

MAINE STATE LEGISLATURE

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STATE OF MAINE
116TH LEGISLATURE

SECOND REGULAR SESSION

BILL SUMMARIES
JOINT STANDING COMMITTEE
ON
BUSINESS LEGISLATION

MAY 1994

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**ONE HUNDRED AND SIXTEENTH LEGISLATURE
SECOND REGULAR SESSION**

**JOINT STANDING COMMITTEE
BILL SUMMARIES**

MAY 1994

This document is a compilation of the bill summaries prepared by this office for the Joint Standing Committees and Joint Select Committees of the Maine Legislature. The volume is organized alphabetically by committee; within each committee, the summaries are arranged by LD number. A subject index is provided at the beginning of each committee's summaries.

The committee report or reports, the prime sponsor for each bill and the lead co-sponsor in each house if one has been designated are listed below each bill title. All adopted amendments are listed, by paper number, together with the sponsor for floor amendments. Final action on each bill is listed to the right of the title. Various types of final action are abbreviated as follows:

PUBLIC XXX

P&S XXX

RESOLVE XXX

CON RES XXX

EMERGENCY

ONTP

INDEF PP

FAILED ENACTMENT

FAILED EMERGENCY ENACTMENT

FAILED MANDATE ENACTMENT

DIED BETWEEN BODIES

CONF CMTE UNABLE TO AGREE

VETO SUSTAINED

UNSIGNED

DIED ON ADJOURNMENT

Chapter # of enacted Public Law

Chapter # of enacted Private & Special Law

Chapter # of enacted Resolve

Chapter # of Constitutional Resolution passed by both Houses

Enacted law takes effect sooner than 90 days

Ought Not to Pass report accepted

Bill Indefinitely Postponed

Bill failed to get majority vote

Emergency bill failed to get 2/3 vote

Bill imposing local mandate failed to get 2/3 vote

House & Senate disagree; bill died

Committee of Conference unable to agree; bill died

Legislature failed to override Governor's Veto

Not signed by Governor within 10 days

Action incomplete when session ended; bill died

These summaries were prepared by the analyst or analysts assigned to the committee. If you have any suggestions or comments on the summaries, please let us know.

5581LHS

Joint Standing Committee on Business Legislation

LD 720 An Act to License Athletic Trainers

FAILED ENACTMENT

SPONSOR(S)

KNEELAND

COMMITTEE REPORT

OTP-AM

MAJ

ONTP

MIN

AMENDMENTS ADOPTED

SUMMARY

The bill requires that athletic trainers be licensed. An extensive listing of the procedures that constitute athletic training is given. Qualifications are a college degree with a curriculum in athletic training, 800 hours of supervised experience and the passing of an examination. The bill provides for the combining of the regulation of athletic training and physical therapy under one board. The board is to consist of 2 physical therapists, one physical therapist assistant, 2 athletic trainers, one physician and one public member.

COMMITTEE AMENDMENT "A" (H-845) continues the requirement that athletic trainers be licensed. It continues the provision of combining the profession with the physical therapists board. Membership consists of 3 therapists, 1 therapist assistant, 1 trainer, 1 physician and 1 public member. It eliminates the definition of athletic training that lists specific procedures and, instead, lists the broad types of activities undertaken by a trainer. It defines athletic injuries as those disruptions of tissue continuity that may occur to an athlete either in participating in athletics or that might prevent participation.

Two classifications of athlete are set up, those who are training for an athletic event and those who participate for recreational purposes. For both categories of athlete, the trainer may not make a diagnosis, must refer to a doctor or physical therapist in 15 days if no improvement in an injury is noted and must consult with a doctor or physical therapist if treatment requires more than 45 days. For the recreational athlete, the trainer must refer to a physician except when merely sprains or strains are involved and may treat other conditions only upon referral from a doctor or physical therapist. Persons coaching or teaching physical education at a school are exempt from the licensure requirement to practice athletic training when athletic training is not their primary duty. They still may not call themselves athletic trainers.

To qualify to be licensed, a person must be a college graduate who has completed the college's curriculum in athletic training, has completed a program approved by the National Athletic Trainers Association and has passed that association's board of certification examination or be currently certified by that board.

The biennial licensing fee is not to exceed \$60, which is also the provision for physical therapists.

The amendment eliminates the reciprocity provision of the bill and the provision that exempts persons performing athletic training for no remuneration.

LD 1151 An Act to Amend the Laws Regulating the Practice of Optometry

ONTP

SPONSOR(S)

HUGLUND

COMMITTEE REPORT

ONTP

AMENDMENTS ADOPTED

SUMMARY

In 1992 the Business Legislation Committee removed the provision of LD 1866 that would have prohibited restrictions in the practice of optometry. Instead, it wrote a letter to the Board, asking for justification for these restrictions, and reasons why more extensive eye examination requirements might

not be a partial substitute for them. This letter was later revised eliminating these questions and as a result answers to them were never received.

LD 1151, which was carried over, again refers to restraint of trade or practice restrictions in the practice of optometry. The following are the restraint of trade practices being eliminated and those being left.

<u>Prohibition</u>	<u>Title 32</u>	<u>Eliminated by LD 1151</u>
1. Prohibits practice on premises where non-optometry goods are sold (Lot of room for interpretation)	§2431, sub-§2, ¶J	X
2. Prohibits practice under name other than that of licensee	§2431-A, sub-§2, ¶K	
3. Limits branch offices to 2	§2431-A, sub-§2, ¶N	
4. Prohibits fee splitting	§2431-A, sub-§2, ¶P	
5. Prohibits partnership with non-optometrist	§2434, sub-§1, §2435	
6. Prohibits leasing office space from opticians	§2434, sub-§4	X
7. Prohibits encouraging optometry services to be promoted as part of a commercial establishment	§2434, sub-§4	X
8. Prohibits employment by unlicensed persons	§2434, sub-§4, §2435	§2434, sub-§4

This bill is similar to LD 1866 of 2 years ago, except that the latter also removed the prohibition against fee splitting. The bill also enacts a provision authorizing contracts for the practice of optometry in or near the premises of an optical shop or commercial establishment.

LD 1185 An Act to Increase Access to Primary Care by Redefining the Practice of Advanced Nursing

VETO SUSTAINED

SPONSOR(S)
MCCORMICK

COMMITTEE REPORT
OTP-AM MAJ
ONTP MIN

AMENDMENTS ADOPTED
S-650