

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND THIRTY-FIRST LEGISLATURE

FIRST REGULAR SESSION
December 7, 2022 to March 30, 2023

FIRST SPECIAL SESSION
April 5, 2023 to July 26, 2023

THE GENERAL EFFECTIVE DATE FOR
FIRST REGULAR SESSION
NONEMERGENCY LAWS IS
JUNE 29, 2023

THE GENERAL EFFECTIVE DATE FOR
FIRST SPECIAL SESSION
NONEMERGENCY LAWS IS
OCTOBER 25, 2023

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

Augusta, Maine
2023

PUBLIC UTILITIES COMMISSION

Public Utilities - Administrative Division 0184

Initiative: Provides allocations for expenditures related to contracted consulting services.

OTHER SPECIAL REVENUE FUNDS	2023-24	2024-25
All Other	\$202,042	\$0
OTHER SPECIAL REVENUE FUNDS TOTAL	\$202,042	\$0

See title page for effective date.

CHAPTER 329

S.P. 694 - L.D. 1749

An Act to Establish the Physical Therapy Licensure Compact

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

Sec. 1. 32 MRSA c. 149 is enacted to read:

CHAPTER 149

PHYSICAL THERAPY LICENSURE COMPACT

§18701. Short title

This chapter may be known and cited as "the Physical Therapy Licensure Compact," referred to in this chapter as "the compact."

§18702. Purpose

The purpose of this compact is to facilitate interstate practice of physical therapy with the goal of improving public access to physical therapy services. The practice of physical therapy occurs in the state where the patient is located at the time of the physical therapy services. The compact preserves the regulatory authority of states to protect public health and safety through the current system of state licensure.

This compact is designed to achieve the following objectives:

1. License recognition. Increase public access to physical therapy services by providing for the mutual recognition of other member state licenses;

2. State powers. Enhance the states' ability to protect the public's health and safety;

3. Multistate practice. Encourage the cooperation of member states in regulating multistate physical therapy practice;

4. Military spouses. Support spouses of relocating active duty military personnel;

5. Information exchange. Enhance the exchange of licensure, investigative and disciplinary information among member states; and

6. Compact privilege. Allow a remote state to hold a provider of services with a compact privilege in that state accountable to that state's practice standards.

§18703. Definitions

As used in this chapter, unless the context otherwise indicates, the following terms have the following meanings.

1. Active duty military. "Active duty military" means full-time duty status in the active uniformed service of the United States, including members of the National Guard and Reserves of the United States Armed Forces on active duty orders pursuant to 10 United States Code, Chapters 1209 and 1211.

2. Adverse action. "Adverse action" means disciplinary action taken by a physical therapy licensing board based upon misconduct, unacceptable performance or a combination of both.

3. Alternative program. "Alternative program" means a nondisciplinary monitoring or practice remediation process approved by a physical therapy licensing board, including, but not limited to, addressing substance use disorder issues.

4. Compact privilege. "Compact privilege" means the authorization granted by a remote state to allow a licensee from another member state to practice as a physical therapist or work as a physical therapist assistant in the remote state under its laws and rules. The practice of physical therapy occurs in the member state where the patient is located at the time of the physical therapy services.

5. Continuing competence. "Continuing competence" means a requirement, as a condition of license renewal, to provide evidence of participation in, or completion of, educational and professional activities relevant to practice or area of work.

6. Data system. "Data system" means a repository of information about licensees, including examination, licensure, investigative, compact privilege and adverse action information.

7. Encumbered license. "Encumbered license" means a license that a physical therapy licensing board has limited in any way.

8. Executive board. "Executive board" means a group of directors elected or appointed to act on behalf of, and within the powers granted to them by, the commission.

9. Home state. "Home state" means the member state that is the licensee's primary state of residence.

10. Investigative information. "Investigative information" means information, records and documents

received or generated by a physical therapy licensing board pursuant to an investigation.

11. Jurisprudence requirement. "Jurisprudence requirement" means the assessment of an individual's knowledge of the laws and rules governing the practice of physical therapy in a state.

12. Licensee. "Licensee" means an individual who currently holds an authorization from a state to practice as a physical therapist or to work as a physical therapist assistant.

13. Member state. "Member state" means a state that has enacted the compact.

14. Party state. "Party state" means any member state in which a licensee holds a current license or compact privilege or is applying for a license or compact privilege.

15. Physical therapist. "Physical therapist" means an individual who is licensed by a state to practice physical therapy.

16. Physical therapist assistant. "Physical therapist assistant" means an individual who is licensed or certified by a state and who assists a physical therapist in selected components of physical therapy.

17. Physical therapy, physical therapy practice or the practice of physical therapy. "Physical therapy," "physical therapy practice" or "the practice of physical therapy" means the care and services provided by or under the direction and supervision of a licensed physical therapist.

18. Physical therapy compact commission or commission. "Physical therapy compact commission" or "commission" means the national administrative body whose membership consists of all states that have enacted the compact pursuant to section 18708.

19. Physical therapy licensing board or licensing board. "Physical therapy licensing board" or "licensing board" means the agency of a state that is responsible for the licensing and regulation of physical therapists and physical therapist assistants.

20. Remote state. "Remote state" means a member state other than the home state where a licensee is exercising or seeking to exercise the compact privilege.

21. Rule. "Rule" means a regulation, principle or directive promulgated by the commission that has the force of law.

22. State. "State" means any state, commonwealth, district or territory of the United States that regulates the practice of physical therapy.

§18704. State participation in the compact

1. Participation requirements. To participate in the compact, a state must:

A. Participate fully in the commission's data system, including using the commission's unique identifier as defined in rules;

B. Have a mechanism in place for receiving and investigating complaints about licensees;

C. Notify the commission, in compliance with the terms of the compact and rules, of any adverse action or the availability of investigative information regarding a licensee;

D. Fully implement a criminal background check requirement, within a time frame established by rule, by receiving the results of the Federal Bureau of Investigation record search on criminal background checks and use the results in making licensure decisions in accordance with subsection 2;

E. Comply with the rules of the commission;

F. Utilize a recognized national examination as a requirement for licensure pursuant to the rules of the commission; and

G. Have continuing competence requirements as a condition for license renewal.

2. Biometric-based information. Upon adoption of this compact, the member state has the authority to obtain biometric-based information from each physical therapy licensure applicant and submit this information to the Federal Bureau of Investigation for a criminal background check in accordance with 28 United States Code, Section 534 and 42 United States Code, Section 14616.

3. Compact privilege. A member state shall grant the compact privilege to a licensee holding a valid unencumbered license in another member state in accordance with the terms of the compact and rules.

4. Fees. Member states may charge a fee for granting a compact privilege.

§18705. Compact privilege

1. Compact privilege. To exercise the compact privilege under the terms and provisions of the compact, the licensee:

A. Must hold a license in the home state;

B. May not have an encumbrance on any state license;

C. Must be eligible for a compact privilege in any member state in accordance with subsections 4, 7 and 8;

D. May not have an adverse action against any license or compact privilege within the previous 2 years;

E. Must notify the commission that the licensee is seeking the compact privilege within a remote state;

F. Must pay any applicable fees, including any state fee, for the compact privilege;

G. Must meet any jurisprudence requirements established by the remote state in which the licensee is seeking a compact privilege; and

H. Must report to the commission adverse action taken by any nonmember state within 30 days from the date the adverse action is taken.

2. Validity. The compact privilege is valid until the expiration date of the home state license. The licensee must comply with the requirements of subsection 1 to maintain the compact privilege in the remote state.

3. Laws and regulations. A licensee providing physical therapy in a remote state under the compact privilege shall function within the laws and regulations of the remote state.

4. Regulation. A licensee providing physical therapy in a remote state is subject to that state's regulatory authority. A remote state may, in accordance with due process and that state's laws, remove a licensee's compact privilege in the remote state for a specific period of time, impose fines or take any other necessary actions to protect the health and safety of its citizens. The licensee is not eligible for a compact privilege in any member state until the specific time for removal has passed and all fines are paid.

5. Encumbrance. If a home state license is encumbered, the licensee must lose the compact privilege in any remote state until the following occur:

A. The home state license is no longer encumbered; and

B. Two years have elapsed from the date of the adverse action.

6. Restoration after encumbrance. Once an encumbered license in the home state is restored to good standing, the licensee must meet the requirements of subsection 1 to obtain a compact privilege in any remote state.

7. Removal. If a licensee's compact privilege in any remote state is removed, the individual must lose the compact privilege in any remote state until the following occur:

A. The specific period of time for which the compact privilege was removed has ended;

B. All fines have been paid; and

C. Two years have elapsed from the date of the adverse action.

8. Restoration after removal. Once the requirements of subsection 7 have been met, the licensee must meet the requirements in subsection 1 to obtain a compact privilege in a remote state.

§18706. Active duty military personnel or their spouses

A licensee who is active duty military or is the spouse of an individual who is active duty military may designate one of the following as the home state:

1. Home of record. Home of record;

2. Permanent change of station. Permanent change of station; or

3. Current residence. State of current residence if it is different than the permanent change of station state or home of record.

§18707. Adverse actions

1. Adverse action authority. A home state has exclusive power to take adverse action against a license issued by the home state.

2. Remote state investigative information. A home state may take adverse action based on the investigative information of a remote state, as long as the home state follows the home state's procedures for taking adverse action.

3. Alternative program. Nothing in this compact overrides a member state's decision that participation in an alternative program may be used in lieu of adverse action and that such participation remains nonpublic if required by the member state's laws. Member states must require licensees who enter any alternative programs in lieu of discipline to agree not to practice in any other member state during the term of the alternative program without prior authorization from such other member state.

4. Member state authority. Any member state may investigate actual or alleged violations of the laws and rules authorizing the practice of physical therapy in any other member state in which a physical therapist or physical therapist assistant holds a license or compact privilege.

5. Remote state authority. A remote state has the authority to:

A. Take adverse actions as set forth in section 18705, subsection 4 against a licensee's compact privilege in the state;

B. Issue subpoenas for both hearings and investigations that require the attendance and testimony of witnesses and the production of evidence. Subpoenas issued by a physical therapy licensing board in a party state for the attendance and testimony of witnesses or the production of evidence from another party state must be enforced in the latter state by any court of competent jurisdiction according to the practice and procedure of that court applicable to subpoenas issued in proceedings pending before it. The issuing authority shall pay any witness fees, travel expenses, mileage and other fees required by

the service laws of the state where the witnesses or evidence are located; and

C. If otherwise permitted by state law, recover from the licensee the costs of investigations and disposition of cases resulting from any adverse action taken against that licensee.

6. Joint investigations. In addition to the authority granted to a member state by its respective physical therapy practice act or other applicable state law, a member state may participate with other member states in joint investigations of licensees.

Member states shall share any investigative, litigation or compliance materials in furtherance of any joint or individual investigation initiated under the compact.

§18708. Establishment of physical therapy compact commission

1. Commission established. The member states hereby create and establish a joint public agency known as the physical therapy compact commission.

A. The commission is an instrumentality of the compact states.

B. Venue is proper and judicial proceedings by or against the commission must be brought solely and exclusively in a court of competent jurisdiction where the principal office of the commission is located. The commission may waive venue and jurisdictional defenses to the extent it adopts or consents to participate in alternative dispute resolution proceedings.

C. Nothing in this compact may be construed to be a waiver of sovereign immunity.

2. Membership; voting; meetings. Membership, voting and meetings are governed by this subsection.

A. Each member state has and is limited to one delegate selected by that member state's licensing board.

B. The delegate must be either:

- (1) A current member of the licensing board, who is a physical therapist, physical therapist assistant or public member; or
- (2) An administrator of the licensing board.

C. Any delegate may be removed or suspended from office as provided by the law of the state from which the delegate is appointed.

D. The member state licensing board shall fill any vacancy occurring on the commission.

E. Each delegate is entitled to one vote with regard to the promulgation of rules and creation of bylaws and must otherwise have an opportunity to participate in the business and affairs of the commission.

F. A delegate shall vote in person or by such other means as provided in the bylaws. The bylaws may provide for delegates' participation in meetings by telephone or other means of communication.

G. The commission shall meet at least once during each calendar year. Additional meetings must be held as set forth in the bylaws.

3. Powers and duties. The commission has the following powers and duties:

A. Establish the fiscal year of the commission;

B. Establish bylaws;

C. Maintain its financial records in accordance with the bylaws;

D. Meet and take such actions as are consistent with the provisions of this compact and the bylaws;

E. Promulgate uniform rules to facilitate and coordinate implementation and administration of this compact. The rules have the force and effect of law and are binding in all member states;

F. Bring and prosecute legal proceedings or actions in the name of the commission, as long as the standing of any state physical therapy licensing board to sue or be sued under applicable law is not affected;

G. Purchase and maintain insurance and bonds;

H. Borrow, accept or contract for services of personnel, including, but not limited to, employees of a member state;

I. Hire employees, elect or appoint officers, fix compensation, define duties and grant such individuals appropriate authority to carry out the purposes of the compact and establish the commission's personnel policies and programs relating to conflicts of interest, qualifications of personnel and other related personnel matters;

J. Accept appropriate donations and grants of money, equipment, supplies, materials and services and receive, utilize and dispose of the same, as long as at all times the commission avoids any appearance of impropriety or conflict of interest;

K. Lease, purchase, accept appropriate gifts or donations of or otherwise own, hold, improve or use any property, real, personal or mixed, as long as at all times the commission avoids any appearance of impropriety;

L. Sell, convey, mortgage, pledge, lease, exchange, abandon or otherwise dispose of any property, real, personal or mixed;

M. Establish a budget and make expenditures;

N. Borrow money;

O. Appoint committees, including standing committees composed of members, state regulators,

state legislators or their representatives and consumer representatives and such other interested persons as may be designated in this compact and the bylaws;

P. Provide and receive information from, and cooperate with, law enforcement agencies;

Q. Establish and elect an executive board; and

R. Perform such other functions as may be necessary or appropriate to achieve the purposes of this compact consistent with the state regulation of physical therapy licensure and practice.

4. Executive board. The establishment of an executive board is governed by this subsection.

A. The executive board has the power to act on behalf of the commission according to the terms of this compact.

B. The executive board is composed of 9 members:

(1) Seven voting members who are elected by the commission from the current membership of the commission;

(2) One ex officio, nonvoting member from a recognized national physical therapy professional association; and

(3) One ex officio, nonvoting member from a recognized membership organization of physical therapy licensing boards.

C. The ex officio members are selected by their respective organizations.

D. The commission may remove any member of the executive board as provided in the bylaws.

E. The executive board shall meet at least annually.

F. The executive board has the following duties and responsibilities:

(1) Recommend to the entire commission changes to the rules or bylaws, changes to this compact legislation, fees paid by compact member states such as annual dues and any commission compact fee charged to licensees for the compact privilege;

(2) Ensure compact administration services are appropriately provided, contractual or otherwise;

(3) Prepare and recommend the budget;

(4) Maintain financial records on behalf of the commission;

(5) Monitor compact compliance of member states and provide compliance reports to the commission;

(6) Establish additional committees as necessary; and

(7) Other duties as provided in rules or the bylaws.

5. Meetings of the commission. Meetings of the commission are governed by this subsection.

A. All meetings must be open to the public and public notice of meetings must be given in the same manner as required under the rule-making provisions in section 18710.

B. The commission or the executive board or other committees of the commission may convene in a closed, nonpublic meeting if the commission or executive board or other committees of the commission must discuss:

(1) Noncompliance of a member state with its obligations under the compact;

(2) The employment, compensation, discipline or other matters, practices or procedures related to specific employees or other matters related to the commission's internal personnel practices and procedures;

(3) Current, threatened or reasonably anticipated litigation;

(4) Negotiation of contracts for the purchase, lease or sale of goods, services or real estate;

(5) Accusing any person of a crime or formally censuring any person;

(6) Disclosure of trade secrets or commercial or financial information that is privileged or confidential;

(7) Disclosure of information of a personal nature where disclosure would constitute a clearly unwarranted invasion of personal privacy;

(8) Disclosure of investigative records compiled for law enforcement purposes;

(9) Disclosure of information related to any investigative reports prepared by or on behalf of or for use of the commission or other committee charged with responsibility of investigation or determination of compliance issues pursuant to the compact; or

(10) Matters specifically exempted from disclosure by federal or member state law.

C. If a meeting, or portion of a meeting, is closed pursuant to paragraph B, the commission's legal counsel or designee shall certify that the meeting may be closed and shall reference each relevant exempting provision.

D. The commission shall keep minutes that fully and clearly describe all matters discussed in a meeting and shall provide a full and accurate summary

of actions taken, and the reasons therefore, including a description of the views expressed. All documents considered in connection with an action must be identified in the minutes. All minutes and documents of a closed meeting must remain under seal, subject to release by a majority vote of the commission or order of a court of competent jurisdiction.

6. Financing of the commission. Financing of the commission is governed by this subsection.

A. The commission shall pay, or provide for the payment of, the reasonable expenses of its establishment, organization and ongoing activities.

B. The commission may accept any appropriate revenue sources, donations and grants of money, equipment, supplies, materials and services.

C. The commission may levy on and collect an annual assessment from each member state or impose fees on other parties to cover the cost of the operations and activities of the commission and its staff, which must be in a total amount sufficient to cover its annual budget as approved each year for which revenue is not provided by other sources. The aggregate annual assessment amount must be allocated based upon a formula to be determined by the commission, which shall promulgate a rule binding upon all member states.

D. The commission may not incur obligations of any kind prior to securing the funds adequate to meet the same, and the commission may not pledge the credit of any of the member states, except by and with the authority of the member state.

E. The commission shall keep accurate accounts of all receipts and disbursements. The receipts and disbursements of the commission are subject to the audit and accounting procedures established under its bylaws; however, all receipts and disbursements of funds handled by the commission must be audited yearly by a certified or licensed public accountant, and the report of the audit must be included in and become part of the annual report of the commission.

7. Qualified immunity; defense; indemnification. Qualified immunity, defense and indemnification are governed by this subsection.

A. The members, officers, executive director, employees and representatives of the commission are immune from suit and liability, either personally or in their official capacity, for any claim for damage to or loss of property or personal injury or other civil liability caused by or arising out of any actual or alleged act, error or omission that occurred, or that the person against whom the claim is made had a reasonable basis for believing occurred, within

the scope of commission employment, duties or responsibilities, except that nothing in this paragraph may be construed to protect any such person from suit or liability for any damage, loss, injury or liability caused by the intentional or willful or wanton misconduct of that person.

B. The commission shall defend any member, officer, executive director, employee or representative of the commission in any civil action seeking to impose liability arising out of any actual or alleged act, error or omission that occurred within the scope of commission employment, duties or responsibilities, or that the person against whom the claim is made had a reasonable basis for believing occurred within the scope of commission employment, duties or responsibilities, except that nothing in this paragraph may be construed to prohibit that person from retaining that person's own counsel, as long as the actual or alleged act, error or omission did not result from that person's intentional or willful or wanton misconduct.

C. The commission shall indemnify and hold harmless any member, officer, executive director, employee or representative of the commission for the amount of any settlement or judgment obtained against that person arising out of any actual or alleged act, error or omission that occurred within the scope of commission employment, duties or responsibilities, or that such person had a reasonable basis for believing occurred within the scope of commission employment, duties or responsibilities, as long as the actual or alleged act, error or omission did not result from the intentional or willful or wanton misconduct of that person.

§18709. Data system

1. Database and reporting system. The commission shall provide for the development, maintenance and utilization of a coordinated database and reporting system containing licensure, adverse action and investigative information on all licensed individuals in member states.

2. Uniform data set submission. Notwithstanding any other provision of state law to the contrary, a member state shall submit a uniform data set to the data system on all individuals to whom this compact is applicable as required by the rules of the commission, including:

A. Identifying information;

B. Licensure data;

C. Adverse actions against a licensee or compact privilege;

D. Nonconfidential information related to alternative program participation;

E. Any denial of application for licensure and the reasons for that denial; and

F. Other information that may facilitate the administration of this compact, as determined by the rules of the commission.

3. Investigative information availability. Investigative information pertaining to a licensee in any member state may be made available only to other party states.

4. Adverse action information. The commission shall promptly notify all member states of any adverse action taken against a licensee or an individual applying for a license. Adverse action information pertaining to a licensee in any member state must be available to any other member state.

5. Confidential information. Member states contributing information to the data system may designate information that may not be shared with the public without the express permission of the contributing state.

6. Information expungement. Any information submitted to the data system that is subsequently required to be expunged by the laws of the member state contributing the information must be removed from the data system.

§18710. Rulemaking

1. Powers. The commission shall exercise its rule-making powers pursuant to the criteria set forth in this section and the rules adopted thereunder. Rules and amendments become binding as of the date specified in each rule or amendment.

2. Rule rejection. If a majority of the legislatures of the member states rejects a rule, by enactment of a law or resolution in the same manner used to adopt the compact within 4 years of the date of adoption of the rule, then that rule has no further force and effect in any member state.

3. Rule adoption procedure. Rules or amendments to the rules must be adopted at a regular or special meeting of the commission.

4. Notice. Prior to promulgation and adoption of a final rule or rules by the commission, and at least 30 days in advance of the meeting at which the rule will be considered and voted upon, the commission shall file a notice of proposed rulemaking:

A. On the website of the commission or other publicly accessible platform; and

B. On the website of each member state physical therapy licensing board or other publicly accessible platform or the publication in which each state would otherwise publish proposed rules.

5. Notice requirements. The notice of proposed rulemaking must include:

A. The proposed time, date and location of the meeting in which the rule will be considered and voted upon;

B. The text of the proposed rule or amendment and the reason for the proposed rule;

C. A request for comments on the proposed rule from any interested person; and

D. The manner in which interested persons may submit notice to the commission of their intention to attend the public hearing and any written comments.

6. Public comment. Prior to adoption of a proposed rule, the commission shall allow persons to submit written data, facts, opinions and arguments, which must be made available to the public.

7. Public hearing. The commission shall grant an opportunity for a public hearing before it adopts a rule or amendment if a hearing is requested by:

A. At least 25 persons;

B. A state or federal governmental subdivision or agency; or

C. An association having at least 25 members.

8. Hearing notice. If a hearing is held on the proposed rule or amendment, the commission shall publish the place, time and date of the scheduled public hearing. If the hearing is held via electronic means, the commission shall publish the mechanism for access to the electronic hearing.

A. All persons wishing to be heard at the hearing must notify the executive director of the commission or other designated member in writing of their desire to appear and testify at the hearing not less than 5 business days before the scheduled date of the hearing.

B. Hearings must be conducted in a manner providing each person who wishes to comment a fair and reasonable opportunity to comment orally or in writing.

C. All hearings must be recorded. A copy of the recording must be made available on request.

D. Nothing in this section may be construed as requiring a separate hearing on each rule. Rules may be grouped for the convenience of the commission at hearings required by this section.

9. Consideration. Following the scheduled hearing date, or by the close of business on the scheduled hearing date if the hearing was not held, the commission shall consider all written and oral comments received.

10. Proceeding without public hearing. If no written notice of intent to attend the public hearing by

interested parties is received, the commission may proceed with promulgation of the proposed rule without a public hearing.

11. Final action. The commission shall, by majority vote of all members, take final action on the proposed rule and shall determine the effective date of the rule, if any, based on the rule-making record and the full text of the rule.

12. Emergency rulemaking. Upon determination that an emergency exists, the commission may consider and adopt an emergency rule without prior notice, opportunity for comment or hearing, as long as the usual rule-making procedures provided in the compact and in this section are retroactively applied to the rule as soon as reasonably possible, in no event later than 90 days after the effective date of the rule. For the purposes of this subsection, "emergency rule" means a rule that must be adopted immediately in order to:

- A. Meet an imminent threat to public health, safety or welfare;
- B. Prevent a loss of commission or member state funds;
- C. Meet a deadline for the promulgation of an administrative rule that is established by federal law or rule; or
- D. Protect public health and safety.

13. Rule revisions. The commission or an authorized committee of the commission may direct revisions to a previously adopted rule or amendment for purposes of correcting typographical errors, errors in format, errors in consistency or grammatical errors. Public notice of any revisions must be posted on the website of the commission. The revision is subject to challenge by any person for a period of 30 days after posting. The revision may be challenged only on grounds that the revision results in a material change to a rule. A challenge must be made in writing and delivered to the chair of the commission prior to the end of the notice period. If no challenge is made, the revision takes effect without further action. If the revision is challenged, the revision may not take effect without the approval of the commission.

§18711. Oversight; dispute resolution; enforcement

1. Oversight. Oversight of the compact is governed by this subsection.

A. The executive, legislative and judicial branches of state government in each member state shall enforce this compact and take all actions necessary and appropriate to effectuate the compact's purposes and intent. The provisions of this compact and the rules promulgated hereunder have standing as statutory law.

B. All courts shall take judicial notice of the compact and the rules in any judicial or administrative

proceeding in a member state pertaining to the subject matter of this compact that may affect the powers, responsibilities or actions of the commission.

C. The commission is entitled to receive service of process in any proceeding under paragraph B and has standing to intervene in such a proceeding for all purposes. Failure to provide service of process to the commission renders a judgment or order void as to the commission, this compact or promulgated rules.

2. Default; technical assistance; termination. Default, technical assistance and termination are governed by this subsection.

A. If the commission determines that a member state has defaulted in the performance of its obligations or responsibilities under this compact or the promulgated rules, the commission shall:

- (1) Provide written notice to the defaulting state and other member states of the nature of the default, the proposed means of curing the default and any other action to be taken by the commission; and
- (2) Provide remedial training and specific technical assistance regarding the default.

B. If a state in default fails to cure the default, the defaulting state may be terminated from the compact upon an affirmative vote of a majority of the member states, and all rights, privileges and benefits conferred by this compact may be terminated on the effective date of termination. A cure of the default does not relieve the offending state of obligations or liabilities incurred during the period of default.

C. Termination of membership in the compact may be imposed only after all other means of securing compliance have been exhausted. Notice of intent to suspend or terminate must be given by the commission to the governor, the majority and minority leaders of the defaulting state's legislature and each of the member states.

D. A state that has been terminated is responsible for all assessments, obligations and liabilities incurred through the effective date of termination, including obligations that extend beyond the effective date of termination.

E. The commission may not bear any costs related to a state that is found to be in default or that has been terminated from the compact, unless agreed upon in writing between the commission and the defaulting state.

F. The defaulting state may appeal the action of the commission by petitioning the United States District Court for the District of Columbia or the federal district where the commission has its principal

offices. The prevailing member must be awarded all costs of that litigation, including reasonable attorney's fees.

3. Dispute resolution. Dispute resolution is governed by this subsection.

A. Upon request by a member state, the commission shall attempt to resolve disputes related to the compact that arise among member states and between member and nonmember states.

B. The commission shall promulgate a rule providing for both mediation and binding dispute resolution for disputes as appropriate.

4. Enforcement. Enforcement of the compact is governed by this subsection.

A. The commission, in the reasonable exercise of its discretion, shall enforce the provisions and rules of this compact.

B. By majority vote, the commission may initiate legal action in the United States District Court for the District of Columbia or the federal district where the commission has its principal offices against a member state in default to enforce compliance with the provisions of the compact and its promulgated rules and bylaws. The relief sought may include both injunctive relief and damages. In the event judicial enforcement is necessary, the prevailing member must be awarded all costs of that litigation, including reasonable attorney's fees.

C. The remedies under this subsection are not the exclusive remedies of the commission. The commission may pursue any other remedies available under federal or state law.

§18712. Date of implementation of compact; associated rules; withdrawal; amendment

1. Effective date. The compact takes effect on the date on which the compact statute is enacted into law in the 10th member state. The provisions of the compact that become effective at that time are limited to the powers granted to the commission relating to assembly and the promulgation of rules. After the effective date of the compact, the commission shall meet and exercise rule-making powers necessary to the implementation and administration of the compact.

2. Subsequent member states. Any state that joins the compact subsequent to the commission's initial adoption of the rules is subject to the rules as they exist on the date on which the compact becomes law in that state. Any rule that has been previously adopted by the commission has the full force and effect of law on the day the compact becomes law in that state.

3. Withdrawal. Any member state may withdraw from this compact by enacting a statute repealing the same.

A. A member state's withdrawal does not take effect until 6 months after enactment of the repealing statute.

B. Withdrawal does not affect the continuing requirement of the withdrawing state's physical therapy licensing board to comply with the investigative and adverse action reporting requirements of this chapter prior to the effective date of withdrawal.

4. Other agreements or arrangements. Nothing contained in this compact may be construed to invalidate or prevent any physical therapy licensure agreement or other cooperative arrangement between a member state and a nonmember state that does not conflict with the provisions of this compact.

5. Amendment. This compact may be amended by the member states. An amendment to this compact does not become effective and binding upon any member state until it is enacted into the laws of all member states.

§18713. Construction and severability

This compact may be liberally construed so as to effectuate the purposes thereof. The provisions of this compact must be severable and if any phrase, clause, sentence or provision of this compact is declared to be contrary to the constitution of any party state or of the United States or the applicability thereof to any government, agency, person or circumstance is held invalid, the validity of the remainder of this compact and the applicability thereof to any government, agency, person or circumstance is not affected thereby. If this compact is held contrary to the constitution of any party state, the compact remains in full force and effect as to the remaining party states and in full force and effect as to the party state affected as to all severable matters.

Sec. 2. Appropriations and allocations. The following appropriations and allocations are made.

PROFESSIONAL AND FINANCIAL REGULATION, DEPARTMENT OF

Administrative Services - Professional and Financial Regulation 0094

Initiative: Provides ongoing funds for the technology and other administrative costs associated with adding one Comprehensive Health Planner II position to support the anticipated increase in workload associated with joining the Physical Therapy Licensure Compact.

OTHER SPECIAL REVENUE FUNDS	2023-24	2024-25
All Other	\$0	\$2,245
OTHER SPECIAL REVENUE FUNDS TOTAL	\$0	\$2,245

Office of Professional and Occupational Regulation 0352

Initiative: Provides ongoing funds for one Comprehensive Health Planner II position and related All Other costs to support the anticipated increase in workload associated with joining the Physical Therapy Licensure Compact.

OTHER SPECIAL REVENUE FUNDS	2023-24	2024-25
POSITIONS - LEGISLATIVE COUNT	0.000	1.000
Personal Services	\$0	\$49,297
All Other	\$0	\$12,539

OTHER SPECIAL REVENUE FUNDS TOTAL	\$0	\$61,836
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PROFESSIONAL AND FINANCIAL REGULATION, DEPARTMENT OF DEPARTMENT TOTALS	2023-24	2024-25
OTHER SPECIAL REVENUE FUNDS	\$0	\$64,081
DEPARTMENT TOTAL - ALL FUNDS	\$0	\$64,081

Sec. 3. Effective date. This Act takes effect January 1, 2026.

Effective January 1, 2026.

CHAPTER 330

H.P. 796 - L.D. 1248

An Act to Ensure the Quality of Bottled Water

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

Sec. 1. 22 MRSA c. 601, sub-c. 9 is enacted to read:

SUBCHAPTER 9
BOTTLED WATER

§2660-AA. Definitions

As used in this subchapter, unless the context otherwise indicates, the following terms have the following meanings.

1. Bottler. "Bottler" means a person that extracts water in this State to be sold as bottled water.

2. Community water system. "Community water system" has the same meaning as in section 2660-B, subsection 2.

3. Perfluoroalkyl and polyfluoroalkyl substances or PFAS. "Perfluoroalkyl and polyfluoroalkyl substances" or "PFAS" means a perfluoroalkyl substance or polyfluoroalkyl substance that is detectable in

drinking water using standard laboratory methods established by the United States Environmental Protection Agency, including regulated PFAS contaminants.

4. Regulated PFAS contaminants. "Regulated PFAS contaminants" means perfluorooctanoic acid, perfluorooctane sulfonic acid, perfluorohexane sulfonic acid, perfluorononanoic acid, perfluoroheptanoic acid and perfluorodecanoic acid.

§2660-BB. Bottled water testing, reporting and sale requirements

A bottler shall comply with the provisions of this section.

1. Initial testing. A bottler shall conduct initial testing for the level of PFAS applicable to a community water system detectable using standard laboratory methods established by the United States Environmental Protection Agency in effect at the time of sampling. A bottler shall conduct testing under this subsection for all regulated PFAS contaminants and additional PFAS included in the list of analytes in the standard laboratory methods established by the United States Environmental Protection Agency applicable to community water systems in effect at the time of sampling.

2. Subsequent monitoring. After completion of initial testing as required by subsection 1, a bottler shall conduct continued monitoring for the presence of regulated PFAS contaminants in water bottled by the bottler according to this subsection.

A. If initial testing under subsection 1 or testing under this paragraph detects the presence of any regulated PFAS contaminants individually or in combination at or above the standard applicable to a community water system, the bottler shall conduct continued quarterly testing until regulated PFAS contaminants are mitigated to the standard applicable to a community water system.

B. If initial testing under subsection 1 detects the presence of any regulated PFAS contaminants at or above each analyte's lowest concentration minimum reporting level as specified in the standard laboratory methods established by the United States Environmental Protection Agency applicable to community water systems in effect at the time of sampling, either individually or in combination with other detected regulated PFAS contaminants, the bottler shall conduct continued testing annually.

3. Reporting. A bottler shall:

A. Report the results of testing required by this section to the department in the same manner as a community water system is required to report under department rule; and

B. Post the results of testing required by this section on a publicly accessible website. The posted