

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE
ONE HUNDRED AND THIRTEENTH LEGISLATURE
FIRST REGULAR SESSION

December 3, 1986 to June 30, 1987

Chapters 1-542

PUBLISHED BY THE REVISOR OF STATUTES
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TITLE 3, SECTION 163-A, SUBSECTION 4.

Twin City Printery
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1987

PUBLIC LAWS

OF THE

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service rendered within the scope of the registration license issued;

B. A registrant licensee shall be deemed to have engaged in unprofessional conduct if he violates any standard of professional behavior which has been established in the practice of dietetics;

C. Subject to the limitations of Title 5, chapter 341, conviction of a crime which involves dishonesty or false statement or which relates directly to the practice for which the individual is registered licensed or convicted convicted of any crime for which imprisonment for one year or more may be imposed; or

D. Any violation of this chapter or rules adopted by the board.

3. Reinstatement. An application for reinstatement may be made to the board after one year from the date of revocation of a registration license.

Sec. 7. 32 MRSA §9911, sub-§1, as enacted by PL 1985, c. 389, §28, is amended to read:

1. Amount. Application fees may be established by the board in amounts which are reasonable and necessary. Registration Licensing fees may not exceed the following amounts:

A. For an original dietitians or dietetic technicians registration license, \$80; or

B. For a renewal dietitians or dietetic technicians registration license, \$40.

Sec. 8. 32 MRSA §9912, first ¶, as enacted by PL 1985, c. 389, §28, is amended to read:

The board may, in its discretion, grant a registration license under this chapter to an individual registered or licensed in another state if it determines that the requirements or standards for registration or licensure in that state are equivalent to, or greater than, those established by this chapter.

Sec. 9. 32 MRSA §§9913, 9914 and 9915 are enacted to read:

§9913. Equivalent requirements

The board shall adopt rules, as it determines necessary and appropriate, to indicate what requirements will be considered the equivalent of the specific education, experience and examination required by section 9907.

§9914. Temporary license

The board shall adopt rules establishing requirements for a temporary license within the scope of this chapter.

§9915. Persons and practices exempt

Nothing in this chapter prevents the activities of:

1. Licensed persons. Any person licensed or registered in this State under any other law from engaging in the profession or occupation for which he is licensed or registered;

2. Persons giving general nutrition-related information. Individuals who give general nutrition-related information;

3. State and federal employees. State and federal employees in state or federally funded cooperative extension food and nutrition programs and supplemental food and nutrition programs for women, infants and children;

4. Persons marketing or distributing food products. Persons who market or distribute food, food materials or dietary supplements or any person who engages in the explanation of the use of those products or the preparation of those products; and

5. Persons providing weight control services. Any person who provides weight control services, provided that:

A. The weight control program either recommends physician consultation generally or has in place procedures which require physician referral when medical conditions, such as heart disease, cancer, diabetes, hypoglycemia, morbid obesity and pregnancy exist; and

B. The program has been reviewed by, consultation is available from and no program change may be initiated without prior approval by:

(1) A licensed dietitian;

(2) A dietitian licensed in another state that has licensure requirements determined by the board to be equal to the requirements of this chapter; or

(3) A dietitian in another state without licensing who is registered by the Commission on Dietetic Registration of the American Dietetic Association.

Effective September 29, 1987.

CHAPTER 314

S.P. 525 — L.D. 1577

AN ACT to Ensure that the General Public does not have Access to Licensed Games of Chance.

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

Sec. 1. 17 MRSA §330, sub-§3-B is enacted to read:

3-B. Member. "Member" means a bona fide member of a firm, corporation, association, organization, department, class or combination thereof, who has been duly admitted as a member according to the laws, rules, regulations, ordinances or bylaws governing membership in the firm, corporation, association, organization, department, class or combination thereof.

Sec. 2. 17 MRSA §332, sub-§4, ¶B, as amended by PL 1981, c. 593, §2, is repealed and the following enacted in its place:

B. No other licensee may operate a game of chance on premises to which the general public has access. In any room where a licensed game of chance is being conducted, there shall be at least one member of the licensee present in that room for every 2 nonmembers who are present. That member shall have been a member of the licensee for at least one year. No member of the licensee, either directly or through another member or guest, may stake or risk something of value in the licensee's game of chance unless the member has been a member, as defined in section 330, subsection 3-B, of the licensee for at least 14 days not including the day of admission into membership.

A bona fide nonprofit organization may operate a licensed game of chance, to which the general public has access, once every 6 months for a period not to exceed 3 consecutive days. The licensed game of chance may be operated at any location described in the license and shall be conducted only by members of the licensee.

Effective September 29, 1987.

CHAPTER 315

S.P. 530 — L.D. 1582

AN ACT to Clarify the Powers of Arrest of a Probation and Parole Officer.

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

Sec. 1. 17-A MRSA §1205, sub-§1, as repealed and replaced by PL 1977, c. 510, §71, is amended to read:

1. If a probation officer has probable cause to believe that a person under his the supervision of the Division of Probation and Parole has violated a condition of his probation, he may arrest such person or he may deliver a summons to such person ordering him to appear for a court hearing on the alleged violation. If the probation officer cannot, with due diligence, locate the person in order to arrest him or serve a summons on him, he shall file a written notice of this fact with the court which placed the person on probation.

Sec. 2. 34-A MRSA §5404, sub-§2, as enacted by PL

1983, c. 459, §6, is amended to read:

2. Arrest. Arrest in the following circumstances:

A. Arrest and return probation and parole violators upon request of the chief administrative officer of a correctional facility; ~~and~~

B. Arrest and return to a correctional facility persons released from the correctional facility under section 3035; and

C. If the officer has probable cause to believe that a person under the supervision of the Division of Probation and Parole has violated a condition of his probation or parole, he may arrest that person.

Effective September 29, 1987.

CHAPTER 316

S.P. 580 — L.D. 1723

AN ACT to Amend the Laws Relating to Community Living Arrangements.

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

Sec. 1. 30 MRSA §4962-A, sub-§1, as enacted by PL 1981, c. 640, is repealed and the following enacted in its place:

1. Legislative intent. It is the intent of the Legislature that persons seeking to establish a community living facility in a single-family residential zone shall not be prohibited on the basis of the disability served. It is also the intent of the Legislature that community living facilities for mentally handicapped and developmentally disabled persons shall not be prohibited from single-family residential zones in a municipality. Municipal ordinances or actions which have the effect of preventing or prohibiting these community living facilities from single-family residential zones, particularly by establishing criteria for single-family residential zones in excess of the criteria in subsections 3 and 4, are a violation of legislative intent.

Sec. 2. 30 MRSA §4962-A, sub-§1-A is enacted to read:

1-A. Definitions. As used in this chapter, unless the context indicates otherwise, the following terms have the following meanings.

A. "Board of appeals" means the board of appeals or any other board established by a municipality with the authority to hear appeals related to enforcement of the zoning ordinances.