

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
Augusta, Maine
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PUBLIC LAWS
OF THE
STATE OF MAINE

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1991

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~~ is not be required to pay a renewal fee

for as long as ~~he~~ the person does not practice, but shall notify the board of ~~his~~ the inactive status in writing. Prior to resumption of ~~his~~ the practice of professional nursing, that person ~~shall be~~ is required to notify the board and remit a renewal fee for the current ~~annual~~ period.

Sec. 3. 32 MRSA §2252, as amended by PL 1985, c. 724, §25, is further amended to read:

§2252. License; 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 practical nursing. Each written examination may be supplemented by an oral or practical examination. Upon successfully passing ~~such~~ the examination, the board shall issue to the applicant a license to practice as a licensed practical nurse, that license to be in force ~~from~~ the date of issue for a period of at least one year until the birth date of the licensee. The initial license is renewable as provided in section 2255.

Sec. 4. 32 MRSA §2255, as amended by PL 1989, c. 609, §§6 and 7, is further amended to read:

§2255. Renewals

The license of every practical 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 practical nurse who holds a valid license, ~~which~~. The application ~~shall~~ must be mailed to the most recent address of ~~the~~ 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 practical 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 renewal fee.

Any person practicing nursing as a licensed practical nurse 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 practical nursing in the State ~~shall~~ is not ~~be~~ required to pay a renewal fee as

long as ~~he~~ the person does not practice, but shall notify the board of ~~his~~ the inactive status in writing prior to the expiration date of ~~his~~ that person's current license. Before the resumption of practice as a licensed practical nurse and transfer to active status, that person ~~shall be~~ is required to notify the board, complete a renewal application and remit the current renewal fee.

Sec. 5. Effective date and transition. This Act takes effect on January 1, 1992. The board shall renew 1/2 of the licenses due for renewal in 1992 for one year and the remaining for 2 years. The board shall determine the specific licenses to be renewed for these time periods.

Effective January 1, 1992.

CHAPTER 154

H.P. 423 - L.D. 606

An Act to Clarify Provisions Relating to the Bureau of Intergovernmental Drug Enforcement

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

Sec. 1. 25 MRSA §2955, sub-§5, as repealed and replaced by PL 1989, c. 522, §4, is repealed and the following enacted in its place:

5. Authority of bureau officers. The director, assistant director, regional commanders, supervisors and agents are vested at the discretion of the commissioner with the following:

A. The authority throughout the State to arrest pursuant to Title 17-A, section 15;

B. The same powers and duties throughout the several counties of the State as sheriffs have in their respective counties to serve criminal process, to investigate and prosecute violators of any law of this State and to arrest without warrant and detain persons found violating or attempting to violate any other penal law of the State until a warrant can be obtained. They have the same rights as sheriffs to require aid in executing the duties of their office; and

C. The same powers and duties throughout the several counties of the State as sheriffs have in their respective counties to serve civil process in all matters relating to investigations or violations of Title 17-A, chapter 45 or actions arising under or initiated pursuant to Title 15, chapter 517.

Sec. 2. 25 MRSA §2955, sub-§6, as amended by PL 1989, c. 522, §5, is further amended to read: