

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE
ONE HUNDRED AND THIRTEENTH LEGISLATURE

AS PUBLIC LAWS AND CONSTITUTIONAL RESOLUTIONS

at the

THIRD SPECIAL SESSION

September 15, 1988 to September 16, 1988

and the

FOURTH SPECIAL SESSION

November 28, 1988

AND

AS PRIVATE AND SPECIAL LAWS AND RESOLVES

at the

FIRST REGULAR SESSION

December 3, 1986 to June 30, 1987

FIRST SPECIAL SESSION

October 9, 1987 to October 10, 1987

SECOND SPECIAL SESSION

October 21, 1987 to November 20, 1987

SECOND REGULAR SESSION

January 6, 1988 to May 5, 1988

THIRD SPECIAL SESSION

September 15, 1988 to September 16, 1988

and the

FOURTH SPECIAL SESSION

November 28, 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
1989

RESOLVES

OF THE

STATE OF MAINE

AS PASSED AT THE

SECOND REGULAR SESSION

of the

ONE HUNDRED AND THIRTEENTH LEGISLATURE

1987

Effective August 4, 1988.

CHAPTER 105**H.P. 1673 — L.D. 2292****RESOLVE, to Reconstitute the Commission to Review the Laws Relating to Registered Maine Guides.**

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

Whereas, the original Commission to Review the Laws Relating to Maine Guides did not have the time to effectively deal with the issue of whether the State should license or register outfitters; and

Whereas, this is a complex issue requiring more attention; 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

Commission established. Resolved: That the Commission to Review the Laws Relating to Registered Maine Guides be reconstituted with 13 members. Five members of the House of Representatives, appointed by the Speaker of the House, shall be members of the commission as follows: Three members representing the Joint Standing Committee on Fisheries and Wildlife; one member representing the Joint Standing Committee on Taxation; and one member representing the Joint Standing Committee on Business Legislation. Two Senators appointed by the President of the Senate shall be members of the commission as follows: One member representing the Joint Standing Committee on Fisheries and Wildlife; and one member representing the Joint Standing Committee on Taxation or the Joint Standing Committee on Business Legislation. Six nonlegislative members, appointed by the Governor within 10 days of the effective date of this resolve, shall be part of this commission as follows: Two representatives of a professional guiding association; one licensed Maine guide not affiliated with a professional guiding association; one representative of a sportsmen's group; one representative of a trapper's association; and one representative of a sporting camp association. The Commissioner of Inland Fisheries and Wildlife shall serve as an ex officio member.

The commission shall meet up to 4 times to develop recommendations. Up to 3 public hearings shall be held throughout the State to solicit input and comments. Members shall receive reimbursement for expenses for meals and travel upon application to the Executive Director of the Legislative Council. No per diem expenses shall be paid; and be it further

Report. Resolved: That this commission shall report its findings, together with any necessary legislation, to the First Regular Session of the 114th Legislature not later than October 10, 1988. This report shall:

1. Discuss the issues to be considered in developing a system for licensing or registering outfitters in the State;

2. Explore the need to develop a system for assistant guides to aid licensed Maine guides and train inexperienced guides; and

3. Recommend any changes in legislation pursuant to this report; and be it further

Staff support. Resolved: That staff support shall be requested from the Legislative Council.

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

Effective April 27, 1988.

CHAPTER 106**S.P. 847 — L.D. 2203****Resolve, to Establish the Commission to Study the Status of Nursing Professions in Maine.**

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

Whereas, the State has a fundamental obligation to assure that hospitals and nursing homes receive sufficient reimbursement to meet their nursing staff needs; and

Whereas, a determination of the appropriate mechanism to meet these needs will require further analysis and experimentation; 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

Commission established. Resolved: That there is established the Commission to Study the Status of Nursing Professions in Maine; and be it further

Membership; appointment; compensation. Resolved: That the commission shall consist of 17 members as follows: Two Senators, appointed by the President of the Senate; 3 members of the House of Representatives, appointed by the Speaker of the House; the Commissioner of Human Services or a designee; the Commissioner of Educational and Cultural Services or

a designee; the Commissioner of Labor or a designee; 3 members of the general public who are consumers of health care, but who are neither nursing professionals nor health care management professionals, one appointed by the President of the Senate, one appointed by the Speaker of the House and one appointed by the Governor; 3 members representing direct care nursing staff, one appointed by the President of the Senate, one appointed by the Speaker of the House and one appointed by the Governor; and 3 health care management professionals, one appointed by the President of the Senate, one appointed by the Speaker of the House and one appointed by the Governor.

In appointing the members representing direct care nursing staff and the health care management professionals, the President of the Senate, the Speaker of the House and the Governor shall solicit a list of direct care nursing staff representatives recommended for membership on the commission from organizations representing direct care nursing staff and a list of health care management professionals recommended for membership on the commission from health care management organizations. The President of the Senate, the Speaker of the House and the Governor shall consider the names submitted by those professional organizations before making their appointments of the nursing professionals and health care management professionals.

The commission shall select a chairman from among its members. The Chairman of the Legislative Council shall convene the first meeting, which shall take place no later than 30 calendar days after the effective date of this resolve. Legislative members of the commission shall receive per diem compensation and other voting members of the commission shall be compensated for their expenses. The commission may organize subcommittees to investigate specific areas of study and may hold hearings in the course of its study; and be it further

Study authorized. Resolved: That the commission shall conduct an independent analysis and review of:

1. The current problem of nursing availability for health care services in the community, including home health, hospitals, nursing homes and boarding home facilities, industrial nurses, schools and other health care institutions or entities, both public and private, concerning recruitment and retention;

2. The appropriate role in the patient assessment team of direct care personnel in the State's hospitals, nursing homes and home health agencies, defining the education and skill required for each classification level and the appropriate method of certification, including adequacy of management training for these personnel;

3. The appropriate method of determining classification levels of staff required to provide the level of care needed in today's nursing homes, boarding home facilities and home care agencies;

4. The nursing staff-to-patient ratio required to staff adequately hospitals, nursing homes, boarding home facilities and home care agencies to meet the growing demands placed on the State's health care system and the potential labor supply, by region, available in the State;

5. The ability of the State's educational system to meet basic nurse's training and education needs and to supply ongoing nurse's training and education which will allow vertical movement within a facility setting;

6. The growth of nursing pool agencies and what impact those agencies have on the current projected nursing shortage;

7. The wage benefits and incentives required to attract and retain people from the available state labor pool appropriate to each job classification and region of the State;

8. The various reimbursement systems for and agencies regulating training, education and wages for home health, nursing home and hospital services to study and evaluate how the various reimbursement systems could be better coordinated and develop recommendations to correct any inequities which might exist;

9. Strategies to resolve nursing and other direct care provider shortages in all areas of health care;

10. Appropriate marketing approaches to the field of nursing to raise the expectations of those entering the profession and to assist in the recoupment and retention of those in the profession; and

11. The impact of the shortage in the nursing professions on the delivery of quality health care and its effects on both nursing personnel and health care consumers in urban, suburban and rural health care facilities and settings; and be it further

Reports. Resolved: That the commission shall present its findings, together with any recommended legislation, to the joint standing committee of the Legislature having jurisdiction over human resources to the First Regular Session of the 114th Legislature by January 29, 1989; and be it further

Assistance. Resolved: That the Department of Human Services, the Department of Educational and Cultural Services and the Department of Labor shall provide staff support for this commission, and that further staff assistance may be requested, as necessary, from the Legislative Council; and be it further

Appropriation. Resolved: That the following funds are appropriated from the General Fund to carry out the purposes of this resolve.

1987-88 1988-89

LEGISLATURE

Commission to Study the Status of Nursing
Professions in Maine

Personal Services	\$ 550	\$ 1,100
All Other	1,400	6,650
Total	<u>\$1,950</u>	<u>\$7,750</u>

Provides funds for 8 meetings of the commission, including per diem and expenses for Legislators and expenses for nonlegislative members; one public hearing; and a report.

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

Effective April 27, 1988.

CHAPTER 107

H.P. 130 — L.D. 159

Resolve, Concerning a Proposed Supreme Judicial Court Facility.

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

Whereas, it is desired to have the Supreme Judicial Court located in its own building in the state capital in Augusta; and

Whereas, it is desired to begin to receive the benefits of such a move at the earliest possible time; and

Whereas, it is desired that an expense of this magnitude be presented to the voters of the State; and

Whereas, a court planner is necessary to develop a building program from which a definitive cost estimate and architectural design can be developed; and

Whereas, it is desired to select the design of the building through a major design competition; and

Whereas, a commission is necessary to oversee planning and design of the new Supreme Judicial Court facility; 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

Supreme Judicial Court to be located in Augusta. Resolved: That at the earliest possible time a building of prestige and dignity which is compatible with the Capitol and Capitol Park shall be constructed within the City of Augusta, except that the building shall not be located on any site within state-owned Capitol Park. This building shall house the courtroom for the

Supreme Judicial Court; chambers for all justices of the Supreme Judicial Court, the Chief Justice of the Superior Court and the Chief Judge of the District Court; space for the Administrative Office of the Courts; and a working law library. In determining the library needs, consideration shall be given to the existence of the Law and Legislative Reference Library in the capitol building; and be it further

Project program; planning. Resolved: That work on a project program for the construction of a Supreme Judicial Court in Augusta shall be initiated as soon as possible after the passage of this resolve by a nationally recognized court planner. This planner shall be required to have available in sufficient time to be included in legislation presented to the First Regular Session of the 114th Legislature a cost estimate of sufficient accuracy as to be suitable for a request for funding to cover completely all aspects of the construction of this court facility including adequate parking facilities; and be it further

Design competition. Resolved: That selection of the design for the construction of this court facility shall be by means of a 2-stage design competition with no geographic limitation as to entrants. There shall be affiliated with this design competition in some manner an architect of national stature, as determined by the Supreme Judicial Court Plan and Design Commission. The design competition shall be judged by a subcommittee of 3, 5 or 7 members under the auspices of the commission. The competition shall be planned, organized and administered by the court planner or by some other knowledgeable expert under the auspices of the Supreme Judicial Court Plan and Design Commission.

All preparation for the design competition that does not require funding shall be completed by November 1989. No funding may be expended for the design competition until the bond issue approving funds for the construction of the court facility is ratified by the voters; and be it further

Commission established. Resolved: That there is established the Supreme Judicial Court Plan and Design Commission.

1. **Membership.** The commission shall consist of 15 members to be appointed as follows: One member of the Senate appointed by the President of the Senate; one member of the House of Representatives to be appointed by the Speaker of the House of Representatives; one member appointed by the Chief Justice of the Supreme Judicial Court; 6 members to be appointed by the Governor as follows: One of whom shall be a representative of the Garden Club Federation of Maine or the Kennebec Valley Garden Club selected with the advice of those organizations, one of whom shall be a licensed architect selected with the advice of the Maine Chapter of the American Institute of Architects, one of whom shall be a building contractor selected with the advice of Associated General Contractors, one of whom shall be a landscape