

# MAINE STATE LEGISLATURE

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**STATE OF MAINE  
118TH LEGISLATURE**

**FIRST REGULAR SESSION  
AND  
FIRST SPECIAL SESSION**

**BILL SUMMARIES  
JOINT STANDING COMMITTEE  
ON  
BUSINESS AND ECONOMIC DEVELOPMENT**

**JULY 1997**

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*Sen. Anne M. Rand*

*Sen. Bruce W. MacKinnon*

*Rep. Marc J. Vigue, Chair*

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**ONE HUNDRED EIGHTEENTH LEGISLATURE**  
**FIRST REGULAR AND FIRST SPECIAL SESSIONS**

**Summary Of Legislation Before The Joint Standing Committees**  
**August 1997**

We are pleased to provide this summary of bills that were considered by the 15 Joint Standing Committees of the Maine Legislature staffed by this office. The document is a compilation of bill summaries which describe each bill, committee amendments and other relevant amendments, as well as the final action taken on the bill. Also included are statistical summaries of bill activity this Session for the Legislature and each of its joint standing committees.

The document is organized for convenient reference to information on bills handled by the joint standing committees. It is organized alphabetically by committees and within committees by bill (LD) number. The committee report(s), prime sponsor for each bill and the lead co-sponsor(s), if designated, are listed below each bill title. All adopted amendments are listed by paper number. Two indices, a subject index and a numerical index by LD number are provided for easy reference to bills. They are located at the back of the document. A separate publication, History and Final Disposition of Legislative Documents, may also be helpful in providing information on the disposition of bills. These bill summaries also are available at the Law and Legislative Reference Library and on the Internet ([www.state.me.us/legis/opla](http://www.state.me.us/legis/opla)).

Final action on each bill is noted to the right of the bill title. The abbreviations used for various categories of final action are as follows:

<i>CARRIED OVER</i> .....	<i>Bill carried over to Second Regular Session</i>
<i>CON RES XXX</i> .....	<i>Chapter # of Constitutional Resolution passed by both Houses</i>
<i>CONF CMTE UNABLE TO AGREE</i> .....	<i>Committee of Conference unable to agree; bill died</i>
<i>DIED BETWEEN BODIES</i> .....	<i>House &amp; Senate disagree; bill died</i>
<i>DIED IN CONCURRENCE</i> .....	<i>One body accepts ONTP report; the other indefinitely postpones the bill</i>
<i>DIED ON ADJOURNMENT</i> .....	<i>Action incomplete when session ended; bill died</i>
<i>EMERGENCY</i> .....	<i>Enacted law takes effect sooner than 90 days</i>
<i>FAILED EMERGENCY ENACTMENT/FINAL PASSAGE</i> .....	<i>Emergency bill failed to get 2/3 vote</i>
<i>FAILED ENACTMENT/FINAL PASSAGE</i> .....	<i>Bill failed to get majority vote</i>
<i>FAILED MANDATE ENACTMENT</i> .....	<i>Bill imposing local mandate failed to get 2/3 vote</i>
<i>INDEF PP</i> .....	<i>Bill Indefinitely Postponed</i>
<i>ONTP</i> .....	<i>Ought Not To Pass report accepted</i>
<i>OTP ND</i> .....	<i>Committee report Ought To Pass In New Draft</i>
<i>OTP ND/NT</i> .....	<i>Committee report Ought To Pass In New Draft/New Title</i>
<i>P&amp;S XXX</i> .....	<i>Chapter # of enacted Private &amp; Special Law</i>
<i>PUBLIC XXX</i> .....	<i>Chapter # of enacted Public Law</i>
<i>RESOLVE XXX</i> .....	<i>Chapter # of finally passed Resolve</i>
<i>UNSIGNED</i> .....	<i>Bill held by Governor</i>
<i>VETO SUSTAINED</i> .....	<i>Legislature failed to override Governor's Veto</i>

Please note the effective date for all non-emergency legislation enacted in the First Regular Session (unless otherwise specified in a particular law) is June 26, 1997 and September 19, 1997 for the First Special Session.

*David E. Boulter, Director*  
 Offices Located in the State House, Rooms 101/107/135

***Enacted law summary***

Public Law 1997, chapter 206 directs the Department of Human Services to establish sterilization, sanitation and safety standards and necessary rules to regulate the art of body piercing. Persons practicing body piercing are to be licensed by the department beginning January 1, 1998. The license to practice is to be renewed annually for a fee not to exceed \$75. For those persons practicing both body piercing and tattooing, the renewal fee is not to exceed \$100. The renewal fee includes costs for an annual inspection of the body piercing establishment by department sanitarians.

Body piercers are prohibited from performing body piercing on a minor unless parental consent has been obtained. The prohibition on piercing minors does not include piercing an ear with a disposable, single-use stud or solid needle that is applied using a mechanical device to force the needle or stud through the ear. Nonadherence to chapter requirements is a civil violation.

**LD 508**

**An Act to Increase the Certification Fee Cap for the Board of Geologists and Soil Scientists**

**PUBLIC 141**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
VIGUE	OTP-AM MAJ ONTP MIN	H-130

LD 508 proposed to increase the cap for initial and renewal fees for certification as a geologist or soil scientist in order to outsource the geologist exam. The bill proposed an increase in certification fees of \$15 from \$65 per year to \$80 per year.

**Committee Amendment "A" (H-130)** adds an allocation and a fiscal note to the bill.

***Enacted law summary***

Public Law 1997, chapter 141 increases the cap for initial and renewal fees for certification as a geologist or soil scientist in order to outsource the geologist exam. Certification fees will increase \$15 from \$65 per year to \$80 per year.

**LD 539**

**An Act to Clarify the Laws Regarding the Board of Licensure in Medicine and Ensure That Physician Discipline Is Reported to the Appropriate Licensing Board**

**PUBLIC 271**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
VIGUE LONGLEY	OTP-AM	H-359

LD 539 proposed to amend the Maine Revised Statutes, Title 24, chapter 21, the Maine Health Security Act, to include health maintenance organizations, preferred provider arrangements and similar organizations as entities that must report practitioner discipline related to clinical competence or unprofessional conduct.

The bill also proposed to amend Title 32, chapter 48, the laws regarding the Board of Licensure in Medicine, to clarify that physician assistants are licensed to practice and are registered with the board, under a supervisory physician. The bill also clarified the board's authority to require licensees to submit to mental or physical examination.

**Committee Amendment "A" (H-359)** proposed to replace the bill and enact new language to clarify concerns on various sections. This amendment proposed to amend the Maine Revised Statutes, Title 5, section 9057, subsection 6 to apply the procedures for handling confidential information in administrative hearings to information provided to the boards of medicine and osteopathic licensure pursuant to Title 24, section 2506.

This amendment proposed to amend the Maine Health Security Act to include health maintenance organizations, preferred provider arrangements and similar organizations as entities that must report practitioner discipline related to clinical competence or unprofessional conduct and to apply the immunities provided by the Maine Health Security Act to these organizations. This amendment clarified when a report pursuant to the Maine Health Security Act must be made to the Board of Licensure in Medicine and the Board of Osteopathic Licensure and what information related to the report must be provided to the boards.

This amendment changed the licensure of the physician assistants under the supervision of the Board of Osteopathic Licensure from annual to biennial.

This amendment clarified that the exemption from discovery does not apply to information that must be reported to the boards pursuant to Title 24, section 2506. This amendment applied only to the Board of Licensure in Medicine and the Board of Osteopathic Licensure and the materials protected by Title 32, section 2599 and section 3296 remain confidential for all other purposes.

This amendment clarified that physician assistants are licensed to practice and are registered with the Board of Licensure in Medicine under a supervisory physician. This amendment also clarified the board's authority to require licensees to submit to mental or physical examination.

### ***Enacted law summary***

Public Law 1997, chapter 271, amends Title 5, section 9057, subsection 6 to apply the procedures for handling confidential information in administrative hearings to information provided to the boards of medicine and osteopathic licensure pursuant to Title 24, section 2506. The exemption from discovery does not apply to information that must be reported to the boards pursuant to Title 24, section 2506.

Public Law 1997, chapter 271 also amends the Maine Health Security Act to include health maintenance organizations, preferred provider arrangements and similar organizations as entities that must report practitioner discipline related to clinical competence or unprofessional conduct and to apply the immunities provided by the Maine Health Security Act to these organizations. Clarification is made as to when a report pursuant to the Maine Health Security Act must be made to the Board of Licensure in Medicine and the Board of Osteopathic Licensure and what information related to the report must be provided to the boards.

Licensure of the physician assistants under the supervision of the Board of Osteopathic Licensure is changed from annual to biennial.

Clarification is made that physician assistants are licensed to practice and are registered with the Board of Licensure in Medicine under a supervisory physician. PL c. 539 also clarifies the board's authority to require licensees to submit to mental or physical examination.