

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

December 5, 1990 to July 10, 1991

Chapters 1 - 590

THE GENERAL EFFECTIVE DATE FOR
NON-EMERGENCY LAWS IS
OCTOBER 9, 1991

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

J.S. McCarthy Company
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1991

PUBLIC LAWS
OF THE
STATE OF MAINE

AS PASSED AT THE
FIRST REGULAR SESSION

of the
ONE HUNDRED AND FIFTEENTH LEGISLATURE

1991

Sec. 1. 32 MRSA §2561, as repealed and replaced by PL 1989, c. 878, Pt. A, §94, is amended to read:

§2561. Membership; qualifications; tenure; vacancies

The Board of Osteopathic Examination and Registration, as established by Title 5, section 12004-A, subsection 29, and in this chapter called the "board," ~~shall consist~~ consists of ~~7~~ 9 persons appointed by the Governor. These persons ~~shall~~ must be residents of this State. ~~Five~~ Six of these persons ~~shall~~ must be graduates of a legally chartered college of osteopathic medicine or university having the power to confer degrees in osteopathic medicine and ~~shall have been~~ must be at the time of their appointment actively engaged in the practice of their profession in Maine for a period of at least 5 years, and ~~2~~ 3 of these persons ~~shall~~ must be representatives of the public interest of consumers. None of the members representing the interests of consumers may be members of, or associated with, or have a financial interest in a health care provider or profession. Consumer groups may submit nominations to the Governor for the members to be appointed to represent the interest of consumers. Each appointment ~~shall be~~ is for a period of 5 years as the terms of the present members expire. Any vacancy in the board caused by death, resignation or for any other cause, except completion of a full term of service, ~~shall~~ must be filled by the appointment of a person, qualified as was the member whose place is filled, to hold office during the unexpired term of that member. Any member of the board may be removed from office for cause by the Governor.

Sec. 2. Allocation. The following funds are allocated from Other Special Revenue funds to carry out the purposes of this Act.

	1991-92	1992-93
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PROFESSIONAL AND FINANCIAL REGULATION, DEPARTMENT OF

Board of Osteopathic Examination and Registration

Personal Services	\$990	\$1,320
All Other	1,080	1,080

Provides funds for the per diem and related expenses of 2 additional board members.

DEPARTMENT OF PROFESSIONAL AND FINANCIAL REGULATION

TOTAL	\$2,070	\$2,400
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See title page for effective date.

CHAPTER 151

H.P. 904 - L.D. 1301

An Act to Modify the Radiation Protection Laws

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

Sec. 1. 22 MRSA §666, sub-§2, as enacted by PL 1987, c. 519, §1, is amended to read:

2. Reports. The State Nuclear Safety Inspector, with the cooperation of the Director of Health Engineering, shall prepare a report of his activities under this chapter to be submitted ~~January~~ July 1st of each year to the State Nuclear Safety Advisor and the Legislature. The State Nuclear Safety Inspector shall prepare monthly reports for the State Nuclear Safety Advisor, the President of the Senate and the Speaker of the House, with copies to the United States Nuclear Regulatory Commission and the licensee.

Sec. 2. 22 MRSA §682, sub-§1, as amended by PL 1987, c. 519, §8, is further amended to read:

1. Authorized. The department or its duly authorized representatives may enter at all reasonable times upon any private or public property for the purpose of determining whether ~~or not~~ there is compliance with or violation of the provisions of this Act and the rules issued thereunder, except that entry into areas under the jurisdiction of the Federal Government or its duly designated representative shall be ~~subject to section 684 and Title 25, sections 51 and 52, which are incorporated by reference as provisions of this chapter effected only with the concurrence of the Federal Government or its duly designated representative.~~

See title page for effective date.

CHAPTER 152

H.P. 801 - L.D. 1147

An Act to Change the Title of the Office of Dental Health

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

Sec. 1. 22 MRSA §2092, sub-§4, as enacted by P&SL 1975, c. 90, §A, §1, is amended to read:

4. Director. "Director" means the Director, ~~Office~~ Division of Dental Health.

Sec. 2. 22 MRSA §2093, as enacted by P&SL 1975, c. 90, §A, §1, is amended to read:

§2093. State agencies to cooperate

State agencies shall cooperate fully with the ~~office~~ division and council in carrying out this chapter. The ~~office~~ division and council are authorized to request such personnel, financial assistance, facilities and data as are reasonably required to assist the ~~office~~ division and council to fulfill ~~its~~ the division's and council's powers and duties.

State agencies proposing to develop, establish, conduct or administer programs or to assist programs relating to this chapter shall, prior to carrying out such actions, consult with the ~~office~~ division. Each agency of State Government shall advise the ~~office~~ division of its activities relating to this chapter.

Each state agency, in the implementation of ~~its~~ the ~~agency's~~ activities relating to this chapter, shall keep the ~~office~~ division fully informed of ~~its~~ the agency's status.

Sec. 3. 22 MRSA c. 415, sub-c. II, first 2 lines are repealed and the following enacted in their place:

SUBCHAPTER II
DIVISION OF DENTAL HEALTH

Sec. 4. 22 MRSA §2094, as amended by PL 1985, c. 785, Pt. B, §87, is further amended to read:

§2094. Division; director

1. Division. There ~~shall be~~ is in the Department of Human Services an ~~Office~~ the Division of Dental Health.

2. Director. The ~~office shall be~~ division is administered by a director, who ~~shall be~~ is appointed by the commissioner, only after consultation with the council. The director shall serve in the unclassified service. The director of the ~~office~~ division shall serve at the pleasure of the commissioner, subject to removal by the commissioner after consultation with the council. Any vacancy ~~shall must~~ be filled by appointment as ~~above~~ described in this subsection.

The director shall serve on a full-time basis and must be a person qualified by training and experience to carry out the type of responsibilities described in section 2095.

The director ~~shall possess~~ possesses full authority and responsibility for administering all the powers and duties provided in section 2095, with the advice of the council pursuant to section 2099. The director shall assume and discharge all responsibilities vested in the ~~office~~ division.

The director may employ, subject to the Civil Service Law and within the limits of available funds, competent professional personnel and other staff necessary to

carry out the purposes of this chapter. The director shall prescribe the duties of staff and assign a sufficient number of staff to the ~~office~~ division to achieve ~~its~~ the division's powers and duties.

Sec. 5. 22 MRSA §2095, as amended by PL 1989, c. 700, Pt. A, §77, is further amended to read:

§2095. Powers and duties

The ~~office~~ division shall establish in accordance with the purposes and intent of this chapter, with the advice of the council and subject to the direction of the commissioner, the overall planning, policy, objectives and priorities for all functions and activities relating to dental health, ~~which that~~ are conducted by or supported by the State. It is the purpose and intent of this chapter that the ~~office shall~~ division have the objectives of reducing dental disease in ~~Maine~~ the State's residents to a minimal and acceptable level and of improving and expanding dental health services in the State. The ~~office~~ division shall serve as the State's primary administrative, coordinating and planning unit for carrying out the provisions of this chapter. In order to achieve ~~the above~~ these purposes, the ~~office shall have~~ division has the power and duty to carry out, but not be limited to, the following:

1. ~~Comprehensive plan.~~ ~~Develop a comprehensive, state-wide plan, in cooperation with other state-wide health planning organizations, when deemed appropriate, to improve the dental health of Maine citizens. The plan shall be revised biennially.~~

2. Review of funding sources. Ongoing review of all possible sources of funding, public and private, for improving dental health and development of proposals to secure these funds when appropriate; ;

3. Technical assistance and consultation to agencies. Provide technical assistance and consultation to federal, state, county and municipal programs concerned with dental health; ;

4. Technical assistance and consultation to schools. Provide technical assistance and consultation to schools and to the Department of Education for the purposes of introducing into ~~Maine~~ the State's schools dental health education programs; ;

5. Studies. Conduct studies and develop primary data for the purposes of documenting specific dental problems in the State; ;

6. Consultation and program information to health profession. Provide consultation and program information to the health profession, health professional education institutions and volunteer agencies; ;

7. Annual reviews. Conduct annual reviews of the statutes and guidelines governing use of dental auxiliaries,

dentists and other dental personnel and make recommendations to the Legislature for changes ~~which that~~ would benefit the public's health; ;

8. Coordination. Coordinate all efforts to improve dental health ~~which that~~ are in part or wholly supported by state funds; ;

9. Administer funds. Administer in accordance with the interest and objectives of this chapter or within any limitations ~~which that~~ may apply from the sources of such funds, any funds from any source for the benefit of ~~Maine's the State's~~ residents in need of dental health services. The commissioner ~~shall have~~ has the power to receive for the office division all funds granted by any private, federal, state, county, local or other source and the director shall use such the funds to carry out the provisions and purposes of this chapter; ;

10. Report. ~~Prepare on or before January 10, 1976, and thereafter~~ annually; a detailed report that ~~shall must~~ be submitted by the department. ~~Such The~~ report ~~shall~~ include a state-wide dental plan and must describe the implementation of the responsibilities of this office division as described in this section. The report ~~shall must~~ be submitted to the Governor in accordance with Title 5, sections 43, 44, 45 and 46 and to the Legislature; and

11. Other activities. Carry out any other activities designed to reduce dental disease in the State.

Sec. 6. 22 MRSA §2097, 5th ¶, as enacted by P&SL 1975, c. 90, §A, §1, is amended to read:

The director of the office division or ~~his the~~ director's representative shall attend all meetings of the council.

Sec. 7. 22 MRSA §2098, 3rd ¶, as amended by PL 1983, c. 812, §127, is further amended to read:

Any reasonable and proper expenses of the council ~~shall must~~ be borne by the office division out of currently available state or federal funds. Each member of the council ~~shall be compensated~~ is entitled to compensation according to the provisions of Title 5, chapter 379. The council is authorized to appoint subcommittees.

Sec. 8. 22 MRSA §2123, 2nd ¶, as enacted by PL 1979, c. 522, §1, is amended to read:

The Office Division of Dental Health, Department of Human Services, shall administer the program.

See title page for effective date.

CHAPTER 153

H.P. 436 - L.D. 619

An Act Regarding the Licensing of Nurses

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

Sec. 1. 32 MRSA §2202, as amended by PL 1985, c. 724, §19, is further amended to read:

§2202. Licenses; examination

The applicant ~~shall be~~ is required to pass a written examination in ~~such~~ subjects deemed necessary by the board ~~necessary~~ to determine the fitness of the applicant to practice professional nursing. Upon successfully passing ~~such the~~ examination, the board shall issue to the applicant a license to practice professional nursing as a registered nurse, the license to be in force for a period of at least one year until the birth date of the licensee. The initial license is renewable as provided in section 2206.

Sec. 2. 32 MRSA §2206, as amended by PL 1989, c. 609, §§3 and 4, is further amended to read:

§2206. Renewals

The license of every registered nurse licensed under this chapter ~~shall be renewed annually~~ is renewable every 2 years, except as otherwise provided. At least 30 days before the ~~anniversary of that person's birth date that the~~ license expires, the board shall mail an application for renewal of license to each professional nurse who holds a valid license, ~~which. The~~ application ~~shall must~~ be mailed to the most recent address of that person as it appears on the records of the board. That person shall complete the renewal application and return it to the board with a the renewal fee ~~of \$20 as the board designates but not to exceed \$100 before the anniversary of that person's birth expiration date of the license.~~ Upon receipt of the application and fee, the board shall verify the accuracy of the application and issue to the applicant a certificate of renewal of license for ~~the year~~ a period of 2 years, expiring on the anniversary of the applicant's birth.

Any registered nurse who fails to renew the license as provided may be reinstated by the board on satisfactory explanation for failure to renew the license and on payment of a reinstatement fee of \$10, in addition to the current renewal fee.

Any person practicing professional nursing during the time ~~his the~~ person's license has lapsed ~~shall be~~ is considered an illegal practitioner and ~~shall be~~ is subject to the penalties provided for violations of this chapter.

A person who is not engaged in professional nursing in the State ~~shall is~~ not be required to pay a renewal fee