser qualifications board. As a prerequisite to taking the examination required by section 14037-A, an applicant must: meet the requirements specified in rules adopted by the appraiser qualifications board.

~~A. Satisfactorily complete 150 creditable class hours as specified in the appraiser qualifications board's required core curriculum, which must include the 15-hour national uniform standard of professional appraisal practice course and examination;~~

~~C. Hold a valid license under this chapter and demonstrate 2,000 hours of appraisal experience obtained during no fewer than 12 months; and~~

~~D. Hold an associate or higher degree from an accredited college or university or have successfully completed 30 semester credit hours of college level courses from an accredited college, junior college, community college or university.~~

PART E

Sec. E-1. 32 MRSA §17101, sub-§16, as enacted by PL 2007, c. 369, Pt. C, §3 and affected by §5, is amended to read:

16. Speech-language pathology assistant. "Speech-language pathology assistant" means an individual who meets minimum qualifications that the board may establish for speech-language pathology assistants, that are less than those qualifications established by this chapter for licensure as a speech-language pathologist, but must include an associate's

associate degree or its equivalent, as determined by the board, or a higher degree in the field of communication disorders.

Sec. E-2. 32 MRSA §17103, sub-§6, as enacted by PL 2007, c. 369, Pt. C, §3 and affected by §5, is amended to read:

6. Speech-language pathology assistants. Registration Licensure may be granted to an individual who meets the minimum qualifications for a speech-language pathology assistant established by the board and who is supervised by a licensed speech-language pathologist, as set forth by the board by rule. Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

Sec. E-3. 32 MRSA §17301, sub-§5, as enacted by PL 2007, c. 369, Pt. C, §3 and affected by §5, is amended to read:

5. Speech-language pathology assistant. A speech-language pathology assistant must have an associate's associate degree or higher from an accredited institution in the field of communication disorders, or its equivalent as determined by the board, and must meet such other minimum qualifications as the board may establish.

Sec. E-4. 32 MRSA §17308, first ¶, as enacted by PL 2007, c. 369, Pt. C, §3 and affected by §5, is amended to read:

A license issued under this chapter expires at a time that the commissioner may designate. Every individual licensed under this chapter shall pay the renewal fee as set under section 17309. Renewals are contingent upon evidence of participation in continuing professional education as determined by the board; temporary licenses licensees, speech-language pathology assistants and trainee permits trainees are exempt from this requirement. A license may be renewed up to 90 days after the date of its expiration upon payment of the late fee and renewal fee under section 17309. An individual who submits an application for renewal more than 90 days after the license expiration date is subject to all requirements governing new applicants under this chapter, except that the board may, in its discretion, waive examination if that renewal application is received together with the late fee and renewal fee under section 17309 within 2 years from the date of the expiration.

PART F

Sec. F-1. 22 MRSA §1711, first and 2nd ¶¶, as amended by PL 1997, c. 793, Pt. A, §1 and affected by §10, are further amended to read:

If a patient of an institution licensed as a hospital by the State, after discharge from such institution, makes written request for copies of the patient's medical records, the copies must, if available, be made

available to the patient in accordance with the requirements of 45 Code of Federal Regulations, Section 164.524 (2019) or for a hospital not subject to the requirements of 45 Code of Federal Regulations, Section 164.524 (2019) within a reasonable time unless, in the opinion of the hospital, it would be detrimental to the health of the patient to obtain the records. If the hospital is of the opinion that release of the records to the patient would be detrimental to the health of the patient, the hospital shall advise the patient that copies of the records will be made available to the patient's authorized representative upon presentation of a proper authorization signed by the patient. The hospital may exclude from the copies of medical records released any information related to a clinical trial sponsored, authorized or regulated by the federal Food and Drug Administration.

If an authorized representative for a patient requests, in writing, that a hospital provide the authorized representative with a copy of the patient's medical records and presents a proper authorization from the patient for the release of the information, copies must be provided to the authorized representative in accordance with the requirements of 45 Code of Federal Regulations, Section 164.524 (2019) or for a hospital not subject to the requirements of 45 Code of Federal Regulations, Section 164.524 (2019) within a reasonable time.

Sec. F-2. 22 MRSA §1711-B, sub-§2, as amended by PL 1997, c. 793, Pt. A, §4 and affected by §10, is further amended to read:

2. Access. Upon written authorization executed in accordance with section 1711-C, subsection 3, a health care practitioner shall release copies of all treatment records of a patient or a narrative containing all relevant information in the treatment records to the patient. The health care practitioner may exclude from the copies of treatment records released any personal notes that are not directly related to the patient's past or future treatment and any information related to a clinical trial sponsored, authorized or regulated by the federal Food and Drug Administration. The copies or narrative must be released to the designated person in accordance with the requirements of 45 Code of Federal Regulations, Section 164.524 (2019) or for a health care practitioner not subject to the requirements of 45 Code of Federal Regulations, Section 164.524 (2019) within a reasonable time.

If the practitioner believes that release of the records to the patient is detrimental to the health of the patient, the practitioner shall advise the patient that copies of the treatment records or a narrative containing all relevant information in the treatment records will be made available to the patient's authorized representative upon presentation of a written authorization signed by the patient. The copies or narrative must be released to the authorized representative in accordance with the

requirements of 45 Code of Federal Regulations, Section 164.524 (2019) or for a health care practitioner not subject to the requirements of 45 Code of Federal Regulations, Section 164.524 (2019) within a reasonable time.

Except as provided in subsection 3, release of a patient's treatment records to a person other than the patient is governed by section 1711-C.

See title page for effective date.

CHAPTER 504

H.P. 147 - L.D. 184

An Act To Amend the Veterans' Homelessness Prevention Coordination Program

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 need to support homeless veterans is immediate and crucial for their health, safety and welfare; 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. 37-B MRSA §513, as enacted by PL 2011, c. 329, §1, is repealed.

Sec. 2. 37-B MRSA §513-A is enacted to read:

§513-A. Veterans' homelessness prevention coordination

1. Veterans' homelessness prevention partnership. The director shall, through one or more collaborative agreements, establish a program of partnerships with human services-based volunteer organizations to provide transitional housing to homeless veterans and coordinate efforts to remedy and prevent homelessness among veterans in this State. The volunteer organizations must have as their core programs addressing homelessness and veterans' services and have been active in the State for at least 2 years. Priority must be given to an organization founded, chartered or organized in the State. The director may accept donations from outside sources and state and federal funding to accomplish the priorities of the partnerships. To the