

MAINE STATE LEGISLATURE

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LAWS

OF THE

STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND FOURTEENTH LEGISLATURE

FIRST REGULAR SESSION

December 7, 1988 to July 1, 1989

THE GENERAL EFFECTIVE DATE FOR
NON-EMERGENCY LAWS IS
SEPTEMBER 30, 1989

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

J.S. McCarthy Company
Augusta, Maine
1989

PUBLIC LAWS

OF THE

STATE OF MAINE

AS PASSED AT THE
FIRST REGULAR SESSION
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ONE HUNDRED AND FOURTEENTH LEGISLATURE
1989

§6303. Board compensation

The board's members shall be compensated as provided in chapter 379.

§6304. Meetings; staff

1. Meetings. The board chair shall convene the first meeting of the board no later than 30 days after the effective date of this Part. The board shall meet at least once each month and as often as necessary to carry out its responsibilities.

2. Staff. A person knowledgeable about the technical, economic and environmental aspects of water resource management, under a 2-year contract with the State Planning Office, shall provide full-time staff assistance to the board. All state agencies shall provide information and support requested by the board to the extent practicable.

§6305. Report; reporting deadline

The board shall submit a report summarizing its findings and recommendations, including any suggested legislation, to the Legislature by January 1, 1991.

§6306. Repeal

This Part is repealed October 1, 1991.

Sec. 3. 5 MRSA §12004-G, sub-§29-A is enacted to read:

<u>29-A. Natural Resources</u>	<u>Water Resources Management Board</u>	<u>Expenses Only</u>	<u>5 MRSA §6301</u>
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Emergency clause. In view of the emergency cited in the preamble, this Act shall take effect July 1, 1989.

Effective July 1, 1989.

CHAPTER 572

H.P. 891 - L.D. 1235

An Act to Require the Licensure of Ambulatory Surgical Facilities

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

Sec. 1. 22 MRSA §1811, as amended by PL 1967, c. 231, §1, is further amended to read:

§1811. License required; definitions

No person, partnership, association or corporation, nor any state, county or local governmental units, ~~shall may~~ establish, conduct or maintain in the State any hospital, sanatorium, convalescent home, rest home, nursing home, ambulatory surgical facility or other institution for the hospitalization or nursing care of human beings without first

obtaining a license therefor. Hospital, sanatorium, convalescent home, rest home, nursing home, ambulatory surgical facility and other related institution, within the meaning of this chapter, ~~shall mean~~ means any institution, place, building or agency in which any accommodation is maintained, furnished or offered for the hospitalization of the sick or injured or care of any aged or infirm persons requiring or receiving chronic or convalescent care. Nothing in this chapter ~~shall may~~ apply to hotels or other similar places that furnish only board and room, or either, to their guests or to such homes for the aged or blind as may be subject to licensing under any other law.

Sec. 2. 22 MRSA §1812-E is enacted to read:

§1812-E. Ambulatory surgical facility

1. Definition. As used in this chapter, unless the context otherwise indicates, "ambulatory surgical facility" has the same meaning as in section 303.

2. Standards. The department shall establish standards for the licensure of ambulatory surgical facilities effective January 1, 1990. The standards shall provide that ambulatory surgical facilities that are certified for the federal Medicare and Medicaid programs are deemed to be eligible for state licensure.

Sec. 3. 22 MRSA §1813, as amended by PL 1967, c. 231, §3, is further amended to read:

§1813. Existing hospitals must obtain licenses

No person, partnership, association or corporation, nor any state, county or local governmental units, may continue to operate an existing hospital, sanatorium, convalescent home, rest home ~~or~~, nursing home or ambulatory surgical facility, nor open a hospital, sanatorium, convalescent home, rest home ~~or~~, nursing home or ambulatory surgical facility unless ~~such~~ the operation ~~shall have been~~ is approved and regularly licensed by the State.

Sec. 4. 22 MRSA §1815, as amended by PL 1981, c. 703, Pt. A, §12, is further amended to read:

§1815. Fees

Each application for a license to operate a hospital, convalescent home or nursing home shall be accompanied by a nonrefundable fee of \$50 for facilities less than 50 beds in size, a fee of \$100 for facilities 51 to 100 beds in size, and a fee of \$200 for facilities larger than 100 beds in size \$10 for each bed contained within the facility. Each application for a license to operate an ambulatory surgical facility shall be accompanied by the fee established by the department. The department shall establish the fee for an ambulatory surgical facility, not to exceed \$250, on the basis of a sliding scale representing size, number of employees and scope of operations. ~~No such fee shall be refunded.~~ All licenses issued shall be renewed annually upon payment of a like fee. The ~~state's~~ State's share of all fees received by the department under this chapter shall be deposited in the General Fund. No

license granted ~~shall~~ may be assignable or transferable. State hospitals are not required to pay licensing fees.

Sec. 5. 22 MRSA §1817, as repealed and replaced by PL 1977, c. 694, §345, is amended to read:

§1817. Issuance of licenses

The department is authorized to issue licenses to operate hospitals, sanatoriums, convalescent homes, rest homes, nursing homes, ambulatory surgical facilities or other related institutions, which, after inspection, are found to comply with this chapter and any regulations adopted by the department. When any institution, upon inspection by the department, shall be found not to meet all requirements of this chapter or departmental regulations thereunder, the department is authorized to issue either a temporary license for a specified period not to exceed 90 days, during which time corrections specified by the department shall be made by the institution for compliance with this chapter and departmental regulations thereunder, if in the judgment of the commissioner the best interests of the public will be so served, or a conditional license setting forth conditions which shall be met by the institution to the satisfaction of the department. Failure of the institution to meet any of these conditions shall immediately void the conditional license by written notice thereof by the department to the conditional licensee or, if the licensee cannot be reached for personal service, by notice thereof left at the licensed premises. The fee for this temporary or conditional license shall be \$15 and shall be payable at the time of issuance of such a license. A new application for a regular license may be considered by the department if, when and after the conditions set forth by the department at the time of the issuance of this temporary or conditional license have been met and satisfactory evidence of this fact has been furnished to the department. The department may amend, modify or refuse to renew a license hereunder in conformity with the Maine Administrative Procedure Act, Title 5, chapter 375, or file a complaint with the Administrative Court requesting suspension or revocation of any license on any of the following grounds: Violation of this chapter or the rules and regulations issued pursuant thereto; permitting, aiding or abetting the commission of any illegal act in that institution; conduct of practices detrimental to the welfare of the patient; provided that whenever, on inspection by the department, conditions are found to exist which violate this chapter or departmental regulations issued thereunder which, in the opinion of the commissioner, immediately endanger the health or safety of patients, or both the health and safety, in any of the institutions or to such an extent as to create an emergency, the department by its duly authorized agents may, under the emergency provisions of Title 4, section 1153, request that the Administrative Court suspend or revoke the license.

See title page for effective date.

CHAPTER 573

H.P. 457 - L.D. 622

An Act to Require Parental Consent to a Minor's Abortion

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

Sec. 1. 4 MRSA §152, sub-§8 is enacted to read:

8. Consent to minor's abortion. Original jurisdiction, concurrent with that of the Probate Court, to grant equitable relief in proceedings brought under Title 22, section 1597-A.

Sec. 2. 22 MRSA §1597-A is enacted to read:

§1597-A. Consent to a minor's decision to have an abortion

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

A. "Abortion" means the intentional interruption of a pregnancy by the application of external agents, whether chemical or physical, or the ingestion of chemical agents with an intention other than to produce a live birth or to remove a dead fetus.

B. "Counselor" means a person who is:

(1) A psychiatrist;

(2) A psychologist licensed under Title 32, chapter 56;

(3) A social worker licensed under Title 32, chapter 83;

(4) An ordained member of the clergy;

(5) A physician's assistant registered by the Board of Registration in Medicine, Title 32, chapter 48;

(6) A nurse practitioner registered by the Board of Registration in Medicine, Title 32, chapter 48;

(7) A certified guidance counselor;

(8) A registered professional nurse licensed under Title 32, chapter 31; or

(9) A practical nurse licensed under Title 32, chapter 31.

C. "Minor" means a person who is less than 18 years of age.