

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
1991

PUBLIC LAWS

OF THE

STATE OF MAINE

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1991

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.

1. Job training services. Job training services, which are provided under the state job training system, must be coordinated by the Department of Labor and the Department of Human Services job training programs. These services may include, but are not limited to, outreach, recruitment, orientation, selection, preoccupational training, supportive services and needs-based stipends.

2. Skill training. Skill training must be provided by qualified training providers such as the State's technical colleges to qualified participants who are either entering the field or are employed health care workers who want to upgrade their skills. Participants must be referred by the state job training system.

3. Certification. Participants who complete training under this section with a curriculum approved by the Department of Education to include both theoretical and practical training receive a statewide certificate granted by the Department of Education. This certificate or a certificate issued under subsection 4 is required for employment as an activities coordinator in this State after December 31, 1993, except that a person employed as an activities coordinator on the effective date of this chapter who has completed a training program approved by the Department of Human Services is not required to obtain a certificate under this section.

4. Reciprocity. Certification may also be issued to candidates who can document completion of comparable training and experience in accordance with rules promulgated by the Commissioner of Education and the Commissioner of Human Services.

See title page for effective date.

CHAPTER 406

H.P. 1138 - L.D. 1663

An Act to Preserve the Confidentiality of Communications by Interpreters for the Deaf

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

Sec. 1. 5 MRSA §48, sub-§1, ¶¶A-1, A-2 and E-1 are enacted to read:

A-1. "Client" means a person who is deaf, hearing impaired or hearing who is rendered interpreting services by a privileged interpreter.

A-2. "Confidential communication" means a communication that a client has a reasonable expectation is not being disclosed to persons other than a privileged interpreter and any client to whom the communication is intended to be made.

E-1. "Privileged interpreter" means a person identified by clients as necessary to facilitate accurate com-

munication between the clients and who otherwise has no substantial personal or business interest in the communication.

Sec. 2. 5 MRSA §48, sub-§4, as enacted by PL 1983, c. 70, is repealed and the following enacted in its place:

4. Privileged communication. Except when a court in the exercise of sound discretion determines the disclosure necessary to the proper administration of justice, a privileged interpreter may not disclose any aspect of a confidential communication facilitated by that interpreter unless all clients of the privileged interpreter privy to that communication consent to the disclosure.

See title page for effective date.

CHAPTER 407

S.P. 445 - L.D. 1189

An Act Relating to Restructuring the Public Schools

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

Sec. 1. 20-A MRSA §8 is enacted to read:

§8. Restructuring public schools

The commissioner shall encourage school administrative units to pursue an ongoing process of school restructuring as a means of more effectively meeting the learning needs and improving the academic performance of all students. The public and private postsecondary institutions of higher education in the State are urged to cooperate with the department, the state board and school administrative units to provide appropriate and timely professional development programs and other support services to educators employed in public schools engaged in school restructuring efforts.

1. School restructuring. For the purposes of this section, the term "school restructuring" means the process by which schools and communities make significant changes in the existing school structure, including the policies, roles, relationships and schedules that influence teaching and learning in the school. School restructuring recognizes the critical educational role of technology and integrates technology and technological systems in the classroom, in school governance and in school record keeping. School restructuring is based on:

A. The development of comprehensive educational goals establishing community expectations for what all students should know, the skills they should possess, the attitude toward work and learning they should hold upon completing school and the role of the school in the community;