

# MAINE STATE LEGISLATURE

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

AS PASSED BY THE  
ONE HUNDRED AND ELEVENTH LEGISLATURE

**SECOND SPECIAL SESSION**

November 18, 1983

AND AT THE

**SECOND REGULAR SESSION**

January 4, 1984 to April 25, 1984

AND AT THE

**THIRD SPECIAL SESSION**

September 4, 1984 to September 11, 1984

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  
1986

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

AS PASSED AT THE  
SECOND REGULAR SESSION  
of the  
ONE HUNDRED AND ELEVENTH LEGISLATURE  
JANUARY 4, 1984 TO APRIL 25, 1984

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ardous or solid waste, sludge or septage. A land area or structure does not become a waste facility solely because:

- A. It is used by its owner for disposing of septage from his residence; ~~or~~
- B. It is used to store for 90 days or less hazardous wastes generated on the same premises;
- C. It is used by individual homeowners or lessees to open burn leaves, brush, deadwood and tree cuttings accrued from normal maintenance of their residential property, when such burning is permitted under section 599, subsection 3; or
- D. It is used by its residential owner to burn highly combustible domestic, household trash such as paper, cardboard cartons or wood boxes, when such burning is permitted under section 599, subsection 3.

Sec. 16. 38 M.R.S.A. §1304-B, sub-§ 3, as enacted by PL 1983, c. 380, §1, is amended to read:

3. Ordinances. This chapter shall not be construed as limiting the authority of any municipality to enact ordinances for the regulation of solid waste or septage disposal, provided that these ordinances are not less stringent than or inconsistent with this chapter or the regulations adopted under this chapter.

Effective July 25, 1984.

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## CHAPTER 744

H.P. 1790 - L.D. 2365

AN ACT to Clarify the Licensure of  
Administrators of Medical Care Facilities Other  
than Hospitals.

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

Whereas, a new category of administrator has evolved in care facilities for the mentally retarded; and

Whereas, legislation is urgently needed to place these administrators under licensure law for such medical care facilities; 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. 32 MRSA §63, sub-§4, as enacted by PL 1969, c. 350, is amended to read:

4. Rules. The board, by a majority vote, shall adopt and amend rules and regulations to effectuate this chapter, including, but not limited to, standards for courses of study for administrators, requirements for the training, experience and qualifications for the licensure of administrators, continuing educational requirements, standards and procedures for examination for the licensure of administrators, standards and procedures for the issuance, revocation and suspension of licenses of administrators and for the investigation of written charges and complaints filed with the board relating thereto, and establishment of licensure fees. In addition, the board shall adopt rules to establish administrator license categories limited to a specified type of medical care facility and requirements applicable thereto.

Sec. 2. 32 MRSA §63, sub-§7-A, as enacted by PL 1971, c. 226, is amended to read:

7-A. Temporary licenses. The board may determine conditions and procedures, or establish rules or regulations, by which it may issue temporary licenses to administrators of medical care facilities other than hospitals. Said licenses may be issued for periods of less than one year, but in no event may they be in effect for more than one year, and they may not be renewed or reissued beyond this one-year period. Nothing in this chapter or the rules and regulations thereunder shall be construed to require an applicant for a license as a nursing home administrator who is certified by a recognized church or religious denomination which teaches reliance on spiritual means alone for healing as having been approved to adminis-

ter institutions certified by such church or denomination for the care and treatment of the sick in accordance with its teachings, to demonstrate proficiency in any medical techniques or to meet any medical educational qualifications or medical standards not in accord with the remedial care and treatment provided in such institutions.

Sec. 3. 32 MRSA §63, sub-§10 is enacted to read:

10. Exception. Nothing in this chapter or the rules under this chapter may be construed to require an applicant for a license as a nursing home administrator who is certified by a recognized church or religious denomination which teaches reliance on spiritual means alone for healing as having been approved to administer institutions certified by such church or denomination for the care and treatment of the sick in accordance with its teachings to demonstrate proficiency in any medical techniques or to meet any medical educational qualifications or medical standards not in accord with the remedial care and treatment provided in those institutions.

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

Effective April 12, 1984.

## CHAPTER 745

S.P. 885 - L.D. 2402

### AN ACT Relating to the Issuance of Registered Bonds.

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

Whereas, the Tax Equity and Fiscal Responsibility Act (TEFRA) has mandated that bonds issued by a state must be in registered form rather than in bearer form if they are to maintain their exemption from federal income taxation; and

Whereas, in order to comply with the applicable provisions of federal law it is necessary that the