

# MAINE STATE LEGISLATURE

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

AS PASSED BY THE

ONE HUNDRED AND FIFTEENTH LEGISLATURE

**THIRD SPECIAL SESSION**

October 1, 1992 to October 6, 1992

**FOURTH SPECIAL SESSION**

October 16, 1992

ONE HUNDRED AND SIXTEENTH LEGISLATURE

**FIRST REGULAR SESSION**

December 2, 1992 to July 14, 1993

THE GENERAL EFFECTIVE DATE FOR

FIRST REGULAR SESSION

NON-EMERGENCY LAWS IS

OCTOBER 13, 1993

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  
1993

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

**AS PASSED AT THE**  
**FIRST REGULAR SESSION**

**of the**  
**ONE HUNDRED AND SIXTEENTH LEGISLATURE**

**1993**

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C-2. “Expense of an emergency response” means reasonable costs incurred by a public agency in reasonably making an appropriate emergency response to the incident, but only includes those costs directly arising because of the response to the particular incident. Reasonable costs include the costs of providing police, firefighting, rescue and emergency medical services at the scene of the incident, as well as the compensation for the personnel responding to the incident. “Public agency” means the State or any county, municipality, district or public authority located, in whole or in part, within this State that provides or may provide police, firefighting, ambulance or other emergency services.

D. “Property loss” means the value of property taken from the victim, or of property destroyed or otherwise broken or harmed. A property loss includes the value of taxes or other obligations due to the government that have not been paid. “Property loss” also includes, in cases involving a violation of chapter 45, the value of money or other consideration given or offered in exchange for scheduled drugs by a law enforcement officer or another at the direction of a law enforcement officer that are not, in fact, recovered by the State at the time of sentencing, regardless of whether other money or items of value are sought, acquired or forfeited pursuant to Title 15, chapter 515. In cases involving a violation of chapter 45, the court must make a finding that the property loss is specifically related to that case.

E. “Replacement services loss” means expenses reasonably incurred in obtaining ordinary and necessary services in lieu of those the injured person would have performed, not for income but for the benefit of the injured person or the injured person’s family, if the injured person had not been injured.

F. “Work loss” means loss of income from work the injured person would have performed if the injured person had not been injured and expenses reasonably incurred by the injured person in obtaining services in lieu of those the injured person would have performed for income, reduced by any income for substitute work actually performed by the injured person or by income the injured person would have earned in available appropriate substitute work the injured person was capable of performing but unreasonably failed to undertake.

See title page for effective date.

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## CHAPTER 306

S.P. 329 - L.D. 1005

### An Act Relating to Activities Coordinators

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

**Sec. 1. 26 MRSA c. 32, first 3 lines** are repealed and the following enacted in their place:

#### **CHAPTER 32**

#### **JOB TRAINING PROGRAM FOR**

#### **ACTIVITIES COORDINATORS**

**Sec. 2. 26 MRSA §2161**, as enacted by PL 1991, c. 405, is amended to read:

#### **§2161. Scope**

This chapter establishes the Job Training Program for ~~Long-term Care Facilities Personnel Activities Coordinators~~, 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.

**Sec. 3. 26 MRSA §2162**, as enacted by PL 1991, c. 405, is repealed and the following enacted in its place:

#### **§2162. Administration; funding**

The program must be conducted under the auspices of the education delivery system.

**Sec. 4. 26 MRSA §2163**, as enacted by PL 1991, c. 405, is repealed.

**Sec. 5. 26 MRSA §2164**, as enacted by PL 1991, c. 405, is amended to read:

#### **§2164. Training for activities coordinators**

Under the program, training for activities ~~coordinator positions~~ coordinators 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** may be referred by the state job training system.

**3. Certification.** Participants who complete training under this section with a 200-hour 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~~ adopted by the Commissioner of Education and the Commissioner of Human Services after consultation with the activities coordinator board of a state health care association.

See title page for effective date.

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## CHAPTER 307

S.P. 462 - L.D. 1454

### An Act to Amend the Professional Surveyors Licensing Requirements

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

**Whereas,** the laws pertaining to the licensing of land surveyors were revised in 1991; and

**Whereas,** certain questions have emerged concerning individuals licensed under the laws in effect before the licensing revisions of 1991; and

**Whereas,** these questions must be clarified immediately in order to facilitate the professional growth of certain land surveyors; 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 §13905, sub-§2, ¶A, as amended by PL 1991, c. 509, §41, is further amended to read:

A. A land surveyor-in-training with a specific record of 2 additional years of progressive combined office and field experience, or if licensed before February 1, 1990, a total of 7 years of surveying experience either before or after licensure as a land surveyor-in-training, satisfactory to the board under the responsible charge of a professional land surveyor must be admitted to a written examination in the principles and practice of land surveying. Upon passing the examination, the applicant must be granted a license to practice land surveying in this State if the applicant is otherwise qualified.

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

Effective June 9, 1993.

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## CHAPTER 308

H.P. 585 - L.D. 789

### An Act to Restrict Self-referral by Health Care Practitioners

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

**Sec. 1.** 22 MRSA c. 414 is enacted to read:

#### CHAPTER 414

#### HEALTH CARE PRACTITIONER SELF-REFERRALS

##### **§2081. Short title**

This chapter may be known and cited as the "Health Care Practitioner Self-referral Act."

##### **§2082. Legislative finding**

The Legislature finds that referral of patients by a health care practitioner to a facility in which the referring health care practitioner has an investment interest may present a potential conflict of interest, which could be harmful to the public health or welfare.

##### **§2083. Applicability**

This chapter applies to referrals for health services made on or after January 1, 1994. However, if a health care practitioner acquired an investment interest in a facility before January 1, 1993, this chapter does not apply to referrals by that health care practitioner to that facility before January 1, 1997.