

# MAINE STATE LEGISLATURE

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**LAWS**  
OF THE  
**STATE OF MAINE**

AS PASSED BY THE  
ONE HUNDRED AND ELEVENTH LEGISLATURE

**FIRST REGULAR SESSION**  
December 1, 1982 to June 24, 1983  
Chapters 1-452

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

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J.S. McCarthy Co., Inc.  
Augusta, Maine  
1983

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**PUBLIC LAWS**  
OF THE  
**STATE OF MAINE**

AS PASSED AT THE  
FIRST REGULAR SESSION

and

FIRST SPECIAL SESSION

of the

ONE HUNDRED AND ELEVENTH LEGISLATURE

1983

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## CHAPTER 284

S.P. 466 - L.D. 1420

AN ACT to Amend the Laws Governing the  
Administration of Medications in Group Home  
Intermediate Care Facilities for the  
Mentally Retarded.

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

Sec. 1. 22 MRSA §42, sub-§1-A, as enacted by PL 1977, c. 497, §2, is amended 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 and group home intermediate care facilities for the mentally retarded 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, other than group home intermediate care facilities for the mentally retarded, 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 Maine Administrative Procedure Act, Title 5, chapter 375.

Sec. 2. 22 MRSA §1812-B, as enacted by PL 1977, c. 497, §3, is amended to read:

§1812-B. Hospitals and nursing homes

The administration of medication in facilities licensed under section 1811, except group home intermediate care facilities for the mentally retarded, 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. The administration of medication in group home intermediate care facilities for the mentally

retarded may be performed by unlicensed personnel when these personnel have received appropriate training and instruction and the programs of training and instruction have been approved by the department. 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 that personal presence is necessary to assure that medications are safely administered. The board shall issue such rules and regulations concerning delegation as it deems necessary to insure the highest quality of health care to the patient. The department shall issue such rules as it deems necessary to insure the highest quality of health care to residents of group home intermediate care facilities for the mentally retarded.

Effective September 23, 1983.

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## CHAPTER 285

S.P. 508 - L.D. 1522

### AN ACT Concerning Transient Sellers who Offer Merchandise as Free of Charge.

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

32 MRSA §4681, sub-§7, as enacted by PL 1977, c. 440, §2, is amended to read:

7. Transient seller of consumer merchandise. "Transient seller of consumer merchandise" means any person who engages in the business of selling merchandise to consumers by means of personal contact or telephone contact, whether or not the seller is present in the State at the time of the contact or the time of sale, and who does not have, for the purposes of carrying on such business, any permanent place of business within this State. "Transient sellers of consumer merchandise" does not include persons who sell at public fairs, expositions or bazaars or members selling on behalf of public service organizations ~~or who sell exclusively by mail contact.~~ "Transient sellers of consumer merchandise" does not include persons who sell exclusively by mail contact, except for persons who offer merchandise or money prizes as free of charge, such as contest prizes or gifts for answering a survey, but who require the recipient to pay something of value in