

# MAINE STATE LEGISLATURE

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LAWS  
OF THE  
STATE OF MAINE  
AS PASSED BY THE

ONE HUNDRED AND EIGHTH LEGISLATURE

FIRST REGULAR SESSION

January 5, 1977 to July 25, 1977

PUBLISHED BY THE DIRECTOR OF LEGISLATIVE RESEARCH IN  
ACCORDANCE WITH MAINE REVISED STATUTES ANNOTATED,  
TITLE 3, SECTION 164, SUBSECTION 6.

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PORTLAND LITHOGRAPH COMPANY  
PORTLAND, MAINE  
1977

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PUBLIC LAWS  
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D. Any person who has been found guilty of or who has signed a plea of guilty to, or who has been found to have committed or who has signed a plea admitting or admitting with an explanation, one or more previous fisheries and wildlife offenses subject to this subsection within a 12 month's period shall not be permitted to appear before the violations clerk unless the court shall, by order, permit such appearance. Each waiver of hearing filed under this subsection shall recite on the oath or affirmation of the offender whether or not he has been previously found guilty of or to have committed or has previously signed a plea of guilty to, admitting or admitting with an explanation to one or more fisheries and wildlife offenses within a 12 month's period. Any person swearing falsely to such statement shall, upon conviction, be subject to a fine of not more than \$50.

E. The Chief Judge, following notification to the Chief Justice of the Supreme Judicial Court or his delegate, may authorize such forms and procedures as he deems appropriate to carry out this subsection.

Effective October 24, 1977

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## CHAPTER 393

**AN ACT to Prohibit Otter Trawling for Scallops in the Penobscot River.**

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

12 MRSA § 4406 is enacted to read:

§ 4406. Dragging scallops by otter trawl; Penobscot River

It is unlawful to fish for or take scallops by use of an otter trawl inside and up-river of a line drawn from the lighthouse on Dice Head, Castine, to Turtle Head on Islesboro and thence to the town wharf at Bayside, Northport.

Effective October 24, 1977

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## CHAPTER 394

**AN ACT Concerning an Exemption from the Real Estate Transfer Tax.**

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

36 MRSA § 4641-C, sub-§ 10 is enacted to read:

10. Deeds by parent corporation. Deeds made by a parent corporation to its subsidiary corporation for no consideration other than shares of stock of the subsidiary corporation.

Effective October 24, 1977

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## CHAPTER 395

### AN ACT to Clarify the Definition of Professional Nursing and Practical Nursing.

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

Sec. 1. 32 MRSA § 2102, sub-§ 2, as last amended by PL 1973, c. 788, § 155, is repealed and the following enacted in its place:

2. Professional nursing. The practice of "professional nursing" means the performance for compensation of any of the services which necessitate the specialized knowledge, judgment and skill required for the application of nursing as based upon principles of biological, physical and behavioral sciences in the following areas:

A. Observation, assessment, care, treatment, counsel and health teaching of persons who are experiencing normal developmental changes or who require assistance in the maintenance of health or the management of health or the management of illness, injury or infirmity;

B. Collaboration with licensed physicians, dentists and other health care providers in establishing and implementing a plan of health care;

C. Diagnosis of illness or prescription of therepeutic or corrective measures when such services are delegated by a physician to a registered nurse who has completed the necessary additional educational program required for the proper performance of such services. Such programs shall be approved by the board;

D. Delegation of selected nursing services to licensed practical nurses or unlicensed personnel when such personnel have received appropriate training and instruction and such programs of training and instruction have been approved by the board. Delegation of such services shall not require the personal presence of the delegating professional nurse at the place where such services are performed, unless such personal presence is necessary to provide patient care of the same quality as provided by the professional nurse. The board shall issue such rules and regulations concerning delegation as it deems necsssary to insure the highest quality of health care to the patient;

E. Supervision and teaching of nursing personnel; and