

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWENTY-FIFTH LEGISLATURE

FIRST REGULAR SESSION
December 1, 2010 to June 29, 2011

THE GENERAL EFFECTIVE DATE FOR
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NON-EMERGENCY LAWS IS
SEPTEMBER 28, 2011

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

Augusta, Maine
2011

Sec. 15. 22 MRSA §2131, sub-§4, ¶A, as enacted by PL 2009, c. 621, §3, is amended to read:

A. A person who operates a temporary nurse agency without registering or who fails to verify the inclusion of a certified nursing assistant on the Maine Registry of Certified Nursing Assistants and Direct Care Workers established under section 1812-G before hiring that certified nursing assistant pursuant to subsection 1-A commits a civil violation for which a fine of not less than \$500 per day but not more than \$10,000 per day may be adjudged. Each day constitutes a separate violation.

Sec. 16. 22 MRSA §2138, sub-§1, as enacted by PL 2009, c. 621, §5, is amended to read:

1. Subject of notation. Has worked as a certified nursing assistant and has been the subject of a notation by the state survey agency for a substantiated complaint of abuse, neglect or misappropriation of property in a health care setting that was entered on the Maine Registry of Certified Nursing Assistants and Direct Care Workers established under section 1812-G;

Sec. 17. 22 MRSA §2149-A, sub-§2, ¶A, as enacted by PL 2003, c. 634, §4, is amended to read:

A. Has worked as a certified nursing assistant and has been the subject of a notation by the state survey agency for a substantiated complaint of abuse, neglect or misappropriation of property in a health care setting that was entered on the Maine Registry of Certified Nursing Assistants and Direct Care Workers;

Sec. 18. 22 MRSA §8606, sub-§1, ¶A, as enacted by PL 2003, c. 634, §10, is amended to read:

A. Has worked as a certified nursing assistant and has been the subject of a notation by the state survey agency for a substantiated complaint of abuse, neglect or misappropriation of property in a health care setting that was entered on the Maine Registry of Certified Nursing Assistants and Direct Care Workers;

Sec. 19. 32 MRSA §2102, sub-§8, ¶A, as amended by PL 1993, c. 600, Pt. A, §112, is further amended to read:

A. Has successfully completed a training program or course with a curriculum prescribed by the board, holds a certificate of training from that program or course and is listed on the Maine Registry of Certified Nursing Assistants and Direct Care Workers; or

Sec. 20. 32 MRSA §2102, sub-§8, ¶B, as enacted by PL 1991, c. 421, §2, is amended to read:

B. Was certified before September 29, 1987 and is listed on the Maine Registry of Certified Nursing Assistants and Direct Care Workers.

Sec. 21. 32 MRSA §2102, sub-§9, as corrected by RR 2001, c. 2, Pt. A, §42, is amended to read:

9. Maine Registry of Certified Nursing Assistants and Direct Care Workers. "Maine Registry of Certified Nursing Assistants and Direct Care Workers" has the same meaning as in Title 22, section 1812-G.

Sec. 22. 32 MRSA §2104, sub-§4, as amended by PL 2009, c. 628, §3, is further amended to read:

4. Approval and monitoring of nursing assistant training curriculum and faculty. An educational institution or health care facility desiring to conduct an educational program for nursing assistants to prepare individuals for a certificate of training and subsequent listing on the Maine Registry of Certified Nursing Assistants and Direct Care Workers must apply to the Department of Health and Human Services and submit evidence:

A. That it is prepared to carry out the curriculum for nursing assistants as prescribed by the board;

B. That it is prepared to meet those standards established by the board;

C. That it is prepared to meet those standards for educational programming and faculty as established by the Department of Health and Human Services; and

D. With respect to an application by a health care facility, that an educational institution cannot provide a nursing assistant training program within 30 days of the application date.

The Department of Health and Human Services shall issue a notice of approval to an educational institution or health care facility that meets the requirements of this subsection.

See title page for effective date.

CHAPTER 258

H.P. 225 - L.D. 277

An Act To Make Disputed Ballots in State Elections Public

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

Sec. 1. 21-A MRSA §739, as amended by PL 1993, c. 473, §33 and affected by §46, is further amended to read:

§739. Ballots and incoming voting lists available for inspection

On request, a municipal clerk or the Secretary of State, or both, shall produce any ballots or incoming voting lists in their custody before the Governor, either branch of the Legislature, any legislative committee or a court of competent jurisdiction. If there is an unresolved disputed ballot for an election to the State House of Representatives or the State Senate arising from a recount conducted pursuant to section 737-A, the Secretary of State shall make a copy of that ballot available for inspection by the public. A copy of a ballot that is made available for public inspection pursuant to this section must be made available in a manner that preserves the voter's anonymity. Copies of disputed ballots made available for public inspection under this section must be retained by the Secretary of State for a period of 2 years after the outcome of the election is finally determined.

After the time for completion of recounts following any election has elapsed, and on request of any person, the clerk of any municipality or the Secretary of State, or both, shall produce any incoming voting lists in his the clerk's or Secretary of State's custody.

See title page for effective date.

CHAPTER 259

H.P. 479 - L.D. 649

An Act To Establish a Special Food and Beverage Industry Taste-testing Event License

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 economy of the State is greatly benefitted from the promotion of tourism and the superior hospitality services available in this State; and

Whereas, the Legislature should take advantage of any opportunity to support Maine's economy; 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. 28-A MRSA §709, sub-§2, ¶E, as enacted by PL 1987, c. 45, Pt. A, §4, is amended to read:

E. Those licensed under ~~section~~ sections 1052-B, 1052-C, 1205, 1207 and 1402 offering free wine samples or tastings;

Sec. 2. 28-A MRSA §1052-C is enacted to read:

§1052-C. Special food and beverage industry taste-testing event license

1. Special food and beverage industry taste-testing event license. Malt liquor and wine wholesalers licensed under section 1401 and manufacturers licensed under section 1355 may apply jointly for a special food and beverage industry taste-testing event license to participate in a special food and beverage industry taste-testing event under this section. This license authorizes taste testing of malt liquor, wine, fortified wine and spirits at an event designed to promote the food and beverage or hospitality industry where more than 50% of the participants in the event represent an industry or business that holds a license to manufacture, sell or serve alcoholic beverages.

2. Fee. The license fee for the special food and beverage industry event taste-testing license is \$20 for each wholesaler or manufacturer.

3. Application. The wholesaler and manufacturer licensees must apply jointly for a special food and beverage industry taste-testing event license by filing a written application with the bureau at least 30 days before the special food and beverage industry taste-testing event. The application must include the following:

- A. The name and address of each licensee;
- B. The title and purpose of the event;
- C. The date, time and duration of the event;
- D. The location of the event; and

E. Approval by the municipal officers or a municipal official designated by the municipal officers of the municipality where the proposed special food and beverage industry taste-testing event will be located. Notwithstanding section 653, the approval may be granted without public notice.

4. Up to 5 licensed events per year; one event per license. A manufacturer or wholesaler may obtain up to 5 licenses under this section per calendar year. Each license permits an event lasting up to 3 consecutive days.

5. Ruling on application. Upon receipt of an application under subsection 3, the bureau shall immediately approve or deny the application. The bureau shall advise the applicants that the license may be revoked or suspended under chapter 33.

6. Conditions. The following conditions apply to special food and beverage industry taste-testing events under this section.