

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE
ONE HUNDRED AND TWENTY-FIRST LEGISLATURE

FIRST SPECIAL SESSION
August 21, 2003 to August 22, 2003

The General Effective Date For
First Special Session
Non-Emergency Laws Is
November 22, 2003

SECOND REGULAR SESSION
January 7, 2004 to January 30, 2004

The General Effective Date For
Second Regular Session
Non-Emergency Laws Is
April 30, 2004

SECOND SPECIAL SESSION
February 3, 2004 to April 30, 2004

The General Effective Date For
Second Special Session
Non-Emergency Laws Is
July 30, 2004

PUBLISHED BY THE REVISOR OF STATUTES
IN ACCORDANCE WITH MAINE REVISED STATUTES ANNOTATED,
TITLE 3, SECTION 163-A, SUBSECTION 4.

Penmor Lithographers
Lewiston, Maine
2004

violation, up to a maximum of \$10,000 for each instance in which the department issues a statement of deficiency to a skilled nursing or intermediate care facility, or \$6 times the total number of residents residing in the facility per violation, up to a maximum of \$6,000 in each instance in which the department issues a statement of deficiency to any assisted living program or residential care facility.

Sec. 10. 22 MRSA §8606 is enacted to read:

§8606. Prohibited employment

1. Criminal history record information. An adult day care program shall obtain criminal history record information about applicants for positions as unlicensed assistive personnel as defined in section 1717, subsection 1, paragraph D and may not hire an individual who:

A. Has worked as a certified nursing assistant and has been the subject of a notation by the state survey agency for a substantiated complaint of abuse, neglect or misappropriation of property in a health care setting that was entered on the Maine Registry of Certified Nursing Assistants;

B. Has been convicted in a court of law of a crime involving abuse, neglect or misappropriation of property in a health care setting; or

C. Has a prior criminal conviction within the last 10 years of:

(1) A crime for which incarceration of 3 years or more may be imposed under the laws of the state in which the conviction occurred; or

(2) A crime for which incarceration of less than 3 years may be imposed under the laws of the state in which the conviction occurred involving sexual misconduct or involving abuse, neglect or exploitation in a setting other than a health care setting.

Sec. 11. Study. By March 1, 2005, the Long-term Care Oversight Committee, as established in the Maine Revised Statutes, Title 5, section 12004-I, subsection 47-F, shall report to the joint standing committee of the Legislature having jurisdiction over health and human services matters on the methods of conducting criminal history record checks for direct care workers. The report shall include recommendations for the standardization of requirements regarding criminal history record checks and employment restrictions for certified nursing assistants and unlicensed assistive personnel and strategies for the establishment of a registry for all unlicensed assistive

personnel that can be self-supporting and easily accessible to users.

See title page for effective date.

CHAPTER 635

S.P. 720 - L.D. 1872

An Act To Extend the Deadline for Reconsideration by Boards of Appeals

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

Sec. 1. 30-A MRSA §2691, sub-§3, ¶F, as amended by PL 1991, c. 234, is further amended to read:

F. The board may reconsider any decision reached under this section within ~~30~~ 45 days of its prior decision. A request to the board to reconsider a decision must be filed within 10 days of the decision that is to be reconsidered. A vote to reconsider and the action taken on that reconsideration must occur and be completed within 30 45 days of the date of the vote on the original decision. The board may conduct additional hearings and receive additional evidence and testimony as provided in this subsection.

Notwithstanding paragraph G, appeal of a reconsidered decision must be made within 15 days after the decision on reconsideration.

See title page for effective date.

CHAPTER 636

H.P. 1411 - L.D. 1907

An Act To Govern and Regulate Life Settlements

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

Sec. 1. 24-A MRSA §601, sub-§27 is enacted to read:

27. Viatical or life settlement provider. Settlement provider license issuance fees and renewal fees may not exceed:

A. Original license issuance fee \$400; and

B. Annual renewal fee \$400