

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

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PUBLIC LAWS
OF THE
STATE OF MAINE

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2. Forging an absentee ballot, return envelope or application therefor. A person who forges the name of another on an absentee ballot, return envelope or the application therefor;
3. Tampering with ballots. A person who tampers with ballots or checklists or who breaks a seal or opens any sealed box or package of ballots or checklists, except as permitted by this Title;
4. Dual registration. A person who, having registered in one voting district or municipality within this State, or in another state, knowingly registers in another voting district or municipality within this State without revealing his prior registration to the registrar;
5. Voting under assumed name. A person who votes or attempts to vote by using the name of another;
6. Improper voting. A person who votes or attempts to vote knowing that he is not eligible to do so, or who having once voted either within or without this State, again votes or attempts to vote at the same election; or
7. Unauthorized handling of voting machines or devices. A person who alters, adjusts, operates, moves, unlocks or unseals a voting machine, or device or any part thereof, or who attempts to alter, adjust, operate, move, unlock or unseal a voting machine or device, or any part thereof, with the intent of changing the outcome of any election.

Sec. 39. 28 MRSA 101, 1st sentence, as repealed and replaced by PL 1975, c. 741, § 5, is amended to read:

The municipal officers of cities and towns and the assessors of plantations, upon receipt of a petition signed by 15% of the voters voting in that municipality in the last gubernatorial election and addressed to the municipal officers as defined in Title 30, section 1901, subsection 7, not more than 45 days ~~or not~~ nor less than 30 days prior to the municipal election or town meeting, are empowered and directed to notify the inhabitants of their respective municipalities to meet in the manner prescribed by law for the calling and holding of municipal elections or town meetings to vote upon any one or all of the following questions:

Effective October 24, 1977

CHAPTER 497

AN ACT Relating to the Administration of Medication.

Emergency preamble. Whereas, Acts of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, this bill extends the existing immunity from prosecution of certain, unlicensed personnel who administer medication in order to provide these personnel with an opportunity to receive appropriate training; and

Whereas, if the immunity provision is not temporarily extended, these personnel would be unable to administer medication without incurring liability to prosecution; and

Whereas, without these personnel administering medication, many nursing homes, boarding homes and other facilities would be unable to provide their present level of care and the health of many Maine citizens might be placed in jeopardy; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

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

Sec. 1. 20 MRSA § 102, sub-§ 18 is enacted to read:

18. Administration of medication. To establish rules and regulations for the administration of medication in any public or private schools which have courses of study approved under subsection 7. No medication shall be administered by unlicensed personnel at these schools except as provided by the written prescription of a physician or dentist or by the written permission of the parent or guardian of the individual receiving the medication. Rules and regulations for the administration of medication shall be established in accordance with the administrative code as provided in Title 5.

Sec. 2. 22 MRSA § 42, sub-§ 1-A is enacted to read:

1-A. Administration of medication. The administration of medication in boarding care facilities, drug treatment centers, day care facilities, children's homes and nursery schools shall be in accordance with rules and regulations established by the department. In other facilities licensed or approved by the department, excluding those facilities licensed under section 1811, the department may establish rules and regulations for the administration of medication as it deems necessary. In establishing rules and regulations for each type of facility, the department shall consider, among other factors, the general health of the persons likely to receive medication, the number of persons served by the facility and the number of persons employed at the facility who might be involved in the administration of medication. Any rules and regulations for the administration of medication shall be established in accordance with the administrative code as provided in Title 5.

Sec. 3. 22 MRSA § 1812-B is enacted to read:

§ 1812-B. Hospitals and nursing homes

The administration of medication in facilities licensed under section 1811 may be delegated to unlicensed personnel when such personnel have received appropriate training and instruction and the programs of training and instruction have been approved by the State Board of Nursing. Delegation of the administration of medication shall not require the personal presence of the delegating professional nurse at the place where this service is performed, unless such personal presence is necessary to assure that medications are safely administered. The board shall issue such rules and regulations concern-

ing delegation as it deems necessary to insure the highest quality of health care to the patient.

Sec. 4. 22 MRSA § 7902, sub-§ 1, as enacted by PL 1975, c. 719, § 6, is amended to read :

1. **Rules promulgated.** The commissioner shall promulgate rules for boarding care facilities, which shall include but need not be limited to rules pertaining to administration, staffing, the number of residents, the quality of care, the quality of treatment, if applicable, the health and safety of staff and residents, the rights of residents, community relations, the administration of medication and licensing procedures.

In establishing the rules for the administration of medication, the commissioner shall consider, among other factors, the general health of the persons likely to receive medication, the number of persons served by the facility and the number of persons employed by the facility. In the rules for the administration of medication established for boarding care facilities with 15 or more residents, the Department of Human Services shall require unlicensed personnel to have successfully completed a program of training and instruction for the administration of medication which is not limited to in-service training.

Sec. 5. 22 MRSA § 8002, sub-§ 1, as enacted by PL 1975, c. 719, § 6, is amended to read :

1. **Rules promulgated.** The commissioner shall promulgate rules for drug treatment centers, which shall include but need not be limited to rules pertaining to administration, staffing, number of residents, quality of treatment programs, health and safety of staff and residents, community relations, the administration of medication and licensing procedures.

Sec. 6. 22 MRSA § 8102, sub-§ 1, as enacted by PL 1975, c. 719, § 6, is amended to read :

1. **Rules promulgated.** The department shall promulgate rules for children's homes, which shall include but need not be limited to rules pertaining to the health and safety of the children and staff, the quality of care provided, the administration of medication and licensing procedures.

Sec. 7. 22 MRSA § 8302, sub-§ 1, as enacted by PL 1975, c. 719, § 6, is amended to read :

1. **Rules promulgated.** The commissioner shall promulgate rules for day care facilities which shall include but need not be limited to rules pertaining to the health and safety of the children and staff, the quality of the program provided, the administration of medication and licensing procedures.

Sec. 8. 22 MRSA § 8402, sub-§ 3, ¶ F is enacted to read :

F. The nursery school shall comply with rules and regulations for the administration of medication as established by the department.

Sec. 9. 22 MRSA § 8402-A is enacted to read :

§ 8402-A. Rules and regulations

The department shall establish rules and regulations for the administration of medication in nursery schools.

Sec. 10. 32 MRSA § 2102, sub-§ 2, ¶ F, as repealed and replaced by PL 1977, c. 395, § 1, is further amended by adding at the end the following new sentence.

Nothing in this section shall be construed as limiting the administration of medication by licensed or unlicensed personnel as provided in other statutes.

Sec. 11. 32 MRSA § 2258-A, as amended by PL 1975, c. 698, § 5, is further amended to read:

§ 2258-A. Administration of medication

Any employee of any institution under the control of the Department of Mental Health and Corrections or of an institution licensed by the State as a hospital, nursing home, extended care facility or boarding home who, in the exercise of due care, is authorized by the head of such institution or his designee to perform selected activities in the administration of medications and any person who, in the exercise of due care, is delegated such functions by a licensed allopathic or osteopathic physician shall be immune from criminal prosecution and civil liability for any such administration of medication prior to ~~July 1, 1977~~ January 1, 1978, but not thereafter.

Sec. 12. 34 MRSA § 7-A is enacted to read:

§ 7-A. Administration of medication

The administration of medication in facilities operated by the Department of Mental Health and Corrections shall be in accordance with rules and regulations established by the State Board of Nursing. In establishing rules and regulations for each type of facility, the State Board of Nursing shall consider, among other factors, the general health of the persons likely to receive medication, the number of persons served by the facility and the number of persons employed at the facility. Rules and regulations for the administration of medication shall be established in accordance with the administrative code as provided in Title 5.

Emergency clause. In view of the emergency cited in the preamble, this Act shall take effect when approved.

Effective July 14, 1977

CHAPTER 498

AN ACT Concerning Penalties for Operating a Motor Vehicle Under the Influence of Intoxicating Liquor or Drugs.