

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE
ONE HUNDRED AND SEVENTEENTH LEGISLATURE

FIRST REGULAR SESSION
December 7, 1994 to June 30, 1995

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~~in the proceeding. If it comes to the court's attention that the protected person wishes to contest any aspect of the temporary conservatorship or to seek any limitation of the court's or the temporary conservator's powers, the court shall appoint an attorney to represent the protected person. The cost of the appointment of the visitor, guardian ad litem or attorney must be paid from the estate of the person to be protected if the court is satisfied sufficient funds are available. The court may waive service of the expedited hearing on any person, other than the person to be protected, upon a showing of good cause.~~

(c) At the expedited hearing, the court may render a judgment authorizing the temporary conservatorship to continue ~~beyond the original 30 day period,~~ for a period not to exceed 6 months from the date of entry of the ex parte order. The temporary conservatorship terminates on the date specified in the order or, if no date is specified in the order, ~~at the end of the 6 month period~~ 6 months following the ~~expedited hearing date of entry of the ex parte order,~~ or at any prior time if the court determines the circumstances leading to the order for temporary conservatorship no longer exist or if a judgment following a hearing pursuant to section 5-407 has been held entered.

Sec. 8. 18-A MRSA §5-408-A, sub-§(g) is enacted to read:

(g) A petition for temporary conservatorship may be brought before any judge if the judge of the county in which venue properly lies is unavailable. If a judge other than the judge of the county in which venue properly lies acts on a petition for temporary conservatorship, that judge shall issue a written order and endorse upon it the date and time of the order. The judge shall then immediately transmit or cause to be transmitted that order to the register of the county in which venue properly lies. An order issued by a judge of a county other than the county in which venue properly lies is deemed to have been entered in the docket on the date and at the time endorsed upon it.

See title page for effective date.

CHAPTER 204

H.P. 688 - L.D. 939

An Act to Exclude Services Provided by Home Stitchers from the Definition of Employment for Purposes of Unemployment Compensation

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

Sec. 1. 26 MRSA §1043, sub-§11, ¶F, as amended by PL 1991, c. 706, is further amended by amending subparagraphs (35) and (36) to read:

(35) Services performed by a homemaker in the knitted outerwear industry as those terms are defined, on the effective date of this subparagraph, in the 29 Code of Federal Regulations, Part 530, Section 530.1; ~~and~~

(36) Service performed by a full-time student, as defined in subsection 30, in the employ of an organized camp if the full-time student performed services in the employ of the camp for less than 13 calendar weeks in the calendar year and the camp:

(a) Did not operate for more than 7 months in the calendar year and did not operate for more than 7 months in the preceding calendar year; or

(b) Had average gross receipts for any 6 months in the preceding calendar year ~~which that~~ were not more than 33 1/3% of its average gross receipts for the other 6 months in the preceding calendar year; and

Sec. 2. 26 MRSA §1043, sub-§11, ¶F, as amended by PL 1991, c. 706, is further amended by enacting subparagraph (37) to read:

(37) Services performed by an individual as a home stitcher as long as that employment is not subject to federal unemployment tax.

See title page for effective date.

CHAPTER 205

H.P. 714 - L.D. 971

An Act to Require Special Care Program Disclosure by Entities Providing Alzheimer Care

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

Sec. 1. 22 MRSA c. 1678 is enacted to read:

CHAPTER 1678**ALZHEIMER SPECIAL CARE PROGRAMS****§8551. Definitions**

As used in this chapter, unless the context otherwise indicates, the following terms have the following meanings.

1. Alzheimer special care program. "Alzheimer special care program" means a special program or secure, locked or segregated unit within one of the following entities for individuals with a diagnosis of probable Alzheimer's disease or a related disorder to prevent or limit access by an individual to areas outside the designated or separated program or area and that advertises, markets or otherwise promotes that entity as providing specialized Alzheimer or dementia care services:

A. A residential care facility subject to licensure pursuant to chapter 1663 or 1665;

B. A skilled nursing or intermediate care facility or unit subject to licensure pursuant to chapter 405;

C. A hospice program subject to licensure pursuant to chapter 1681; or

D. Other facility, including, but not limited to, assisted living, adult daycare, congregate housing and eating and lodging facilities.

§8552. Alzheimer special care program disclosure

1. Disclosure required. An entity that offers to provide or provides care for individuals with Alzheimer's disease or a related disorder through an Alzheimer special care program shall disclose the form of care or treatment it provides that distinguishes it as being especially applicable to or suitable for those individuals. The disclosure must be made to the department and to any individual seeking placement within an Alzheimer special care program or the individual's guardian or other responsible party. The department shall examine and verify the accuracy of all disclosures as part of an entity's license renewal procedure.

2. Disclosure content. The disclosure required under subsection 1 must explain the additional care provided in the Alzheimer special care program and include at a minimum:

A. The program's written statement of its philosophy and mission that reflect the needs of individuals afflicted with dementia;

B. The process and criteria for placement in, or transfer or discharge from the program;

C. The process used for the assessment and establishment of a plan of care and its implementation, including the methods by which the plan of care evolves and remains responsive to changes in an individual's condition;

D. The program's staff training and continuing education practices;

E. Documentation of the program's physical environment and design features appropriate to support the functioning of cognitively impaired adult individuals;

F. The frequency and types of individuals' activities provided by the program;

G. A description of family involvement and the availability of family support programs;

H. An itemization of the costs of care and any additional fees; and

I. A description of security measures provided by the facility.

See title page for effective date.

CHAPTER 206**H.P. 892 - L.D. 1245****An Act Limiting the Types of Municipal Investments**

Mandate preamble. This measure requires one or more local units of government to expand or modify activities so as to necessitate additional expenditures from local revenues but does not provide funding for at least 90% of those expenditures. Pursuant to the Constitution of Maine, Article IX, Section 21, two thirds of all of the members elected to each House have determined it necessary to enact this measure.

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

Sec. 1. 30-A MRSA §5706 and 5712, as amended by PL 1989, c. 104, Pt. C, §§8 and 10, are further amended to read:

§5706. Deposit or investment of funds

As directed by the municipal officers, the treasurer shall invest all municipal funds, including reserve funds and trust funds, to the extent that the terms of the instrument, order or article creating the fund do not prohibit the investment, as follows: