

# MAINE STATE LEGISLATURE

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**LAWS**  
OF THE  
**STATE OF MAINE**

AS PASSED BY THE  
ONE HUNDRED AND THIRTEENTH LEGISLATURE  
FIRST REGULAR SESSION

December 3, 1986 to June 30, 1987

Chapters 1-542

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

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Twin City Printery  
Lewiston, Maine  
1987

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**PUBLIC LAWS**

OF THE

**STATE OF MAINE**

AS PASSED AT THE  
FIRST REGULAR SESSION  
of the  
ONE HUNDRED AND THIRTEENTH LEGISLATURE  
1987

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than 5 years from the date of the original issue. Any issuance of bonds may contain a call feature at the discretion of the Treasurer of State with approval of the Governor.

**Sec. 3. Records of bonds issued to be kept by State Auditor and Treasurer of State.** The State Auditor shall keep an account of the bonds, showing the number and amount of each, the date when payable and the date of delivery to the Treasurer of State who shall keep an account of each bond showing the number of the bond, the date of sale and the date when payable.

**Sec. 4. Sale, how negotiated; proceeds appropriated.** The Treasurer of State may negotiate the sale of the bonds by direction of the Governor, but no bond may be loaned, pledged or hypothecated in behalf of the State. The proceeds of the sale of the bonds, which shall be held by the Treasurer of State and paid by him upon warrants drawn by the Governor, are appropriated to be used solely for the purposes set forth in this Act.

**Sec. 5. Taxable bond option.** The Treasurer of State, at the direction of the Governor, shall covenant and consent that the interest on the bonds shall be includable, under the United States Internal Revenue Code, in the gross income of the holders of the bonds to the same extent and in the same manner that the interest on bills, bonds, notes or other obligations of the United States is includable in the gross income of the holders under the United States Internal Revenue Code or any subsequent law. The powers conferred by this section shall not be subject to any limitations or restrictions of any law which may limit the power to so covenant and consent.

**Sec. 6. Interest and debt retirement.** Interest due or accruing upon any bonds issued under this Act and all sums coming due for payment of bonds at maturity shall be paid by the Treasurer of State.

**Sec. 7. Disbursement of bond proceeds.** The proceeds of the bonds shall be expended under the direction and supervision of the Finance Authority of Maine.

**Sec. 8. Appropriation balances at year end.** At the end of each fiscal year, all unencumbered appropriation balances representing state money shall carry forward from year to year. Bond proceeds which have not been expended within 10 years after the date of the sale of the bonds shall lapse to General Fund debt service.

**Sec. 9. Bonds authorized but not issued.** Any bonds authorized but not issued, or for which bond anticipation notes have not been issued within 5 years of the ratification of this Act, shall be deauthorized and may not be issued, provided that the Legislature may, within 2 years after the expiration of the 5-year period, extend the period for issuing any remaining unissued bonds or bond anticipation notes for an additional amount of time not to exceed 5 years.

**Sec. 10. Contingent upon ratification of bond issue.** Sections 1 to 9 shall not become effective until the people of the State have ratified the issuance of bonds as set forth in this Act.

**Sec. 11. Statutory referendum procedure; submission at statewide election; form of question; effective date.** This Act shall be submitted to the legal voters of the State of Maine at a statewide election to be held on the Tuesday following the first Monday of November following passage of this Act. The city aldermen, town selectmen and plantation assessors of this State shall notify the inhabitants of their respective cities, towns and plantations to meet, in the manner prescribed by law for holding a statewide election, to vote on the acceptance or rejection of this Act by voting on the following question:

“Shall the State create the Maine Job Development Program to be funded with a \$6,000,000 bond issue?”

The legal voters of each city, town and plantation shall vote by ballot on this question, and shall designate their choice by a cross or check mark placed within a corresponding square below the word “Yes” or “No.” The ballots shall be received, sorted, counted and declared in open ward, town and plantation meetings and returns made to the Secretary of State in the same manner as votes for members of the Legislature. The Governor shall review the returns and, if it appears that a majority of the legal voters are in favor of the Act, the Governor shall proclaim that fact without delay, and the Act shall become effective 30 days after the date of the proclamation.

The Secretary of State shall prepare and furnish to each city, town and plantation all ballots, returns and copies of this Act necessary to carry out the purpose of this referendum.

Effective pending referendum.

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## CHAPTER 442

H.P. 373 — L.D. 494

### AN ACT to Make Allocations from the Transportation Safety Fund for the Fiscal Years Ending June 30, 1988, and June 30, 1989.

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

Whereas, the 90-day period may not terminate until after the beginning of the next fiscal year; and

Whereas, certain obligations and expenses incident to the operation of the department will become due and payable on or immediately after July 1, 1987; 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.** 29 MRSA §2713, sub-§3, ¶A, as amended by PL 1985, c. 350, §1, is further amended to read:

A. There shall be allocated to the Department of Public Safety for State Police up to ~~\$1,100,000~~ \$1,200,000 annually from the fund to carry out the statutory duties of the bureau imposed by this chapter and Title 35 and for related activities.

**Sec. 2. Allocation of Transportation Safety Fund.** Income to the Transportation Safety Fund for the next 2 fiscal years, from July 1, 1987, to June 30, 1988, and from July 1, 1988, to June 30, 1989, shall be segregated, apportioned and disbursed as designated in the following schedule:

	<u>1987-88</u>	<u>1988-89</u>
<u>PUBLIC SAFETY, DEPARTMENT OF</u>		
Motor Carrier Safety		
Positions	(25)	(25)
Personal Services	\$636,784	\$654,902
All Other	107,448	112,276
Capital Expenditures	98,108	49,886
Traffic Safety		
Positions	(6)	(6)
Personal Services	\$217,758	\$226,109
All Other	37,074	38,724
Capital Expenditures	66,690	43,818
<u>DEPARTMENT OF PUBLIC SAFETY</u>		
TOTAL	<u>\$1,163,862</u>	<u>\$1,125,715</u>

**Sec. 3. Adjustments to allocations.** Allocations may be increased or adjusted by the State Budget Officer, with the approval of the Governor, to specifically cover those adjustments determined to be necessary under any salary plan approved by the Legislature, and those reclassifications or range changes which have been approved by the Department of Administration and submitted for legislative review prior to the effective date of this Act.

**Sec. 4. Encumbered balance at year end.** At the end of each fiscal year, all encumbered balances shall not be carried more than once.

**Emergency clause.** In view of the emergency cited in the preamble, this Act shall take effect on July 1, 1987.

Effective July 1, 1987.

## CHAPTER 443

H.P. 1099 — L.D. 1490

**AN ACT** Requiring that Informed Consent be Given to those Persons Tested for the Presence of Antibodies to HIV and to Make Technical Changes in the Chapter Dealing with AIDS.

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

Whereas, this Act reallocates the chapter of Maine law dealing with AIDS because it currently occupies the same identical position in the laws as the Maine State Retirement System laws; and

Whereas, there will be a conflict with legislation enacted this year if this chapter is not reallocated prior to the effective date of other legislation enacted this year; 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.** 5 MRSA Pt. 20, as enacted by PL 1985, c. 711, §2, is repealed.

**Sec. 2.** 5 MRSA Pt. 22 is enacted to read:

### PART 22

### PUBLIC HEALTH

### CHAPTER 501

### MEDICAL CONDITIONS

#### §19201. Definitions

As used in this chapter, unless the context indicates otherwise, the following terms have the following meanings.

1. Antibody to HIV. "Antibody to HIV" means the specific immunoglobulin produced by the body's immune system in response to HIV.

2. Health care provider. "Health care provider" means any appropriately licensed, certified or registered provider of mental or physical health care, either in the public or private sector or any business establishment providing health care services.

3. HIV. "HIV" means the human immunodeficiency