

# MAINE STATE LEGISLATURE

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

**AS PASSED BY THE**  
**ONE HUNDRED AND SEVENTEENTH LEGISLATURE**

**SECOND SPECIAL SESSION**  
**September 5, 1996 to September 7, 1996**

**ONE HUNDRED AND EIGHTEENTH LEGISLATURE**

**FIRST REGULAR SESSION**  
**December 4, 1996 to March 27, 1997**

**FIRST SPECIAL SESSION**  
**March 27, 1997 to June 20, 1997**

**THE GENERAL EFFECTIVE DATE FOR**  
**FIRST REGULAR SESSION**  
**NON-EMERGENCY LAWS IS**  
**JUNE 26, 1997**

**FIRST SPECIAL SESSION**  
**NON-EMERGENCY LAWS IS**  
**SEPTEMBER 19, 1997**

**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**  
**1997**

**Sec. 10. 34-A MRSA §3003, sub-§1-A**, as enacted by PL 1993, c. 13, §2, is repealed.

**Sec. 11. 34-A MRSA §3032, sub-§4**, as enacted by PL 1983, c. 459, §6, is amended to read:

**4. Loss of good time.** All punishments involving loss of ~~earned~~ good time ~~shall or withdrawal of deductions must~~ be first approved by the chief administrative officer.

**Sec. 12. 34-A MRSA §3036-A, sub-§9**, as enacted by PL 1993, c. 170, §1, is amended to read:

**9. Probation violation; revocation.** If a prisoner on supervised community confinement violates a condition of supervised community confinement imposed on the prisoner and if the violation conduct is also a violation of a condition of probation imposed as part of the sentence the prisoner is serving while on supervised community confinement, ~~the Director of Probation and Parole, or a designated representative, a probation officer~~ may file with any court a motion for revocation of probation and the court may revoke probation as specified in Title 17-A, section 1206.

**Sec. 13. 34-A MRSA §3063-A**, as amended by PL 1995, c. 647, §6, is further amended to read:

**§3063-A. Transfer from jails**

The commissioner may accept custody of ~~prisoners~~ persons transferred to the department from county jails under Title 30-A, section 1557-A.

**Sec. 14. 34-A MRSA §3810**, as amended by PL 1989, c. 591, §2, is further amended to read:

**§3810. Aftercare status**

**1. Commissioner's powers.** During a juvenile client's commitment to the center, the commissioner may, at the commissioner's discretion:

- A. Keep the juvenile client at the center; or
- B. ~~Upon prior mutual agreement, entrust~~ Place the juvenile client; on aftercare status for a period not exceeding the term of the juvenile's commitment; ~~to the care of:~~

- ~~(1) Any suitable person or persons;~~
- ~~(2) The Division of Probation and Parole;~~
- ~~(3) The Department of Human Services;~~
- ~~(4) Some other public or private child care agency; or~~
- ~~(5) The Bureau of Juvenile Corrections.~~

**2. Reports.** As often as the commissioner requires, the person or agency ~~to whom caring for the juvenile client is entrusted while on aftercare status~~ shall report to the commissioner:

- A. The progress and behavior of the juvenile client, whether or not the juvenile client remains under the care of the person or agency; and
- B. If the juvenile client is not under the care of the person or agency, where the client is.

**3. Center services.** The commissioner shall provide aftercare ~~and entrustment~~ services to juvenile clients.

**4. Cancellation.** If the commissioner is satisfied at any time that the welfare of the juvenile client will be promoted by return to the center, the commissioner may cancel the ~~trust~~ aftercare status and resume charge of the client with the same powers as before the ~~trust~~ placement on aftercare status was made.

**Sec. 15. 34-A MRSA §3811, first ¶**, as amended by PL 1983, c. 581, §53, is further amended to read:

When a juvenile client who has been placed on ~~entrustment~~ aftercare status, who has been granted a furlough or work or education release or who has ~~absented himself~~ been absent from the center without leave is taken into custody for the purpose of return to the center by an officer or employee of the center, at the direction of the commissioner, or by a law enforcement officer, at the request of the commissioner, and because of the juvenile client's distance from the center at the time of being taken into custody, it becomes necessary to detain the client overnight:

**Sec. 16. 34-A MRSA §5602, sub-§2, ¶C**, as enacted by PL 1985, c. 439, §22, is amended to read:

- C. To provide appropriate services to juveniles committed to the Maine Youth Center who are ~~on leave or~~ in the community on ~~entrustment~~ aftercare status.

**Sec. 17. 34-A MRSA §6001, 6002 and 6003**, as enacted by PL 1989, c. 591, §3, are repealed.

See title page for effective date.

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**CHAPTER 465**

**H.P. 1206 - L.D. 1706**

**An Act to Review Registration of Certified Nursing Assistants**

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

**Sec. 1. 22 MRSA §1812-G, sub-§2,** as amended by PL 1993, c. 247, §1, is further amended to read:

**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 criminal convictions of abuse, neglect or misappropriation of property of an individual, except for Class D and Class E convictions over 10 years old that did not involve as a victim of the act a patient, client or resident of a health care entity; 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 requirements for participation in the State's Medicare and Medicaid programs.

**Sec. 2. 22 MRSA §1812-G, sub-§§4 and 5** are enacted to read:

**4. Eligibility.** The department shall verify the credentials and training of all certified nursing assistants.

**5. Verifying certified nursing assistant eligibility.** A health care institution, facility or organization employing a certified nursing assistant shall, before hiring a certified nursing assistant, verify with the Maine Registry of Certified Nursing Assistants that the certified nursing assistant is listed on the Maine Registry of Certified Nursing Assistants.

See title page for effective date.

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**CHAPTER 466**

**H.P. 1289 - L.D. 1834**

**An Act to Improve the State's Child Support Enforcement and Overpayment Recovery Laws**

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

**Sec. 1. 4 MRSA §807, sub-§3, ¶J,** as amended by PL 1997, c. 238, §1, is further amended to read:

J. For the purposes of defending a civil action filed against a corporation, an officer of the corporation if the corporation is organized in this State and has 5 or fewer shareholders; or

**Sec. 2. 4 MRSA §807, sub-§3, ¶K** is enacted to read:

K. A person who is not an attorney, but who is representing the Department of Human Services in accordance with Title 19-A, section 1615; Title 19-A, section 2009, subsection 8; Title 19-A, section 2201, subsection 1-B; and Title 19-A, section 2202, subsection 1-B.

**Sec. 3. 19-A MRSA §1615** is enacted to read:

**§1615. Representation of department**

The commissioner may designate employees of the department who are not attorneys to file the record of proceedings commenced under this subchapter in District Court and to represent the department in court in those proceedings. The commissioner shall ensure that appropriate training is provided to all employees designated to represent the department under this subchapter.

**Sec. 4. 19-A MRSA §2009, sub-§8** is enacted to read:

**8. Motions by department.** When the department provides child support enforcement services, the commissioner may designate employees of the department who are not attorneys to prepare motions under this section, to file those motions in District Court and to represent the department in court if a hearing is held. The commissioner shall ensure that appropriate training is provided to all employees who are designated to represent the department under this section.

**Sec. 5. 19-A MRSA 2101, sub-§2,** as enacted by PL 1995, c. 694, Pt. B, §2 and affected by Pt. E, §2, is amended to read:

**2. Compliance with a support order.** "Compliance with an order of support a support order" means that the support obligor is no more than 90 60 days in arrears in making payments in full for current support, in making periodic payments on a support arrearage pursuant to a written agreement with the department or in making periodic payments as set forth in an order of support order and has obtained or maintained health insurance coverage if required by an order of support a support order.