

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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Augusta, Maine
1991

PUBLIC LAWS

OF THE

STATE OF MAINE

AS PASSED AT THE

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1991

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Sec. 2. 32 MRSA §2102, sub-§8, as enacted by PL 1987, c. 195, §3, is repealed and the following enacted in its place: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

The Secretary of State is authorized to issue a semi-permanent semitrailer registration and plate of a design to be determined by the Secretary of State. The issuance of the semipermanent semitrailer registration is limited to corporations applying for a minimum of 1,000 registrations in a registration year.

Semipermanent semitrailer registrations may be issued for periods of up to 20 years. The fee for each registration is \$10 per year or portion of a year. The Secretary of State shall establish a procedure to bill each registrant using semipermanent semitrailer registrations once annually except the billing at the time of purchase of a full 20-year registration must be for a 3-year period. Fees for the first 3 years are nonrefundable. A fee for a registration of less than 20 years must be prorated accordingly. If any registrant fails to remit the payment in a timely manner, the Secretary of State shall suspend all registrations issued to that registrant pursuant to this section.

Registration plates issued pursuant to this section are valid and may be displayed upon issue for renewal purposes only. Registrations issued pursuant to this section remain active unless cancelled or reported lost.

A registrant must be a resident corporation or maintain a resident agent authorized to serve as a legal representative. A resident corporation may retain a resident agent. For the purposes of this section, a corporation organized under the laws of this State is a resident of this State and a foreign corporation is a resident of this State if it has registered to conduct business in this State pursuant to Title 13-A, chapter 12.

All registration certificates issued pursuant to this section must be signed by the owner, lessee, corporate officer, resident agent or other authorized signee.

The Secretary of State may authorize resident agents to receive unassigned registration plates and registration certificates on behalf of registrants. Resident agents are responsible for all registration plates and registration certificates in their possession pursuant to this section.

The Secretary of State is authorized to make such rules as determined necessary to implement and administer this section. The Secretary of State shall advise the Commissioner of Transportation of the fiscal impact of this section.

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

Effective June 20, 1991.

CHAPTER 423

S.P. 303 - L.D. 812

An Act to Allow for a Trailer Transit License

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

Whereas, persons in the business of delivering or servicing mobile homes or storage trailers require trailer transit plates to transport their mobile homes and storage trailers legally within the State; and

Whereas, there is no provision in the law currently allowing these persons to obtain trailer transit plates; 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. 29 MRSA §360-B is enacted to read:

§360-B. Trailer transit plate

Persons in the business of delivering or servicing mobile homes or storage trailers may apply for a trailer transit license and plates for the purpose of transporting or servicing mobile homes or storage trailers temporarily in their custody. The holder of a trailer transit plate may not use the plate in lieu of registration plates issued under this Title and may not loan the plate to another person. If the trailer transit plate is used on a storage trailer, the storage trailer must be empty. Trailer transit plates may not be used on a towing vehicle.

Issuance of a trailer transit license and plate does not exempt the holder from compliance with any state law or municipal ordinance governing the movement of mobile homes or storage trailers over the highways of this State and does not exempt the holder from required permits or certificates prior to moving such vehicles.

Fees for trailer transit licenses and plates are established in section 347.

Sec. 2. 29 MRSA §2519-B, sub-§5, as enacted by PL 1989, c. 754, Pt. B, §3 and affected by §4, is repealed and the following enacted in its place:

5. Vehicles exempt from annual inspection. The following vehicles are exempt from the requirements of this section: