

# 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.**

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**Penmor Lithographers**  
**Lewiston, Maine**  
**2007**

expansion of the scope of practice of dental hygienists to create a mid-level dental hygienist license category, as well as the proposal to permit dental hygienists to practice independently without the supervision of a licensed dentist in order to increase access to preventive dental care across the State; the proposal to expand licensing requirements to permit graduates of a foreign university considered satisfactory to the Board of Dental Examiners to practice dentistry in this State, including a review of other states' models for evaluation of foreign-trained dentists; and the proposal that the regulatory structure for denturists and dental hygienists include placing denturists and dental hygienists under the jurisdiction of a new board within the Department of Professional and Financial Regulation; and be it further

**Sec. 2. Reporting date established. Resolved:** That no later than February 15, 2008 the Commissioner of Professional and Financial Regulation shall submit a report following the independent assessment under section 1 to the Joint Standing Committee on Business, Research and Economic Development. That committee is authorized to introduce legislation on the subject matter of the report to the Second Regular Session of the 123rd Legislature.

See title page for effective date.

## CHAPTER 86

### H.P. 443 - L.D. 576

#### Resolve, To Examine Issues Related to Distracted Driving

**Sec. 1. Department of Public Safety to study distracted driving and motor vehicle accidents. Resolved:** That the Department of Public Safety shall analyze available data, including data generated from its planned upgrades of crash reports that will include fields for specific distractions and any other relevant data that may be available to the department, to determine the role various types of distractions play in motor vehicle accidents. The Department of Public Safety shall also develop recommendations for strengthening laws related to distracted driving; and be it further

**Sec. 2. Reports. Resolved:** That the Department of Public Safety shall submit an interim report, including any data collected pursuant to section 1 and its analysis of that data together with recommended legislation to strengthen laws related to distracted driving, to the joint standing committee of the Legislature having jurisdiction over transportation matters by January 15, 2009. The department shall provide a final report on the data collected pursuant to section 1 and its analysis of that data together with any further recommended legislation related to distracted driving

to the joint standing committee of the Legislature having jurisdiction over transportation matters by January 15, 2010. The joint standing committee of the Legislature having jurisdiction over transportation matters may submit legislation related to the department's reports to the First Regular Session and the Second Regular Session of the 124th Legislature.

See title page for effective date.

## CHAPTER 87

### H.P. 1197 - L.D. 1714

#### Resolve, To Expand the Maine Registry of Certified Nursing Assistants

**Sec. 1. Improve and expand registry. Resolved:** That the Department of Health and Human Services, referred to in this section as "the department," shall review all state and federal criteria applicable to the Maine Registry of Certified Nursing Assistants, referred to in this section as "the registry," established in the Maine Revised Statutes, Title 22, section 1812-G, and develop a plan to improve and expand the registry to include unlicensed assistive personnel. In developing the plan, the department shall:

1. Convene a working group to explore methods of increasing efficiency and reducing duplication of effort, including methods to encourage disclosure of the results of background checks that have been conducted by the registry and privately by prospective employers. The department shall invite the participation of representatives of the registry, direct care and support agencies and employers; and

2. Consider the following issues:

- A. Requiring that every nursing assistant listed in the registry be recertified every 2 years and that background checks be conducted every 2 years;

- B. Implementing measures designed to expand and enhance Internet access to the registry to better meet the needs of the public, employers and direct care and support agencies;

- C. Expanding the information included in the registry. In assessing the information to be included, the department shall consider including general education about the field of work and general information on direct care and support jobs and responsibilities, including information on the differences between jobs requiring certification, licensure and registration;

- D. Providing information on job opportunities, including providing a link to career center web-

sites for information about direct care employment opportunities;

E. Providing information about job training opportunities and continuing education opportunities;

F. Providing a resource guide for consumers to assist in understanding the different categories of workers, types of home care agencies and the state-funded programs that cover direct care services;

G. Providing links to organizations working to address the direct care worker shortage and to improve the working conditions for direct care workers; and

H. Providing information about how to conduct a hiring process that helps to achieve quality care; and be it further

**Sec. 2. Report. Resolved:** That the Department of Health and Human Services shall submit a report of its findings under section 1, together with its recommendations, to the Joint Standing Committee on Health and Human Services no later than December 1, 2007.

See title page for effective date.

## CHAPTER 88

**H.P. 1063 - L.D. 1538**

### **Resolve, To Further the Collection of Hospital Quality Data Regarding Nurse Staffing**

**Sec. 1. Maine Health Data Organization to enter into rulemaking to include nursing satisfaction survey results. Resolved:** That the Maine Health Data Organization, in consultation with the Maine Quality Forum, shall amend 90-590 Maine Health Data Organization, Code of Maine Rules, Chapter 270: Uniform Reporting System for Quality Data Sets, to include the submission of measures of nursing satisfaction using only metrics that can be compared to national benchmark data; and be it further

**Sec. 2. Department of Health and Human Services to enter into rulemaking to require hospitals to provide nurses annual notice of Whistleblowers' Protection Act. Resolved:** That the Department of Health and Human Services shall amend its rules on hospital licensing that implement the Maine Revised Statutes, Title 22, chapter 405 to require each hospital, once every calendar year, to notify individually each registered nurse in its employ

of information, including the text of statutory provisions, regarding the Whistleblowers' Protection Act.

See title page for effective date.

## CHAPTER 89

**S.P. 352 - L.D. 1100**

### **Resolve, Directing the Bureau of Revenue Services To Provide Guidance Regarding the Valuation of Certain Affordable Housing Property**

**Sec. 1. Affordable housing valuation. Resolved:** That the Department of Administrative and Financial Services, Bureau of Revenue Services, referred to in this resolve as "the bureau," shall review the factors that should be considered by the municipal assessors when determining just value of property that qualifies for the low-income rental housing tax credit under the United States Internal Revenue Code of 1986, Section 42. The bureau shall prepare guidance to be provided to municipal assessors that indicates that the income approach should be considered unless a different approach results in a more accurate determination of just value. The bureau may also provide further guidance on related issues, such as restricted rents, property use restrictions and other factors required in affordable housing for low-income persons pursuant to federal laws.

See title page for effective date.

## CHAPTER 90

**H.P. 511 - L.D. 662**

### **Resolve, To Assist Veterans in Need of Shelter**

**Sec. 1. Maine State Housing Authority and homeless veterans. Resolved:** That the Maine State Housing Authority shall work with the Department of Defense, Veterans and Emergency Management, Bureau of Maine Veterans' Services to reach out to identify and promote housing and shelter services throughout the State for veterans of the United States Armed Forces who are homeless; and be it further

**Sec. 2. Outreach efforts; report. Resolved:** That the Maine State Housing Authority is directed to convene a group of stakeholders involved in veterans affairs to find methods for improving outreach efforts to homeless veterans in all regions of the State and facilitate efforts of nonprofit organizations to draw down any available federal grants to assist in meeting the needs of homeless veterans in the State.