

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

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
1991

PUBLIC LAWS
OF THE
STATE OF MAINE

AS PASSED AT THE
FIRST REGULAR SESSION

of the
ONE HUNDRED AND FIFTEENTH LEGISLATURE

1991

F. Revocation in any state of a professional or occupational license, certification or registration for disciplinary reasons, or rejection of any application for reasons related to untrustworthiness, within 3 years of the date of application; and

G. Violating any provisions of this chapter or any rule of the department.

2. Procedure. Except as provided in Title 5, section 10004 a registration may not be denied, suspended, revoked or refused for renewal for the reasons set forth in subsection 1 without prior written notice and opportunity for hearing on that denial, suspension or revocation. A registration may not be denied, suspended or revoked under this section except by a decision of the commissioner or the commissioner's designee.

3. Complaints. Any person may file a complaint with the commissioner seeking disciplinary action against a massage therapist concerning violations of this chapter or rules adopted by the department. Complaints must be in writing. If the commissioner determines that a complaint alleges facts that, if true, would require denial, revocation, suspension or nonrenewal or other disciplinary action of a registered therapist, the commissioner or the commissioner's designee may conduct a hearing pursuant to the Maine Administrative Procedure Act. Whenever the commissioner establishes that a complaint does not state facts that warrant action the complaint may be dismissed.

The commissioner shall conduct proceedings under this subsection in accordance with the provisions of Title 5, chapter 375, subchapter IV.

§14309. Penalty; injunction

Any person who violates this chapter commits a Class E crime. The State may bring an action in Superior Court to enjoin any person from violating this chapter, regardless of whether proceedings have been or may be instituted in the Administrative Court or whether criminal proceedings have been or may be instituted.

§14310. Home rule

Nothing in this chapter prohibits a municipality from adopting or enforcing an ordinance that regulates massage or massage therapists. If a municipality adopts such an ordinance, an individual must comply with the provisions of this chapter and any provision of the local ordinance that is more restrictive than this chapter.

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

PROFESSIONAL AND FINANCIAL
REGULATION, DEPARTMENT OF

1991-92

1992-93

Division of Licensing and Enforcement

Positions	(0.5)	(0.5)
Personal Services	\$7,800	\$10,400
All Other	10,000	10,000
Capital Expenditures	5,000	
TOTAL	\$22,800	\$20,400

Provides funds for a part-time Clerk Typist III position, general operations, computer software and capital equipment including a computer to support the registration of massage therapists.

Division of Administrative Services

All Other	\$3,000	\$3,000
-----------	---------	---------

Provides funds for general operating expenses related to the registration of massage therapists.

DEPARTMENT OF PROFESSIONAL AND FINANCIAL REGULATION

TOTAL	\$25,800	\$23,400
--------------	-----------------	-----------------

See title page for effective date.

CHAPTER 404

H.P. 1242 - L.D. 1808

An Act to Revise the Membership of the Committee to Advise the Department of Human Services on AIDS

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

Whereas, terms of office of some members of the Committee to Advise the Department of Human Services on AIDS expire in April; and

Whereas, new members should include a representative of the Maine AIDS Alliance; 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 enacted by the People of the State of Maine as follows:

Sec. 1. 5 MRSA §19202, first ¶, as repealed and replaced by PL 1989, c. 189, is amended to read:

The Committee to Advise the Department of Human Services on AIDS, as established by section

12004-I, subsection 42, ~~shall consist~~ consists of not less than 27 members nor more than 31 members to include representation of: One allopathic physician from nominees submitted by the Maine Medical Association; one osteopathic physician from nominees submitted by the Maine Osteopathic Association; one nursing home administrator from nominees submitted by the Maine Health Care Association; one funeral director from nominees submitted by the Maine Funeral Directors Association; one social worker from nominees submitted by the Maine Chapter of the National Association of Social Workers; one ~~public school administrator from a local school district~~ educator from nominees submitted by the Maine Superintendents Association, the Maine Teachers Association, the Maine Elementary Principals' Association and the Maine Secondary School Principals' Association; one nurse from nominees submitted by the Maine State Nurses Association; one representative from nominees submitted by the Maine Hospice Council; ~~one teacher from nominees submitted by the Maine Teachers Association~~; 3 members of the high-risk community one of whom must be a person with hemophilia from nominees submitted by the Maine Hemophilia Treatment Center and the Maine Chapter of New England Hemophilia Association, one representative of the gay community from nominees submitted by the Maine Lesbian/Gay Political Alliance, and one person living with AIDS from nominees submitted by the Maine Persons with AIDS Coalition; one insurance industry representative; ~~one employee of a community mental health center~~; one dentist from nominees submitted by the Maine Dental Association; one state employee from nominees submitted by the Maine State Employees Association and the American Federation of State, County and Municipal Employees; 2 members of the public, including one parent of a school-age child; the Commissioner of Human Services or the commissioner's designee who shall serve during the commissioner's term of office; one ~~psychologist~~ mental health professional from nominees submitted by the Maine Psychological Association and the Maine Council of Community Mental Health Services; ~~one state employee from nominees submitted by the American Federation of State, County and Municipal Employees~~; one member representing hospitals from nominees submitted by the Maine Hospital Association; one member representing public health professionals from nominees submitted by the Maine Public Health Association; one infection control practitioner from nominees submitted by the Maine Council for Infection Control Practitioners; one representative from nominees submitted by the Maine Human Rights Commission; one representative of a nonprofit hospital or medical service organization; one substance-abuse counselor; one member of the clergy; one representative of AIDS service providers from nominees submitted by the Maine AIDS Alliance; and 2 Legislators, one member of the House of Representatives appointed by the Speaker of the House of Representatives and one Senator appointed by the President of the Senate. The members, except for those specifically designated

in this paragraph, ~~shall~~ must be appointed by the Governor for their competence and experience in connection with these fields.

Sec. 2. Effective date. Section 1 of this Act takes effect upon the expiration date of those terms of office expiring in April 1991.

Emergency clause. In view of the emergency cited in the preamble, this Act takes effect when approved.

Effective June 20, 1991, unless otherwise indicated.

CHAPTER 405

H.P. 1056 - L.D. 1545

An Act to Provide Training for Long-term Care Facilities Personnel

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

26 M.R.S.A. c. 32 is enacted to read:

CHAPTER 32

JOB TRAINING PROGRAM FOR LONG-TERM CARE FACILITIES PERSONNEL

§2161. Scope

This chapter establishes the Job Training Program for Long-term Care Facilities Personnel, referred to in this chapter as the "program," to provide assistance to the State's long-term care facilities, as defined in Title 22, chapter 1666-B, facing serious shortages of adequately trained personnel for certain positions.

§2162. Administration

The Department of Labor and the Department of Education shall jointly administer this chapter. The Commissioner of Labor, the Commissioner of Education and the Commissioner of Human Services may adopt rules implementing this chapter pursuant to the Maine Administrative Procedure Act.

§2163. Funding

Funding for this program may come from existing state and federal funds, from appropriations of new state funds and from funds provided by participating institutions and facilities.

§2164. Training for activities coordinators

Under the program, training for activities coordinator positions in long-term care facilities must be as follows.