

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWENTY-SECOND LEGISLATURE

SECOND SPECIAL SESSION
July 29, 2005

SECOND REGULAR SESSION
January 4, 2006 to May 24, 2006

THE GENERAL EFFECTIVE DATE FOR
SECOND SPECIAL SESSION
NON-EMERGENCY LAWS IS
OCTOBER 28, 2005

THE GENERAL EFFECTIVE DATE FOR
SECOND REGULAR SESSION
NON-EMERGENCY LAWS IS
AUGUST 23, 2006

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

Penmor Lithographers
Lewiston, Maine
2006

CHAPTER 471

S.P. 672 - L.D. 1755

An Act To Extend Tuition Waivers to Persons Who Have Resided in Subsidized Adoptive Care or Who Have Subsidized Guardians

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

Sec. 1. 20-A MRSA §12571, sub-§2-A is enacted to read:

2-A. Permanency guardian. "Permanency guardian" means the person described in Title 22, section 4038-C.

Sec. 2. 20-A MRSA §12572, first ¶, as enacted by PL 1999, c. 216, §1 and amended by PL 2003, c. 689, Pt. B, §6, is further amended to read:

Any person who was in the custody of the Department of Health and Human Services and resided in foster care or subsidized adoptive care or was a minor ward of a subsidized permanency guardian as provided in Title 22, section 4038-D at the time that person graduated from high school or successfully completed a general educational development examination or its equivalent under section 257 may attend, as provided in this section, any state postsecondary educational institution free of tuition charges.

Sec. 3. 22 MRSA §4038-C, first ¶, as enacted by PL 2005, c. 372, §6, is amended to read:

As part of the permanency plan, the District Court may appoint a person or persons as guardian of a minor, to be known as a permanency guardian. "Permanency guardian," when used in this section and in section 4038-D and Title 20-A, section 12572, means the person or persons appointed as the permanency guardian.

See title page for effective date.

CHAPTER 472

S.P. 655 - L.D. 1738

An Act To Amend the Laws Governing Ferry Service Travel for Individuals with Catastrophic Illness

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

Whereas, people living on islands who suffer from a catastrophic illness must travel to and from the mainland for treatment; and

Whereas, the Maine State Ferry Service is the only public transportation available to many of these people; and

Whereas, this legislation provides free transportation to those people to allow them to get to their medical appointments, alleviating some of their burden; 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. 23 MRSA §4407 is enacted to read:

§4407. Free nonemergency transportation services for catastrophic medical reasons

1. Definitions. As used in this section, unless the context otherwise indicates, the following terms have the following meanings.

A. "Catastrophic illness" means an unforeseen, prolonged and extended illness or medical condition, the medical and associated travel expenses of which are not covered by any other state or federal program or any insurance contract.

B. "Free transportation services" means round-trip transportation without charge from an island served by the Maine State Ferry Service to the mainland and back on scheduled trips of vessels of the Maine State Ferry Service for one eligible resident and one personal vehicle to transport the eligible resident to a scheduled medical appointment. "Free transportation services" includes transportation for one adult attendant to accompany an eligible resident to a scheduled medical appointment.

C. "Medically necessary" means prescribed by a physician and reasonably necessary to treat a catastrophic illness.

D. "Unforeseen, prolonged and extended illness or medical condition" means a severe illness or medical condition of a life-threatening nature, the treatment of which is expected to require a series of procedures or therapeutic interventions at regular intervals extending over a period of

months, including, but not limited to, cancer requiring chemotherapy or radiation treatments or kidney disease requiring dialysis treatments.

2. Eligibility. Residents of the island communities served by the Maine State Ferry Service are eligible for free transportation services when traveling to and from regularly scheduled, medically necessary appointments with medical care providers if those appointments pertain to a catastrophic illness. Free transportation services under this section are not available for routine visits to medical care providers or to meet transportation needs arising from an emergency, medical or otherwise. Free transportation services under this section are available only upon approved application. Reimbursement of expenses incurred prior to application for services pursuant to this section is prohibited.

3. Rulemaking authorized. The Maine State Ferry Service may, pursuant to the Maine Administrative Procedure Act, adopt rules necessary to interpret and administer this section. Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A. The ferry service also may develop, adopt, use and from time to time amend forms for use in connection with the administration of this section. The development, adoption, use and amendment of these forms is exempt from the rule-making process.

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

Effective February 21, 2006.

CHAPTER 473

S.P. 669 - L.D. 1752

An Act Regarding Licensure Requirements for Nurses

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

Sec. 1. 32 MRSA §2205-A, sub-§1, ¶B, as enacted by PL 1985, c. 361, §2, is amended to read:

B. Has been duly licensed by examination by the nursing board of a state or territory of the United States or a province of Canada, provided that the examination is considered by the board to be equivalent in all essentials to Maine's examination and provided that the license of the applicant is in good standing and that there is no cause for suspension or revocation of that license. Acceptable examinations include the State Board Examination, State Board Test Pool Examination,

the National Council Licensure Examination and, for a person licensed prior to December 31, 2006, the Canadian Nurses' Association Testing Service Examination; and

Sec. 2. 32 MRSA §2254-A, sub-§1, ¶B, as enacted by PL 1985, c. 361, §4, is amended to read:

B. Has been duly licensed by examination by the nursing board of a state or territory of the United States or a province of Canada, provided that the examination is considered by the board to be equivalent in all essentials to Maine's examination and provided that the license of the applicant is in good standing and that there is no cause for suspension or revocation of that license. Acceptable examinations include the State Board Test Pool Examination, the National Council Licensure Examination and, for a person licensed prior to December 31, 2006, the Canadian Nurses' Association Testing Service Examination; and

See title page for effective date.

CHAPTER 474

S.P. 673 - L.D. 1756

An Act To Address Emergency Licensure Procedures

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

Sec. 1. 10 MRSA §8003, sub-§5, ¶G is enacted to read:

G. Notwithstanding any other provision of law, any bureau, office, board or commission within or affiliated with the department may issue a temporary license for a period of 6 months and waive all licensing requirements, except for fees, to any applicant upon a showing of current, valid licensure in that profession in another state.

See title page for effective date.

CHAPTER 475

S.P. 721 - L.D. 1804

An Act To Amend the Debt Collection Law

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