

# MAINE STATE LEGISLATURE

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

AS PASSED BY THE  
ONE HUNDRED AND FIFTEENTH LEGISLATURE

**SECOND SPECIAL SESSION**  
December 12, 1991 to January 7, 1992

**SECOND REGULAR SESSION**  
January 8, 1992 to March 31, 1992

THE GENERAL EFFECTIVE DATE FOR  
SECOND REGULAR SESSION  
NON-EMERGENCY LAWS IS  
JUNE 30, 1992

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  
1992

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

**AS PASSED AT THE**  
**SECOND REGULAR SESSION**

**of the**  
**ONE HUNDRED AND FIFTEENTH LEGISLATURE**

**1991**

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position, that phrase is amended to read and mean the "Director of Applied Technology Administration."

See title page for effective date.

## CHAPTER 717

H.P. 1631 - L.D. 2295

### An Act to Amend the Laws Governing Respiratory Care Practitioners

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

**Whereas**, unless this legislation is enacted as an emergency measure some health care institutions may not be able to adequately procure necessary blood and other specimens or perform certain laboratory testing procedures; and

**Whereas**, this inability would severely impair the quality of care in those institutions; 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. 32 MRSA §9706-A, sub-§1**, as enacted by PL 1989, c. 450, §41, is amended to read:

**1. Licensed or credentialed persons.** Any medical health care personnel licensed or registered in by this State from or who currently hold a nationally recognized credential in a health care profession engaging in the delivery of respiratory care services for which they have been formally trained. That training must include supervised preclinical didactic and laboratory activities and supervised clinical activities and must be approved by the board or an accrediting agency recognized by the board. It also must include an evaluation of competence through a standardized testing mechanism that is determined by the board to be both valid and reliable;

**Sec. 2. Transition.** A person who, as of January 1, 1992, was performing arterial blood gas procedures for the purpose of acquiring blood samples or analyzing these samples and who was neither licensed nor exempted under the Maine Revised Statutes, Title 32, chapter 97, must, in order to continue performing these procedures, within 2 years of the effective date of this Act, have either been licensed or become exempted under Title 32, chapter 97.

In order to qualify under this section a person must be actively pursuing licensure or exemption during this 2-year period.

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

Effective March 23, 1992.

## CHAPTER 718

H.P. 1649 - L.D. 2312

### An Act Concerning the Use of Alternative Coding Systems for Plastic Containers

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

**Sec. 1. 32 MRSA §1723, sub-§2** is enacted to read:

**2. Alternative labels.** The Maine Waste Management Agency may approve use of other nationally or internationally recognized label coding systems for special purpose plastic bottles or rigid plastic containers.

See title page for effective date.

## CHAPTER 719

H.P. 1287 - L.D. 1857

### An Act Concerning Authorization to Consent to Powers of Attorney

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

**Sec. 1. 18-A MRSA §5-209**, as enacted by PL 1979, c. 540, §1, is amended to read:

#### §5-209. Powers and duties of guardian of minor

A guardian of a minor has the powers and responsibilities of a parent who has not been deprived of custody of his the minor and unemancipated child, except that a guardian is not legally obligated to provide from his the guardian's own funds for the ward and is not liable to 3rd persons by reason of the parental relationship for acts of the ward. In particular, and without qualifying the foregoing, a guardian has the following powers and duties:

(a) He The guardian must take reasonable care of his the ward's personal effects and commence protective