

# MAINE STATE LEGISLATURE

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

AS PASSED BY THE  
ONE HUNDRED AND FOURTEENTH LEGISLATURE  
**FIRST REGULAR SESSION**

December 7, 1988 to July 1, 1989

Chapters 1 - 502

THE GENERAL EFFECTIVE DATE FOR  
NON-EMERGENCY LAWS IS  
SEPTEMBER 30, 1989

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

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J.S. McCarthy Company  
Augusta, Maine  
1989

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

**AS PASSED AT THE**  
**FIRST REGULAR SESSION**

**of the**  
**ONE HUNDRED AND FOURTEENTH LEGISLATURE**

**1989**

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A. Substitute for the sentence under review any other disposition that was open to the sentencing court, provided however, that the sentence substituted shall not be more severe than the sentence appealed; or

B. Remand the case to the court that imposed the sentence for any further proceedings that could have been conducted prior to the imposition of the sentence under review and for resentencing on the basis of such further proceedings, provided however, that the sentence shall not be more severe than the sentence originally imposed.

2. Affirmation of sentence. If the Supreme Judicial Court determines that relief should not be granted, it shall affirm the sentence under review.

**§2157. Sentence not stayed nor bail authorized for sentence appeal**

1. Execution of sentence not stayed. An appeal under this chapter shall not stay the execution of a sentence.

2. Bail unavailable. Bail has no application to an appeal under this chapter.

See title page for effective date.

**CHAPTER 219**

**H.P. 270 - L.D. 382**

**An Act to Mandate Notification of Emergency Medical Services Personnel at Risk for Transmission of Communicable Diseases**

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

**Sec. 1. 5 MRSA §19203-C, sub-§1, as enacted by PL 1987, c. 811, §6, is amended to read:**

1. Petition. A health care provider or an employee or patient of a health care facility Any person described in subsection 1-A who has been accidentally exposed to blood or body fluid of a patient in a health care facility may petition the District Court with jurisdiction over the health care facility where the patient was being treated at the time of the accidental exposure to require the patient to submit to an HIV test provided that the following conditions have been met:

A. The exposure to blood or body fluids creates a significant risk of HIV infection, as defined by the Bureau of Health through the promulgation of rules in accordance with the Maine Administrative Procedure Act, chapter 375;

B. The authorized representative of the health care facility has informed the patient of the accidental

exposure and has sought to obtain written informed consent from the patient; and

C. Written informed consent was not given by the patient and the patient has stated in writing the refusal to be tested.

**Sec. 2. 5 MRSA §19203-C, sub-§1-A is enacted to read:**

**1-A. Persons authorized. This section applies to the following persons:**

A. A health care provider;

B. An employee or patient of a health care facility; or

C. An emergency medical services person, as defined in Title 32, section 83, law enforcement officer or fire fighter who rendered assistance to a person transported to a health care facility.

See title page for effective date.

**CHAPTER 220**

**H.P. 287 - L.D. 399**

**An Act to Require 5 Commissioners in York County**

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

**Sec. 1. 30-A MRSA §61-A is enacted to read:**

**§61-A. York County**

Notwithstanding section 61, there shall be a Board of Commissioners for York County consisting of a chair and 4 other citizens. All other provisions of section 61 apply to York County.

**Sec. 2. 30-A MRSA §66, sub-§16, ¶¶A and C, as enacted by PL 1987, c. 737, Pt. A, §2 and Pt. C, §106, and as amended by PL 1989, c. 6; c. 9, §2; and c. 104, Pt. C, §§8 and 10, are further amended to read:**

A. Commissioner District Number 1 consists of the municipalities of Acton, Berwick, Buxton, Cornish, Eliot, Hollis, Kittery, Lebanon, Limerick, Limington, Newfield, North Berwick, Parsonsfield and South Berwick. The term of office of the commissioner from this district shall expire in ~~1988~~ 1992 and every ~~4~~ 2 years thereafter.

C. Commissioner District Number 3 consists of the municipalities of Alfred, Dayton, Lyman, Old Orchard Beach, Saco, Sanford, Shapleigh and Waterboro. The term of office of the commissioner from