

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWENTY-THIRD LEGISLATURE

FIRST REGULAR SESSION
December 6, 2006 to June 21, 2007

THE GENERAL EFFECTIVE DATE FOR
FIRST REGULAR SESSION
NON-EMERGENCY LAWS IS
SEPTEMBER 20, 2007

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

Penmor Lithographers
Lewiston, Maine
2007

Sec. 6. Cervical cancer incidence and prevention in racial and ethnic minority populations. Resolved: That the Department of Health and Human Services, Office of Minority Health shall, in collaboration with the Department of Health and Human Services, Maine Cancer Registry, the Department of Health and Human Services, Office of Multicultural Affairs and the Department of Health and Human Services, Maine Comprehensive Cancer Control Program, convene meetings with racial and ethnic minority groups to examine cervical cancer incidence in racial and ethnic minority populations in the State and develop recommendations to improve cervical cancer prevention and early detection in these populations.

The Department of Health and Human Services, Office of Minority Health shall report its findings and recommendations to the Department of Health and Human Services, Maine Center for Disease Control and Prevention for inclusion in the initial report required under section 8; and be it further

Sec. 7. Geographic variations in cervical cancer rates. Resolved: That the Department of Health and Human Services, Maine Cancer Registry shall, in collaboration with the Department of Health and Human Services, Maine Breast and Cervical Health Program, examine geographic variation in cervical cancer rates within the State, and in particular the higher rates of cervical cancer observed in Washington County and Somerset County, and shall explore reasons for the variation. The Department of Health and Human Services, Maine Cancer Registry and the Department of Health and Human Services, Maine Breast and Cervical Health Program shall consult with the American Cancer Society, community organizations and health care providers to develop recommendations for reducing the incidence of cervical cancer in Washington County and Somerset County. The Department of Health and Human Services, Maine Cancer Registry shall report its findings and recommendations to the Department of Health and Human Services, Maine Center for Disease Control and Prevention for inclusion in the initial report required under section 8; and be it further

Sec. 8. Evaluation of cervical cancer prevention, detection and education initiatives. Resolved: That the Department of Health and Human Services, Maine Center for Disease Control and Prevention shall monitor and evaluate the State's progress in cervical cancer prevention, detection and education in response to the work of the Legislature's Task Force to Study Cervical Cancer Prevention, Detection and Education. The center shall submit 2 reports to the joint standing committee of the Legislature having jurisdiction over health and human services matters. The reports must address the progress, status and outcomes of each initiative required under this resolve. The initial report must be submitted no later

than January 30, 2009, and the final report must be submitted no later than January 30, 2011. After review of the initial report, the joint standing committee of the Legislature having jurisdiction over health and human services matters may submit legislation regarding cervical cancer prevention, detection and education to the First Regular Session of the 124th Legislature. After review of the final report, the joint standing committee of the Legislature having jurisdiction over health and human services matters may submit legislation regarding cervical cancer prevention, detection and education to the First Regular Session of the 125th Legislature.

See title page for effective date.

CHAPTER 74

H.P. 171 - L.D. 200

Resolve, To Direct the Study of Providing Additional Background Information to the Probate Court

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

Whereas, in order to convene the study established in this resolve in time to report in December of this year, this resolve needs to take effect immediately; 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,

Sec. 1. Study convened. Resolved: That the Department of Public Safety, Bureau of State Police shall convene a working group to examine the accessibility of criminal history information to the Probate Court in the consideration of individuals for appointment as guardians and conservators under the Maine Revised Statutes, Title 18-A, Article 5. The working group must include members representing the judges of probate, registers of probate, the State Police, the Department of Public Safety, State Bureau of Identification and the Office of the Attorney General. The working group shall review existing state and federal laws concerning the sharing of criminal history information with probate courts, the purposes for which the information would be used, the limits on disclosure of the information and the costs for sharing of the information. The working group shall report to the Joint Standing Committee on Judiciary no later than December 15, 2007 and shall submit any proposed legis-

lation to the committee. The Joint Standing Committee on Judiciary may submit legislation to the Second Regular Session of the 123rd Legislature after receiving the report.

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

Effective June 12, 2007.

CHAPTER 75

S.P. 386 - L.D. 1198

Resolve, Regarding the Provision of Over-the-counter Medications in the MaineCare Program

Sec. 1. Educational initiative. Resolved: That the Department of Health and Human Services, Office of MaineCare Services shall undertake an educational initiative for health care practitioners who prescribe medications under the MaineCare program. The initiative must provide information on prescription medications and any available over-the-counter equivalents that are reimbursed under MaineCare and must remind practitioners that MaineCare will reimburse for over-the-counter medications only when they are medically necessary.

See title page for effective date.

CHAPTER 76

S.P. 570 - L.D. 1626

Resolve, Directing the Department of Professional and Financial Regulation, State Board of Nursing To Amend the Rules for the Medication Course for Certified Nursing Assistants

Sec. 1. Department of Professional and Financial Regulation, State Board of Nursing directed to amend rules for the medication course for certified nursing assistants. Resolved: That the Department of Professional and Financial Regulation, State Board of Nursing shall amend its rules relating to the State Board of Nursing's standardized medication course for certified nursing assistants to increase the clinical instructor-to-student ratio from 1:1 when the student is administering medications in the clinical setting to a ratio of 1:3. The board shall adopt routine technical rules to increase the

ratio to 1:3 pursuant to the Maine Revised Statutes, Title 5, chapter 375, subchapter 2-A; and be it further

Sec. 2. Reporting date established. Resolved: That, by September 1, 2008, the Department of Professional and Financial Regulation, State Board of Nursing shall notify the Joint Standing Committee on Business, Research and Economic Development of the rule change under section 1.

See title page for effective date.

CHAPTER 77

H.P. 1306 - L.D. 1874

Resolve, Regarding Legislative Review of Portions of Chapter 270: Uniform Reporting Systems for Maine Quality Data Sets, a Major Substantive Rule of the Maine Health Data Organization

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

Whereas, the Maine Revised Statutes, Title 5, chapter 375, subchapter 2-A requires legislative authorization before major substantive agency rules may be finally adopted by the agency; and

Whereas, the above-named major substantive rule has been submitted to the Legislature for review; and

Whereas, immediate enactment of this resolve is necessary to record the Legislature's position on final adoption of the rule; 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

Sec. 1. Adoption. Resolved: That final adoption of portions of Chapter 270: Uniform Reporting Systems for Maine Quality Data Sets, a provisionally adopted major substantive rule of the Maine Health Data Organization that has been submitted to the Legislature for review pursuant to the Maine Revised Statutes, Title 5, chapter 375, subchapter 2-A, is authorized only if the following changes are made.

1. Section 3 (B) of the rule is amended to reflect the correct name of the current version of the Institute for Healthcare Improvement's how-to guide for pre-