

**CHAPTER 255****CANCER****§1401. Prevention and treatment**

The department is authorized to make investigations concerning cancer, the prevention and treatment thereof, and the mortality therefrom, and to take such action as it may deem will assist in bringing about a reduction in the mortality due thereto.

**§1402. Duty of physicians and hospitals**

All hospitals and other health care facilities providing screening, diagnostic or therapeutic services with respect to cancer shall report to the Department of Health and Human Services all persons diagnosed as having a malignant tumor or certain benign tumors as determined by rule no later than 6 months from the date of diagnosis. The report must include information on the person's usual occupation and industry of employment and other elements determined by rule to be appropriate. The Commissioner of Health and Human Services shall adopt rules to implement this section. Rules adopted pursuant to this section are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A. [PL 2003, c. 421, §11 (AMD); PL 2003, c. 689, Pt. B, §§6, 7 (REV).]

A physician, surgeon or other health care practitioner who diagnoses or provides treatment for cancer patients, upon notification by the Department of Health and Human Services, shall report to the department any further information requested by the department concerning any person now or formerly under the health care practitioner's care, diagnosed as having or having had a malignant tumor. A physician, surgeon or other health care practitioner who diagnoses or provides treatment for cancer patients is required to report any newly diagnosed cancer case to the department when that patient will not be referred to a reporting facility for diagnosis or treatment. [PL 1995, c. 292, §1 (AMD); PL 2003, c. 689, Pt. B, §6 (REV).]

A facility or individual complying with the reporting requirements of this section is not liable for any civil damages as a result of such acts. [PL 1995, c. 292, §1 (AMD).]

The requirements of this section do not apply to health care practitioners who provide treatment by spiritual means alone. [PL 1995, c. 292, §1 (NEW).]

**SECTION HISTORY**

PL 1971, c. 603 (NEW). PL 1985, c. 407, §1 (AMD). PL 1995, c. 292, §1 (AMD). PL 2003, c. 421, §11 (AMD). PL 2003, c. 689, §§6,7 (REV).

**§1403. Registry**

**(REPEALED)**

**SECTION HISTORY**

PL 1971, c. 603 (NEW). PL 1975, c. 61 (RP). PL 1975, c. 293, §4 (AMD).

**§1404. Cancer-incidence registry**

The Department of Health and Human Services shall establish, maintain and operate a statewide cancer-incidence registry. [PL 1981, c. 507, §1 (NEW); PL 2003, c. 689, Pt. B, §6 (REV).]

**SECTION HISTORY**

PL 1981, c. 507, §1 (NEW). PL 2003, c. 689, §B6 (REV).

**§1405. Cancer Prevention and Control Advisory Committee**

**(REPEALED)**

## SECTION HISTORY

PL 1987, c. 542, §§E2,E3 (NEW). PL 1989, c. 503, §B82 (AMD). PL 1991, c. 622, §S25 (RP).

**§1405-A. Cancer Prevention and Control Advisory Committee****(REPEALED)**

## SECTION HISTORY

PL 1991, c. 780, §LL2 (NEW). PL 2001, c. 574, §10 (RP).

**§1406. Maine Cancer Registry Data Review Committee**

The Maine Cancer Registry Data Review Committee, referred to in this section as the "committee," is established. The committee is appointed and convened by the Bureau of Health to review and advise the administrators of the statewide cancer-incidence registry established in section 1404 on the release of identifiable data as requested by researchers for the purposes of cancer prevention, control and research. The committee is composed of not fewer than 3 members, representing training and experience in the fields of medical or public health research or disease prevention and control. The committee must be guided by rules adopted by the Bureau of Health providing for the protection of the confidentiality of all cancer case data reported to the registry. [PL 2001, c. 574, §11 (NEW).]

## SECTION HISTORY

PL 2001, c. 574, §11 (NEW).

**§1406-A. Reporting data to the Maine Health Data Organization**

The department shall report data from the cancer-incidence registry established pursuant to section 1404, including personally identifying medical or protected health information, to the Maine Health Data Organization in accordance with the joint rule adopted pursuant to section 8715-A. The data reported must be assigned a Maine Health Data Organization identifier and integrated with other Maine Health Data Organization data. The data reported may be released only in accordance with the rule adopted by the Maine Health Data Organization on release of data to the public pursuant to section 8707. [PL 2021, c. 423, Pt. A, §3 (NEW).]

## SECTION HISTORY

PL 2021, c. 423, Pt. A, §3 (NEW).

**§1407. Comprehensive cancer prevention, research and treatment**

**1. Program established.** The Bureau of Health shall establish a cancer prevention and control program to provide leadership for and coordination of cancer prevention, research and treatment activities. The program may include, but is not limited to:

- A. Monitoring cancer prevalence at the state and community levels through the cancer-incidence registry under section 1404 and other means; [PL 2003, c. 215, §1 (NEW).]
- B. Education and training of health professionals on the current methods of diagnosing and treating cancer; [PL 2003, c. 215, §1 (NEW).]
- C. Patient and family education on how to manage the disease and the treatment of the disease; [PL 2007, c. 341, §1 (AMD).]
- D. Consultation with and support of community-based cancer prevention, research and treatment programs ; and [PL 2007, c. 341, §1 (AMD).]
- E. Implementation of a comprehensive cancer screening, detection and prevention program. [PL 2007, c. 341, §1 (NEW).]

[PL 2007, c. 341, §1 (AMD).]

**2. Consultation.** In implementing the program established in subsection 1, the Bureau of Health shall consult with the Medicaid program administered by the department and with the Department of Education. In addition, the bureau shall seek advice from other organizations and private entities concerned with cancer prevention, research and treatment.

[PL 2003, c. 215, §1 (NEW).]

**3. Funding.** The Bureau of Health may accept federal funds and grants for implementing the program established in subsection 1 and may contract for work with outside vendors or individuals.

[PL 2003, c. 215, §1 (NEW).]

**4. Comprehensive Cancer Screening, Detection and Prevention Fund; funding.**

[PL 2017, c. 284, Pt. BBBB, §1 (RP).]

**5. Rulemaking.** The Bureau of Health shall adopt rules to carry out the purposes of this section. Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

[PL 2007, c. 341, §1 (NEW).]

**SECTION HISTORY**

PL 2003, c. 215, §1 (NEW). PL 2007, c. 341, §1 (AMD). PL 2017, c. 284, Pt. BBBB, §1 (AMD).

**§1408. Breast Cancer Services Special Program Fund**

The Breast Cancer Services Special Program Fund, referred to in this section as "the fund," is established in the Maine Center for Disease Control and Prevention, referred to in this section as "the center." Balances in the fund may not lapse but must be carried forward and used for the purposes of this section. [PL 2007, c. 547, §1 (NEW).]

**1. Sources and uses of fund.** Revenues from breast cancer support services registration plate fees credited to the fund under Title 29-A, section 456-E, subsections 2 and 4 must be used for breast cancer support services. Upon receipt the center shall equally distribute the funds to a breast and cervical health program within the center, a statewide nonprofit organization established for the purpose of providing services to underserved people with breast health and breast cancer needs and an independent state-based foundation for the purpose of providing funding for cancer research, education and patient support programs.

[PL 2007, c. 547, §1 (NEW).]

**SECTION HISTORY**

PL 2007, c. 547, §1 (NEW).

**§1409. Maine Children's Cancer Research Fund**

**1. Fund established.** The Maine Children's Cancer Research Fund, referred to in this section as "the fund," is established as a nonlapsing fund to support children's cancer research by individuals and organizations determined to be eligible according to rules adopted by the department under subsection 3. Money in the fund must be expended as allocated by the Legislature for the purposes of the fund and may be invested as provided by law. Interest on investments must be credited to the fund.

[PL 2019, c. 433, §1 (NEW).]

**2. Use of fund.** Amounts available in the fund must be used to provide grants and other funding to support children's cancer research provided by research facilities in this State that operate children's cancer programs.

[PL 2019, c. 433, §1 (NEW).]

**3. Administration.** The department shall administer the fund and shall adopt rules as necessary to administer the fund and to determine the criteria for eligible recipients. When providing grants and

other funding under subsection 2, the department shall consider the number of patients served by programs receiving support. Rules adopted pursuant to this section are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

[PL 2019, c. 433, §1 (NEW).]

**4. Income tax checkoff funding.** Revenue collected from the income tax checkoff pursuant to Title 36, section 5292 must be credited to the fund.

[PL 2019, c. 433, §1 (NEW).]

**5. Other funds.** The fund may receive money from any source, including grants, gifts, bequests and donations.

[PL 2019, c. 433, §1 (NEW).]

#### SECTION HISTORY

PL 2019, c. 433, §1 (NEW).

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