

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE
ONE HUNDRED AND THIRTEENTH LEGISLATURE

FIRST SPECIAL SESSION

October 9, 1987 to October 10, 1987

SECOND SPECIAL SESSION

October 21, 1987 to November 20, 1987

and the

SECOND REGULAR SESSION

January 6, 1988 to May 5, 1988

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

Twin City Printery
Lewiston, Maine
1988

PUBLIC LAWS

OF THE

STATE OF MAINE

AS PASSED AT THE
FIRST AND SECOND SPECIAL SESSIONS
and
SECOND REGULAR SESSION
of the
ONE HUNDRED AND THIRTEENTH LEGISLATURE
1987

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

Whereas, the 90-day period may not terminate until after the beginning of the next fiscal year; and

Whereas, the Judicial Department has certain immediate needs, obligations and expenses; 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. 4 MRSA §17, sub-§3, as enacted by PL 1975, c. 408, §5-A, is amended to read:

3. Investigate complaints. Investigate complaints with respect to the operation of the courts and relating to court and judicial security. Notwithstanding any other provision of law, such complaints and investigative files are confidential. Nothing in this section precludes dissemination of such information to another criminal justice agency;

Sec. 2. 4 MRSA §17, sub-§15, as enacted by PL 1987, c. 137, §3, is amended to read:

15. Provide for court security. Plan and implement arrangements for safe and secure court premises to ensure the orderly conduct of judicial proceedings. This includes the authority to contract for the services of qualified deputy sheriffs and other qualified individuals as needed on a per diem basis to perform court security-related functions and services. "Qualified deputy sheriffs and other qualified individuals" means those individuals who hold valid certification as law enforcement officers, as defined by the Maine Criminal Justice Academy, pursuant to Title 25, chapter 341, to include successful completion of such additional training in court security as provided by the academy or equivalent training. When under such contract and then only for the assignment specifically contracted for, the qualified deputy sheriffs or other qualified individuals shall have the same duties and powers throughout the counties of the State as sheriffs have in their respective counties. The persons performing such contractual services shall not be considered employees of the State for any purpose. They shall be paid a reasonable per diem fee plus reimbursement of their actual, necessary and reasonable expenses incurred in the performance of their duties, consistent with policies established by the State Court Administrator. Notwithstanding any other provision of law, such plans, arrangements and files involving court security matters are confidential. Nothing in this section precludes dissemination of such information to another criminal justice agency.

Sec. 3. Appropriation. The following funds are appropriated from the General Fund to carry out the purposes of this Act.

1988-89

JUDICIAL DEPARTMENT

Courts — Supreme, Superior, District and Administrative	
Positions	(1)
Personal Services	\$ 31,307
All Other	3,000
Capital Expenditures	165,693
Total	<u>\$200,000</u>

Provides authorization to employ an additional programmer analyst and funds to complete computerization of all 50 state court locations and establish communications linkage among courts and with the Division of Motor Vehicles and State Bureau of Identification files.

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

Effective April 26, 1988.

CHAPTER 777

S.P. 892 — L.D. 2304

AN ACT to Respond to Health Care Occupation Shortages in Maine through the Health Occupations Training Project.

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

Sec. 1. 22 MRSA §396-D, sub-§9, ¶F, as amended by PL 1987, c. 542, Pt. H, §2, is repealed and the following enacted in its place:

F. In determining payment-year financial requirements, the commission shall include an adjustment to reflect the actual costs of the hospital's participation in the Health Occupations Training Project, Title 26, chapter 31. These costs shall be limited to actual payments made to lenders under the program. The commission shall make an adjustment under this paragraph only to the extent the costs found to be reasonable are not otherwise included in financial requirements.

Sec. 2. 22 MRSA §1812-C, sub-§7 is enacted to read:

7. Health Occupations Training Project. The department shall adopt rules governing the reimbursement of the costs associated with the participation of nursing homes in the Health Occupations Training Project. The reimbursable costs shall include only actual payments to lenders made under the project.

Sec. 3. 26 MRSA c. 31 is enacted to read:

CHAPTER 31

HEALTH OCCUPATIONS TRAINING PROJECT

§2151. Scope

This chapter establishes the Health Occupations Training Project which shall provide assistance to the State's health care facilities facing serious shortages of workers in certain health care occupations.

§2152. Administration

This chapter shall be jointly administered by the Department of Labor and the Department of Human Services. The Commissioner of Labor and the Commissioner of Human Services may promulgate rules in accordance with the Maine Administrative Procedure Act, Title 5, chapter 375, to implement the Health Occupations Training Project.

§2153. Funding

Funding for this project may come from existing state funds, an appropriation of new state funds and from funds provided by the participating institutions.

§2154. Project goals

The Health Occupations Training Project is a training strategy consisting of 3 parts that provide for:

1. Placement. An increased supply of certified nurses aides, home health care aides and other similar occupations, including licensed practical nurses, through training and placement in jobs with competitive wages and benefits;

2. Workers. An increased supply of workers for hospital technical jobs through training of participants in the state job training system. For purposes of this chapter, the state job training system includes job training programs such as the Job Training Partnership Act and the Welfare, Employment, Education and Training Program and programs administered by participating hospitals; and

3. Registered nurses. An increased supply of registered nurses through the provision of a government student loan payback plan for new registered nurses who work in the State.

§2155. Training for entry-level health occupations

Training for certified nurses aides, home health care aides and other similar occupations, including licensed practical nurses, shall be as follows.

1. Training delivery. Training delivery is as follows.

A. Job training services, which will be provided under the state job training system, shall be coordinated by the Department of Labor and the Department of Human Services job training programs. These services may include, but are not limited to, outreach, recruitment, orientation, selection, preoccupational training, supportive services and needs-based stipends.

B. Skill training shall be provided by quality training providers such as the State's vocational-technical institutes.

2. Certification. Participants who complete training under this section shall receive a statewide certificate granted by the Department of Educational and Cultural Services with a curriculum approved pursuant to Title 32, section 2102, subsection 8.

3. Placement. The Department of Labor shall give priority in placement to employers who provide competitive wages, health care benefits and day care assistance.

§2156. Training for technical hospital-based occupations

Training for certain technical, hospital-based occupations, including x-ray technicians, medical and clinical technologists and surgical technicians shall be as follows.

1. Training delivery. Training delivery is as follows.

A. Job training services, which will be provided under the state job training system, shall be coordinated by the Department of Labor and the Department of Human Services job training programs. These services may include, but are not limited to, outreach, recruitment, orientation, selection, preoccupational training, supportive services and needs-based stipends.

B. Skill training shall be provided by the participating hospitals which shall deliver the training in-house or through subcontracts to other approved training entities.

C. Participating hospitals shall bear those occupational training costs not covered by the Department of Labor.

§2157. Payback loans for registered nurses

1. Plan established. A government student loan payback plan for registered nurses, up to the amount of funds appropriated by the Legislature for this purpose, is established. Any nursing home, hospital or other health care provider may pay for a registered nurse's government student loan used for nurses' training and be reimbursed for amounts paid out for the loans according to the methods set forth in subsection 2. Reimbursement shall not exceed amounts equal to the number of monthly payments of principal plus interest, based on a 10-year term of the loan, which reflects the actual number of months of employment at the institution.

2. Methods of repayment. Repayment of loans shall be as follows.

A. The Department of Human Services, by rule promulgated in accordance with the Maine Administrative Procedure Act, Title 5, chapter 375, shall make the repayment of government student loans for registered nurses a reimbursable cost up to the limits allowed by federal regulation for other health care providers regulated by the department.

B. Hospitals may participate in this plan on a voluntary basis by paying back the government student loans as they accrue on behalf of the participating registered nurses while employed at the facilities. Adjustments shall be made to the hospital's financial requirements pursuant to Title 22, section 396-D.

C. Other health care providers may participate in this plan on a voluntary basis by paying back the government student loans as they accrue on behalf of the participating registered nurses while employed at the facilities. These health care providers shall be reimbursed by the Department of Human Services. The Department of Human Services shall adopt rules to provide for this reimbursement.

§2158. Repeal

This chapter is repealed 3 years after the effective date of this section.

Sec. 4. Appropriation. The following funds are appropriated from the General Fund to carry out the purposes of this Act.

1988-89

HUMAN SERVICES, DEPARTMENT OF

Medical Care — Payments to Providers

All Other \$ 59,796

Provides state match for Medicaid funding associated with the pass-through of the nursing loan repayment program.

Sec. 5. Allocation. The following funds are allocated from the Federal Expenditure Fund to carry out the purposes of this Act.

1988-89

HUMAN SERVICES, DEPARTMENT OF

Medical Care — Payments to Providers

All Other \$120,864

Provides funds for the Federal Medicaid portion due to the pass-through of the nursing loan repayment program.

Sec. 6. Sunset. Sections 1 and 2 of this Act are repealed 3 years after the effective date of this Act.

Effective August 4, 1988.

CHAPTER 778

H.P. 1821 — L.D. 2496

AN ACT to Provide a Mechanism for Insurance for Foster Care and Respite Care.

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

Sec. 1. 5 MRSA §1728-A, sub-§1, as enacted by PL 1983, c. 349, §9, is amended to read:

1. **Duties.** The director shall provide insurance advice and services for the State Government and any department or agency thereof for all forms of insurance, except for those departments or agencies and those types of insurance otherwise provided for by law. The director shall provide insurance advice and services for family foster homes, as defined in Title 22, section 8101, subsection 3, and respite care providers, as defined in Title 34-B, section 6201, subsection 2-A. The director shall be responsible for the acquisition and administration of all insurance purchased by the State, including the authority to purchase, on a competitive bid basis, insurance for the State for automobile, fire, liability and any other type of coverage which may be necessary to protect the State from financial loss. The director may enter into contracts for various types of claims management services in order to insure the most economically advantageous insurance protection in the operation of the state's State's insurance coverage program. In these regards, the director has the following duties:

A. To review annually the entire subject of insurance as it applies to all state property and activities and other persons pursuant to this section, and to provide to the commissioner a statement of its activities during the year ending the preceding June 30th. This report shall include:

- (1) An evaluation of the state insurance program;
- (2) A complete statement of all types and costs of insurance in effect;
- (3) Names of agents and companies of record; and
- (4) Such other matters as the director determines to be appropriate and necessary or as the commissioner may request;

B. To recommend to the commissioner such insurance protection as the director may deem necessary or desirable for the protection of all state property or activities or other insureds under this section;

C. Pursuant to programs approved by the commissioner, to provide insurance protection for state property and liability insurance in accordance with the Maine Tort Claims Act, Title 14, section 8116, and