

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.

Twin City Printery
Lewiston, Maine
1987

PUBLIC LAWS

OF THE

STATE OF MAINE

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

ending June 30, 1988, and June 30, 1989, the following funds.

	<u>1987-88</u>	<u>1988-89</u>
<u>HUMAN SERVICES, DEPARTMENT OF</u>		
Office of Alcoholism and Drug Abuse Prevention		
Division of Driver Education Evaluation Programs		
First Offender Program		
Positions	(5)	(6)
Personal Services	\$130,301	\$162,684
Capital Expenditures	11,550	6,450
Total	<u>\$141,851</u>	<u>\$169,134</u>

This allocation is made solely to replace positions and funds eliminated by the Department of Human Services in its Part I Budget request and only to the extent that revenues are available from the increase in fees established in the Maine Revised Statutes, Title 22, section 7203, subsection 1. The total position count for this program shall not exceed that in existence as of January 1, 1987.

Multiple Offender Program		
Positions	(4)	(4)
Personal Services	\$ 81,230	\$ 88,743
All Other	241,500	250,000
Capital Expenditures	11,850	
Total	<u>\$334,580</u>	<u>\$338,743</u>

This allocation is made from revenues obtained by the fee established in the Maine Revised Statutes, Title 22, section 7203, subsection 2. The Multiple Offender Program shall be considered separate and distinct from the First Offender Program.

Driver Education Evaluation Program Appeals Board		
Personal Services	\$11,250	\$15,000
All Other	9,375	12,500
Total	<u>\$20,625</u>	<u>\$27,500</u>

Provides funds for board member per diem and contractual secretarial support. Due to the effective date of October 1, 1987, only 75% of the required funding is provided in fiscal year 1987-88.

Sec. 11. Sunset provision. This Act is repealed on July 1, 1988.

Emergency clause. In view of the emergency cited in the preamble, this Act shall take effect when approved, except that the Maine Revised Statutes, Title 22, section 7207, and Title 29, section 1312-B, subsection 2, paragraph D-1, as enacted in this Act, shall take effect on October 1, 1987.

Effective July 2, 1987, unless otherwise indicated.

CHAPTER 537

H.P. 1377 — L.D. 1876

AN ACT to Clarify the Applicability of Social Worker Licensure Requirement to State Employees.

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

Whereas, a recent interpretation made by the Board of Social Worker Registration could jeopardize the employment status of several hundred state employees and cause a substantial increase in costs to several state agencies; and

Whereas, such costs are not included in the 1987-89 biennial budgets; 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:

32 MRSA §7054-A, last ¶, as enacted by PL 1985, c. 736, §14, is amended to read:

Any person not eligible for licensure on the effective date of this section, but who is employed in a position in which representation is made to the public as a social worker or the title of social worker is used, shall be entitled to licensure without examination as a "licensed social worker" as long as an application, made pursuant to section 7056, is received by the board by July 1, 1987 February 1, 1988.

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

Effective July 2, 1987.

CHAPTER 538

S.P. 658 — L.D. 1881

AN ACT to Amend a Section of the Motor Vehicle Law.

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

29 MRSA §1111, last ¶, as amended by PL 1987, c. 499, §2, is further amended to read:

Removal of any part or accessory, ~~or any item located in the interior or trunk compartment~~ of such vehicle

while it is in the possession or on the premises of such garage, parking lot or service station, without the express written permission of the owner or manager of such garage, parking lot or service station shall be considered a misdemeanor and the person doing the removing of such part or accessory shall be liable to prosecution. This shall apply to removal without written permission of the vehicle itself, and shall include any person or persons whatsoever, including the owner of the vehicle.

Effective September 29, 1987.

CHAPTER 539

H.P. 1379 — L.D. 1878

AN ACT to Make a Technical Correction 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, the Maine Revised Statutes, Title 5, Part 22, Medical Conditions, was enacted by 2 separate public laws; once in the errors bill to correct an error and once in a separate bill to make substantive changes; and

Whereas, these bills, both enacted as emergency legislation, have inadvertently created a technical inconsistency in the laws of Maine; and

Whereas, it is vitally necessary that this inconsistent uncertainty be resolved in order to prevent any injustice or hardship to the citizens of Maine; 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:

5 MRSA Pt. 22, as enacted by PL 1987, c. 402, Pt. A, §76 and c. 443, §2, is repealed and the following enacted in its place:

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 virus, identified as the causative agent of Acquired Immune Deficiency Syndrome or AIDS.

4. HIV antigen. "HIV antigen" means the specific immune-recognizable marker proteins of HIV.

5. HIV infection. "HIV infection" means the state wherein HIV has invaded the body and is being actively harbored by the body.

5-A. Informed consent. "Informed consent" means consent that is:

A. Based on an actual understanding by the person to be tested:

(1) That the test is being performed;

(2) Of the nature of the test;

(3) Of the persons to whom the results of that test may be disclosed;

(4) Of the purpose for which the test results may be used; and

(5) Of all foreseeable risks and benefits resulting from the test; and

B. Wholly voluntary and free from express or implied coercion.

6. Person. "Person" means any natural person, firm, corporation, partnership or other organization, association or group, however organized.

7. Seropositivity. "Seropositivity" means the presence of antibody to HIV as detected by appropriate laboratory tests.

8. Viral positivity. "Viral positivity" means demonstrated presence of HIV.

§19202. Committee to Advise the Department of Human Services on AIDS

The Committee to Advise the Department of Human Services on AIDS, as established by section 12004, subsection 10, shall consist of not less than 26 members nor