

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND THIRTIETH LEGISLATURE

FIRST REGULAR SESSION
December 2, 2020 to March 30, 2021

FIRST SPECIAL SESSION
April 28, 2021 to July 19, 2021

THE GENERAL EFFECTIVE DATE FOR
FIRST REGULAR SESSION
NON-EMERGENCY LAWS IS
JUNE 29, 2021

THE GENERAL EFFECTIVE DATE FOR
FIRST SPECIAL SESSION
NON-EMERGENCY LAWS IS
OCTOBER 18, 2021

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

Augusta, Maine
2021

Sec. 8. 20-A MRSA §13022, sub-§4, as amended by PL 2011, c. 386, §2, is further amended to read:

4. Term of issuance. The commissioner shall issue a school psychologist certificate for a term of years consistent with rules adopted by the state board. ~~The length of the term may vary among certificate holders so as to be coterminous with any other professional license or certificate held by the school psychologist.~~ The school psychologist certificate may be renewed in accordance with academic and professional requirements established by the state board. A certificate holder must be supervised for the first year following initial certification at no additional cost to the school administrative unit or the department. ~~The state board shall require evidence of supervision prior to renewing a first-year certificate.~~ Supervision of the first-year school psychologist must be in accordance with supervision standards established by the National Association of School Psychologists or a successor organization and provided by a person who is certified as a school psychologist ~~under subsection 2 and is:~~

- ~~A. A member of the Maine Association of School Psychology or a successor organization; or~~
- ~~B. Employed by or under contract with a school administrative unit.~~

Sec. 9. 20-A MRSA §13022, sub-§8, as amended by PL 2011, c. 386, §2, is further amended to read:

8. Transition. Persons certified as school psychological service providers and school psychological examiners on or after October 13, 1993 may continue to provide the services authorized by their respective certificates until the scheduled expiration of those certificates. ~~The state board's rules must contain a schedule affording all certified school psychological service providers a reasonable amount of time to meet the requirements of the certificate authorized by subsection 2.~~

Sec. 10. 20-A MRSA §13031, as enacted by PL 1983, c. 859, Pt. I, §§2 and 3, is amended to read:

§13031. Purpose

The Legislature declares that the purpose of this chapter is to establish standardized qualifying examinations for those persons seeking provisional professional teacher certificates to teach in the State.

Sec. 11. 20-A MRSA §13032, first ¶, as amended by PL 2017, c. 235, §30 and affected by §41, is further amended to read:

A professional teacher certificate may be issued ~~only~~ to those applicants who have taken and passed the teacher qualifying examination. ~~This limitation does not apply to applicants seeking a certificate under section 13013, subsection 2 B, paragraph B, but such~~

~~applicants must meet any exam requirement necessary for the endorsement being sought.~~

Sec. 12. Rulemaking; applicability. The State Board of Education shall amend Department of Education rule Chapter 115 regarding the credentialing of education personnel in accordance with this Act. Notwithstanding the Maine Revised Statutes, Title 20-A, section 13006-A, subsection 3, a person who is subject to the provisions of Title 20-A, section 13006-A, subsection 3 on the effective date of this Act may choose to be certified either pursuant to the rules effective prior to the effective date of this Act or under the amended rules adopted by the State Board of Education pursuant to this Act.

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

Effective June 16, 2021.

CHAPTER 229

H.P. 1212 - L.D. 1629

An Act Regarding the Qualifications for Licensure as a Physician or Surgeon

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 sole reliance on completing 36 months of postgraduate training has created unnecessary barriers for otherwise qualified applicants who have completed certain oral and maxillofacial surgery training to obtain licensure in medicine; and

Whereas, immediate enactment of this legislation is necessary to give the Board of Licensure in Medicine statutory authority to consider on a case-by-case basis an applicant's postgraduate training equivalency in meeting the postgraduate training qualifications for licensure; 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. 32 MRSA §3271, sub-§2, as amended by PL 2017, c. 189, §2, is further amended to read:

2. Postgraduate training. Each applicant who has graduated from an accredited medical school on or after January 1, 1970 but before July 1, 2004 must have satisfactorily completed at least 24 months in a graduate

educational program accredited by the Accreditation Council on Graduate Medical Education, the Canadian Medical Association or the Royal College of Physicians and Surgeons of Canada. Notwithstanding other requirements of postgraduate training, an applicant is eligible for licensure when the candidate has satisfactorily graduated from a combined postgraduate training program in which each of the contributing programs is accredited by the Accreditation Council on Graduate Medical Education and the applicant is eligible for accreditation by the American Board of Medical Specialties in both specialties. Each applicant who has graduated from an accredited medical school prior to January 1, 1970 must have satisfactorily completed at least 12 months in a graduate educational program accredited by the Accreditation Council on Graduate Medical Education, the Canadian Medical Association or the Royal College of Physicians and Surgeons of Canada. Each applicant who has graduated from an accredited medical school on or after July 1, 2004 or an unaccredited medical school must have satisfactorily completed at least 36 months in a graduate educational program accredited by the Accreditation Council on Graduate Medical Education, the Canadian Medical Association, the Royal College of Physicians and Surgeons of Canada or the Royal Colleges of England, Ireland or Scotland. An applicant who has completed 24 months of postgraduate training and has received an unrestricted endorsement from the director of an accredited graduate education program in the State is considered to have satisfied the postgraduate training requirements of this subsection if the applicant continues in that program and completes 36 months of postgraduate training. Notwithstanding this subsection, an applicant who is board certified by the American Board of Medical Specialties is deemed to meet the postgraduate training requirements of this subsection. Notwithstanding this subsection, in the case of subspecialty or clinical fellowship programs, the board may accept in fulfillment of the requirements of this subsection postgraduate training at a hospital in which the subspecialty clinical program, such as a training program accredited by the American Dental Association Commission on Dental Accreditation or its successor organization, is not accredited but the parent specialty program is accredited by the Accreditation Council on Graduate Medical Education, including training that occurs following graduation from a dental school accredited by the American Dental Association Commission on Dental Accreditation or its successor organization, but before graduation from a medical school accredited by the Liaison Committee on Medical Education or its successor organization.

The board may not require an applicant for initial licensure or license renewal as a physician under this chapter to obtain certification from a specialty medical board or to obtain a maintenance of certification as a condition of licensure. For the purposes of this subsection,

"maintenance of certification" means a program that requires a physician to engage in periodic examination, self-assessment, peer evaluation or other activities to maintain certification from a specialty medical board.

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

Effective June 16, 2021.

CHAPTER 230
H.P. 23 - L.D. 57

An Act To Reduce the Landfilling of Municipal Solid Waste

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

Sec. 1. 38 MRSA §2203-A, sub-§1, as amended by PL 2015, c. 461, §8, is further amended to read:

1. Fees. Unless otherwise provided by rule adopted in accordance with subsection 3, fees are imposed in the following amounts to be levied for solid waste that is disposed of at commercial, municipal, state-owned and regional association landfills.

Asbestos	\$5 per cubic yard
Oil-contaminated soil, gravel, brick, concrete and other aggregate	\$25 per ton
Waste water facility sludge	\$5 per ton
Ash, coal and oil	\$5 per ton
Paper mill sludge	\$5 per ton
Industrial waste	\$5 per ton
Sandblast grit	\$5 per ton
All other special waste	\$5 per ton
Municipal <u>solid waste or municipal</u> solid waste ash	\$1 per ton
Front end process residue (FEPR)	\$1 per ton
Construction and demolition debris and residue from the processing of construction and demolition debris	\$2 per ton

Sec. 2. 38 MRSA §2203-A, sub-§3, as enacted by PL 2015, c. 461, §9, is amended to read:

3. Rules. The department may adopt rules imposing per ton or per cubic yard fees on any of the types of waste listed in subsection 1 disposed of at a commercial, municipal, regional association or state-owned solid