

# 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.

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J.S. McCarthy Company  
Augusta, Maine  
1991

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**PUBLIC LAWS**  
**OF THE**  
**STATE OF MAINE**

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(1) Each lot contains at least 100 feet of shore frontage and at least 20,000 square feet of lot area; or

(2) Any lots that do not meet the frontage and lot size requirements of subparagraph (1) are reconfigured or combined so that each new lot contains at least 100 feet of shore frontage and 20,000 square feet of lot area.

For purposes of this paragraph the term "nonconforming" means that a lot does not meet the minimum standards for lot area and shore frontage required by municipal ordinances adopted pursuant to this article.

See title page for effective date.

## CHAPTER 420

S.P. 433 - L.D. 1154

### An Act to Clarify the Tax Status of Nonprofit Nursing and Boarding Homes

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

36 MRSA §652, sub-§1, ¶A, as amended by PL 1971, c. 475, is further amended to read:

A. The real estate and personal property owned and occupied or used solely for their own purposes by benevolent and charitable institutions incorporated by this State, and none of these ~~shall~~ may be deprived of the right of exemption by reason of the source from which its funds are derived or by reason of limitation in the classes of persons for whose benefit such funds are applied.

(1) Any such institution which is in fact conducted or operated principally for the benefit of persons who are not residents of Maine ~~shall~~ be is entitled to an exemption not to exceed \$50,000 of current just value only when the total amount of any stipends or charges which it makes or takes during any tax year, as defined by section 502, for its services, benefits or advantages divided by the total number of persons receiving such services, benefits or advantages during the same tax year does not result in an average rate in excess of \$30 per week when said weekly rate is computed by dividing the average yearly charge per person by the total number of weeks in a tax year during which such institution is in fact conducted or operated principally for the benefit of persons who are not residents of Maine. No such institution which is in fact conducted or

operated principally for the benefit of persons who are not residents of Maine and makes charges which result in an average weekly rate per person, as computed under this subparagraph, in excess of \$30 ~~shall~~ may be entitled to tax exemption. This subparagraph ~~shall~~ does not apply to institutions incorporated as nonprofit corporations for the sole purpose of conducting medical research.

For the purposes of this paragraph, "benevolent and charitable institutions" include, but are not limited to, nonprofit nursing homes and nonprofit boarding homes and boarding care facilities licensed by the Department of Human Services pursuant to Title 22, chapter 1665 or its successor. For the purposes of this paragraph, "nonprofit" means a facility exempt from taxation under Section 501 of the Code.

See title page for effective date.

## CHAPTER 421

H.P. 805 - L.D. 1159

### An Act Concerning Nursing Assistants

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

Sec. 1. 22 MRSA §1812-F is enacted to read:

#### §1812-F. Maine Registry of Certified Nursing Assistants

1. Established. The Maine Registry of Certified Nursing Assistants is established in compliance with federal and state requirements. The Department of Human Services shall maintain the registry.

2. Contents. The Maine Registry of Certified Nursing Assistants must contain a listing of nursing assistants who have successfully completed a nursing assistant training program, hold a certificate of training and meet the eligibility requirements established by the State Board of Nursing. The listing must include, for any nursing assistant listed, a notation of:

A. Any convictions of abuse, neglect or misappropriation of property of a resident, client or patient; and

B. Any specific documented findings by the state survey agency of abuse, neglect or misappropriation of property of a resident, client or patient. For purposes of this section, "state survey agency" means the agency specified under 42 United States Code, Sections 1395aa and 1396 responsible for determining whether institutions and agencies meet require-

ing whether institutions and agencies meet requirements for participation in the State's Medicare and Medicaid programs.

**3. Eligibility requirements for listing.** The State Board of Nursing shall adopt rules pursuant to the Maine Administrative Procedure Act defining eligibility requirements for listing on the Maine Registry of Certified Nursing Assistants, including rules regarding temporary listing of nursing assistants who have received training in another jurisdiction. The board shall submit a report of the adopted rules to the joint standing committee of the Legislature having jurisdiction over business legislation matters by January 15, 1992.

**Sec. 2. 32 MRSA §2102, sub-§8,** as enacted by PL 1987, c. 195, §3, is repealed and the following enacted in its place:

**8. Certified nursing assistant.** "Certified nursing assistant" means a person whose duties are assigned by a registered professional nurse and who:

A. Has successfully completed a training program or course with a curriculum prescribed by the State Board of Nursing, holds a certificate of training from that program or course and is listed on the Maine Registry of Certified Nursing Assistants; or

B. Was certified before September 29, 1987 and is listed on the Maine Registry of Certified Nursing Assistants.

**Sec. 3. 32 MRSA §2102, sub-§9** is enacted to read:

**9. Maine Registry of Certified Nursing Assistants.** "Maine Registry of Certified Nursing Assistants" has the same meaning as in Title 22, section 1812-F.

**Sec. 4. 32 MRSA §2104, sub-§4,** as amended by PL 1989, c. 700, Pt. A, §145, is further amended to read:

**4. Approval and monitoring of nursing assistant training curriculum and faculty.** An educational institution or health care facility desiring to conduct an educational program for nursing assistants ~~to nurses~~ to prepare individuals for certification a certificate of training and subsequent listing on the Maine Registry of Certified Nursing Assistants shall apply to the Department of Education and submit evidence that it is prepared to:

A. Carry That it is prepared to carry out the curriculum for the nursing assistants ~~to nurses~~ as prescribed by the State Board of Nursing;

B. Meet That it is prepared to meet those standards for on-site supervision and delegation of tasks as established by the State Board of Nursing; and

C. Meet That it is prepared to meet those standards for educational programming and faculty as established by the Department of Education. ~~The Department of Education shall issue a notice of approval of the program submitted and the proposed faculty; and~~

D. With respect to an application by a health care facility, that an educational institution can not provide a nursing assistant training program within 30 days of the application date.

The Department of Education shall ~~approve a facility of~~ ~~ered program if the existing educational delivery system cannot respond in 10 working days~~ issue a notice of approval to any educational institution or health care facility that meets the requirements of this subsection.

The Department of Education shall consult with the State Board of Nursing in approving and monitoring of nursing assistant training programs.

**Sec. 5. 32 MRSA §2202-A,** as amended by PL 1989, c. 700, Pt. A, §146, is repealed.

See title page for effective date.

## CHAPTER 422

H.P. 765 - L.D. 1099

### An Act to Create a Semipermanent Semitrailer Registration

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

**Whereas,** many long-term trailer registrations will expire in 1992; and

**Whereas,** the failure to provide an efficient and timely means of registration renewal will cause an administrative and economic hardship for registrants and for the State; 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:**

**29 MRSA §245-B** is enacted to read:

**§245-B. Semipermanent semitrailer registration program**