

# MAINE STATE LEGISLATURE

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(EMERGENCY)  
FIRST SPECIAL SESSION

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ONE HUNDRED AND SIXTH LEGISLATURE

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**Legislative Document**

**No. 2199**

S. P. 768

In Senate, January 2, 1974  
Referred to the Committee on Health and Institutional Services. Sent  
down for concurrence and ordered printed.

HARRY N. STARBRANCH, Secretary  
Presented by Senator Tanous of Penobscot.

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STATE OF MAINE

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IN THE YEAR OF OUR LORD NINETEEN HUNDRED  
SEVENTY-FOUR

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**AN ACT Relating to Delegation of Selected Services by Professional  
Nurses.**

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

Whereas, there exists a 24-hour per day need for the administration of medication to patients at state institutions and health facilities throughout the State; and

Whereas, an opinion of the office of the Attorney General dated May 15, 1973 advised the Department of Mental Health and Corrections that personnel not licensed as registered nurses or licensed practical nurses could not legally administer medication; and

Whereas, this opinion caused great mental anguish to unlicensed individuals who were performing such activities as part of their assigned duties; and

Whereas, the 106th Maine Legislature, in regular session, enacted chapter 535 of the public laws of 1973 which permitted unlicensed personnel to administer medication and granted to such persons immunity from criminal prosecution; and

Whereas, chapter 535 was enacted for the purpose of maintaining the existing status quo until such time as substantive legislation dealing with the subject matter could be prepared; and

Whereas, the effect of chapter 535 will expire on July 1, 1974; and

Whereas, the various health care professionals and providers have conferred on the matter and have determined that remedial legislation is necessary; 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:

**R. S., T. 32, § 2102, sub-§ 2, ¶ F, additional.** Subsection 2 of section 2102 of Title 32 of the Revised Statutes, as amended by chapter 495 of the public laws of 1973, is further amended by adding a new paragraph F, to read as follows:

**F. Delegation of selected nursing services to unlicensed personnel when such personnel have received appropriate training and instruction such services and programs of such 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.**

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

#### STATEMENT OF FACT

The purpose of this bill is reflected in the emergency preamble.