

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWENTY-SECOND LEGISLATURE

FIRST REGULAR SESSION
December 1, 2004 to March 30, 2005

FIRST SPECIAL SESSION
April 4, 2005 to June 18, 2005

THE GENERAL EFFECTIVE DATE FOR
FIRST REGULAR SESSION
NON-EMERGENCY LAWS IS
JUNE 29, 2005

THE GENERAL EFFECTIVE DATE FOR
FIRST SPECIAL SESSION
NON-EMERGENCY LAWS IS
SEPTEMBER 17, 2005

PUBLISHED BY THE REVISOR OF STATUTES
IN ACCORDANCE WITH MAINE REVISED STATUTES ANNOTATED,
TITLE 3, SECTION 163-A, SUBSECTION 4.

Penmor Lithographers
Lewiston, Maine
2005

3. The District Courts ~~shall~~ have jurisdiction to try civil violations; and Class D and E crimes; and to impose sentence in Class A, B and C crimes in which the District Court has accepted a plea of guilty ~~and to bind over for the grand jury all other crimes.~~

Sec. 3. 17-A MRSA §15-A, sub-§1, as amended by PL 2003, c. 657, §2, is further amended to read:

1. A law enforcement officer who has probable cause to believe a crime has been or is being committed by a person may issue or have delivered a written summons to that person directing that person to appear in the ~~District Court~~ appropriate trial court to answer the allegation that the person has committed the crime. The summons must include the signature of the officer, a brief description of the alleged crime, the time and place of the alleged crime and the time, place and date the person is to appear in court. The form used must be the Uniform Summons and Complaint. A person to whom a summons is issued or delivered must give a written promise to appear. If the person refuses to sign the summons after having been ordered to do so by a law enforcement officer, the person commits a Class E crime. As soon as practicable after service of the summons, the officer shall cause a copy of the summons to be filed with the court.

Sec. 4. 17-A MRSA §1205-A, sub-§2, as amended by PL 1995, c. 502, Pt. F, §14, is further amended to read:

2. The preliminary hearing must be held before an official designated by the Commissioner of Corrections. It must be held at a location as near to the place where the violation is alleged to have taken place as is reasonable under the circumstances. If it is alleged that the person violated probation because of the commission of a new offense, the preliminary hearing is limited to the issue of identification, if probable cause on the new offense has been found by the District Court or by the Superior Court, or the person has been indicted, has waived indictment or has been convicted.

Sec. 5. Effective date. This Act takes effect January 1, 2006, except that those sections of this Act that amend the Maine Revised Statutes, Title 4, section 165, subsection 3 and Title 17-A, section 9, subsection 3 take effect July 1, 2006.

Effective January 1, 2006, unless otherwise indicated.

CHAPTER 327

S.P. 300 - L.D. 892

An Act To Ensure an Adequate Supply of a Skilled Health Care Workforce

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

Sec. 1. 22 MRSA §256, as enacted by PL 1989, c. 579, §3, is repealed.

Sec. 2. 22 MRSA §§256-A and 256-B are enacted to read:

§256-A. Health care occupations report

Beginning in 2006, the Department of Labor, in conjunction with the Office of Health Data and Program Management's Office of Data, Research and Vital Statistics, shall compile and annually update a health care occupations report to be completed and presented to the health workforce forum established in section 257 by September 15th. The report must be posted on a publicly accessible site on the Internet maintained by the Department of Labor and provide the following information:

1. Listing. A listing of all health care occupations licensed, registered or certified under the authority of the boards listed in section 256-B, including:

A. A brief description of each occupation;

B. Minimum education requirements;

C. Schools in the State offering education in those health care occupations, including current enrollment and annual number of graduates; and

D. Average starting salary for each health care occupation listed;

2. Future outlook. An analysis of trends and the current outlook in employment supply and demand, including implications for the state and health care industry; and

3. Financial aid. Financial aid available for education.

§256-B. Collection of professional data

1. Voluntary surveys. All licensed, registered or certified persons, including all dependent practitioners, under the authority of the following boards must receive a voluntary survey with their licensure, registration or certification renewal beginning January 1, 2006:

- A. Emergency Medical Services Board;
- B. Radiologic Technology Board of Examiners;
- C. Board of Occupation Therapy Practice;
- D. Board of Examiners on Speech Pathology and Audiology;
- E. Maine Board of Pharmacy;
- F. State Board of Nursing;
- G. Board of Licensure in Medicine;
- H. Board of Osteopathic Licensure;
- I. Board of Examiners in Physical Therapy;
- J. Board of Respiratory Care Practitioners;
- K. Board of Licensing of Dietetic Practice;
- L. State Board of Social Worker Licensure;
- M. Board of Dental Examiners;
- N. State Board of Alcohol and Drug Counselors; and
- O. State Board of Examiners of Psychologists.

2. Information requested on survey. The voluntary surveys issued pursuant to subsection 1 must request the following information from persons seeking renewal of their licenses, registrations and certifications:

- A. Home zip code;
- B. Business zip code;
- C. Birth year;
- D. Gender;
- E. Race;
- F. Current employment status: employed in a health care field, employed in another field, seeking health care employment, temporarily not working and not seeking work, retired or not intending to return to work, or some specified other status;
- G. Practice setting: a hospital, private practice, community clinic or nursing home; an academic, governmental or other institution; or some specified other setting;
- H. Field of licensure, registration or certification;
- I. Specialty credential, if any;

J. Whether the person plans to be working in health care 5 years from now;

K. Basic and advanced education, degree earned and state where educated;

L. Number of hours hired to work in the person's primary position per week, average hours worked per week, preferred number of hours per week and number of hours providing direct care per week;

M. In addition to the person's primary position, number of hours worked per week for other health care employers, if any; and

N. If not working in a health care occupation, the reasons: issues of wages or benefits, inability to find position desired, pursuit of education opportunities, pursuit of other career opportunity, retirement or some other specified reason.

3. Submission of surveys. All surveys conducted pursuant to subsection 1 must be submitted to the Office of Health Data and Program Management's Office of Data, Research and Vital Statistics for analysis, and survey data from which personally identifiable information has been eliminated must be publicly available.

4. Rulemaking. Rules adopted to implement this section are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

Sec. 3. 22 MRSA §257, as enacted by PL 1995, c. 653, Pt. C, §2 and affected by §3, is amended to read:

§257. Health workforce forum

The department shall convene at least once annually a health workforce forum to review the report developed under section 256 and discuss health care workforce issues. The forum must include representatives of health professionals, licensing boards and employers, health education programs and the Department of Labor. ~~The forum shall:~~

1. Inventory. ~~Develop an inventory of present health workforce and educational programs; and~~

2. Research. ~~Develop research and analytical methods for understanding population-based health care needs on an ongoing basis.~~

~~Through the forum, the department shall serve as a clearinghouse for information relating to health workforce issues. The department shall use the information gathered through the forum to develop its health policy and planning decisions authorized under this Title and to make appropriate policy recommendations based on its analysis of the health care~~

workforce. The department shall post its annual report and recommendations on a publicly accessible site on the Internet maintained by the department by December 31st of each year, beginning in 2006.

Sec. 4. Funding; existing emergency preparedness funds. The Department of Health and Human Services shall contract with the Department of Labor and others as appropriate to undertake the research required under the Maine Revised Statutes, Title 22, sections 256-A and 256-B. The Department of Health and Human Services shall coordinate this effort and shall fund any contracts awarded under this section using existing federal emergency preparedness funds held within the Department of Health and Human Services.

Sec. 5. Seek other funds; report. The Department of Health and Human Services and the Department of Labor shall jointly seek other public and private funding sources to supplement the emergency preparedness funding referenced in section 4 that is necessary to complete the research required under the Maine Revised Statutes, Title 22, sections 256-A and 256-B and shall report to the Joint Standing Committee on Health and Human Services on those efforts at the first meeting of that committee held between October 1, 2005 and December 31, 2005.

See title page for effective date.

CHAPTER 328

S.P. 520 - L.D. 1504

An Act To Amend the Statutes Relating to Juveniles

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

Sec. 1. 12 MRSA §6004, as enacted by PL 2003, c. 410, §1, is amended to read:

§6004. Juvenile violations

Notwithstanding other provisions of law, a person who has not attained 18 years of age and who is convicted of a crime for a violation of a provision of this Part that is not defined as a juvenile crime under Title 15, section 3103, subsection 1 may not be sentenced to imprisonment- but may be committed to a Department of Corrections juvenile correctional facility for a period of detention that may not exceed 30 days, which may be suspended in whole or in part, if the court determines that:

1. Crime. The crime is one that, if committed by a person who has attained 18 years of age, would

carry a mandatory term of imprisonment that may not be suspended;

2. Nature. The aggravated nature and seriousness of the crime warrants a period of detention; or

3. History. The record or previous history of the defendant warrants a period of detention.

The court is not required to impose a period of detention notwithstanding that there is a mandatory term of imprisonment applicable to a person who has attained 18 years of age.

Any period of detention must be served concurrently with any other period of detention previously imposed and not fully discharged or imposed on the same date. Any period of detention is subject to Title 17-A, section 1253, subsection 2 but not to Title 17-A, section 1253, subsection 3-B, 4, 5, 8, 9 or 10. If the court suspends the period of detention in whole or in part, the court shall impose a period of administrative release not to exceed one year. The administrative release must be administered pursuant to Title 17-A, chapter 54-G, and revocation of the administrative release is governed by the provisions of that chapter.

Sec. 2. 12 MRSA §8004, as enacted by PL 2003, c. 410, §3, is amended to read:

§8004. Juvenile violations

Notwithstanding other provisions of law, a person who has not attained 18 years of age and who is convicted of a crime for a violation of a provision of this Part that is not defined as a juvenile crime under Title 15, section 3103, subsection 1 may not be sentenced to imprisonment- but may be committed to a Department of Corrections juvenile correctional facility for a period of detention that may not exceed 30 days, which may be suspended in whole or in part, if the court determines that:

1. Crime. The crime is one that, if committed by a person who has attained 18 years of age, would carry a mandatory term of imprisonment that may not be suspended;

2. Nature. The aggravated nature and seriousness of the crime warrants a period of detention; or

3. History. The record or previous history of the defendant warrants a period of detention.

The court is not required to impose a period of detention notwithstanding that there is a mandatory term of imprisonment applicable to a person who has attained 18 years of age.

Any period of detention must be served concurrently with any other period of detention previously imposed and not fully discharged or imposed on the