

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND FIFTEENTH LEGISLATURE

FIRST REGULAR SESSION

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Chapters 1 - 590

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PUBLIC LAWS
OF THE
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library patron relative to the patron's use of books or other materials at the library, ~~shall be~~ are confidential. Those records may only be released with the express written permission of the patron involved or as the result of a court order.

See title page for effective date.

CHAPTER 68

S.P. 277 - L.D. 736

An Act to Amend the Laws Concerning the Aeronautical Functions Investigation

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

6 MRSA §17, sub-§7, as enacted by PL 1977, c. 678, §30, is amended to read:

7. Investigation. ~~Investigate all~~ Assist the National Transportation Safety Board as needed in the investigation of aircraft accidents and incidents ~~within~~ in the State;

See title page for effective date.

CHAPTER 69

S.P. 269 - L.D. 728

An Act Pertaining to the Licensing of Boarding Care Facilities

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

Sec. 1. 22 MRSA §7802, sub-§2, ¶B, as amended by PL 1983, c. 602, §1, is further amended to read:

B. The terms of full licenses or approvals ~~shall be~~ are as follows.

(1) Except as provided in subparagraphs (2) and (3), the term of all full licenses and approvals issued pursuant to this chapter ~~shall be~~ is for one year or the remaining period of a conditional or provisional license that has been issued for less than one year.

(2) The term of a residential child care facility license ~~shall be~~ is for 2 years.

(3) The term of a drug treatment center license may be for either one or 2 years.

Sec. 2. 22 MRSA §7905, sub-§1, as amended by PL 1985, c. 770, §11, is further amended to read:

1. Permission to manage personal funds. No operator or agent of any boarding care facility ~~shall~~ may manage, hold or deposit in a financial institution the personal funds of any resident of the facility, unless the operator or agent has received written permission therefor from:

A. The resident, if the resident ~~is not mentally retarded and~~ has no guardian, trustee or conservator;

B. The resident's guardian, trustee or conservator, if ~~such~~ that person exists and can be reached; or

C. The department, if a guardian, trustee or conservator exists, but ~~cannot~~ can not be reached, ~~or, in the case of a mentally retarded resident, if such resident has no guardian, trustee or conservator.~~

~~Whenever the department gives written permission to an operator or agent to manage, hold or deposit the personal funds of any mentally retarded residents, the department may request the Bureau of Mental Retardation, Department of Mental Health and Mental Retardation, to develop, insofar as resources are available, an appropriate plan for the management of these funds.~~

Sec. 3. 22 MRSA §7905, sub-§3, as enacted by PL 1975, c. 719, §6, is amended to read:

3. Depositing personal funds. The department may require an operator or agent of a boarding care facility to deposit in a financial institution the personal funds of a resident, ~~if: the resident has a guardian, trustee or conservator who can not be reached.~~

~~A. The resident has a guardian, trustee or conservator who cannot be reached; or,~~

~~B. In the case of a mentally retarded resident, the resident has no guardian, trustee or conservator.~~

Sec. 4. 22 MRSA §7922, sub-§1, as enacted by PL 1981, c. 445, is amended to read:

1. Long-term care facility. "Long-term care facility" means any boarding ~~care facility~~ home licensed pursuant to chapters 1663 and 1665, and any skilled nursing or intermediate care facility or unit licensed pursuant to chapter 405.

Sec. 5. 22 MRSA §7923, sub-§§1 and 3, as enacted by PL 1981, c. 445, are amended to read:

1. Establishment; composition. Each long-term care facility of ~~7 or more beds~~ shall inform residents of their right to establish a council. This information ~~shall~~ must be given to all residents and a family member or designated representative for those residents on admission and ~~shall~~ must be posted prominently in the facility.

The administrator shall assist residents in establishing a residents' council, if the residents choose to establish one. If there

is no council, at least once each year residents ~~shall~~ must be given the choice to establish one. A majority vote ~~shall prevail~~ prevails.

The council shall draw up bylaws. The council may meet as often as specified in the bylaws, but at least quarterly. No employee or representative of the facility may be a member of the council. Family members may sit on the council, but ~~shall~~ may not be members.

3. Assistance. ~~The~~ Except as provided in this subsection, the administrator shall designate a staff member, not related to the administrator, to assist the residents' council. In small long-term care facilities in which no staff members are unrelated to the administrator or owner of the facility, the administrator may designate a staff member who is related to the administrator.

See title page for effective date.

CHAPTER 70

S.P. 279 - L.D. 738

An Act to Reestablish the Board of Visitors of State Institutions, except for the Augusta Mental Health Institute and the Bangor Mental Health Institute

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

Sec. 1. 5 MRSA §12004-I, sub-§60-A is enacted to read:

<u>60-A.</u>	<u>Board of Visitors</u>	<u>Expenses</u>	<u>34-B MRSA</u>
<u>Mental Health and Mental Retardation</u>	<u>(for certain state institutions under the Department of Mental Health and Mental Retardation)</u>	<u>Only</u>	<u>§1403-A</u>

Sec. 2. 34-B MRSA §1403-A is enacted to read:

§1403-A. Boards of visitors

1. Appointment. The Governor shall appoint a board of 5 visitors, as authorized by Title 5, section 12004-I, subsection 60-A, for each state institution under the department.

A. The term of the visitors is for one year.

B. Members of boards of visitors are eligible for reappointment at the expiration of their terms.

C. A member of the Legislature may not serve on any board of visitors.

D. Members of boards of visitors are entitled to compensation for expenses according to the provisions of Title 5, chapter 379.

2. Powers. Each board of visitors may inspect the institution to which it is assigned and may make recommendations on the management of the institution to the commissioner.

3. Duties. Boards of visitors have the following duties.

A. Boards of visitors shall send copies of all recommendations to the members of the joint standing committee of the Legislature having jurisdiction over human resources matters.

B. Each board of visitors shall appear before the joint standing committee of the Legislature having jurisdiction over human resources matters upon request.

4. Exceptions. This section does not apply to the Augusta Mental Health Institute, the Bangor Mental Health Institute or the Bath Children's Home.

See title page for effective date.

CHAPTER 71

S.P. 39 - L.D. 61

An Act to Require the Earlier Determination of State Aid to Education

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

20-A MRSA §15613, sub-§2, ¶A, as enacted by PL 1983, c. 859, Pt. G, §§2 and 4, is amended to read:

A. The commissioner shall annually, prior to ~~April 21st~~ February 1st, notify each school board of the amount allocated to the school administrative unit.

See title page for effective date.

CHAPTER 72

H.P. 318 - L.D. 448

An Act Concerning Waste Management

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

Whereas, the space in landfills is severely limited and at a critical state; and

Whereas, effective disposal alternatives exist for certain materials that are currently deposited in landfills; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Consti-